

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ONE WORLD TECHNOLOGIES, INC. d/b/a TECHTRONIC INDUSTRIES
POWER EQUIPMENT,
Petitioner,

v.

THE CHAMBERLAIN GROUP, INC.,
Patent Owner.

Case IPR2017-01042
Patent 7,635,966 B2

Before JONI Y. CHANG, JUSTIN T. ARBES, and
JON M. JURGOVAN, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, OneWorld Technologies, Inc. d/b/a Techtronic Industries Power Equipment, filed a Petition requesting an *inter partes* review of claims 1–22 of U.S. Patent No. 7,635,966 B2 (Ex. 1001, “the ’966 patent”). Paper 2 (“Pet.”). Patent Owner, The Chamberlain Group, Inc., filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Upon consideration of the Petition and Preliminary Response, we determine that Petitioner has not established a reasonable likelihood that it would prevail with respect to the challenged claims. Therefore, we do not institute an *inter partes* review as to the challenged claims of the ’966 patent.

A. Related Matters

Petitioner indicates the ’966 patent is asserted against Petitioner in *Chamberlain Group, Inc. v. Techtronic Industries Co.*, No. 16-cv-06097 (N.D. Ill. filed June 10, 2016). Pet. 1. Petitioner also identifies other patents that Patent Owner is presently asserting against Petitioner in district court and International Trade Commission (ITC) proceedings: U.S. Patent No. 7,224,275 B2 is involved in *Chamberlain Group, Inc. v. Techtronic Industries Co.*, No. 16-cv-06097 (N.D. Ill. filed June 10, 2016), and U.S. Patent Nos. 7,339,336 B2, 7,161,319 B2, and 7,196,611 B2 are involved in *Chamberlain Group, Inc. v. Techtronic Industries Co.*, No. 16-cv-06094 (N.D. Ill. filed June 10, 2016) and *Certain Access Control Systems and Components Thereof*, ITC Investigation No. 337-TA-1016 (instituted Aug. 3, 2016). Pet. 1–2. Petitioner has filed other petitions seeking *inter partes* review challenging claims of the ’966 patent (Cases IPR2016-01846 (institution

denied) and IPR2017-01040 (institution denied)) as well as U.S. Patent No. 7,224,275 B2 (Cases IPR2016-01172 (institution denied), IPR2016-01174 (institution denied), and IPR2017-01546 (pending decision)), U.S. Patent No. 7,196,611 B2 (Cases IPR2017-00073 (trial instituted) and IPR2017-00214 (trial instituted)), U.S. Patent No. 7,161,319 B2 (Case IPR2017-00126 (trial instituted)), U.S. Patent No. 7,339,336 B2 (Case IPR2017-00432 (institution denied)); U.S. Patent No. 6,998,977 B2 (Cases IPR2017-01132 (pending decision) and IPR2017-01137 (pending decision)).

B. The '966 Patent

The '966 patent is directed to a rechargeable battery backup for use with both a barrier movement operator and electrically powered equipment, such as a power tool. Ex. 1001, 1:8–11. Figure 1 of the '966 patent is reproduced below with annotations in red to show various features.

