

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KLIPSTA PTY LTD,
Petitioner,

v.

LINDSAY ALBANESE,
Patent Owner.

IPR2025-00346
Patent 10,413,047 B2

Before ANNETTE R. REIMERS, KARA L. SZPONDOWSKI, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

REIMERS, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining Some Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Klipsta PTY LTD (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review (“IPR”) of claims 1–18 of U.S. Patent No. 10,413,047 (Ex. 1001, “the ’047 patent”). Lindsay Albanese (“Patent Owner”) filed a Patent Owner’s Notice and Waiver of Preliminary Response (Paper 7, “First Notice”). Patent Owner states that although “it is not abandoning the contest,” it “declines to present claims and defenses [in] this *inter partes* review.” *Id.* at 2. Patent Owner further states that it “has determined to simply accept the Board’s final written decision in the event that the Board determines that Petitioner has proven unpatentability by a preponderance of the evidence.” *Id.* On July 10, 2025, we instituted *inter partes* review of the challenged claims on all asserted grounds. Paper 9 (“Dec. Inst.”). After institution, Patent Owner filed a Patent Owner’s Notice and Waiver of Patent Owner’s Response (Paper 12, “Second Notice”). Patent Owner states that although “it is not abandoning the contest,” it “declines to file a Patent Owner Response in this *inter partes* review.” *Id.* at 2. Further, Patent Owner again states that it “has determined to simply accept the Board’s final written decision in the event that the Board determines that Petitioner has proven unpatentability by a preponderance of the evidence.” *Id.*

We have jurisdiction under 35 U.S.C. § 6. This decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has shown, by a preponderance of the evidence, that claim 16 of the ’047 patent is unpatentable.

II. BACKGROUND

A. The '047 patent

The '047 patent “relate[s] to . . . a fashionable hat holder of simple construction” that “is particularly suitable for keeping a hat close at hand without cumbersome hat boxes.” Ex. 1001, 1:11–16. The '047 patent addresses the problem of “how to carry or store a hat when it is not being worn,” especially when a wearer is outside or traveling such that “it can be cumbersome to accommodate or store a hat without damaging it.” *Id.* at 1:21–26, 1:42–45. Thus, the '047 patent provides a hat holder that is compact in size for portability, fashionable, can accommodate a variety of hats, and can securely retain a hat while also easily be stored when not in use. *Id.* at 1:53–63.

Figure 7 shows an exemplary hat holder in use with a hat, and is reproduced below. Ex. 1001, 3:1–2.

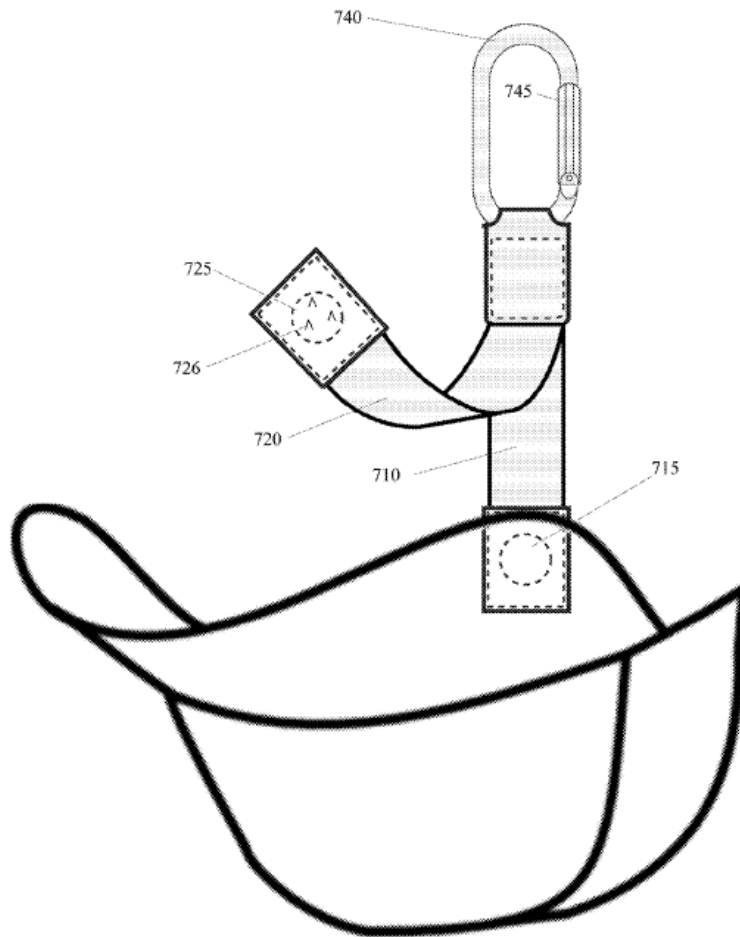


FIG. 7

Figure 7 above illustrates a hat being held by a hat holder in an embodiment in which the hat holder is “carabiner-style.” *Id.* at 13:15–16. The hat holder includes rear strap 710, front strap 720, and carabiner hook 740. *Id.* at 13:17–18. Rear strap 710 includes ferromagnetic member 715 and gripping member 726¹ and front strap 720 includes ferromagnetic member 725. *Id.* at 13:18–23. As an example, each of ferromagnetic member 715 and ferromagnetic member 725 is a neodymium magnet. *Id.* In this embodiment, the hat holder has a hook in the form of a carabiner 740 that

¹ Figure 7 shows gripping member 726 residing on front strap 720 rather than on rear strap 710.

has gate 745. *Id.* To hold a hat, the brim of the hat is positioned between ferromagnetic member 715 and ferromagnetic member 725 such that the force of the magnetic attraction between the two ferromagnetic members, along with gripping member 726, retain the brim of the hat therebetween. *Id.* at 13:24–33. Carabiner hook 740 along with its gate 745 can securely attach to another object, such as a beltloop, an eyelet of a purse, or a strap or a handle of a luggage or a bag. *Id.* at 13:46–49.

The '047 patent discloses that “although the rear strap 110 and the front strap 120 are referred throughout the specification as separate straps, those of skill in the art will appreciate that the rear strap 110 and the front strap 120 can be formed from a single piece of material.” Ex. 1001, 3:40–44; *see also id.* at 5:24–32, 10:18–25, Figs. 5A–5B. In addition, even though the hook is described in some embodiments as having a gate, in other embodiments, the hook comprises a single strap with ends that can be connected together via a closure, such as a snap button or Velcro. *Id.* at 8:25–33, Figs. 3A–3C; *see also id.* at 6:58–7:3.

B. Illustrative Claim

Petitioner challenges claims 1–18 of the '047 patent. Pet. 6, 12. Claims 1 and 16 are independent. Claim 1 is illustrative of the challenged claims and is reproduced below.

1. A system for holding a hat, the system comprising:
 - the hat;
 - a first strap having a first end and a second end;
 - a second strap having a first end and a second end, the second strap joined to the first strap;
 - a first ferromagnetic member disposed at the first end of the first strap;

a second ferromagnetic member disposed at the first end of the second strap;

a hook coupled to the first strap;

wherein the first strap and the second strap are configured to be separably joined at their respective first ends by a force of magnetic attraction between the first ferromagnetic member and the second ferromagnetic member; and

wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.

Ex. 1001, 14:6–22.

C. Related Proceedings

The parties indicate that there are no other judicial or administrative matters that would affect, or be affected by, a decision in this proceeding. Pet. 62; Paper 5, 2.

