

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CORPAK MEDSYSTEMS, INC. and HALYARD HEALTH, INC.,
Petitioners

v.

KIRN MEDICAL DESIGN, L.L.C.,
Patent Owner

Inter Partes Review No. IPR2017-00646
Patent 6,631,715

EXCLUSIVE LICENSEE APPLIED MEDICAL TECHNOLOGY, INC.'S
PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107

TABLE OF CONTENTS

I.	Introduction	1
II.	The Person of Ordinary Skill in the Art	5
III.	Claim Construction.....	5
	A. The Phrase “Snapping the at Least One Tube into a Channel Formed in a Receiver” Means that Snapping Occurs With Respect to a Tube and a Channel	7
	B. The Term “Snapping” Is Used According to Its Ordinary and Customary Meaning of Joining of Two Parts Based on a Brief Deformation of One or Both Parts Being Joined	13
	C. “Snapping the at Least One Tube into a Channel Formed in a Receiver” Thus Means “Joining of a Tube and a Receiver, at a Channel Formed in the Receiver, Based on a Brief Deformation of the Tube and/or the Receiver, at an Opening into the Channel”	18
IV.	The Petition Fails to Show a Reasonable Likelihood that Any Claim of the ‘715 Patent is Unpatentable.....	19
	A. Ground 1: Claim 18 Is Not Anticipated by Ballantyne Because Ballantyne Fails to Disclose Snapping a Tube into a Channel Formed in a Receiver	19
	B. Ground 2: Claim 18 Is Not Obvious Over Ballantyne Because Ballantyne Fails to Teach or Suggest Snapping a Tube into a Channel Formed in a Receiver	27
	C. Ground 3: Claim 18 Is Not Obvious Over Ballantyne, in view of the ‘448 Patent, Because Ballantyne, in view of the ‘448 Patent, Also Fails to Teach or Suggest Snapping a Tube into a Channel Formed in a Receiver	31
	D. Ground 4: Claim 18 Is Not Obvious Over Ballantyne, in view of the ‘199 Patent and the ‘538 Patent, Because Ballantyne, in view of the ‘199 Patent and the ‘538 Patent, Also Fails to Teach or Suggest Snapping a Tube into a Channel Formed in a Receiver.....	34
V.	Objective Evidence of Nonobviousness.....	35
VI.	Conclusion.....	35

TABLE OF AUTHORITIES

Cases

<i>Cuozzo Speed Techs., LLC v. Lee</i> , 136 S. Ct. 2131, 2144–46 (2016).....	6
<i>D’Agostino v. Mastercard Int’l, Inc.</i> , No. 2016-1592, slip op. at 5 (Fed. Cir. Dec. 22, 2016).....	6
<i>Google, Inc. et al. v. EVERYMD.COM LLC</i> , No. IPR2014-00347 Paper 9 at 24-25 (P.T.A.B. May 22, 2014).....	2
<i>Graham v. John Deere Co.</i> , 383 U.S. 1, 17-18 (1966)	27
<i>In re Translogic Tech., Inc.</i> , 504 F.3d 1249, 1257 (Fed. Cir. 2007)	6
<i>In re Van Os</i> , No. 2015-1975, slip op. at 5 (Fed. Cir. January 3, 2017).....	31, 33
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398, 418 (2007)	27, 29
<i>Net Moneyin, Inc. v. Verisign, Inc.</i> , 545 F.3d 1359, 1371 (Fed. Cir. 2008)	19

Statutes

35 U.S.C. § 312(a)	1
35 U.S.C. § 314(a)	1

Other Authorities

37 C.F.R. § 42.22(a)(2)	2
37 C.F.R. § 42.100(b)	6
37 C.F.R. § 42.104(b)(4)	2, 5

LIST OF EXHIBITS

Exhibit	Description
2001	Ticona, "Design Calculations for Snap Fit Joints in Plastic Parts," 2009
2002	Ticona, "Snap-Fits for Assembly and Disassembly," revised Jan. 2001
2003	Santa Clara University Engineering Design Center, "Design for Assembly," http://www.dc.engr.scu.edu/cmdoc/dg_doc/develop/design/part/33000004.htm (last visited April 20, 2017)
2004	Gunter Erhard, "Flexing Elements," in Designing with Plastics, 311-324, 2006
2005	BASF, "Design Solutions Guide," 2007
2006	Bayer Material Science LLC, "Snap-Fit Joints for Plastics – A Design Guide" http://fab.cba.mit.edu/classes/S62.12/people/vernelle.noel/Plastic_Snap_fit_design.pdf (last visited April 20, 2017)
2007	Stephen Mraz, "Fundamentals of Annular Snap-Fit Joints," Machine Design, Jan. 6, 2005

I. Introduction

Exclusive Licensee Applied Medical Technology, Inc. (“AMT”) respectfully submits this Preliminary Response to the Petition of Corpak Medsystems, Inc. and Halyard Health, Inc. (collectively “Petitioners”) seeking *inter partes* review of claim 18 of United States Patent No. 6,631,715 (“the ‘715 patent,” Ex. 1001) on four Grounds (“Petition” or “Pet.”).

Claim 18 of the ‘715 patent is directed to a method of placing and securing at least one tube through a nose into a patient, and includes a step of “snapping the at least one tube into a channel formed in a receiver.” The Petition is fatally flawed because it effectively ignores that the claim requires **snapping the tube into a channel**, not snapping two pieces of a clip together.

To merit institution, a petition must establish “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). In particular, a petition “may be considered only if . . . the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim.” 35 U.S.C. § 312(a). To meet these requirements, the Board’s rules specify that a petition for *inter partes* review must identify how the challenged claims are unpatentable under the statutory grounds asserted by Petitioner, and must specify where each element

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