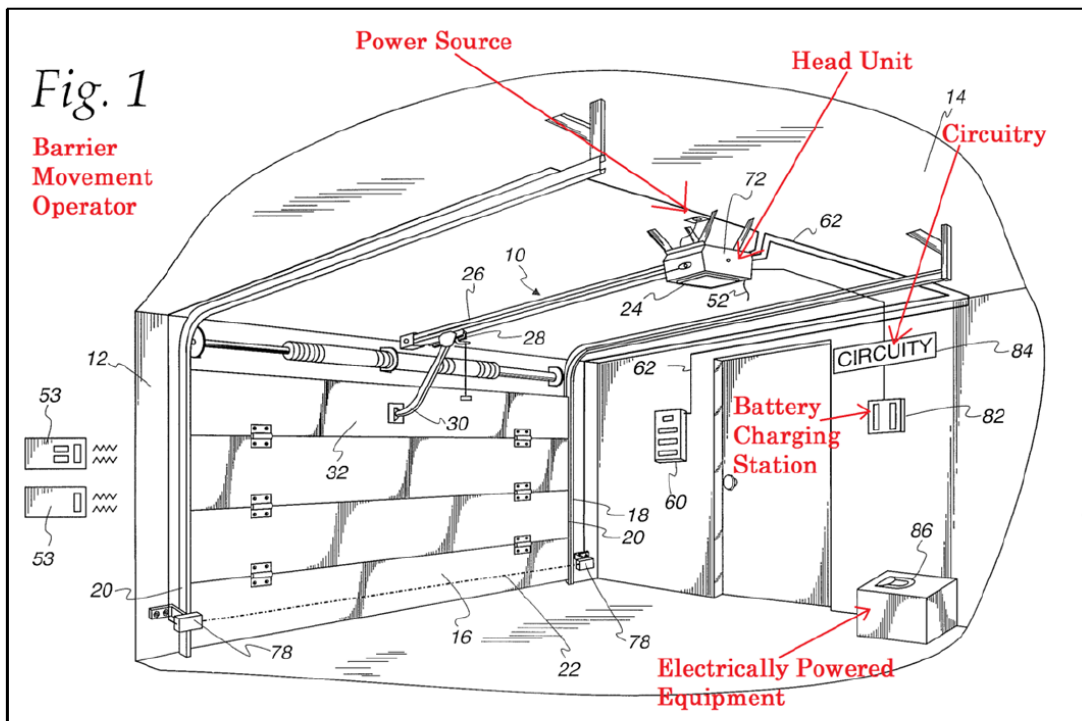


Fig. 1 of the '966 patent shows barrier movement operator including head unit 24, battery charging station 82, circuitry 84, and electrically powered equipment 86.

The barrier movement operator includes head unit 24 activated by transmitter 53 to open or close garage door 16. *Id.* at 4:1–19. Head unit 24 receives power from power supply 76, such as a wall outlet. *Id.* at 4:23–24. Head unit 24 is connected to battery charging station 82 via circuitry 84. *Id.* at 4:47–52. Station 82 holds rechargeable batteries and is connected to power supply 76 via circuitry 84 to provide power to recharge the batteries. *Id.* at 4:33–35. In the event of a power outage interrupting power supply 76, the batteries in station 82 provide backup power to head unit 24 via circuitry 84 so that garage door 16 may be opened or closed despite the outage. *Id.* at 3:23–26. One or more of batteries 104, 108 can also be removed from station 82 and inserted in electrically powered equipment 86, 140, and 188. *Id.* at 4:44–46. Equipment 86, 140, and 188 “may comprise a saw, drill, light, garden tool, or any other equipment or tool which is capable of being powered by a battery.” *Id.* at 5:51–55.

Figure 3 of the '966 patent, reproduced below with annotations¹, shows further details of head unit 24, power supply 76, battery charging station 82, and circuitry 84.

¹ Annotations to the figures in this section have been added by the panel.

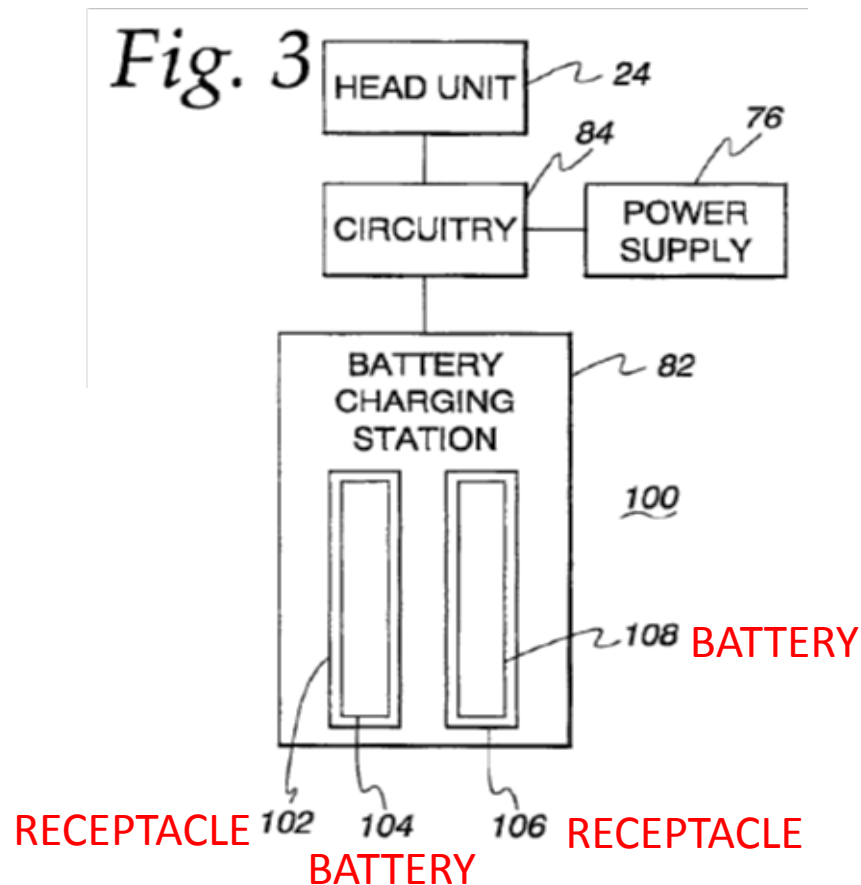


Figure 3 of the '966 patent shows head unit 24, power supply 76, battery charging station 82 with receptacles 102, 106 for batteries 104, 108, and circuitry 84.