D. Instituted Grounds of Unpatentability

The Petition relies on the following prior art references:

Name²	Reference	Exhibit
Hsu	US 2009/0106944 A1, published April 30, 2009	1004
Hornik	US 2,615,227, issued October 28, 1952	1005
Smith-Reynolds	US 9,408,992 B2, issued August 9, 2016	1006
KR '458	KR 10-1457458 B1, published November 5, 2014	1008
JP '655	JP 2011-87644 A, published May 6, 2011	1009
Davison	US 3,529,328, issued September 22, 1970	1010
DE '216	DE 29717216 U1, published August 1, 1998	1015
KR '278	KR 10-2013-0061278 A, published June 11, 2013	1016

² Each of Exhibits 1008, 1009, and 1015–1017 include an English-language translation.

Name ²	Reference	Exhibit
KR '332	KR 20-2010-0009332 U, published September 27, 2010	1017
Liao	US 2014/0367986 A1, published December 18, 2014	1018
Lloyd	US 2013/0133160 A1, published May 30, 2013	1019
Glasmire	US 6,836,899 B1, issued January 4, 2005	1020
Smithers	US 2005/0263226 A1, published December 1, 2005	1021

We instituted *inter partes* review of the challenged claims based on the following grounds of unpatentability asserted by Petitioner:³

Ground ⁴	Claim(s) Challenged	35 U.S.C. §	Reference(s)
1	1–4, 9, 11, 13, 14, 16	102	KR '458
2	1, 2, 4, 11, 16	102	JP '655
3	1, 16	102	DE '216
4	1, 16	103	DE '216
5	16	102	Davison
6	16	103	Davison
7	16	102	KR '278
8	16	103	KR '278

³ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. §§ 102, 103, effective March 16, 2013. Because the challenged claims of the '047 patent have an effective filing date after March 16, 2013, the AIA versions of 35 U.S.C. §§ 102, 103 apply.

⁴ Our numbering of the grounds is different from that of Petitioner’s numbering, which is based on the claims rather than the cited art. *See* Pet. 1–2 (Table of Contents).

Ground ⁴	Claim(s) Challenged	35 U.S.C. §	Reference(s)
9	16	102	KR '332
10	16	103	KR '332
11	16	102	Liao
12	16	103	Liao
13	16	102	Lloyd
14	16	103	Lloyd
15	5–8, 18	103	KR '458, Hsu
16	5–8, 18	103	KR '458, Hornik
17	5–8, 18	103	KR '458, Hsu, Hornik
18	5–8, 18	103	JP '655, Hsu
19	5–8, 18	103	JP '655, Hornik
20	5–8, 18	103	JP '655, Hsu, Hornik
21	10	103	KR '458, Glasmire
22	12	103	KR '458, Smith-Reynolds
23	12	103	JP '655, Smith-Reynolds
24	15	103	KR '458, Liao
25	15	103	JP '655, Liao
26	17	103	KR '458, Smithers
27	17	103	JP '655, Smithers

Pet. 1–2; 22–62.

III. ANALYSIS

A. Legal Standard

“In an IPR, the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring inter partes review petitions to identify “with

particularity . . . the evidence that supports the grounds for the challenge to each claim’’)). This burden of persuasion never shifts to Patent Owner. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (discussing the burden of proof in *inter partes* review).

“Under 35 U.S.C. § 102 a claim is anticipated ‘if each and every limitation is found either expressly or inherently in a single prior art reference.’” *King Pharm., Inc. v. Eon Labs, Inc.*, 616 F.3d 1267, 1274 (Fed. Cir. 2010) (quoting *Celeritas Techs. Ltd. v. Rockwell Int’l Corp.*, 150 F.3d 1354, 1360 (Fed. Cir. 1998)). “Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” *Therasense, Inc. v. Becton, Dickinson & Co.*, 593 F.3d 1325, 1332 (Fed. Cir. 2010) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)).

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) when in evidence, objective evidence of nonobviousness.⁵ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

⁵ The parties have not presented arguments regarding objective evidence of nonobviousness.

B. Level of Ordinary Skill in the Art

In determining the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). Petitioner contends that a person having ordinary skill in the art at the time of the invention (“POSITA”) “would be a regular consumer/shopper with a rudimentary knowledge of the use of magnetic clips and a basic understanding of clip construction.” Pet. 13.

We find that the ’047 patent and the cited prior art references reflect the appropriate level of skill at the time of the claimed invention and that the level of skill reflected in these references and in the ’047 patent is consistent with the definition of a person of ordinary skill in the art proposed by Petitioner. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

C. Claim Construction

In this proceeding, we construe claims using the same claim construction standard that would be used to construe the claims in a civil action under 35 U.S.C. § 282(b). *See* 37 C.F.R. § 42.100(b). The claim construction standard includes construing claims in accordance with the ordinary and customary meaning of such claims as understood by one of ordinary skill in the art at the time of the invention. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc). In construing claims in accordance with their ordinary and customary meaning, we take into account the specification and prosecution history. *Phillips*, 415 F.3d at 1315–17.

Petitioner proposes that we construe the terms “the second strap joined to the first strap,” “a first ferromagnetic member,” “a hook coupled to the first strap,” and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.” Pet. 14–16. We need construe only “the second strap joined to the first strap.”

“the second strap joined to the first strap” (claims 1 and 16)

Petitioner contends that “the second strap joined to the first strap” includes “a single piece of material.” Pet. 14 (citing Ex. 1001, 3:37–44). Petitioner further contends that “[t]his interpretation was confirmed and reasserted . . . in ‘Patent Owner’s Initial Written Submission’ in an Amazon Neutral Evaluation proceeding submitted to Amazon on August 15, 2023.” *Id.* at 14–15 (citing Ex. 1007, 5:16–18). We note that Petitioner does not argue for explicit claim construction of the term “the second strap joined to the first strap,” only that it should be construed broadly enough to include “a single piece of material.” Pet. 14–15.

The ’047 patent discloses that in addition to being separate straps, the rear strap and the front strap “can be formed from a single piece of material.” Ex. 1001, 3:40–44, 5:24–32, 10:18–25. In particular, Figures 5A–5B of the ’047 patent illustrate rear strap 510 and front strap 520 as being “formed from a single piece of material that is folded approximately in half where a first half can be the rear strap 510 and a second half can be the front strap 520.” *Id.* at 10:18–21, Figs. 5A–5B. Indeed, Patent Owner acknowledges “[i]t should be noted that forming the first and second straps from a single piece of material is well within the scope of the claimed invention.” Ex. 1007, 5 (citing the ’047 patent at 3:37–44). Moreover, we note the positions taken by the parties are consistent with the fact that claim

13, which depends from claim 1, recites “wherein the first strap and the second strap are formed from a single folded strap.” Ex. 1001, 14:47–48.

We, therefore, adopt Petitioner’s construction of “the second strap joined to the first strap” to include “a single piece of material.”

“a first ferromagnetic member” (claim 1)

Petitioner argues that “a first ferromagnetic member” “should be given its ordinary meaning” in which “ferromagnetic” has an ordinary meaning of “a material having a high susceptibility to magnetization.” Pet. 15. As there is no dispute as to the plain meaning of the term “ferromagnetic,” we need not construe “a first ferromagnetic member.”

