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: <u>Unassigned</u>
Petition for <i>Inter Partes</i> 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)



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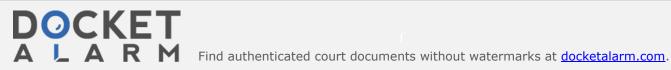
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## I. <u>INTRODUCTION</u>

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. <u>REAL PARTY IN INTEREST</u>

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



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