Station 82 includes receptacles 102, 106 holding respective batteries 104, 108. *Id.* at 4:48–55. Circuitry 84 controls the flow of power from power supply 76 to charge batteries 104, 108. *Id.* at 4:66–5:6. Circuitry 84 also controls the flow of power from batteries 104, 108 to head unit 24 in the event of a power outage. *Id.* at 5:7–15.

Figure 5 of the '966 patent, reproduced below with annotations, shows electrically powered equipment 140 with receptacle 142 receiving battery 144. *Id.* at 5:50–60.

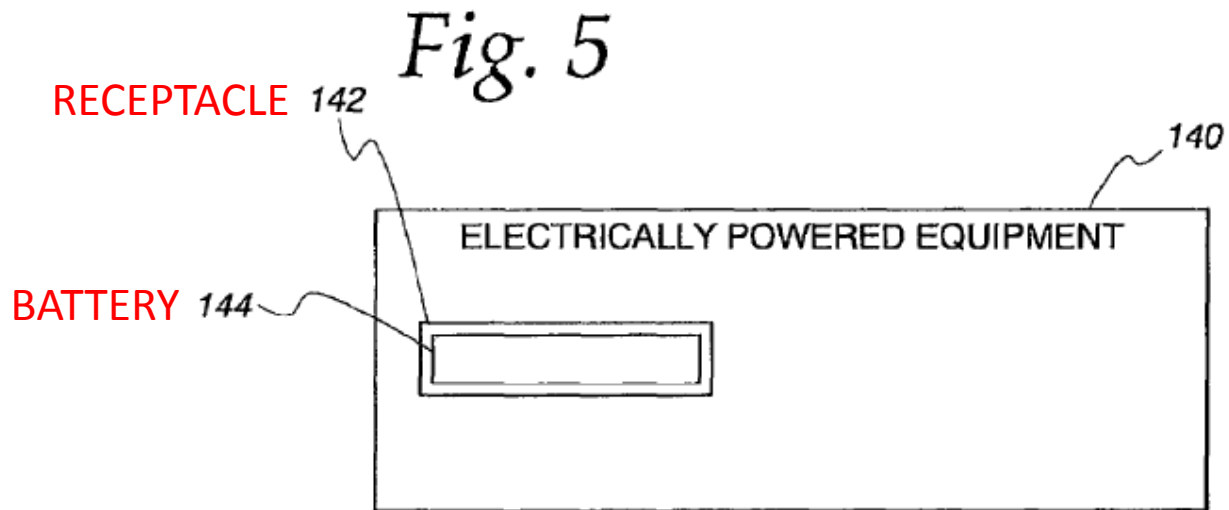


Figure 5 of the '966 patent shows electrically powered equipment 140 with receptacle 142 receiving battery 144 to power the equipment.

Battery 144 may be removable battery 104 or 108 from battery charging station 82 of Figure 3. *Id.* After use in electrically powered equipment 140, battery 144 may be placed back in battery recharging station 82 to be recharged. *Id.* at 5:66–6:3.

C. Illustrative Claim

Of the challenged claims, claims 1, 9, 15, and 19 are independent. Claim 1 is illustrative:

1. A system for providing a rechargeable battery backup for a barrier movement operator, comprising:

a barrier movement operator for controlling the movement of a moveable barrier, the barrier movement operator having a head unit to command the moveable barrier to perform moveable barrier functions, wherein the head unit is supplied power by a power source;

a battery charging station in electrical communication with at least one rechargeable battery and in electrical communication with the head unit to supply

power to the at least one rechargeable battery;

circuitry electrically connected to the battery
charging station to supply power from the at least one
rechargeable battery to the head unit; and

electrically powered equipment other than and
physically separate or separable from the barrier
movement operator comprising an apparatus for
receiving the at least one rechargeable battery and to be
powered by the at least one rechargeable battery to
perform a predetermined function.

Ex. 1001, 7:33–53.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Crusius	US 2005/0057100 A1	Mar. 17, 2005	(Ex. 1012)
Weik	US 6,484,784 B1	Nov. 26, 2002	(Ex. 1014)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Challenged Claims	Basis	References
1–5, 7, 9–13, 15–17, 19, 21, and 22	§ 102(b) ²	Crusius
1–7, 9–13, 15–17, 19, 21, and 22	§ 103(a)	Crusius
1–22	§ 103(a)	Crusius and Weik

² Because the claims at issue have an effective filing date prior to March 16, 2013, the effective date of the applicable provisions of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), we apply the pre-AIA versions of 35 U.S.C. §§ 102 and 103 in this Decision.