“a hook coupled to the first strap” (claim 1)

Petitioner contends that “a hook coupled to the first strap” should be construed “more broadly than the ordinary term.” Pet. 15–16 (citing Ex. 1001, 4:57–60, Figs. 1A–1C, 2A–2B, 3A–3C). In particular, Petitioner states that “[t]he ’047 patent describes a wide variety of ‘hooks,’” and based on these different embodiments, the term “hook” should be construed as a “structure that serves to attach the hat holder to another object.” *Id.* at 15–16. Petitioner identifies different designs of hook in the ’047 patent, including a “gated hook” and a “strap-style hook.” *Id.* at 15. Petitioner also notes that the Specification discloses that the hook “can be used to attach the assembly to another object.” *Id.* (quoting Ex. 1001, 4:57–60). Petitioner states that “the ‘strap-style hook’ 340 of Figs. 3A–3C [] can be ‘formed from the same material as the front or rear straps’ of the hat holder” and “is merely a thin strap having a snap or button closure 345.” *Id.* (citing Ex. 1001, 8:29–31, Figs. 3A–3C).

Petitioner’s construction of a “hook” to include a “structure that serves to attach the hat holder to another object” is based on function, rather

than structure and does not adequately address the disclosure and embodiments in the Specification of the '047 patent. Although strap-style hook 340 of Figures 3A–3C is a flexible component rather than a more rigid component like hook 140 shown in Figures 1A–1C, both can be considered types of hooks. All of the embodiments, whether rigid or flexible, can be considered to have a hook-like structure when serving the function of attaching the hat holder to another object.

Petitioner's proposed construction would render the term "hook" meaningless, as various types of structures could be used to attach the hat holder to another object, that would not reasonably be considered to be a "hook." For example, a snap, safety pin, ring, or button could be used to attach a hat holder to another object. Petitioner's identification of different embodiments in the '047 patent of hook-like structures does not show why one of skill in the art would consider almost any structure to be considered a "hook."

We, therefore, reject Petitioner's construction of a "hook" as a "structure that serves to attach the hat holder to another object."

"wherein the first strap and the second strap are configured to retain a portion of the hat therebetween" (claims 1 and 16)

Petitioner argues that "wherein the first strap and the second strap are configured to retain a portion of the hat therebetween" "should be construed as requiring the force of magnetic attraction between the ferromagnetic members to be sufficient to substantially hold the hat between the ferromagnetic members." Pet. 16 (citing Ex. 1001, 4:15–19). Petitioner argues that "[t]he phrase thus refers to the force of magnetic attraction between the ferromagnetic members sufficient to 'substantially hold the hat between the ferromagnetic members.'" *Id.*

As there is no dispute as to the plain meaning of the term “ferromagnetic member,” which stands on its own, we need not construe “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.”

A. Overview of the Asserted Art

1. Summary of KR '458 (Exhibit 1008)

KR '458 “relates to a rack for hanging a hat . . . that not only allows for carrying the hat . . . by forming a hat holder for carrying the hat,” but also provides “a fastening device that can be attached to and detached from a bag’s connecting ring, enabling convenient hanging of the hat.” Ex. 1008 ¶ 1. KR '458 discloses that “storing a hat in the bag’s storage compartment can cause the hat’s shape to deform” and “carrying a hat by hand can be inconvenient as it restricts the use of one’s hands.” *Id.* ¶ 3. KR '458 addresses these problems by providing a holder portion that allows a hat to be carried by hanging an adjustment portion of the hat on a hat holder. *Id.* ¶ 8.

Figure 3 is a perspective view of an exemplary hat holder and Figure 4 is a perspective view of the hat holder in use with a hat, both of which are reproduced below. Ex. 1008 ¶ 17.

FIG. 3

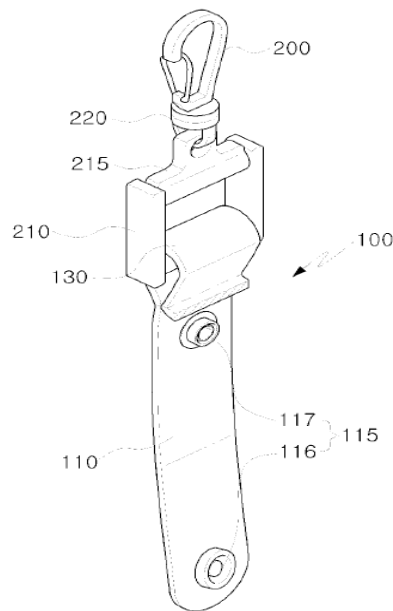
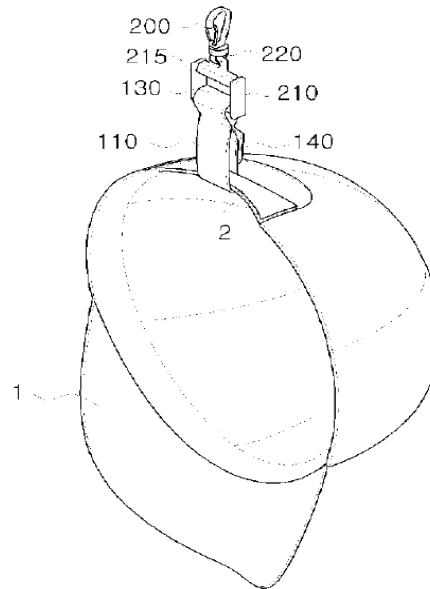


FIG. 4



Figures 3 and 4 above illustrate a rack having holder portion 100 and fastening device 200. *Id.* ¶ 24. Holder portion 100 includes hat holder 110 for carrying hat 1. *Id.* ¶ 25. Figure 3 shows holder portion 100 connected to fastening device 200 via rectangular ring 210. *Id.* ¶ 33. Hat holder 110 is a narrow and elongated band “with the lower and upper surfaces folded to come into contact with each other” to form a folded inner space such that hat 1 is carried by hanging an adjustment portion 2 of hat 1 in the folded inner space as shown in Figure 4. *Id.* ¶ 26. Hat holder 110 includes fastening member 115 such as a snap button having concave member 116 and convex member 117. *Id.* ¶¶ 26–27. Fastening member 115 “can also be formed using a Velcro tape [or] a fixed magnet.” *Id.* ¶ 27.

Fastening device 200 “is provided to hang holder portion 100 on a bag and is combined with holder portion 100 and rectangular ring 210.” Ex. 1008 ¶ 32, Fig. 6. Further, fastening device 200 “can be provided as a wire-gate carabiner type, or alternatively, it can be provided as an O-shaped, D-

shaped carabiner, or other types of fastening devices 200 such as a clip type.” *Id.* ¶ 31.

2. Summary of JP '655 (Exhibit 1009)

JP '655 discloses a hanger “that can hold objects to be hung” and has “a relatively simple structure” while being “aesthetically superior.”

Ex. 1009, code (57). Figure 9 is a partial perspective view of JP '655's hanger that is used with a hat, and is reproduced below. *Id.* ¶¶ 30, 43.

