Filed on behalf of:

Knauf Insulation, Inc., and Knauf Insulation SPRL

Paper No. 6

Date: July 18, 2018

By: Joshua P. Larsen (Lead Counsel)
joshua.larsen@btlaw.com
James R. Sweeney II (Back-up Counsel)
james.sweeney@btlaw.com
Daniel J. Lueders (Back-up Counsel)
dlueders@uspatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JOHNS MANVILLE CORPORATION AND JOHNS MANVILLE, INC., Petitioners,

V.

KNAUF INSULATION, INC., AND KNAUF INSULATION SPRL Patent Owners.

IPR2018-00879 Patent 9,926,464

PATENT OWNERS' PRELIMINARY RESPONSE



TABLE OF CONTENTS

				<u>Page</u>
Tabl	e of A	uthorit	ies	iii
Exhi	ibit Lis	st		V
I.	INT	RODU	CTION	1
II.	THE	HE OFFICE HAS ALREADY CONSIDERED, AND REJECTED, HE PRIOR ART AND ARGUMENTS ADVANCED IN JM'S ETITION4		
III.	JM HAS NOT SHOWN A REASONABLE LIKELIHOOD THAT IT WOULD PREVAIL IN PROVING THE OBVIOUSNESS OF ANY CHALLENGED CLAIM			12
	A.		Does Not Point To Any Example Of Maillard-Based lers For Fiberglass Insulation In The Prior Art	12
	B.		Misrepresents And Improperly Relies Upon Prior Federal uit And Board Decisions	16
	<u> </u>		Does Not Identify The Differences Between The Prior Art The Claims At Issue	21
		1.	JM's Reliance On Tutin Is Unclear	22
		2.	JM's Reliance On Worthington And Gogek Is Unclear	24
			Does Not Provide A Valid Rationale To Combine Strauss, n, And Worthington	26
		1.	Compatibility Does Not Mean Obvious To Combine	26
		2.	Using Thermoset Material Is Too Broad To Explain Obviousness	28



IPR2018-00879 (Patent 9,926,464) Patent Owners' Preliminary Response

		3.	A Need For Formaldehyde-Free Binders Is Not A Reason To Modify Strauss Or Tutin	29
		4.	The Additional Reasons Cited With Regard To Gogek Are Also Deficient	30
	E.	JM Does Not Identify Each And Every Claim Element In The Prior Art		31
	F.	Conc	clusion As To Lack Of Reasonable Likelihood	33
IV.	CONCLUSION		34	
Certi	ficate	of Wo	rd Count	35
Certi	ficate	of Serv	vice	36



TABLE OF AUTHORITIES

Cases	Page(s)
Aqua Prod., Inc. v. Matal, 872 F.3d 1290 (Fed. Cir. 2017)	19, 33
Cuozzo Speed Techs., LLC v. Lee, 136 S. Ct. 2131 (2016)	5
Graham v. John Deere Co., 383 U.S. 1 (1966)	9, 22
In re Am. Acad. of Sci. Tech Ctr., 367 F.3d 1359 (Fed. Cir. 2004)	16, 33
In re Rijckaert, 9 F.3d 1531 (Fed. Cir. 1993)	17
In re Spormann, 363 F.2d 444 (CCPA 1966)	17
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	9, 22
Polaris Indus., Inc. v. Arctic Cat, Inc., 882 F.3d 1056 (Fed. Cir. 2018)	27
SAS Institute, Inc. v. ComplementSoft, LLC, 825 F.3d 1341 (Fed. Cir. 2016)	5
SAS Institute Inc. v. Iancu, 138 S. Ct. 1348 (2018)	4, 5, 6
Unified Patents, Inc., v. Berman, IPR2016-01571, Paper 10 (December 14, 2016) (informative	e)10 11



IPR2018-00879 (Patent 9,926,464) Patent Owners' Preliminary Response

<u>Statutes</u>	
35 U.S.C. § 316	19, 33
35 U.S.C. § 325	5, 12
Rules	
37 C.F.R. § 42.65	16, 33



DOCKET

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.