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) (adopting the broadest reasonable interpretation standard as a reasonable exercise of the Office’s rulemaking authority). Under the broadest reasonable interpretation standard, claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

The parties propose constructions for several claim terms. Pet. 10–19; Prelim. Resp. 4–7. We find it unnecessary to address any of the proffered constructions in rendering our Decision. Rather, because Petitioner’s patentability challenges are based on an interpretation of the claims as encompassing an arrangement wherein the “electrically powered equipment” can be part of the claimed “battery charging station,”³ *see infra* Section II.B.3, we only need to determine whether this interpretation is consistent with the specification or whether the claims, when given their broadest reasonable interpretation, require two distinct devices.

We begin with the language of the claims. Independent claim 9 recites “a battery charging station in electrical communication with a rechargeable

³ Petitioner does not propose an interpretation of the claims that would support its position, or explain why the claims should be read in the manner it asserts.

battery.” Claim 9 further recites “the at least one rechargeable battery being removably connectable to electrically powered equipment . . . to provide power to the electrically powered equipment.” Thus, the claim recites one connection between the battery charging station and the rechargeable battery (“in electrical communication”) and another connection between the rechargeable battery and the electrically powered equipment (“removably connectable to”). Separately reciting two different connections between the devices and the rechargeable battery indicates that the devices are distinct from each other.

The other independent claims include similar language. Claim 1 recites “a battery charging station in electrical communication with at least one rechargeable battery” and “electrically powered equipment . . . comprising an apparatus for receiving the at least one rechargeable battery and to be powered by the at least one rechargeable battery to perform a predetermined function.” Claim 15 recites “detecting whether the at least one rechargeable battery is in electrical communication with a battery charging station” and “providing power from the at least one rechargeable battery to the electrically powered equipment in response to the at least one rechargeable battery being electrically connected to the electrically powered equipment.” Claim 19 recites “a battery charging station configured to supply power to the at least one separable rechargeable battery that is configured to separably and electrically connect to and power electrically powered equipment.”

The Specification of the ’966 patent confirms that the “electrically powered equipment” is distinct from the “battery charging station.” Figure 3 of the ’966 patent shows that battery charging station 82 includes batteries 104, 108 in respective receptacles 102, 106. Ex. 1001, Fig. 3. The ’966 patent never states that battery charging station 82 may include electrically powered equipment. *Id.* at 4:47–5:15. To the contrary, the ’966 patent shows electrically powered equipment

140 with battery 144 in receptacle 142 in Figure 5. *Id.* The '966 patent does not state that electrically powered equipment 140 constitutes any part of battery charging station 82, but rather discloses that battery 144, which may be one of the batteries 102, 104 from battery charging station 82 in Figure 3, may be used in electrically powered equipment 140, and when finished, may be placed back in battery charging station 82 to be recharged. *Id.* at 5:51–6:3.

The Specification of the '966 patent further emphasizes the “electrically powered equipment” and “battery charging station” are distinct devices in the following statement:

The rechargeable battery backup may be electrically connected to the battery charging station by, for example, manual insertion into a sleeve or other battery receiving portion of the battery charging station. *The rechargeable battery backup may also be utilized to power other devices such as electrically powered equipment.* The electrically powered equipment may comprise, for example, a saw, drill, light, garden tool, or any other equipment or tool which is capable of being powered by a battery.

Id. at 3:41–50. This statement makes clear that the “electrically powered equipment” is a separate device from the “battery charging station,” and is used for a particular purpose other than charging battery.

We also note that Patent Owner’s arguments during prosecution are consistent with the claimed “battery charging station” and “electrically powered equipment” being distinct devices. Ex. 1002, 75–76. Specifically, in distinguishing certain prior art references, Patent Owner stated that the “moveable barrier operator system” includes “a battery charging station” to charge a battery that can “run *other* equipment, such as power tools.” *Id.* (emphasis added).

The instant situation is similar to the facts of *Microsoft Corp. v. Proxyconn, Inc.*, 789 F.3d 1292 (Fed. Cir. 2015). In that case, the Federal Circuit construed

claims reciting a “gateway,” “caching computer,” and “at least two other computers” to be four separate elements, finding the Board’s construction permitting the “two other computers” to include the “caching computer” unreasonably broad in light of the language of the claims and specification. *Id.* at 1299. Similarly, in the case of *In re Smith Int’l, Inc.*, No. 2016-2303, 2017 WL 4247407, at *4–6 (Fed. Cir. Sept. 26, 2017), the Federal Circuit found the Board’s interpretation of the term “body” as a generic element that could encompass other components that were “separately identifie[d] and describe[d]” in the specification of the patent at issue to be unreasonably broad. In light of how “battery charging station” and “electrically powered equipment” are used in the claims and described in the Specification, as explained above, we are persuaded that they refer to distinct devices.