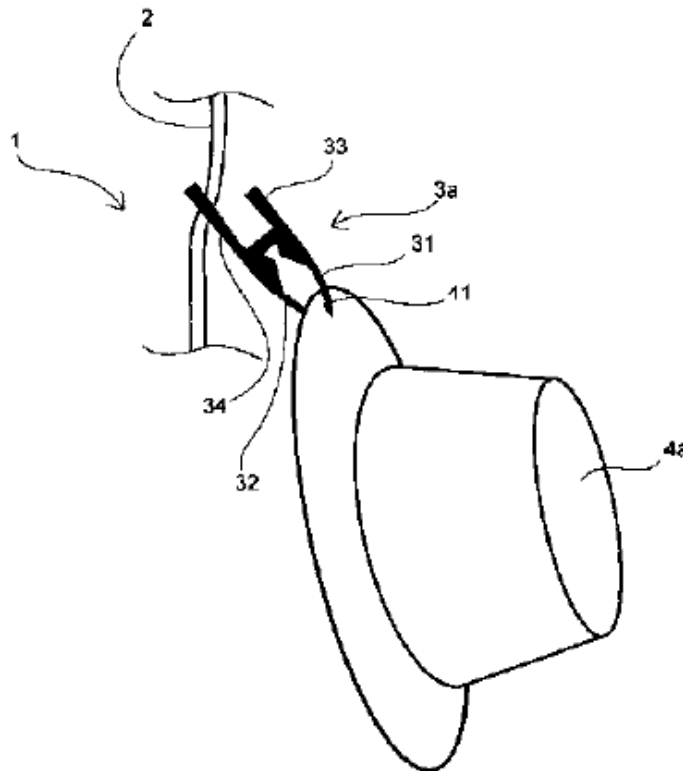
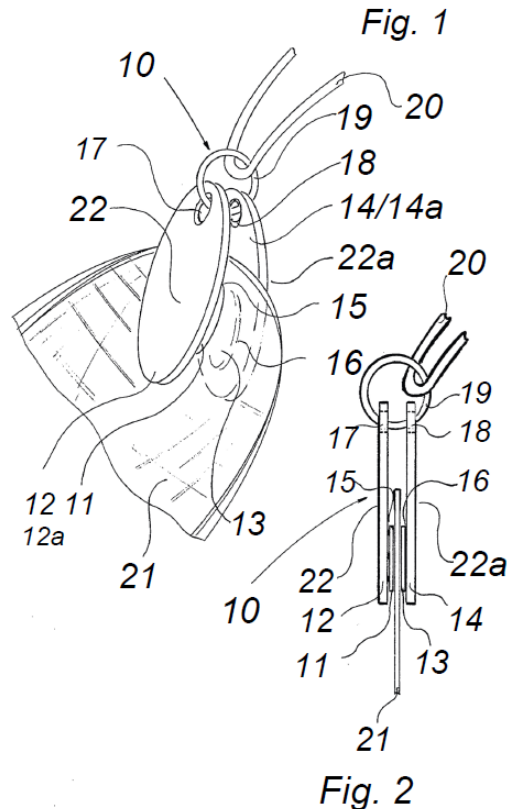


Figure 9 above illustrates hanger 1 having clip 3a as a holder of hat 4a onto cord 2. *Id.* ¶¶ 31, 43. Clip 3a includes clamping parts 31 and 32 to grip hat 4a. *Id.* ¶ 43. JP '655 discloses that “the means for holding the object for hanging is not limited to clips or hooks, and it may be any sort of means, such as a magnetic means that uses magnets or an adhesive means that uses hook-and-loop fasteners, etc.” *Id.* ¶ 46.

3. *Summary of DE '216 (Exhibit 1015)*

DE '216 discloses a “magnetic fastening device” that can fasten a napkin to a holder that has a magnet. Ex. 1015, code (54), 1. Figures 1 and 2 are a perspective view and a side view, respectively, of a magnetic fastening device along with a retaining ring for suspending a napkin, and are reproduced below. *Id.* at 2.



Figures 1 and 2 above illustrate fastening device 10 having first permanent magnet system 11 “assigned to” holder 12 and second permanent magnet system 13 “assigned to” counterholder 14. *Id.* Holder 12 and counterholder 14 have holes 17 and 18, respectively, for receiving ring 19 that accepts suspension 20. *Id.* at 3. DE '216 discloses that “[a]ny strong napkins can be fastened between the permanent magnets 11 and 13.” *Id.*

4. *Summary of Davison (Exhibit 1010)*

Davison discloses “a magnetically actuated device for supporting ladies’ stockings and other light clothing during the drying process.”

Ex. 1015, 1:11–13. Figure 1 is a perspective view of a device for supporting a lady’s stocking, and is reproduced below. *Id.* at 2:5–6.

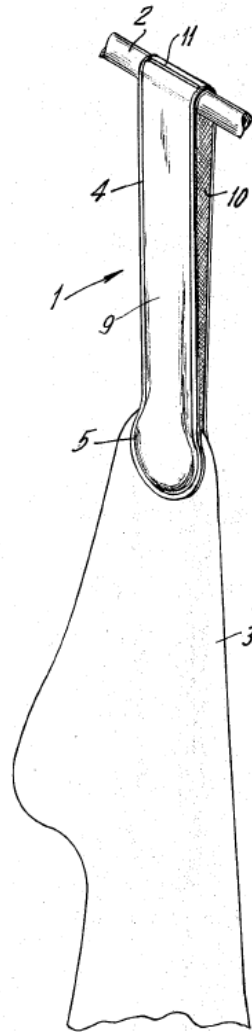


Figure 1 above illustrates device 1 that suspends lady’s stocking 3 from shower rod 2. *Id.* at 2:16–19. Device 1 has strap 4 with enlargements 5 and 6 at the ends thereof. *Id.* at 2:19–20. Magnet 7 and ferrous plug 8 (shown in Figure 3) are disposed within enlargements 5 and 6, respectively. *Id.* at 2:20–23. Davison discloses that “magnet 7 will attract plug 8 with sufficient

force to retain a stocking 3 or other relatively light and thin garments therebetween.” *Id.* at 2:26–29.

5. Summary of KR '278 (*Exhibit 1016*)

KR '278 “relates to a glove hanger.” Ex. 1016 ¶ 1. Figure 2 is a perspective view of “a stand-shaped glove hanger,” and is reproduced below. *Id.* ¶ 15.

FIG. 2

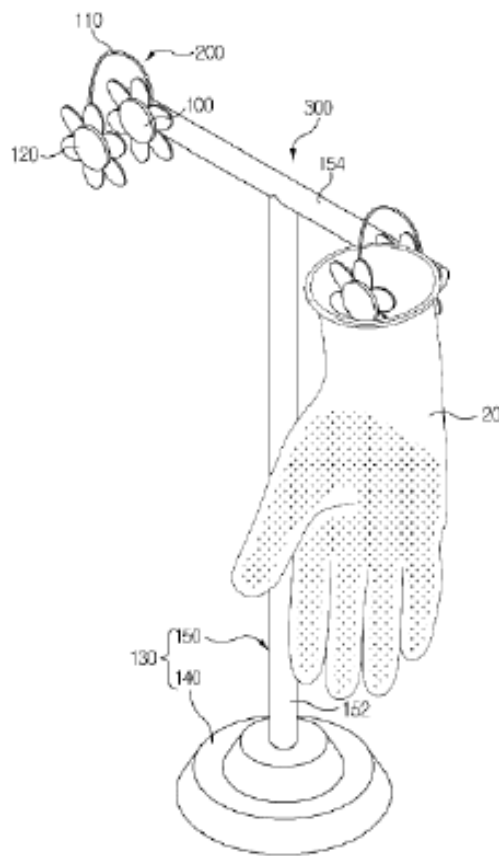


Figure 2 above illustrates glove hanger 200 having first fixing member 100 connected to second fixing member 120, via connecting member 110, for hanging glove 20. *Id.* ¶¶ 18–20. KR '278 discloses that “[t]he first fixing member 100 and the second fixing member 120 are attached to each other by an attractive force” and as an example, “the first fixing member 100 is

formed of a magnet generating a magnetic field, and the second fixing member 120 is formed of a metal plate attracted by the magnetic field to the magnet of the first fixing member 100,” such that a glove can be held between the fixing members. *Id.* ¶ 24.

