

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

ATAS INTERNATIONAL, INC.,
Petitioner,

v.

CENTRIA,
Patent Owner.

Case Number: IPR2013-00259
Patent D527,834

**PRELIMINARY RESPONSE TO PETITION
BY PATENT OWNER CENTRIA**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE '834 PATENT	2
III.	THE ASSERTED PRIOR ART	6
A.	THE MPS 120 PANEL	6
B.	THE MPH 080 PANEL	7
C.	THE BKR 160 PANEL	9
D.	THE IW-60A PANEL	9
E.	CENTRIA'S ADMITTED PRIOR ART / THE FWDS-59 PANEL	11
IV.	LEGAL PRINCIPLES AT ISSUE	13
A.	ANTICIPATION AND THE ORDINARY OBSERVER	14
B.	OBVIOUSNESS	17
V.	ATAS HAS FAILED TO SHOW A REASONABLE LIKELIHOOD OF SUCCESS IN PROVING INVALIDITY OF THE '834 PATENT ON ANY GROUND RAISED IN ITS PETITION	21
A.	THE PATENTED DESIGN IS NONOBVIOUS OVER THE MPS 120 PANEL IN VIEW OF THE BKR 160 PANEL	22
1.	<i>The MPS 120 Panel is Not a Suitable Primary Reference to the '834 Patent</i>	22
2.	<i>The BKR 160 Panel is Not a Proper Secondary Reference</i>	25
3.	<i>The Combination of the MPS 120 and BKR 160 Panels Does Not Render the '834 Patent Obvious</i>	27
B.	THE PATENTED DESIGN IS NONOBVIOUS OVER THE MPS 120 PANEL IN VIEW OF THE IW-60A PANEL	31
C.	THE PATENTED DESIGN IS NOVEL OVER THE BKR 160 PANEL	32
D.	THE PATENTED DESIGN IS NONOBVIOUS OVER THE BKR 160 PANEL	37
E.	THE PATENTED DESIGN IS NONOBVIOUS OVER THE BKR 160 PANEL IN VIEW OF THE MPS 120 PANEL	41
F.	THE PATENTED DESIGN IS NONOBVIOUS OVER THE MPH 080 PANEL IN VIEW OF THE BKR 160 PANEL	42
1.	<i>The MPH 080 Panel is Not a Proper Primary Reference</i>	43
2.	<i>The BKR 160 Panel is Not a Suitable Secondary Reference</i>	45
3.	<i>The Combination of the MPH 080 and BKR 160 Panels Does Not Render the '834 Patent Obvious</i>	47
G.	THE PATENTED DESIGN IS NONOBVIOUS OVER THE MPH 080 PANEL IN VIEW OF THE IW-60A PANEL	51

H. THE PATENTED DESIGN IS NOVEL OVER THE FWDS-59 PANEL.....52
I. THE PATENTED DESIGN IS NONOBVIOUS OVER THE FWDS-59 PANEL IN VIEW
OF THE BKR 160 PANEL56
VI. CONCLUSION.....58

TABLE OF AUTHORITIES

Cases

<i>Apple, Inc. v. Samsung Elecs. Co.</i> , 678 F.3d 1314 (Fed. Cir. 2012)	passim
<i>Arminak & Associates, Inc. v. Saint-Gobain Calmar, Inc.</i> , 501 F.3d 1314 (Fed. Cir. 2007)	15
<i>Durling v. Spectrum Furniture Co.</i> , 101 F.3d 100 (Fed. Cir. 1996)	17
<i>Egyptian Goddess, Inc. v. Swisa, Inc.</i> , 543 F.3d 665 (Fed. Cir. 2008).....	14
<i>Gorham Mfg. Co. v. White</i> , 81 U.S. 511 (1871)	14
<i>In re Borden</i> , 90 F.3d 1570 (Fed. Cir. 1996)	17, 20, 25
<i>In re Harvey</i> 12 F.3d 1061 (Fed. Cir. 1993)	20, 21
<i>In re Kubin</i> , 561 F.3d 1351 (Fed. Cir. 2009)	31
<i>In re Mann</i> , 861 F.2d 1581 (Fed. Cir. 1988)	13
<i>In re Mann</i> , 861 F.2d at 1582	16
<i>In re Rosen</i> , 673 F.2d 388 (CCPA 1982).....	passim
<i>In re Rubinfeld</i> , 270 F.2d 391 (CCPA 1959).....	12, 34
<i>In re Stevens</i> , 173 F.2d 1015 (CCPA 1949)	39
<i>Int'l Seaway Trading Corp. v. Walgreens Corp.</i> , 589 F.3d 1233 (Fed. Cir. 2009)	14
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	28
<i>Mintz v. Dietz & Watson, Inc.</i> , 679 F.3d 1372 (Fed. Cir. 2012).....	40
<i>Munchkin, Inc. v. Luv'n Care, Ltd</i> , Case No. IPR2013-00072 (PTAB April 25, 2013).....	14
<i>Titan Tire Corp. v. Case New Holland, Inc.</i> , 566 F.3d 1372 (Fed. Cir. 2009).....	17

Statutes and Regulations

35 U.S.C. § 102	14, 22
35 U.S.C. § 103	14
35 U.S.C. § 311(b)	13
37 C.F.R. § 1.152	2
37 C.F.R. § 42.107	1
37 C.F.R. § 42.107(b)	1

Other Authorities

Manual of Patent Examining Procedure § 1404.05	34
Manual of Patent Examining Procedure § 1503.02	2

Pursuant to 37 C.F.R. § 42.107, Patent Owner Centria (“Centria”) hereby submits this Preliminary Response to Petitioner ATAS International Inc.’s (“ATAS”) Petition for Inter Partes Review of U.S. Design Patent No. D527,834 (“the ’834 Patent”). Under 37 C.F.R. § 42.107(b), this Preliminary Response is timely filed within three months of the May 7, 2013 Notice of Filing Date According to Petition and Time for Filing Patent Owner Preliminary Response.

I. INTRODUCTION

Petitioner ATAS makes no fewer than nine independent and distinct attempts to demonstrate to this Board that there is a reasonable likelihood the claimed design of the ’834 patent is invalid. This approach highlights the weakness of each argument standing alone. Every argument made by ATAS is fatally flawed because none of the prior art asserted in its Petition looks sufficiently close to any embodiment of the ’834 Patent to render obvious, let alone anticipate, the claimed design. Moreover, nowhere does ATAS explain why or how the combinations of references and the precise alleged modifications for obviousness purposes would have occurred.

A serious threshold issue with ATAS’s Petition is that the Petition makes various representations about the prior art in the form of visual depictions that are *not* images from the prior art printed publications being relied on by ATAS. *See, e.g.,* Petition at 25-26, 34-35, 43-44 (submitting “prepared drawings” such as

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.