Accordingly, considering the claims, Specification, and prosecution history, we determine the broadest reasonable interpretation of the claims does not encompass an arrangement wherein the “electrically powered equipment” can be part of the claimed “battery charging station,” but requires two distinct devices (i.e., one may not be a part of the other).

B. Anticipation by Crusius

Petitioner contends Crusius anticipates claims 1–5, 7, 9–13, 15–17, 19, 21, and 22 under 35 U.S.C. § 102(b). Pet. 21–58.

1. Principles of Law

To establish anticipation, “all of the elements and limitations of the claim must be shown in a single prior reference, arranged as in the claim.”

Corp. v. Cleveland Golf Co., 242 F.3d 1376, 1383 (Fed. Cir. 2001).

2. *Crusius Overview*

Crusius discloses barrier movement operator 11 that includes power supply 17, controller 15, and motor 13. Ex. 1012 ¶ 7. Power supply 17 connects to main AC voltage via terminals 19. *Id.* Power supply 17 provides power to controller 15 to control motor 13 to move a barrier in response to input signals. *Id.* Power supply 17 also connects to battery backup unit 39 via plug 32. *Id.* ¶ 10. In normal operation, power supply 17 charges backup battery 37 via resistor 29, plug 32, and battery charge and control circuit 41 when main AC voltage is present. *Id.* ¶ 11. However, in the event of a power failure, backup battery 37 provides power in the reverse direction to power supply 37 via diode 43, plug 32, and diode 27. *Id.* Battery charge and control circuit 41 includes LEDs 91–93 and audible signaling device 95, such as a buzzer, to indicate the status of battery 37. *Id.* ¶¶ 14–17. When battery backup unit 39 is detached at plug portions 32a, 32b, to avoid a safety hazard, microprocessor 51 of battery backup unit 39 opens relay 83 of cutout circuit 45 so that no power flows from battery 37 to conductors 33, 35. *Id.* ¶ 18, Figs. 2a–2c. Figure 1 of Crusius is reproduced below.

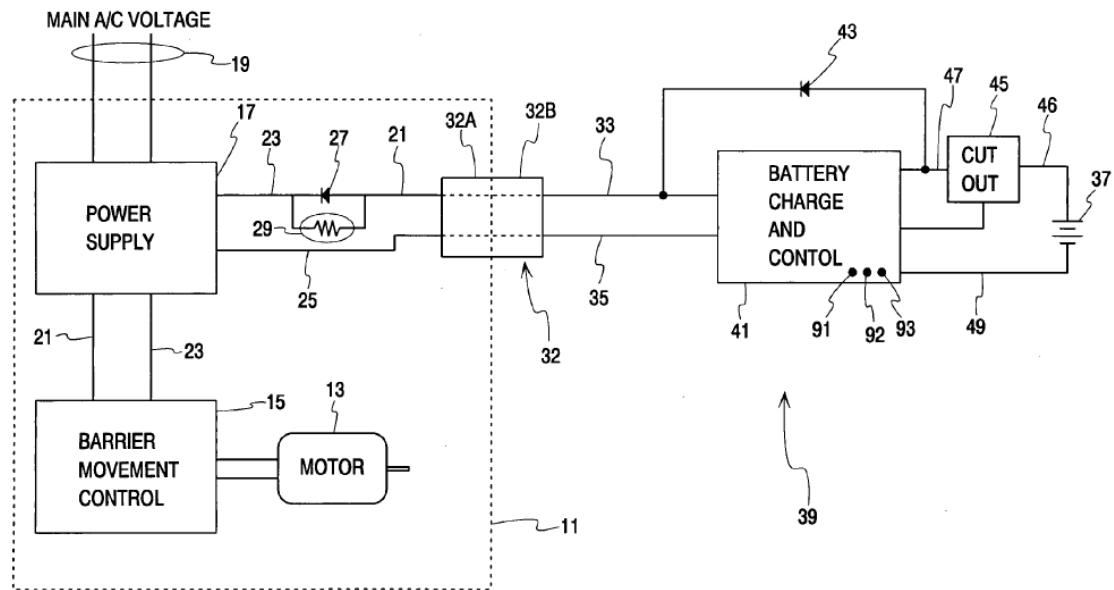


Fig. 1

Figure 1 of Crusius shows barrier movement operator 11 and battery backup unit 39 connected by plug 32.

3. Claim 1

Claim 1 recites a “battery charging station” and “electrically powered equipment.” For the reasons explained in our claim construction analysis above, *see supra* Section II.A, we construe these as distinct devices (i.e., one may not be a part of the other).

