

The Straight Story on the Automatic Leveler Fight



A dispute between RV component suppliers over patents for automatic leveling systems was resolved last week by the U.S. Patent Trial and Appeal Board.

A patent applied for by Days Corp. was challenged by Lippert Industries under a patent it already held.

Patents held by Lippert and its Innovative Design Solutions unit for vehicle leveling system were challenged by Days for a similar patent it held.

The matter was heard in the U.S. District Court for Indiana, South Bend Division. That court issued an opinion July 15, 2019, and referred it to the patent board for a ruling.

Last week, the board ruled the Day's proposed claims did not qualify for a patent based on what the board considered obvious and anticipated in the earlier patent held by Lippert.

Of the items covered in the patents, the dispute centered around the difference in how the companies interpret "reference level plane" and where the tilt sensor was located in the vehicle. Days contended that the reference level plane means "a plane chosen by the user as level."

By contrast, Lippert said it means "a reference plane that extends through the mounting locations of the four legs on the vehicle frame where the interior of the vehicle is at true level relative to the horizontal."

The dispute sets up a contrast between Day's subjective and flexible definition and a fixed objective, definition by Lippert.

Lippert argued that, to have any meaning, "reference level plane" needs to be defined by a geometric relationship to the vehicle.

However, the patent specs suggest that a user-determined plane is the reference for determining when "level" is achieved by the system.

An explanation of the specifications includes qualifiers such as "generally," and "the interior feeling at true level." This supported Days' subjective reading of "reference level plane," District Judge Phillip Simon wrote.

However, "just saying the phrase is indefinite does not make it so," the Judge Simon ruled.

Likewise, initial setting of the reference level plane is recommended to be "as close to true level as possible."

Finally, specifications describe how the reference level plane can be recalibrated or reset by the operator to account for heavy loads.

This is done so "the vehicle feels or measures level from the inside" and is "accomplished manually by an operator according to his or her preference."

By not establishing how the reference value is pre-selected, Days failed to establish why that must be further defined to support its claim.

Lippert challenged Days' contention that the spec for a sensor "located anywhere in the vehicle" was vague and so invalidated the Lippert patent.

The judge also ruled, among other claims, that Lippert's specification regarding how the system determined the jack was in contact with the ground was sufficient to protect its patent.

Lippert challenged Days' recent patent applications based on patents it held since the 1990s. After considering the district judge's opinion, the PTAB ruled in favor of Lippert.

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