

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

J SQUARED, INC. d/b/a UNIVERSITY LOFT COMPANY

Petitioner

v.

SAUDER MANUFACTURING COMPANY

Patent Owner

Case IPR2015-00774

Patent No. 8,585,136B2

Before LINDA E. HORNER, JOSIAH C. COCKS, and
JAMES A. WORTH, *Administrative Patent Judges*

PATENT OWNER'S TRIAL RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY.....	1
II.	THE ISSUES	3
III.	APPLICABLE LAW	4
	A. CLAIM CONSTRUCTION.....	4
	B. INVALIDITY	6
IV.	THE EVIDENCE.....	10
V.	THE INVENTION.....	11
VI.	CLAIM CONSTRUCTION	15
	A. CLAIM 1.....	15
	B. CLAIM 2.....	20
	C. CLAIM 4.....	21
	D. CLAIM 6.....	21
	E. CLAIM 9.....	21
	F. CLAIM 12	21
VII.	INVALIDITY	24
	A. MACKEY DOES NOT ANTICIPATE THE CLAIMS.....	24
	B. THE POLLACK PATENTS DO NOT MAKE THE CLAIMS OBVIOUS	31
	C. OBJECTIVE INDICATORS OF NON-OBVIOUSNESS	37
VIII.	CONCLUSION.....	42

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Akamai Techs., Inc. v. Cable & Wireless Internet Servs., Inc.</i> , 344 F.3d 1186 (Fed. Cir. 2003)	9, 41
<i>Akzo N.V. v. U.S. Int'l Trade Comm'n</i> , 808 F.2d 1471 (Fed. Cir. 1986)	6, 8
<i>In re Clay</i> , 966 F.2d 656 (Fed. Cir. 1992)	7
<i>Specialty Composites v. Cabot Corp.</i> , 845 F.2d 981 (Fed. Cir. 1988)	9, 41
<i>Cont'l Can Co. USA, Inc. v. Monsanto Co.</i> , 948 F.2d 1264 (Fed. Cir. 1991)	9
<i>In re Cyclobenzaprine Hydrochloride Ext Rel, Capsule Patent Litigation</i> , 676 F.3d 1063 (Fed. Cir. 2012).....	8
<i>In re Donahue</i> , 766 F.2d 531 (Fed.Cir.1985)	6
<i>In re Donaldson Co.</i> , 16 F.3d 1189 (Fed. Cir. 1994)	4
<i>Eli Lilly & Co. v. Zenith Goldline Pharm., Inc.</i> , No. IP 99-38-CHK, 2001 WL 1397304 (S.D. Ind. Oct. 29, 2001)	10
<i>In re Gordon</i> , 733 F.2d 900 (Fed. Cir. 1984)	8
<i>In re GPAC.</i> , 57 F.3d 1573 (Fed. Cir. 1995)	4, 10
<i>Graham v. Deere</i> , 383 U.S. 1 (1965).....	8
<i>Honeywell Int'l v. ITT Industries, Inc.</i> , 452 F.3d 1312 (Fed. Cir. 2006)	5

<i>Johns Hopkins Univ. v. Cellpro, Inc.</i> , 152 F.3d 1342 (Fed. Cir. 1998)	5
<i>Kalaman v. Kimberly Clark Corp.</i> , 713 F.2d 760 (Fed. Cir. 1983)	6
<i>In re Klein</i> , 647 F.3d 1343 (Fed. Cir. 2011)	7
<i>Mitz Dietz & Watson, Inc.</i> , 679 F.3d 1372, 1378 (Fed. Cir. 2012) (quoting <i>Pressure Prods. Med. Supplies, Inc. v. Greatbatch Ltd.</i> , 599 F.3d 1308, 1319 (2010)	9
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	7, 8
<i>Ortho-McNeil Pharm v. Mylan Labs, Inc.</i> , 520 F.3d 1358 (Fed. Cir. 2008)	8
<i>Panduit Corp., v. Dennison Mfg.</i> , 774 F.2d 1082 (Fed. Civ. 1985).....	20, 41
<i>Panduit Corp. v. Dennison Mfg. Co.</i> , 810 F.2d 1561 (Fed. Cir. 1987)	8
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	5
<i>Pitney Bowes, Inc. v. Hewlett-Packard Co.</i> , 182 F.3d 1298 (Fed. Cir. 1999)	4
<i>Serrano v. Telular Corp.</i> , 111 F.3d 1578 (Fed. Cir. 1997)	5
<i>SmithKline Diagnostics, Inc. v. Helena Labs. Corp.</i> , 859 F.2d 878 (Fed. Cir. 1988)	4
<i>Stratoflex Inc. v. Aeroquip Corp.</i> , 713 F.2d 1530 (Fed. Cir. 1983)	8
<i>Tec Air, Inc. v. Denso Mfg. Mich.</i> , 192 F.2d 1353 (Fed. Cir. 1999)	8
<i>Tyler Refrigeration v. Kysor Inds. Corp.</i> , 777 F.2d 687 (Fed. Cir. 1985)	6

In re Warmerdam,
33 F.3d 1354 (Fed. Cir. 1994).....16

In re Zletz,
893 F.2d 319 (Fed. Cir. 1989)5

Statutes

35 USC §1026, 19

35 USC §1037

35 USC §112 ¶64, 21

Other Authorities

37 C.F.R. § 42.100(b)4

16 CFR §1200.217

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.