UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

J SQUARED, INC. d/b/a UNIVERSITY LOFT COMPANY
Petitioner

v.

SAUDER MANUFACTURING COMPANY
Patent Owner

Case IPR2015-00774
Patent No. 8,585,136

CHAIR WITH COUPLING
COMPANION STOOL BASE

Before LINDA E. HORNER, JOSIAH C. COCKS, and JAMES A. WORTH, Administrative Patent Judges.

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Patent Owner, Sauder Manufacturing Company, respectfully requests the opportunity for oral argument on April 21, 2016, in accordance with the Board's Scheduling Order dated August 24, 2015.

Patent Owner suggests that oral argument with respect to both of the pending IPR2015-00774 and IPR2015-00958 be made at the same hearing, and the following issues be addressed with respect to IPR2015-00774:

1. Based on a preponderance of evidence, including the overall teaching of the patent document and the unrebutted testimony of three PHOSITAS:

a. Is it most reasonable to construe the term "combination" as a closed-ended term limiting the invention to just two units; a floor rocker and a base, both of which play a necessary role in the recited configurations?

b. Is it most reasonable to construe the term "chair" as referring to a "desk chair"?

c. Is it most reasonable to construe the term "stool base" to a base having a relatively flat smooth unrimmed top suitable for use as a writing surface, a support surface for a laptop or the like, and a sitting surface?

d. It is most reasonable to construe the term "user" as informing the balance of the claim and the structural limitations therein as making the chair unsuitable for use by an infant?

e. Is it most reasonable to construe the term "saddle" consistent with the use of the same term in the patent specification to define certain characteristics of the top of the base?

f. Is it most reasonable to construe the term "accessible" as a height limitation for the base necessary to achieve the recited "companion" relationship between the floor rocker and the base when used as a writing surface for a person seated in the floor rocker?

g. Is it most reasonable to construe the term "pedestal" as consistent with the same term used in the patent specification and drawing to expressly define a single columnar type base?

h. Is it most reasonable to construe the phrase "assembly positioned below said sitting portion" as defining a specific location for the structure that enables the coupling function and specifies the location and function of the rocker rails?

i. Is it most reasonable to construe the term "alternatively" in claim 1 as allowing two different but not mutually exclusive uses of the base?

j. What are the most reasonable interpretations of the claim terms "lower portion" particularly in view of the Board's previous construction of the term "coupling"?

2. Is Patent Owner's construction of the language of claim 4 in defining the structural character and location of the attachment points between the rocker rails and the seat bottom the broadest reasonable interpretation of the claim and does that construction reflect on the locational language "assembly positioned below" in claim 1?

3. Does the "corresponding structure" of the "means plus function" limitation in claim 12 necessarily include at least the clip clamp and the claw in view of the fact that the function recited deals only with the engagement of the chair with the base and not with the disengagement, the unrebutted evidence proving that the function is not and cannot be achieved by the clip clamp alone, and the nearly identical language in the specification relating both claw and clamp to the "releasably engage" function?

4. The broader question as to whether Patent Owner's narrower but fully supported constructions of claims better serve the public interest as compared to the ultra-broad constructions proffered by Petitioner that take claim scope beyond the actual teachings of the patent.

5. Whether it is necessary or even informative in this case for a PHOSITA to consult the file history to correctly construe the claims?

6. If Petitioner and/or the Board correctly evaluated the scope and content of the prior art, particularly:

a. Whether the Mackey patent has "identity" with the inventions of claims 1, 2, 4, 5, 8, 10 and 11 and discloses all of those claims;

b. Whether Pollack I and II make the invention as defined by claims 1, 2 and 6-14 obvious;

c. Whether the Pollack patents disclose a "stool base" and/or a "pedestal" base or a "saddle;"

d. Whether the Pollack patents disclose a structure capable of "coupling" as the Board has construed the term;

e. Whether the Pollack patents disclose a structure capable of "releasably engaging" as the Board has construed the term; and

f. Whether the Pollack patents disclose a base capable of providing a tilting or swivel function for a chair releasably engaged and/or coupled to it.

g. Whether Pollack's latching mechanisms have been proven to be an equivalent of the corresponding structure of the '136 patent, claim 12.

7. Whether the declarants for Patent Owner are in substantial agreement as to claim scope, and whether any disparity between them is material and/or prejudicial to Patent Owner's evidentiary presentation;

8. Whether Petitioner's arguments for anticipation and obviousness are based entirely on concepts and conclusions of counsel as opposed to evidence

DOCKET ALARM

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.