

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUEST USA CORP.,
Petitioner

v.

POPSOCKETS LLC,
Patent Owner

Case No. IPR2019-01067

U.S. Patent No. 9,958,107

PETITIONER'S PRELIMINARY REPLY

TABLE OF CONTENTS

I.	Legal Principles	1
II.	Argument	1
A.	The ordinary and customary meaning of “lock” is “a mechanism in which a projection is secured in a recess.”	1
1.	The specification provides two examples of locks, both of support Petitioner’s proposed construction.....	2
2.	The claim language further supports Petitioner’s proposal.	6
3.	Petitioner’s proposal is consistent with the prosecution history.	7
4.	Dictionaries are consistent with Petitioner’s proposed construction.	7
B.	The ordinary and customary meaning of “secure” is “to make fast or hold.”	8
1.	It is undisputed that the specification supports Petitioner’s proposed construction	9
2.	Petitioner’s proposal is consistent with the claims.	9
3.	The prosecution history is consistent with Petitioner’s proposed construction.	9
4.	The dictionaries of record support Petitioner’s proposal.....	10
III.	Conclusion	10

As authorized by the Board’s Order in Paper No. 10, Quest USA Corp. (“Petitioner”) submits this preliminary reply to provide its proposed constructions of the terms “lock” and “secure” as recited in claims 1, 9, 15, and 16 of U.S. Patent No. 9,958,107 B1 (“the ‘107 patent”). (*See also*, Ex. 1021, Conf. Call Trans.)

I. Legal Principles

This Board is very familiar with claim construction principles, which are not repeated here. *See* 37 C.F.R. § 42.100(b); *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*).

II. Argument

Petitioner has requested that the plain and ordinary meaning be applied to all terms for the purposes of IPR. (Paper 2, p. 23.) Claims 1–16 of the ‘107 patent are unpatentable for the reasons set forth in the petition under the plain and ordinary meaning of the terms.

PO asserts that “lock” and “secure” now require construction, but proposes a construction of “lock” and applies a construction of “secure” that do not reflect the plain and ordinary meaning of those terms. Petitioner offers constructions that do.

A. The ordinary and customary meaning of “lock” is “a mechanism in which a projection is secured in a recess.”

Petitioner’s Proposed Construction	PO’s Proposed Construction
---	-----------------------------------

“a mechanism in which a projection is secured in a recess”	“a mechanism when engaged causes the button and the platform to maintain a fixed distance from each other”
--	--

The parties agree that a “lock,” as used in the ‘107 patent, is a mechanism. Petitioner submits a lock is further defined by the components of that mechanism. Both the intrinsic and extrinsic evidence support such a structural definition.

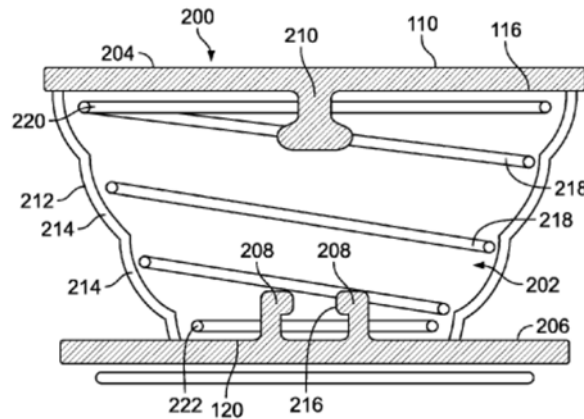
PO defines “lock” in terms of how it affects external components specific to the claimed “expandable socket.” Such a construction does not reflect the “ordinary and customary meaning” of lock, but is instead a highly specialized definition that is not supported by the record. Moreover, the specification and the claims both define a lock in terms of its structure, and then separately recite the function of the lock. Claim 1 recites “a lock configured to releasably secure the button to the platform,” and claim 16 recites “a lock for selectively coupling the button to the platform.” These expressly claimed functions should not be restricted by an overly narrow definition of the term “lock.”

- 1. The specification provides two examples of locks, both of support Petitioner’s proposed construction.*

The ‘107 patent describes multiple embodiments of “expandable sockets.” Figures 2 and 3 are both described as including locks.

With respect to the Figure 2 embodiment (reproduced below), the specification states, “[t]he expandable socket 200 generally includes ... a lock 214

configured to releasably secure the expandable socket 200 in a collapsed configuration that is not shown” (Ex. 1001, 4:37–48.)¹ The specification further explains that “the first projection 210, the second projections 208, and the recess 216 *define or form* the lock 214 that locks the expandable socket 200 in the collapsed configuration.” (*Id.*, 6:2–5, emphasis added.) Thus, in this embodiment, the lock is expressly defined by a projection and a recess.



‘107 Patent (Ex. 1001), Fig. 2

While the specification states that the lock 214 will “secure” or “lock[]” the expandable socket 200 in a collapsed configuration in the Figure 2 embodiment (*id.*, 4:43–48 and 6:2–5), it does not require a lock to fix the distance between the button 204 and the platform 206. Instead, it states, “[b]y virtue of the shape and size of the first projection 210 and the second projections 208, the first projection 210 is securely retained in the recess 216.” (*Id.*, 5:66–6:2.) PO cites to this same

¹ PO asserts that reference numeral 214 in Figure 2 is an error. (Paper No. 8 at 5, n.1.) No certificate of correction has been filed. (*See* Ex. 1002.)

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.