

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DONGHEE AMERICA, INC. and DONGHEE ALABAMA, LLC,
Petitioners

v.

PLASTIC OMNIUM ADVANCED INNOVATION AND RESEARCH,
Patent Owner

U.S. Patent 8,122,604

Issue Date: February 28, 2012

Title: Method for Fastening an Accessory to a Plastic Fuel Tank

CASE: Unassigned

Petition for *Inter Partes* Review of U.S. Patent 8,122,604

EXHIBIT LIST

- Ex. 1001 U.S. Patent No. 8,122,604 (“the ’604 Patent”).
- Ex. 1002 File History of U.S. Patent No. 8,122,604 (“File History”) [Excerpts].
- Ex. 1003 U.S. Patent No. 6,726,967 (“Vorenkamp”).
- Ex. 1004 U.S. Patent Pub. No. 2004/0129708 A1 (“Borchert”).
- Ex. 1005 PCT Pub. No. WO 2006/008308 A1 (“Criel”).
- Ex. 1006 European Patent Pub. No. EP 1110697 A2, a certified translation thereof (“Van Schaftingen”).
- Ex. 1007 Merriam Webster’s Collegiate Dictionary Tenth Edition (1996) [Excerpts].
- Ex. 1008 Declaration of Expert David Kazmer Ph.D. (“Kazmer”).
- Ex. 1009 Plaintiff Plastic Omnium Advanced Innovation and Research’s Initial Claim Charts and Production of Concluded License Agreements for the Asserted Patents (“Infringement Contentions”) [Excerpts].
(Confidential Non-Relevant Information Redacted)

Table of Contents

	Page
I. INTRODUCTION	1
II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(B)	1
A. REAL PARTY IN INTEREST	1
B. RELATED MATTERS	2
C. NOTICE OF COUNSEL AND SERVICE INFORMATION	2
III. REQUIREMENTS FOR INTER PARTES REVIEW	3
A. GROUND FOR STANDING.....	3
B. IDENTIFICATION OF CHALLENGE.....	3
1. Challenged Claims	3
2. The Prior Art And Statutory Grounds.....	3
3. Claim Construction	4
4. Identification Of Elements In The Prior Art.....	5
5. Supporting Evidence	5
IV. OVERVIEW OF THE '604 PATENT	5
A. SUMMARY OF THE '604 PATENT.....	5
B. SUMMARY OF THE FILE HISTORY	7
V. LEVEL OF ORDINARY SKILL IN THE ART	8
VI. PROPOSED CLAIM CONSTRUCTION	9
1. "Accessory"	9
2. "Parison"	10
3. "Core"	10
VII. IDENTIFICATION OF THE REFERENCES AS PRIOR ART	11
VIII. DETAILED EXPLANATION OF UNPATENTABILITY OF CLAIMS 1, 2, 4, 7 AND 8 OF THE '604 PATENT.....	12
A. GROUND 1: OBVIOUSNESS BY VORENKAMP IN VIEW OF VAN SCHAFTINGEN	12
1. Claim 1	13
2. Claim 2	21

Table of Contents

	Page
3. Claim 4	23
4. Claim 7	24
5. Claim 8	25
B. GROUND 2: ANTICIPATION BY BORCHERT	26
1. Claim 1	26
2. Claim 2	32
3. Claim 4	33
4. Claim 7	34
C. GROUND 3: OBVIOUSNESS BY BORCHERT AND VAN SCHAFTINGEN	35
1. Claim 8	35
D. GROUND 4: ANTICIPATION BY CRIEL	36
1. Claim 1	37
2. Claim 2	42
3. Claim 7	43
4. Claim 8	43
E. GROUND 5: OBVIOUSNESS BY CRIEL AND BORCHERT	44
1. Claim 4	44
IX. CONCLUSION.....	46

I. INTRODUCTION

Petitioners Donghee America, Inc. and Donghee Alabama LLC (collectively, “Petitioners”) respectfully request *inter partes* review of claims 1, 2, 4, 7 and 8 of U.S. Patent No. 8,122,604 (“’604 Patent”, Ex. 1001). For the reasons set forth below, there is a reasonable likelihood that the challenged claims are unpatentable.

The ’604 Patent claims methods and apparatus for attaching plastic accessories to fuel tanks. A fundamental truth in plastic manufacturing is that warm plastic shrinks when it cools. When premade (and already cooled) accessories are attached to just-molded and still warm fuel tanks, the resulting temperature change may cause stress or failure at the attachment point. The ’604 Patent “solves” this problem by requiring that the accessories be attached in such a way that they can move relative to the tank wall (*e.g.*, by use of a flexible material or a flexible structure). However, as demonstrated herein, the use of flexible attachment mechanisms to overcome such stresses and failures was well known, both in plastics technology generally and in fuel tanks specifically.

II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(B)

A. REAL PARTY IN INTEREST

Petitioners, together with Kautex Textron GmbH & Co. KG, Donghee Industrial Co., Ltd., and DH Holdings Co., Ltd., are the real parties in interest.

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.