

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent No.: 9,079,464	§	Attorney Docket No.: OTI/0098
Inventors: Timothy Scott Onello, et al.	§	Customer No.: 26290
Formerly Application No. 13/301,359	§	Petitioner: Olympia Tools
Issue Date: July 14, 2015	§	International, Inc.
Filing Date: November 21, 2011	§	
Former Group Art Unit: 3727	§	
Former Examiner: Lee D. Wilson	§	

For: PORTABLE WORK HOLDING DEVICE AND ASSEMBLY

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

**PETITION FOR *INTER PARTES* REVIEW OF
UNITED STATES PATENT NO. 9,079,464**

TABLE OF CONTENTS

I.	INTRODUCTION AND BACKGROUND IN THE ART.....	1
II.	MANDATORY NOTICES UNDER §42.8	2
III.	PETITIONER HAS STANDING.....	3
IV.	SUMMARY OF THE '464 PATENT AND ITS FILE HISTORY	4
	A. Overview Of the '464 patent.....	4
	B. Overview Of the Prosecution History	7
V.	THERE IS A REASONABLE LIKELIHOOD PETITIONER WILL PREVAIL WITH RESPECT TO AT LEAST ONE CLAIM	9
	A. Claim Construction Under §42.104(b)(3).....	9
	B. Level of Ordinary Skill And State Of the Art.....	12
	C. Grounds 1-6.....	13
	1. U.S. Publication 2010/00772240 (“Cornes”)	13
	2. U.S. Patent 742,096 (“Long”).....	14
	3. U.S. Patent 2,841,035 (“Simpson”)	15
	4. U.S. Publication 2005/0082730 (“Murray”).....	16
	5. Motivation to Combine Cornes And Long (Claims 1, 3, 5-8, 22, 24, and 25).....	17
	6. Motivation to Combine Cornes And Either Long or Murray (Claim 23)	18
	7. Motivation to Combine Cornes, Long, And Simpson (Claim 12)	19
	8. Motivation to Combine Cornes, Long, And Murray (Claim 21)	21
	9. Overview of Invalidity	22
	10. Claim Charts For Grounds 1-6.....	27
	a. Ground 1: Claim 1, 3, 5-8, and 22-25 Are Anticipated by Cornes	27

b. Ground 2: Claim 23 Is Obvious In View Of Cornes.....48

c. Ground 3: Claim 23 Is Obvious In view Of Cornes
and Either Long Or Murray49

d. Ground 4: Claims 1, 3, 5-8, 22, 24, And 25 Are
Obvious In View Of Cornes And Long.....51

e. Ground 5: Claim 12 Is Obvious In View Cornes,
Long, And Simpson.....56

f. Ground 6: Claim 21 Is Obvious In View Of Cornes,
Long, And Murray56

VI. CONCLUSION.....58

TABLE OF AUTHORITIES

CASES

<i>Amgen Inc. v. F. Hoffman-La Roche Ltd.</i> , 580 F.3d 1340 (Fed. Cir. 2009)	11
<i>In re Thorpe</i> , 777 F.2d 695 (Fed. Cir. 1985);	11
<i>JPW Industries, Inc., v. Olympia Tools International, Inc</i> Nos. 2:17-cv-07415, 3:16-cv-03153.....	2

STATUTES

35 U.S.C.

§102.....	1, 2, 3, 9
§102(a)	13, 15, 16, 17
§102(b)	passim
§102(e)	13, 15, 16, 17
§103.....	1, 2, 3, 9
§112.....	13
§314(a)	9
§311-319	1

OTHER AUTHORITIES

37 C.F.R

§1.33(c)	45
§42.1.....	1
§42.100.....	45
§42.104(a)	3
§42.104(b)	3
§42.104(b)(3)	10
§42.105.....	45
§42.22.....	3
§42.24(a)(1)	1
§42.24(d).....	1
§42.8.....	2

...

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
EX1001	U.S. Patent No. 9,079,464
EX1002	File History of U.S. Patent No. 9,079,464
EX1003	Declaration of Michael O'Banion In Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,079,464
EX1004	JPW's Responsive Claim Construction Brief, filed on July 14, 2017
EX1005	District Court Order Following Claim Construction Hearing, issued on October 5, 2017
EX1006	U.S. Patent Publication No. 2010/00772240
EX1007	U.S. Patent No. 742,096
EX1008	U.S. Patent No. 2,841,035
EX1009	U.S. Patent Publication No. 2005/0082730

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.