

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IRWIN SEATING COMPANY,

Petitioner,

v.

CAMATIC PROPRIETARY LIMITED,

Patent Owner.

Case No.: IPR2017-00385
Patent 7,073,858

**PRELIMINARY RESPONSE BY PATENT OWNER
UNDER 37 C.F.R. §42.107**

Filed: March 17, 2017

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	INTER PARTES REVIEW STANDARDS	2
III.	THE '858 PATENT	4
A.	BACKGROUND	4
B.	THE TECHNOLOGY OF THE '858 PATENT	6
C.	THE CHALLENGED CLAIMS.....	8
IV.	THE LEVEL OF ORDINARY SKILL IN THE ART	10
V.	THE PETITION RELIES ON DEFECTIVE CLAIM CONSTRUCTIONS.....	11
A.	CLAIM CONSTRUCTION GENERALLY	11
B.	THE CLAIM TERMS OF THE '858 PATENT.....	12
VI.	SUMMARY OF THE ART CITED BY PETITIONER.....	14
A.	HEAD ET AL. (Ex. 1003)	15
B.	ALLISON (Ex. 1004)	18
C.	BURDICK (Ex. 1005)	19
D.	PIRETTI (Ex. 1006).....	23
E.	MAGNUSON ET AL. (Ex. 1007)	23
VII.	PETITIONER HAS NOT DEMONSTRATED A REASONABLE LIKELIHOOD OF SUCCESS FOR ANY OF GROUNDS 1-3, THEREFORE THE PETITION SHOULD BE DENIED.	24
A.	GROUND 1 SHOULD BE REJECTED BECAUSE PETITIONER HAS FAILED TO MAKE A SHOWING THAT ALL THE ELEMENTS OF INDEPENDENT CLAIMS 13 AND 20 ARE FOUND IN THE PRIOR ART.....	25
1.	<i>Claim 13.....</i>	25
2.	<i>Claim 20.....</i>	37
B.	GROUNDS 2 AND 3 SHOULD BE DENIED BECAUSE PETITIONER HAS FAILED TO MAKE A SHOWING THAT ALL OF THE ELEMENTS OF INDEPENDENT CLAIM 33 AND DEPENDENT CLAIMS 35 AND 36 ARE FOUND IN THE PRIOR ART.....	40
1.	<i>Ground 2 is deficient as Head, Allison, Burdick, and Piretti all fail to teach or disclose a clamp portion with a return portion as required by claims 33 and 36.</i>	40
2.	<i>Magnuson does not overcome the deficiencies of Head, Allison, Burdick, and Piretti; therefore Ground 3 should be denied.</i>	44

C. THE PETITION DOES NOT DEMONSTRATE THAT THE CITED REFERENCES ARE PROPERLY COMBINABLE UNDER AN OBVIOUSNESS ANALYSIS.....	46
1. <i>The arguments advanced by Petitioner are not supported by a sufficient rationale tied to the specific claim language.....</i>	46
2. <i>The arguments presented by Petitioner are merely conclusory and employ impermissible hindsight.....</i>	47
3. <i>Burdick and Allison are not analogous to the invention recited by the claims of the '858 patent.....</i>	54
4. <i>Petitioner has fundamentally failed to demonstrate how the references can be combined.....</i>	59
VIII. CONCLUSION	61

TABLE OF AUTHORITIES

Cases

<i>ActiveVideo Networks, Inc. v. Verizon Communications, Inc.</i> , 694 F.3d 1312 (Fed. Cir. 2012).....	49, 51, 53
<i>Cuozzo Speed Techs., LLC v. Lee</i> , 136 S. Ct. 2131 (2016)	11
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966)	4
<i>Green Edge Enters., LLC v. Rubber Mulch Etc., LLC</i> , 620 F.3d 1287 (Fed. Cir. 2010)	3
<i>In re Clay</i> , 966 F.2d 656 (Fed. Cir. 1992)	57
<i>In re Fine</i> , 837 F.2d 1071 (Fed. Cir. 1988).	47
<i>In re Klein</i> , 647 F.3d 1343 (Fed. Cir. 2011)	57, 58, 61
<i>In re Sponnoble</i> , 405 F.2d 578 (C.C.P.A. 1968).....	4
<i>In re Van Os</i> , 844 F.3d 1359 (Fed. Cir. 2017).....	52
<i>Kinetic Techs., Inc. v. Skyworks Sols., Inc.</i> , IPR2014-00529, Paper 8 (PTAB 2014)	53
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	4, 25, 49
<i>Microsoft Corp. v. Proxyconn, Inc.</i> , 789 F.3d 1292 (Fed. Cir. 2015)	11
<i>Mintz v. Dietz & Watson, Inc.</i> , 679 F.3d 1372 (Fed. Cir. 2012).....	53, 55
<i>Ortho-McNeil Pharmaceutical, Inc. v. Mylan Laboratories, Inc.</i> , 520 F.3d 1358 (Fed. Cir. 2008).....	50
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	11
<i>Plantronics, Inc. v. Aliph, Inc.</i> , 724 F.3d 1343 (Fed. Cir. 2013).....	3
<i>Schenck v. Nortron Corp.</i> , 713 F.2d 782 (Fed. Cir. 1983)	49

...

<i>SRI Int'l v. Matsushita Elec. Corp.</i> , 775 F.2d 1107 (Fed. Cir. 1985).....	28
<i>Straight Path IP Grp., Inc. v. Sipnet EU S.R.O.</i> , 806 F.3d 1356 (Fed. Cir. 2015)	11
<i>Stratoflex, Inc. v. Aeroquip Corp.</i> , 713 F.2d 1530 (Fed. Cir. 1983).....	49
<i>Teleflex, Inc. v. Ficosa N. Am. Corp.</i> , 299 F.3d 1313 (Fed. Cir. 2002).....	12
<i>W.L. Gore & Associates, Inc. v. Garlock, Inc.</i> , 721 F.2d 1540 (Fed. Cir. 1983)	48, 58, 61

Statutes

35 U.S.C. §103	2
35 U.S.C. §112	27
35 U.S.C. §314	3
35 U.S.C. §316(e)	3

Other Authorities

MPEP §2141.02(I)	46
MPEP §2141.02(II).....	46
MPEP §2143(A).....	24

Regulations

35 C.F.R. §42.65(a).....	52
37 C.F.R. §42.100(b)	11
37 C.F.R. §42.107(a).....	1

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.