

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

In Re: U.S. Patent 7,228,971 : Attorney Docket No. 080454.0201
Inventors: James A. Mooney *et al.* :
Filed: October 31, 2003 :
Claimed
Priority: March 22, 1999 :
Issued: June 12, 2007 : Case IPR2016-00642
Assignee: Derrick Corporation :
Title: Vibratory Screening Machine and Vibratory Screen and Screen
Tensioning Structure

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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Alexandria, Virginia 22313-1450

Submitted Electronically via the Patent Review Processing System

**PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE IN
INTER PARTES REVIEW OF
CLAIM 6 OF U.S. PATENT NO. 7,228,971**

TABLE OF CONTENTS

I. INTRODUCTION 1

II. TECHNOLOGY BACKGROUND..... 2

III. CLAIM CONSTRUCTION 3

 A. Dr. Dubowsky's claim construction opinions deserve no weight. 3

 B. Derrick's constructions improperly rewrite the claims. 4

IV. RESPONSE TO PATENT OWNER'S ARGUMENTS 10

 A. Ground 1: Claim 6 is obvious over Bakula '236. 10

 B. Ground 2: Claim 6 is obvious over Bakula '236 in view of
 Bakula '797. 17

 C. Ground 3: Claim 6 is obvious over Bakula '236 in view of Rafton. 18

 D. No evidence of secondary considerations rebuts the overwhelming
 prima facie case of obviousness. 20

V. CONCLUSION..... 25

LIST OF EXHIBITS

1001	U.S. Patent No. 7,228,971 by James A. Mooney et al., entitled "Vibratory Screening Machine and Vibratory Screen and Screen Tensioning Structure" ("the '971 Patent")
1002	File History for U.S. Patent No. 7,228,971
1003	Declaration of William S. Cagle
1004	U.S. Patent No. 5,958,236 by John J. Bakula, entitled "Undulating Screen for Vibratory Screening Machine and Method of Fabrication Thereof" ("Bakula '236")
1005	U.S. Patent No. 5,673,797 by John J. Bakula <i>et al.</i> , entitled "Screen Assembly for Vibratory Screening Machine and Method of Fabrication Thereof" ("Bakula '797")
1006	U.S. Patent No. 2,015,087 by Harold Robert Rafton, entitled "Wire Cloth Supporting and Attaching Means" ("Rafton")
1007	GB Patent No. 239,941 by Wilhelm Seltner, entitled "Improvements in and relating to Apparatus for the Grading or Sorting of Materials" ("Seltner")
1008	U.S. Patent No. 2,268,853 by George W. Behnke, entitled "Screen Stretching and Take-Up Device" ("Behnke")
1009	U.S. Patent No. 3,406,823 by Allan M. Crain, entitled "Releasable Screen Tensioning and Connecting Means" ("Crain")
1010	U.S. Patent No. 3,900,628 by William E. Stewart, entitled "Pretensioned Screen Panel" ("Stewart")
1011	U.S. Patent No. 5,927,511 by Russell Allen Riddle <i>et al.</i> , entitled "Flat Screen Panel for Crowned Deck Vibrating Shaker" ("Riddle")
1012	File History for U.S. Patent No. 6,669,027

1013	Complaint, <i>Derrick Corp. v. Screen Logix, LLC, et al.</i> , No. 15-cv-01238 (W.D. La. Apr. 22, 2015)
1014	Summons, <i>Derrick Corp. v. Screen Logix, LLC, et al.</i> , No. 15-cv-01238 (W.D. La. Apr. 22, 2015)
1015	<i>Axon EP, Inc., et al. v. Derrick Corp.</i> , Case No. IPR2016-00642 (PTAB), Deposition Transcript of Steven Dubowsky dated January 25, 2017.
1016	<i>Derrick Corp. v. Screen Logix, LLC et al.</i> , Case No. 6:15-cv-01238 (W.D. La.), Deposition Transcript of Steven Dubowsky dated August 3, 2016, pp. 1-4, 17-18.
1017	<i>Axon EP, Inc., et al. v. Derrick Corp.</i> , Case No. IPR2016-00642 (PTAB), Unredacted Deposition Transcript of Michael Morgenthaler dated January 6, 2017.
1018	<i>Derrick Corp. v. Screen Logix, LLC et al.</i> , Case No. 6:15-cv-01238 (W.D. La.), Deposition Transcript of Keith Wojciechowski dated January 20, 2017, pp. 1-4, 166.
1019	<i>Derrick Corp. v. Screen Logix, LLC et al.</i> , Case No. 6:15-cv-01238 (W.D. La.), Plaintiff's Responses and Objections to Defendant Screen Logix's First Set of Requests for Admission, Request for Admission No. 12 (Excerpt).
1020	<i>Derrick Corp. v. Screen Logix, LLC et al.</i> , Case No. 6:15-cv-01238 (W.D. La.), Plaintiff's Supplemental and Amended Objections and Responses to Interrogatory Nos. 12 and 16 from Defendant Screen Logix, Inc.
1021	Exhibit 1017 (Redacted)

I. INTRODUCTION

Petitioners Axon EP and Screen Logix (collectively, "Axon") reply under 37 C.F.R. § 42.23 to Patent Owner Derrick Corp.'s ("Derrick") Response to Petition filed on November 22, 2016. Paper 18 ("Resp."). This reply confirms the Board's initial determination that Claim 6 of the '971 Patent is obvious over the prior art and should be cancelled.

This IPR presents the simplest obviousness analysis the Board is likely to encounter. Claim 6 reads onto a screen that is structurally identical to Derrick's own prior art (Bakula '236) except for one minor detail: Bakula '236 does not show its screen sub-assembly attached to the plate flanges. However, this was a routine manufacturing method and appears in other prior art (Bakula '797). The Board found, and Derrick has not disputed, a person of ordinary skill in the art ("POSITA") would have been motivated to modify Bakula '236 to attach its screen sub-assembly to the plate flanges to better secure the screen sub-assembly to the plate. Paper 9 ("Decision") at 24.

Faced with overwhelming obviousness, Derrick misdirects the Board to an unclaimed vibratory screening machine rather than the screens covered by Claim 6. Derrick disputes two elements in Bakula '236 using the same arguments the Board already rejected as improperly importing limitations. Derrick accuses Axon's expert of hindsight while failing to address the motivation that he actually presented and the Board adopted. And Derrick alleges secondary considerations

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