

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OWENS CORNING,
Petitioner

v.

FAST FELT CORPORATION,
Patent Owner

Case IPR2015-00650
Patent 8,137,757 B2

**FAST FELT CORPORATION'S PATENT OWNER RESPONSE
UNDER 37 C.F.R. § 42.120**

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I. Introduction - A Full Record Shows Petitioner Cannot Meet Its Burden

Without competing evidence to the contrary, the Board had to rely on Petitioner's repeated assertions that "paper is a roofing or building cover material" and institute trial. Specifically, on the record before it the Board accepted Petitioner's assertion that the primary Lassiter '409 reference (pertaining to a non-contact, nozzle-based formation of nail tabs on heavily asphalt coated roofing material) combined with the Hefele, Bayer, or Eaton secondary references (pertaining to contact applications involving "clean" paper-like or textile-like, non-asphalt, non- heavily coated substrates) was "a simple substitution."

A heavily asphalt coated roofing or building materials manufacturing line, in which nail tabs are pressed into the heavy asphalt coating, entails significant critical operating features which must be evaluated to support a decision to substitute a contact for a non-contact deposition process. (Ex. 2004 Bohan Decl. ¶¶44-48). It is not a simple matter to substitute any contact polymer deposition process and expect success or even a predictable result. In this matter, significant critical features cannot be modified because they are operative components of the finished product and if modified will prove fatal to a predictable result conclusion or successful solution.

In this regard, Petitioner fails to provide reliable expert testimony and proper references. First, Petitioner's "printing" expert has been forced to admit that:

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