6. *Summary of KR '332 (Exhibit 1017)*

KR '332 “relates to a rubber glove hanger.” Ex. 1017, code (57). Figure 2 is a perspective view of the rubber glove hanger in an unfolded state, and is reproduced below. *Id.* ¶ 10.

FIG. 2



Figure 2 above illustrates a glove hanger having body 1 that can bend and can accommodate “magnets 2a and 2b” that are “joined using their magnetic force to attach and secure the glove.” *Id.* ¶¶ 7–8. KR '332 discloses that “[t]he glove can then be conveniently attached to or detached from a steel plate 3 affixed to a designated location, such as a wall, using the magnetic

force of the permanent magnet 2a, allowing for easy and hasslefree use whether the glove is in use or not” (shown in Figure 4). *Id.* ¶ 8.

7. Summary of Liao (Exhibit 1018)

Liao “relates to holders and more particularly to an easily taken and carried holder for holding a pair of boots in place so as to have characteristics of easy taking, secure hold, practicability, and convenient storage.” Ex. 1018 ¶ 2. Figure 2 is a perspective view of a “holder for boots,” and is reproduced below. *Id.* ¶ 12.

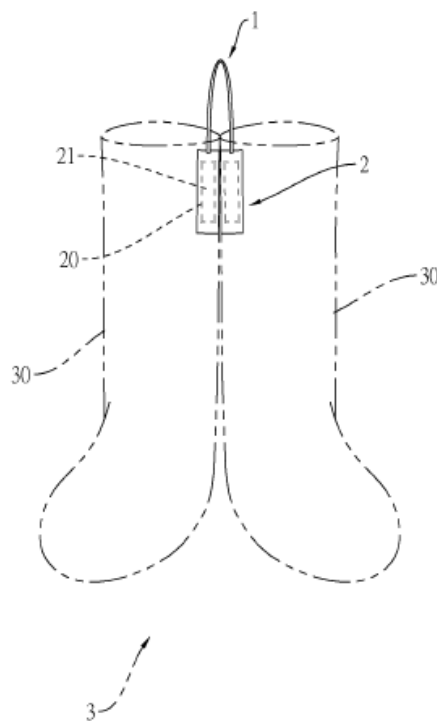


Fig.2

Figure 2 above illustrates a holder, for holding boots 3, having flexible handle 1 in which two holding assemblies 2 are secured to the ends thereof. *Id.* ¶ 14. Each of holding assemblies 2 has internal space 20 and magnet 21 disposed therein. *Id.* Liao discloses that when “a south pole of the magnet 21” of one holding assembly 2 “faces a north pole of the magnet 21 of an

other holding assembly 2,” upper portions 30 of a pair of boots 3 can be held between the holding assemblies. *Id.* ¶ 15.

8. *Summary of Lloyd (Exhibit 1019)*

Lloyd discloses a “garment-hanging accessory.” Ex. 1019, code (57). Figure 9 is a perspective view of an embodiment of the garment-hanging accessory in the form of a clip with magnets, and is reproduced below. *Id.* ¶ 21.

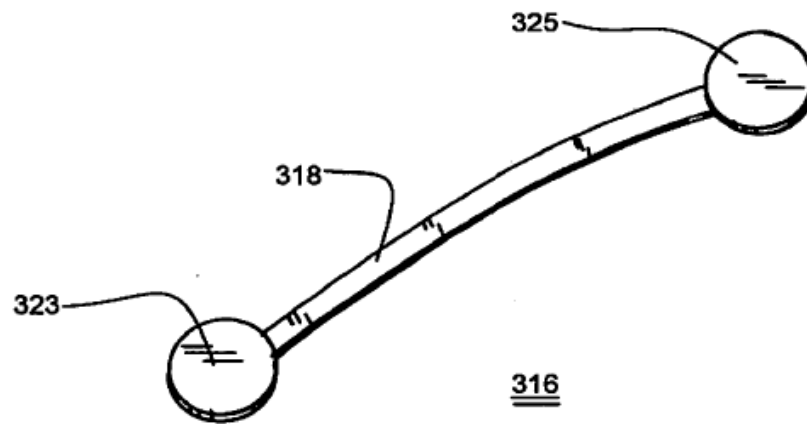


FIG. 9

Figure 9 above illustrates embodiment 316 of a clip which has “magnets 323 and 325 of opposite polarity” with strap 318 therebetween. *Id.* ¶ 30. Lloyd discloses that its hanging assessor is part of a “garment hanging system adapted to hang upon a primary clothing hanger.” *Id.* ¶ 1.

B. *Asserted Unpatentability Grounds*

1. *Asserted Anticipation by KR '458 (Ground 1⁶)*

Petitioner contends that KR '458 anticipates claims 1–4, 9, 11, 13, 14,

⁶ As indicated above, our numbering of the grounds herein does not follow Petitioner’s numbering of the grounds. *See* Section II.D, *supra*.

a. Independent Claim 1

Petitioner contends that each of the limitations of claim 1 is disclosed by KR '458. *Id.* at 24–25. We focus on two limitations of claim 1 below, the second strap and the ferromagnetic member recitations.

Petitioner contends that KR '458 discloses “a second strap having a first end and a second end, the second strap joined to the first strap,” with “a second ferromagnetic member disposed at the first end of the second strap.” *Id.* Relying on Figure 3, Petitioner states that “[t]he second strap is the portion of the hat holder 110 from the center line . . . and upward to the connector 117, and the second end is the end at the center line.” *Id.* at 24. Petitioner then explains that “KR '458 describes that the snap shown [(i.e. connector 117)] can alternatively comprise magnets in paragraph [0027].” *Id.* at 25.

Figure 3 of KR '458 illustrates hat holder 110 as a narrow and elongated band (strap) and includes convex member 117. Ex. 1008 ¶¶ 26–27, Fig. 3. The top end of the strap is shown wrapped around rectangular ring 210 where the strap is then secured to itself. *Id.* ¶ 31, Figs. 3–4. A convex member 117 of the fastening member (i.e., snap) 115 is positioned below this portion of the strap.

Petitioner's mapping of the components of KR '458's fastening device is insufficient. Although Petitioner maps the center line of fastening member 115 to the recited second end, Petitioner fails to adequately map the recited first end of the second strap or explain why one of skill in the art would consider the second ferromagnetic member (convex member 117) to be disposed at the first end of the second strap as required by claim 1.

Concerning the first end, the extent of Petitioner's explanation implies that the first end is "upward to connector 117." Pet. 24. This is not the end of the second strap. As discussed above, the end of the second strap wraps around rectangular ring 210 and is then secured to itself.⁷ Connector 117 is positioned below the true end of the strap, more in the middle of this segment of the strap. In other words, Petitioner arbitrarily defines the strap as only the portion of hat holder 110 between the center line and connector 117, in contradiction to what KR '458 actually discloses. Nowhere does Petitioner explain why connector 117 is disposed at the first end of the second strap. Neither does Petitioner explain why we should disregard the true end of the strap, nor why one of skill in the art would consider only a middle portion of the strap to be the second strap. Thus, Petitioner has not satisfied its burden in this regard. Therefore, Petitioner has not shown that KR '458 discloses "a second strap having a first end and a second end, the second strap joined to the first strap," with "a second ferromagnetic member disposed at the first end of the second strap."

