

UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE

PATENT TRIAL AND APPEAL BOARD

YOTRIO CORPORATION

Petitioner,

v.

LAKESOUTH HOLDINGS, LLC

Patent Owner.

U.S. Patent No. 8,794,781

Title: Umbrella Apparatus

Case No. IPR2017-_____

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,794,781**

Table of Contents

TABLE OF EXHIBITS -----	iv
I. INTRODUCTION -----	1
II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8 -----	1
A. Real Party-in-Interest -----	1
B. Related Matters -----	1
C. Lead and Back-Up Counsel -----	2
D. Service Information -----	2
E. Electronic Service -----	2
F. Payment of Fees Pursuant to 37 C.F.R. § 42.103 -----	3
III. POWER OF ATTORNEY UNDER 37 C.F.R. § 42.10 -----	3
IV. REQUIREMENTS UNDER 37 C.F.R. §§ 42.22 AND 42.104 -----	3
A. Grounds for Standing -----	3
B. Statement of Precise Relief Requested and Identification of Challenge (§ 42.104(b)) -----	3
V. THE CHALLENGED CLAIMS ARE UNPATENTABLE -----	4
A. The '781 Patent -----	4
1. Overview -----	4
2. Summary of the Prosecution History -----	7
3. Level of Ordinary Skill in the Art -----	8
B. Claim Construction -----	11
1. "Recessed" -----	11
2. "enhancing" -----	12

C.	Description of Prior Art References-----	13
1.	Small -----	15
2.	Hale -----	16
3.	Pan -----	17
4.	Wu I and Wu II -----	19
5.	Other Aspects of the Prior Art -----	21
D.	Ground 1: Claims 1, 2, 4, and 5 Are Obvious Based on Small and Wu I, with Sears and the Knowledge of a POSA (as taught by Todd) -----	22
1.	Motivation to Combine Small and Wu I, with Sears -----	22
2.	The Combination of Small and Wu I with Sears Invalidates Claim 1 -----	24
3.	The Combination of Small and Wu I, with Sears, Invalidates Claim 2 ---	29
4.	The Combination of Small and Wu I, with Sears, Invalidates Claim 4 ---	31
5.	The Combination of Small and Wu I, with Sears, Invalidates Claim 5 ---	33
E.	Ground 2: Claims 1, 2, 4, and 5 Are Obvious Based on Small and Hale and the Knowledge of a POSA (as taught by Wu I, Sears and Todd)-----	33
1.	Motivation to Combine Small and Hale-----	33
2.	A POSA’s Combination of Small and Hale Invalidates Claim 1 -----	35
3.	The Combination of Small and Hale Invalidates Claim 2 -----	40
4.	The Combination of Small and Hale Invalidates Claim 4 -----	42
5.	The Combination of Small and Hale Invalidates Claim 5 -----	43
F.	Ground 3: Claims 1, 2, 4, and 5 Are Obvious Based on Small and Pan with Hale and the Knowledge of a POSA (as taught by Todd)	43
1.	Motivation to Combine Small, Pan, and Hale -----	43

2.	The Combination of Small, Pan, and Hale Invalidates Claim 1-----	46
3.	The Combination of Small, Pan, and Hale Invalidates Claim 2-----	50
4.	The Combination of Small, Pan, and Hale Invalidates Claim 4-----	51
5.	The Combination of Small, Pan, and Hale Invalidates Claim 5-----	52
G.	Ground 4: Claims 1, 2, 4, and 5 Are Obvious Based on Small and Pan with Sears and the Knowledge of a POSA (as taught by Todd) -----	53
1.	Motivation to Combine Small, Pan, and Sears -----	53
2.	The Combination of Small, Pan, and Sears Invalidates Claim 1 -----	54
3.	The Combination of Small, Pan, and Sears Invalidates Claim 2 -----	57
4.	The Combination of Small, Pan, and Sears Invalidates Claim 4 -----	58
5.	The Combination of Small, Pan, and Hale Invalidates Claim 5-----	59
VI.	CONCLUSION-----	59

TABLE OF EXHIBITS

Exhibit	Description
YOT-1001	U.S. Patent No. 6,612,713 to Kuelbs, including re-exam certificate (the “’713 patent”)
YOT-1002	File history of the ’713 patent
YOT-1003	File history of the Reexamination of the ’713 patent
YOT-1005	U.S. Patent No. 2,087,537 to Finkel (“Finkel”)
YOT-1006	U.S. Patent No. 5,053,931 to Rushing (“Rushing”)
YOT-1007	U.S. Patent No. 6,089,727 to Wu (“Wu I”)
YOT-1008	U.S. Patent No. 2,960,094 to Small (“Small”)
YOT-1009	U.S. Patent No. 5,758,948 to Hale (“Hale”)
YOT-1010	U.S. Patent No. 6,439,249 to Pan (“Pan”)
YOT-1011	U.S. Patent No. 4,999,060 to Szekely (“Szekely”)
YOT-1012	U.S. Patent No. 6,126,293 to Wu (“Wu II”)
YOT-1013	U.S. Patent No. 5,222,799 to Sears (“Sears”)
YOT-1014	<i>LakeSouth Holdings, LLC v. Ace Evert, Inc.</i> , Case No. 3:14-CV-1348-N, Dkt. 45, LakeSouth Holdings, LLC’s Claim Construction Brief
YOT-1201	U.S. Patent No. 8,794,781 to Kuelbs (the “’781 patent”)
YOT-1202	File history of the ’781 patent
YOT-1203	Declaration of Robert Smith-Gillespie
YOT-1204	U.S. Patent No. 2,244,737 to Stewart et al. (“Stewart”)
YOT-1205	U.S. Patent No. 727,495 to Todd (“Todd”)

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.