Petitioner maps the claimed “battery charging station” to Crusius’s battery charge and control circuit 41 and conductors 46, 49. Pet. 26; Ex. 1012, Fig. 1 (annotated). Petitioner maps the claimed “electrically powered equipment” to Crusius’s LEDs 91–93, buzzer 95, and “associated circuitry.” Pet. 31–32. Petitioner does not identify any particular part(s) of Crusius as the “associated circuitry,” however. As shown and described in Crusius, and as Petitioner acknowledges, LEDs 91–93 and buzzer 95 are part of battery charge and control circuit 41. Ex. 1012 ¶ 14, Fig. 1; *see* Pet. 31 (arguing that Crusius “discloses

electrically powered equipment other than and physically separate or separable from the BMO including LEDs 91–93, as well as buzzer 95 *in the* battery charge and control unit 41” (emphasis added)).

Thus, in the language of the claims, Petitioner contends Crusius describes “electrically powered equipment” (Crusius’s LEDs 91–93, buzzer 95, and “associated circuitry”) that is part of a “battery charging station” (Crusius’s battery charge and control circuit 41). However, for the reasons explained above, the claims do not encompass this arrangement, but require a “battery charging station” and “electrically powered equipment” that are distinct devices. *See supra* Section I.E. Thus, Petitioner’s arguments as to how Crusius discloses a “battery charging station” and “electrically powered equipment” as recited in claim 1 are not persuasive.

Petitioner has not shown a reasonable likelihood of prevailing with respect to claim 1.

4. Claim 9

Independent claim 9 recites a “battery charging station” and “electrically powered equipment.” Petitioner’s arguments are similar to those made regarding claim 1. Pet. 34–37. Thus, for similar reasons as stated with respect to claim 1, Petitioner has not shown a reasonable likelihood of prevailing in challenging the patentability of claim 9.

5. Claim 15

Independent claim 15 recites “providing power from a power source to the at least one rechargeable battery via the battery charging station,” and “providing power from the at least one rechargeable battery to the electrically powered equipment.” Ex. 1001. Again, for the reasons stated above, we construe the “rechargeable battery” and “electrically powered equipment” as distinct devices.

Petitioner maps Crusius's LEDs 91–93, buzzer 95, and “associated circuitry” to the claimed “electrically powered equipment,” and those components are part of battery charge and control circuit 41, which Petitioner maps to the claimed “battery charging station.” Thus, Petitioner's alleged “electrically powered equipment” is part of the alleged “battery charging station.” Accordingly, we are not persuaded Petitioner shows a reasonable likelihood of prevailing against claim 15 on the anticipation ground.

6. Claim 19

Independent claim 19 recites a “battery charging station” and “electrically powered equipment,” as separate elements of the claim. As previously stated, Petitioner maps the “battery charging station” to Crusius's battery charge and control circuit 41, and the “electrically powered equipment” to LEDs 91–93, buzzer 95, and “associated circuitry,” which are part of battery charge and control circuit 41. Petitioner has not shown sufficiently that the alleged “battery charging station” and “electrically powered equipment” in Crusius are distinct devices, as required by the claim. Thus, we are not persuaded Petitioner has shown a reasonable likelihood of prevailing against claim 19 on the anticipation ground.

7. Claims 2–5, 7, 10–13, 16, 17, 21, and 22

These claims depend from independent claims 1, 9, 15, and 19, and thus incorporate all of their limitations. 35 U.S.C. § 112, 4th paragraph. For the same reasons stated above with respect to the independent claims, Petitioner has not established a reasonable likelihood of prevailing in showing that any of these dependent claims are anticipated by Crusius.

C. Obviousness Ground based on Crusius

1. Principles of Law

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

2. Level of Ordinary Skill in the Art

Petitioner states that

[a] person having ordinary skill in the art . . . at the time of the invention would have had at least an undergraduate degree in electrical engineering, or an equivalent education; one to two years of work experience with moveable barrier operators or automated doors, or equivalent work experience or training; and a general understanding of backup batteries.

Pet. 10 (citing Ex. 1003 ¶¶ 27–30). Patent Owner does not dispute Petitioner’s characterization of the level of ordinary skill in the art in its Preliminary Response. *See generally* Prelim. Resp. Based on our review of the current record, we agree with Petitioner and adopt its proposed definition of the level of ordinary skill in the art for purposes of this Decision.

3. *Scope and Content of Crusius*

Petitioner asserts that claims 1–7, 9–13, 15–17, 19, 21, and 22 of the '966 patent are unpatentable under 35 U.S.C. § 103(a) over *Crusius*. Pet. 4. The disclosure of *Crusius* was addressed previously.

4. *Analysis of Obviousness Ground based on Crusius*

Petitioner argues that

[t]o the extent that the battery charge and control circuit 41 with LEDs 91–93 and buzzer 95 do not comprise the claimed electrically powered equipment, then *Crusius* alone does not disclose [electrically powered equipment, as recited in the independent claims]. However, an obvious extension of *Crusius* includes a second barrier movement operator 11, for example, in a garage with two doors.