For the foregoing reasons, we determine that a preponderance of the evidence does not support that claim 1 is anticipated by KR '458.

b. Remaining Claims 2–4, 9, 11, 13, 14, and 16

Claims 2–4, 9, 11, 13, and 14 depend from claim 1. Ex. 1001, 14:23–50. Independent claim 16 recites similar limitations as that of independent claim 1, minus the hook limitation. *Compare id.* at 14:6–22 *with id.* at 14:59–15:6.

⁷ We also note that Petitioner identifies the "hook coupled to the first strap" as KR '458's ring 210 and fixing device or hook 200, which are actually coupled to what Petitioner identifies as the *second* strap.

Thus, we determine that a preponderance of the evidence does not support that claims 2–4, 9, 11, 13, 14, and 16 are anticipated by KR '458 for the reasons discussed above with respect to the deficiencies for claim 1.

2. *Asserted Anticipation by JP '655 (Ground 2)*

Petitioner contends that JP '655 anticipates claims 1, 2, 4, 11, and 16 of the '047 patent. Pet. 28–32, 55–57, 59.

a. *Independent Claim 1*

Petitioner contends that each of the limitations of claim 1 is disclosed by JP '655. *Id.* at 28–30. We focus on two limitations of claim 1 below, the first strap and second strap recitations.

Petitioner contends that JP '655 discloses “a first strap having a first end and a second end,” in which the first strap is clamping part 32 shown in Figure 9 with a first end that engages hat 4a and a second end where the clamping part 32 links with clamping part 31. *Id.* at 29.

Petitioner contends that JP '655 discloses “a second strap having a first end and a second end, the second strap joined to the first strap,” in which the second strap is clamping part 31 shown in Figure 9 with a first end that engages hat 4a and a second end where the clamping part 31 links with clamping part 32. *Id.*

The '047 patent describes that rear strap 510 and front strap 520 “can be formed from leather, nylon, plastic, cotton, or other natural or man-made materials.” Ex. 1001, 10:26–28; *see also id.* at 3:45–47 (describing rear strap 110 and front strap 120). Petitioner identifies clamping parts 31 and 32 as the recited first strap and second strap. Although we recognize that to anticipate, a reference need not use the exact language as in the claim limitation, we find Petitioner’s showing deficient. *See In re Bond*, 910 F.2d 831, 832–33 (Fed. Cir. 1990) (interpretation of references “is not an ‘ipsis

verbis’ test”). Petitioner does not explain how a “clamping part” is considered to be “a strap” as disclosed in the ’047 patent or why one of skill in the art would consider a “clamping part” to be “a strap.” Thus, Petitioner has not satisfied its burden in this regard.

Therefore, Petitioner has not shown that JP ’655 discloses “a first strap” and “a second strap,” as recited in independent claim 1.

For the foregoing reasons, we determine that a preponderance of the evidence does not support that claim 1 is anticipated by JP ’655.

b. Remaining Claims 2, 4, 11, and 16

Claims 2, 4, and 11 depend from claim 1. Ex. 1001, 14:23–46. As discussed above, independent claim 16 requires similar limitations as that of independent claim 1, minus the hook limitation. *Compare id.* at 14:6–22 *with id.* at 14:59–15:6.

Thus, we determine that a preponderance of the evidence does not support that claims 2, 4, 11, and 16 are anticipated by JP ’655 for the reasons discussed above with respect to the deficiencies for claim 1.

3. Asserted Anticipation by DE ’216 (Ground 3)

Petitioner contends that DE ’216 anticipates claims 1 and 16 of the ’047 patent. Pet. 33–40.

a. Claim 1

Petitioner contends that each of the limitations of claim 1 is disclosed by DE ’216. *Id.* at 35–36.

(1) The Hat Recitations

Petitioner contends that DE ’216 discloses “[a] system for holding a hat, the system comprising: the hat” in Figure 2 and that “the first strap and the second strap are configured to retain a portion of the hat therebetween.” *Id.* at 35–36.

Figure 2 of DE '216 illustrates magnetic fastening device 10 that holds napkin 21. Ex. 1015, 3, Fig. 2. Claim 1 positively recites the limitation of a “hat” and that “the first strap and the second strap are configured to retain a portion of the hat therebetween.” Ex. 1001, 14:6–7, 14:21–22. Petitioner does not direct us to any portions of DE '216 that discloses a hat. Pet. 35–36. Rather, Petitioner merely asserts that “[t]he structure is readily capable of retaining a portion of a hat therebetween for the purpose of securing the hat.” *Id.* at 33–34, 36.

As DE '216 does not expressly or inherently disclose a “hat,” Petitioner has not shown that DE '216 discloses “the hat” and “the first strap and the second strap are configured to retain a portion of the hat therebetween,” as recited in independent claim 1.

(2) *The Hook Recitation*

Petitioner maps the recited hook to DE '216's ring 19. Pet. 36. As discussed above, we do not adopt Petitioner's proposed construction that a “hook” is a “structure that serves to attach the hat holder to another object.”

Petitioner has not sufficiently explained why DE '216's ring can be considered to have a hook-like structure, or why a person of skill in the art would consider a ring to have a hook-like structure. Therefore, Petitioner has not sufficiently shown that DE '216 discloses “a hook coupled to the first strap,” as recited in independent claim 1.

For the foregoing reasons, we determine that a preponderance of the evidence does not support that claim 1 is anticipated by DE '216.

b. *Claim 16*

As discussed above, independent claim 16 recites similar limitations as that of independent claim 1, i.e., claim 16 recites the hat limitations, but does not recite the hook limitation. *Compare id.* at 14:6–22 *with id.* at

14:59–156: Thus, for the same reasons, Petitioner also fails to show that DE '216 discloses the hat limitations as discussed above. Pet. 39.

Thus, we determine that a preponderance of the evidence does not support that claim 16 is anticipated by DE '216.

4. *Asserted Anticipation by Davison (Ground 5)*

Petitioner contends that Davison anticipates claim 16 of the '047 patent. Pet. 40–45.

Petitioner contends that each of the limitations of claim 16 is disclosed by Davison, “with the exception of the hat.” *Id.*

(1) *The Hat Recitations*

Petitioner contends that Davison discloses “[a] system for holding a hat, the system comprising: the hat” in Figures 1–3, and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.” *Id.* at 43–44.

Figures 1–3 of Davison illustrate device 1 that holds a stocking 3. Ex. 1010, 2:16–19, Figs. 1–3. Claim 16 positively recites the limitation of a “hat.” Ex. 1001, 14:59–60, 15:5–6. Petitioner does not direct us to any portions of Davison that disclose a hat. Pet. 43.

Davison discloses that the magnetic clothes pin is intended for retaining a stocking 3 or other relatively light and thin garments therebetween. Ex. 1010, 2:26–29; *see also* Pet. 41. Petitioner states that “[a] hat can readily fall under the category of ‘relatively light and thin garments’” and that “[a] hat is reasonably considered a relatively light and thin garment.” Pet. 41–42. We are not persuaded by Appellant’s arguments because attorney arguments cannot take the place of evidence in the record. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (“An assertion of what seems to follow from common experience is just attorney argument

and not the kind of factual evidence that is required to rebut a prima facie case of obviousness.”).

