UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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QUEST USA CORP.,
Petitioner

v.

POPSOCKETS LLC,
Patent Owner

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Case IPR2019-01067
Patent 9,958,107
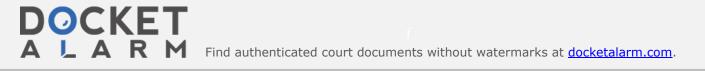
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PATENT OWNER'S PRELIMINARY SUR-REPLY

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I.   **Introduction**

Per the Board's Order, Paper 10, Patent Owner submits this Preliminary

Sur-Reply. The terms are construed using the same claim construction

standard as in a civil action under 35 U.S.C. § 282(b). 37 C.F.R. § 42.200(b)

(as amended Oct. 11, 2018).[1]

II.   **Petitioner's Proposed Meaning Of "Lock" Is Incorrect**

Petitioner suggests that the plain and ordinary meaning of "lock" is "a

mechanism in which a projection is secured in a recess." Paper 11 at 1-8. This

meaning is incorrect in the context of the '107 patent.

A.   **Petitioner's proposed meaning ignores the explicit function of
         "lock" in the '107 Patent.**

To begin with, Petitioner's proposed meaning ignores that the explicit

function of the "lock" as claimed in the '107 patent is to fix the socket in a

compressed position by securing the button to the platform. The invention

claimed by the '107 Patent includes a biasing element arranged to bias the

button away from the platform. *See, e.g.*, Ex. 1001 at 8:9-11. As a result, in

the claimed embodiments the expandable socket of the '107 Patent will revert

to its expanded position, moving the button away from the platform, unless it is

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[1] *See* Changes to the Claim Construction Standard for Interpreting
Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed.
Reg. 51,340 (Oct. 11, 2018).

restrained in some way. *See, e.g., id.* at 6:20-24 ("Once the lock 214 has been released, the biasing force of the coil spring 218 drives the button 204 and the cover 212 outward, away from the base 206, until the button 204 and the cover 212 reach the expanded configuration.").

The '107 Patent discloses and extensively discusses a "lock" to secure the socket in its collapsed configuration. The '107 Patent states:

> The expandable socket 200 generally includes . . . a lock 214 configured to releasably secure the expandable socket 200 in a collapsed configuration . . .
>
> [T]he 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.
>
> One of ordinary skill in the art will appreciate that the first projection 210 and the second projections 208 can be reversed and yet still interact to help lock the Popsocket 200 in the collapsed configuration . . . .
>
> The user of the expandable socket 200 may move the expandable socket 200 from the collapsed configuration to the expanded configuration by releasing the lock 214.

Id. at 4:37-45, 6:2-15; *see also, e.g., id.* at 6:15-24.

If the "lock" in the claimed embodiments of the '107 patent does not cause the button and platform to maintain a fixed distance from each other, then the socket will not be fixed in its compressed position. *See id.* Thus, under Petitioner's proposed meaning, something could qualify as a "lock" even if it does not perform the function of a "lock" that is explicitly set out in the

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