

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BOYDSTUN EQUIPMENT MANUFACTURING, LLC,

Petitioner,

v.

COTTRELL, INC.,

Patent Owner.

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Case IPR2017-00962  
Patent 7,585,140 B1

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**PATENT OWNER'S RESPONSE UNDER 37 C.F.R. § 42.120**

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## EXHIBIT LIST

- Exhibit 2001 Declaration of Kyle Amborn in Support of Motion for *Pro Hac Vice* Admission
- Exhibit 2002 Declaration of Dr. Kirsten M. Carr in Support of Patent Owner's Opposition to Petition for *Inter Partes* Review
- Exhibit 2003 Transcript of the November 10, 2017 Cross-Examination Deposition of Mr. George A. Clark
- Exhibit 2004 Prosecution History of U.S. Patent No. 7,585,140
- Exhibit 2005 U.S. Patent No. 5,101,537
- Exhibit 2006 District Court Claim Construction Order - *Boydston Equipment Manufacturing, LLC v. Cottrell, Inc.*, Case No. 3:16-cv-790-SI, Order and Opinion on Claim Construction, Dkt. 97 (D. Or. Oct. 18, 2017)

## I. INTRODUCTION

There are three fundamental problems with both of Petitioner's proposed grounds of obviousness.

*First*, Petitioner's alleged motivations to combine do not provide any reason to combine the art of record in the *manner* proposed. In other words, Petitioner has not provided a nexus between the alleged motivations to combine and the ways in which Petitioner proposes to actually combine the art. For example, Petitioner suggests there was a motivation to move Ruan's ratchet gear from one end of a shaft to another. Based on this alleged motivation to move the gear, Petitioner argues that a skilled person would then combine the gear with another component in Ruan called the "fixed base" (as would be required to address the challenged claims). But Petitioner offers no evidence for this second step of combining the gear and base. Even if there was a motivation to move Ruan's ratchet gear, Petitioner offers no motivation to create a new hybrid part.

Similarly, Petitioner suggests that Boice taught the need for a so-called "secondary ratchet"<sup>1</sup> and that this need provided a motivation to combine Boice with Ruan, which disclosed another "secondary ratchet." Based on this alleged

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<sup>1</sup> Petitioner uses the terms "primary ratchet" and "secondary ratchet" as short-hand for several claim limitations, but they are misnomers because there is only one ratchet in the '140 patent and the asserted art. EX2002 ¶ 89 (Carr Decl.).

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