As Davison does not expressly or inherently disclose a “hat,” Petitioner has not shown that Davison discloses “the hat” and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween” as recited in independent claim 16.

Thus, we determine that a preponderance of the evidence does not support that claim 16 is anticipated by Davison.

5. *Asserted Anticipation by KR '278 (Ground 7)*

Petitioner contends that KR '278 anticipates claim 16 of the '047 patent. Pet. 45–47.

Petitioner contends that each of the limitations of claim 16 is disclosed by KR '278, “with the exception of the hat.” *Id.*

(1) *The Hat Recitations*

Petitioner contends that KR '278 discloses “[a] system for holding a hat, the system comprising: the hat” in Figure 2, and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.” *Id.* at 46–47.

Figure 2 of KR '278 illustrates glove hanger 200 that holds glove 20. Ex. 1016, code (57), ¶¶ 1, 13, 15, 18, Fig. 2. Claim 16 positively recites the limitation of a “hat.” Ex. 1001, 14:59–60, 15:5–6. Petitioner does not direct us to any portions of KR '278 that disclose a hat. Pet. 46. Rather, Petitioner merely asserts that “[t]he structure is readily capable of retaining a portion of a hat.” Pet. 46, 47.

As KR '278 does not expressly or inherently disclose a “hat,” Petitioner has not shown that KR '278 discloses “the hat” and “wherein the

first strap and the second strap are configured to retain a portion of the hat therebetween.” as recited in independent claim 16.

Thus, we determine that a preponderance of the evidence does not support that claim 16 is anticipated by KR ’278.

6. *Asserted Anticipation by KR ’332 (Ground 9)*

Petitioner contends that KR ’332 anticipates claim 16 of the ’047 patent. Pet. 48–50.

Petitioner contends that each of the limitations of claim 16 is disclosed by KR ’332. *Id.* at 49–50.

(1) *The Hat Recitations*

Petitioner contends that KR ’332 discloses “[a] system for holding a hat, the system comprising: the hat” in Figures 2 and 3 and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.” *Id.* at 49–50.

Figures 2 and 3 of KR ’332 illustrate a hanger that has body 1 with magnets 2a and 2b but does not show anything being held by the hanger. Ex. 1017, Figs. 2, 3. KR ’332 discloses that its hanger holds a glove. *Id.*, code (54), Fig. 1. Claim 16 positively recites the limitation of a “hat.” Ex. 1001, 14:59–60, 15:5–6. Petitioner does not direct us to any portions of KR ’332 that disclose a hat. Pet. 49. Rather, Petitioner merely asserts that “[t]he structure is readily capable of retaining a portion of a hat.” Pet. 48, 50.

As KR ’332 does not expressly or inherently disclose a “hat,” Petitioner has not shown that KR ’332 discloses “the hat” and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween” as recited in independent claim 16.

Thus, we determine that a preponderance of the evidence does not support that claim 16 is anticipated by KR ’332.

7. *Asserted Anticipation by Liao (Ground 11)*

Petitioner contends that Liao anticipates claim 16 of the '047 patent. Pet. 50–53.

Petitioner contends that each of the limitations of claim 16 is disclosed by Liao. *Id.* at 52–53.

(1) *The Hat Recitations*

Petitioner contends that Liao discloses “[a] system for holding a hat, the system comprising: the hat” in Figure 2, and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.” *Id.* at 52–53.

Figure 2 of Liao illustrates a holder having holding assemblies 2 with magnets 21 for holding boots 3. Ex. 1018 ¶¶ 14–15, Fig. 2. Claim 16 positively recites the limitation of a “hat.” Ex. 1001, 14:59–60, 15:5–6. Petitioner does not direct us to any portions of Liao that disclose a hat. Pet. 52. Rather, Petitioner merely asserts that “[t]he structure is readily capable of retaining a portion of a hat.” *Id.* at 51, 53.

As Liao does not expressly or inherently disclose a “hat,” Petitioner has not shown that Liao discloses “the hat” and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween,” as recited in independent claim 16.

Thus, we determine that a preponderance of the evidence does not support that claim 16 is anticipated by Liao.

8. *Asserted Anticipation by Lloyd (Ground 13)*

Petitioner contends that Lloyd anticipates claim 16 of the '047 patent. Pet. 53–55.

Petitioner contends that each of the limitations of claim 16 is disclosed by Lloyd. *Id.* at 54–55.

(1) *The Hat Recitations*

Petitioner contends that Lloyd discloses “[a] system for holding a hat, the system comprising: the hat” in Figure 9 and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween.” *Id.* at 54–55.

Figure 9 of Lloyd illustrates a garment hanging accessory having magnets 325 joined by strap 318 but does not show anything being held by the accessory. Ex. 1019, code (54), ¶ 30, Fig. 9. Claim 16 positively recites the limitation of a “hat.” Ex. 1001, 14:59–60, 15:5–6. Petitioner does not direct us to any portions of Lloyd that disclose a hat. Pet. 54. Rather, Petitioner merely asserts that “[t]he structure is readily capable of retaining a portion of a hat.” *Id.*; *see also id.* at 55.

As Lloyd does not expressly or inherently disclose a “hat,” Petitioner has not shown that Lloyd discloses “the hat” and “wherein the first strap and the second strap are configured to retain a portion of the hat therebetween,” as recited in independent claim 16.

Thus, we determine that a preponderance of the evidence does not support that claim 16 is anticipated by Lloyd.

9. *Asserted Unpatentability over DE '216 (Ground 4)*

a. *Claim 1*

Alternative to the anticipation grounds above, Petitioner asserts that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over DE '216. Pet. 33–38. Petitioner argues that “alternatively, it would have been obvious to modify” the magnetic fastening device of DE '216 to include a hat “in view of any one of” Woloshen, Griffith, Hodge, and Carter, “which describe the known use of clips for securing hats.” *Id.* at 34. Petitioner further argues that “[t]hese references recognize the problem of securing a hat,” and

DE '216 “provides the expectation of advantageously using ferromagnetic elements to couple straps on opposite sides of a napkin.” *Id.* Petitioner also argues that “[t]he beneficial result expected from the combination would have rendered” claim 1 obvious. *Id.* (citing Ex. 1011, 1:21–25; Ex. 1012, 1:16–19, 4:51–55).

Similar to that discussed above regarding anticipation by DE '216, Petitioner maps the recited hook to DE '216's ring 19. Pet. 36. For the same reasons as discussed above, Petitioner has not sufficiently shown that DE '216 teaches or suggests “a hook coupled to the first strap,” as recited in independent claim 1.