Pet. 59 (citation omitted).

Petitioner asserts one of ordinary skill in the art would have been “motivated to modify *Crusius* to include using two of the [barrier movement operators] disclosed in the *Crusius* reference in a single garage (for example, equipping a two-door garage with a second garage door opener according to *Crusius*).” Pet. 58–59; Ex. 1003 ¶¶ 219, 200. Petitioner notes multiple garage doors, such as disclosed by another reference, the Craftsman Owner’s Manual for Garage Door Operator Model 139.53919 (Ex. 1007, “Craftsman”), were common at the time of the '966 patent. *Id.* According to Petitioner, for example, “with two *Crusius* garage door openers, the same remotes could be used to control multiple garage door openers, and the battery backup unit . . . could be interchanged between garage door openers in the event of a power outage.” *Id.*

Petitioner’s reasons to modify *Crusius* and its declarant’s testimony regarding the same are unpersuasive. As Patent Owner asserts, the testimony of

Petitioner's declarant, Stuart Lipoff, concerning the reasons to modify Crusius is conclusory and lacks evidentiary support. Prelim. Resp. 25. Specifically, Mr. Lipoff states "during a power outage in a garage with two garage doors, a battery backup unit could be used to operate the first garage door, *i.e.*, to gain entry in the garage from outside, then plugged into a second barrier movement operator to operate the second door, for example, if departing in a different vehicle." Ex. 1003 ¶ 225. This testimony as to what someone "could" have done does not address, for example, why a person of ordinary skill would undertake the more difficult task of moving a backup battery from one barrier movement operator to another as opposed to simpler approaches, such as providing each barrier movement operator with its own backup battery or using a single backup battery connected to operate multiple barrier movement operators. *See Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) ("[O]bviousness concerns whether a skilled artisan not only could have made but would have been motivated to make the combinations or modifications of prior art to arrive at the claimed invention." (emphases omitted)). Thus, we find Petitioner's reasons to modify Crusius and its declarant's testimony unpersuasive.

Accordingly, Petitioner fails to establish a reasonable likelihood that any of the claims challenged are unpatentable over Crusius.

D. Obviousness Ground based on Crusius and Weik

Petitioner asserts that claims 1–22 of the '966 patent are unpatentable under 35 U.S.C. § 103(a) over Crusius and Weik. Pet. 4. We previously addressed the disclosure of Crusius, and in the following section, we address the disclosure of Weik.

1. *Scope and Content of Weik*

Weik is directed to fire door 10 to close throughway 12 defined inside frame 14 in a wall in the event of a fire. Ex. 1014, 4:29–31, Figs. 1, 2. Weik states that, although a fire door is discussed, its teachings are applicable to a garage door. *Id.* at 4:36–40. First control panel 42 includes socket 48 for receiving rechargeable battery 52. *Id.* at 5:24–29, Fig. 1. On the opposite side of the wall, similar second control panel 54 includes socket 60 for receiving rechargeable battery 52. *Id.* at 5:29–32. Rechargeable battery 52 can be inserted into socket 48 or socket 60 to open or reset fire door 10. *Id.* at 10:13–16. To open fire door 10, switch 44 connects rechargeable battery 52 to motor 68 to drive the door to open. *Id.* at 10:19–29. Rechargeable battery 52 may be a portable power tool’s rechargeable battery, such as a drill battery. *Id.* at 12:43–48.

Weik states that use of portable battery 52 is advantageous in avoiding use of AC wiring, which can be expensive for long runs. *Id.* at 10:56–67. In addition, AC power may be lost in a fire, so use of portable battery 52 allows emergency personnel to open a fire door without requiring special tools or equipment. *Id.* Weik also states that an object of the invention is to allow an automatically closing door to be “opened, closed, tested, reset and controlled without the provision of any hard-wired power source.” *Id.* at 3:32–36. Weik further states that the invention is intended to overcome the disadvantages of use of AC power or expensive battery backup systems to operate a door in the event of a fire. *Id.* at 2:41–43, 3:11–14, 3:23–26.

2. *Analysis of Obviousness Ground based on Crusius and Weik*

As the Supreme Court has stated, “[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents . . . to determine whether there was an apparent reason to combine the known elements in the fashion claimed by

the patent at issue.” *KSR*, 550 U.S. at 418. An assertion of obviousness “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)); *In re Nuvasive, Inc.*, 842 F.3d 1376, 1383 (Fed. Cir. 2016) (stating that “conclusory statements” amount to an “insufficient articulation[] of motivation to combine”; “instead, the finding must be supported by a ‘reasoned explanation’” (citation omitted)). Here, we find Petitioner has not shown sufficiently that a person of ordinary skill in the art would have had a reason to combine Crusius and Weik for the following reasons.