For the foregoing reasons, we determine that a preponderance of the evidence does not support that claim 1 is obvious over the teachings of DE '216.

b. Claim 16

Alternative to the anticipation grounds above, Petitioner asserts that claim 16 is unpatentable under 35 U.S.C. § 103(a) as obvious over DE '216. Pet. 33–40. Petitioner argues that “alternatively, it would have been obvious to modify” the magnetic fastening device of DE '216 to include a hat “in view of any one of” Woloshen, Griffith, Hodge, and Carter, “which describe the known use of clips for securing hats.” *Id.* at 34; *see also id.* at 40. Petitioner further argues that “[t]hese references recognize the problem of securing a hat,” and DE '216 “provides the expectation of advantageously using ferromagnetic elements to couple straps on opposite sides of a napkin.” *Id.* at 40. Petitioner also argues that “[t]he beneficial result expected from the combination would have rendered claim 16 obvious.” *Id.*

Woloshen discloses a clip for attaching a hat to a belt. Ex. 1011, code (57), 3:27–28, 3:38–4:16, Fig. 1. Griffith discloses a clip for attaching a hat

to a person's article of clothing. Ex. 1012, code (57), 2:19–21, 4:51–65, Fig. 1. Hodge is a design patent titled “Hat Holder” and discloses an ornamental design for a hat holder. Ex. 1013, codes (10), (54), DESCRIPTION. Carter discloses an apparatus for hanging hats. Ex. 1014, code (54), 2:47–49, 2:62–66.

Because each of Woloshen, Griffith, Hodge, and Carter discloses a device for holding a hat, we agree with Petitioner that it would have been obvious to modify DE '216 to include a hat. Such a combination is merely a “predictable use of prior art elements according to their established functions.” *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007). “[W]hen a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *Id.* at 416. Alternatively, each of Woloshen, Griffith, Hodge, and Carter evidences that it is known to use a device to hold a hat and that it would have been obvious to add a hat to a device, such as that of DE '216, which is configured to hold a napkin. Moreover, we are persuaded by Petitioner's mapping of the additional limitations of claim 16 to their counterparts in DE '216. Pet. 39–40.

Based on the evidence presented, we agree with Petitioner's analysis and supporting evidence regarding the obviousness of claim 16. Thus, we find that the proposed modifications to DE '216 disclose or suggest the recitations of claim 16 by a preponderance of the evidence, and we determine that a preponderance of the evidence supports that claim 16 would have been obvious over the teachings of DE '216.

9. *Asserted Unpatentability over Davison (Ground 6), KR '278 (Ground 8), KR '332 (Ground 10), Liao (Ground 12), and Lloyd (Ground 14)*

Alternative to the anticipation grounds above, Petitioner asserts that claim 16 is unpatentable under 35 U.S.C. § 103(a) as obvious over Davison, KR '278, KR '332, Liao, or Lloyd. Pet. 40–54. Similar to that argued above for obviousness over DE '216, Petitioner argues that “alternatively, it would have been obvious to modify” the magnetic fastening device of any of Davison, KR '278, KR '332, Liao, or Lloyd to include a hat “in view of any one of” Woloshen, Griffith, Hodge, and Carter, “which describe the known use of clips for securing hats.” *Id.* at 41, 46, 48–49, 51, 54. Petitioner further argues that “[t]hese references recognize the problem of securing a hat,” and that Davison, KR '278, KR '332, Liao, or Lloyd “provides the expectation of advantageously using ferromagnetic elements” to articles of clothing. *Id.* at 43, 46, 48–49, 51, 54. Petitioner also argues that “[t]he beneficial result expected from the combination would have rendered claim 16 obvious.” *Id.*

Because each of Woloshen, Griffith, Hodge, and Carter discloses a device for holding a hat, we agree with Petitioner that it would have been obvious to modify any of Davison, KR '278, KR '332, Liao, or Lloyd to include a hat. Such a combination is merely a “predictable use of prior art elements according to their established functions.” *KSR*, 550 U.S. at 417. “[W]hen a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *Id.* at 416. Alternatively, each of Woloshen, Griffith, Hodge, and Carter evidences that it is known to use a device to hold a hat and that it would have been obvious to add a hat to a device, such as the devices of Davison, KR '278,

KR '332, Liao, or Lloyd, which are configured to hold a stocking, glove, rubber gloves, boots, and garment, respectively. Moreover, we are persuaded by Petitioner's mapping of the additional limitations of claim 16 to their counterparts in Davison, KR '278, KR '332, Liao, and Lloyd. Pet. 43–47, 49–50, 52–55.

Based on the evidence presented, we agree with Petitioner's analysis and supporting evidence regarding the obviousness of claim 16. Thus, we find that the proposed modifications to Davison, KR '278, KR '332, Liao, or Lloyd disclose or suggest the recitations of claim 16 by a preponderance of the evidence, and we determine that a preponderance of the evidence supports that claim 16 would have been obvious over the teachings of Davison, KR '278, KR '332, Liao, or Lloyd.

10. Remaining Grounds (Grounds 15–27)

For each of the remaining grounds 15–27, Petitioner relies on KR '458 or JP '655 in a similar manner as in grounds 1 and 2. Pet. 57–62. Because KR '458 and JP '655, are deficient for the reasons discussed above, we determine that a preponderance of the evidence does not support that claims 1, 5–8, 10, 12, 15, 17, and 18, would have been obvious over the teachings of the various combinations of cited references.

III. CONCLUSION⁸

For the reasons above, we determine that Petitioner has shown, by a preponderance of the evidence, that claim 16 of the '047 patent is unpatentable as summarized in the following table.

Claim(s)	35 U.S.C. §	Reference(s)/ Basis	Claim(s) Shown Unpatentable	Claim(s) Not Shown Unpatentable
1–4, 9, 11, 13, 14, 16	102	KR '458		1–4, 9, 11, 13, 14, 16
1, 2, 4, 11, 16	102	JP '655		1, 2, 4, 11, 16
1, 16	102	DE '216		1, 16
1, 16	103	DE '216	16	1
16	102	Davison		16
16	103	Davison	16	
16	102	KR '278		16
16	103	KR '278	16	
16	102	KR '332		16
16	103	KR '332	16	
16	102	Liao		16
16	103	Liao	16	
16	102	Lloyd		16
16	103	Lloyd	16	
5–8, 18	103	KR '458, Hsu		5–8, 18
5–8, 18	103	KR '458, Hornik		5–8, 18
5–8, 18	103	KR '458, Hsu,		5–8, 18

⁸ Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner's attention to the April 2019 *Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding*, 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. § 42.8(a)(3), (b)(2).

		Hornik		
5–8, 18	103	JP '655, Hsu		5–8, 18
5–8, 18	103	JP '655, Hornik		5–8, 18
5–8, 18	103	JP '655, Hsu, Hornik		5–8, 18
10	103	KR '458, Glasmire		10
12	103	KR '458, Smith- Reynolds		12
12	103	JP '655, Smith- Reynolds		12
15	103	KR '458, Liao		15
15	103	JP '655, Liao		15
17	103	KR '458, Smithers		17
17	103	JP '655, Smithers		17
Overall Outcome			16	1–15, 17, 18

IV. ORDER

For the foregoing reasons, it is

ORDERED that Petitioner has demonstrated by a preponderance of the evidence that claim 16 of the '047 patent is unpatentable;

FURTHER ORDERED that Petitioner has not demonstrated by a preponderance of the evidence that claims 1–15, 17, and 18 of the '047 patent are unpatentable, and

FURTHER ORDERED that, because this is a Final Written Decision, parties to the proceeding seeking judicial review of the Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

IPR2025-00346
Patent 10,413,047 B2
For PETITIONER:

Alan M. Kagen
Joshua B. Brady
NIXON & Vanderhye PC
amk@nixonvan.com
jbrady@nixonvan.com

For PATENT OWNER:

Benjamin E. Maskell
MASKELL LAW PLLC
ben@maskelllaw.com

Tom Tatonetti
TATONETTI IP, INC.
ttatonetti&tatonettiip.com