Petitioner contends a person of ordinary skill in the art would have had reason to substitute Weik’s power tool battery into Crusius’s barrier movement operator. Pet. 63–64; Ex. 1003 ¶ 239. In this regard, Weik states “the physical characteristics of the rechargeable battery 52 may be in accordance with a portable power tool’s battery, such as a drill’s battery.” Ex. 1014, 12:43–48. However, this does not establish Weik suggests one should use a battery to power a tool, and recharge it in a battery charging station associated with a barrier movement operator, where the battery is also available to provide backup power to the barrier movement operator once charged sufficiently, as done in the claimed invention. Rather, Weik is merely describing that the battery used for the fire door can be the same *kind* (i.e., have the same “physical characteristics”) as a battery used in a power tool. This falls short of suggesting that one should share a single battery to power both a motor-operated door and a power tool.

Petitioner also contends Weik’s teaching that its arrangement may be used to improve the operational characteristics of any motor-operated door establishes a reason why a person of ordinary skill would have combined Crusius and Weik.

Pet. 64, 65; Ex. 1003 ¶ 240; Ex. 1014, 3:32–51. However, as both Petitioner and Patent Owner acknowledge (Pet. 64; Ex. 1003 ¶ 240; Prelim. Resp. 31), Weik teaches the use of a portable battery to power a garage door “without the provision of any hard-wired power source.” Ex. 1014, 3:34–36. In addition, Weik seeks to avoid using “an expensive battery backup system for the motor control mechanism.” *Id.* at 2:41–43. In contrast, Crusius uses a hard-wired power source labeled “Main A/C Voltage” that is provided to barrier movement operator 11 on terminals 19, in addition to backup battery unit 39 with rechargeable battery 37. Ex. 1012, Fig. 1, ¶ 7. Petitioner does not explain why one would look to Weik to provide a power tool battery for Crusius’s system when Weik seeks to use the battery to operate a door without any hard-wired power source or backup battery system, which both Crusius and the claimed invention possess. Ex. 1014, 2:41–43, 3:34–36. Accordingly, we agree with Patent Owner (Prelim. Resp. 30–31) that Petitioner has not shown sufficiently why one of ordinary skill would have combined Weik’s portable DC powered system with Crusius’s system, which employs hard-wired power sources and battery backup systems, contrary to Weik’s teachings to use a portable DC battery to open a motor-operated door.

Petitioner further contends Crusius recognizes users may encounter a faulty battery (Ex. 1012 ¶ 15) but that the reference does not provide a method for its replacement, so that a person of ordinary skill would look to Weik’s disclosure of using a power tool battery to address Crusius’s deficiencies. Pet. 65; Ex. 1003 ¶ 241. We do not agree because, as explained, Weik uses only a portable DC battery to power a door, and does not seek to use hard-wired power sources and backup battery systems like those of Crusius and the claimed invention.

Petitioner also contends that substituting Weik’s power tool battery into Crusius’s barrier movement operator would have allowed a person of ordinary skill

to use a detachable rechargeable battery in “a wider range of applications.” Pet. 65; Ex. 1003 ¶ 241. We agree with Patent Owner that “removing the dedicated backup battery of Crusius to use it ‘in a wider range of applications,’” as proposed by Petitioner, is contrary to the purpose of Crusius’s invention. Prelim. Resp. 30–31; Ex. 1012 ¶ 4, Abstract. Specifically, Crusius states “[t]he battery is *in circuit at all times* with the barrier movement operator power supply . . . and, when an AC mains power failure occurs, DC power is sent from the battery to power the barrier movement operator.” Ex. 1012, Abstract (emphasis added). Replacing Crusius’s backup battery with Weik’s power tool battery does not make sense when Crusius teaches its backup battery must be “in circuit at all times.” *Id.*

Accordingly, we agree with Patent Owner that Petitioner has not articulated a sufficient reason why a person of ordinary skill would have combined the references in the manner asserted. Prelim. Resp. 30–33. Petitioner has not established a reasonable likelihood of prevailing in showing that claims 1–22 are unpatentable over Crusius and Weik.

III. CONCLUSION

In light of the foregoing, Petitioner has not demonstrated a reasonable likelihood of prevailing on its assertions that (1) claims 1–5, 7, 9–13, 15–17, 19, 21, and 22 are anticipated by Crusius under 35 U.S.C. § 102(b), (2) claims 1–7, 9–13, 15–17, 19, 21, and 22 are unpatentable under 35 U.S.C. § 103(a) over Crusius, and (3) claims 1–22 are unpatentable under 35 U.S.C. § 103(a) over Crusius and Weik.

IV. ORDER

For the foregoing reasons, it is

ORDERED that the Petition is denied as to all challenged claims of the '966 patent.

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