

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Choon’s Design LLC :
:
Patent No.: 8,622,441 :
:
Issued: January 7, 2014 :
:
For: Hand Held Link Making :
Device and Kit :

Case No. IPR2015-00840

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (PRPS) to the USPTO on June 19, 2015.

/John M. Siragusa/

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United States Patent and Trademark Office
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PATENTEE’S PRELIMINARY STATEMENT IN RESPONSE TO TRISTAR PRODUCTS, INC.’S PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,622,441

On March 3, 2015 Tristar Products, Inc. (“Tristar”) filed the instant petition. As will be shown below, this filing was beyond the statutory one year date. Tristar had been served with the Complaint in Choon’s Design LLC v. Tristar Products, Inc. on February 28, 2014. As such, the statute bars Tristar’s petition from being considered.

Choon’s Design LLC (“Choon’s”) invented and brought to market the Rainbow Loom® that included the Mini Rainbow Loom covered by U.S. Patent 8,622,441 (“the ‘441 patent”). In 2013 and 2014 the Rainbow Loom® was one of the most successful consumer items in the world. Tristar makes its living copying

the designs of others. As an example, a PACER search attached to this response as Exhibit 2001 shows 24 cases in which Tristar is a named Defendant in patent infringement lawsuits. It copies products and then does its best to avoid being called to task for the infringement. The instant petition is little more than a desperate attempt to get away with the copying of the Rainbow Loom® and Mini Rainbow Loom by Tristar's Bandaloom.

As will be shown, not only is this petition barred by the statute as untimely, substantively it also must fail.

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

EXHIBIT LIST v

I. THE PETITION MUST BE DISMISSED 1

 A. Petitioner Lacks Standing Because the Petition is Time-Barred
 under 35 U.S.C. §315(b) 1

 B. Petitioner Lacks Standing Because the Petition is Time-Barred
 under 35 U.S.C. §315(a)..... 5

II. ACTIONS SINCE FILING OF THIS PETITION 8

III. BACKGROUND 8

IV. THE ‘441 PATENT 12

V. CLAIM CONSTRUCTION 13

 A. Standard 13

 B. Knitting 15

 C. Brunnian Links 15

 D. Interpretation of Terms

 1. “access slot” 17

 2. “a first arm and a second arm” 17

 3. “a series of links” 17

 4. “at least one clip including inward facing ends disposed
 on either side of an opening for securing ends of the
 series of links together” 18

5.	“two posts spaced apart from each other”	19
VI.	THE PRIOR ART CANNOT MEET THE CLAIMS	19
A.	Zaltzman (U.S. Patent No. 4,023,245)	19
1.	Zaltzman Generally	19
2.	Claim 16 is not Obvious over Zaltzman in view of Phelps, Norris, Linstead, Metzger and Carruth	20
a.	“two posts spaced apart”	20
b.	“access slot”	21
c.	“at least one clip including inward facing ends disposed on each side of an opening for securing ends of the series of links together”	23
d.	“a plurality of elastic members for forming a series of links”	29
B.	Lijovich (Basic Instructions for using a Double Lucet (January 2002, revised June 2002))	31
1.	Lijovich Generally	31
2.	Claim 16 is not obvious over Lijovich in view of any of Phelps, Norris, Linstead, Metzger and Carruth	32
a.	“two posts spaced apart”	32
b.	“access slot”	34
c.	“at least one clip including inward facing ends disposed on each side of an opening for securing ends of the series of links together”	36
d.	“a plurality of elastic members for forming a series of links”	39

VII. NEDRY IS NOT PRIOR ART.....40

 A. Priority to the '057 Application41

 B. Nedry et al is Not Prior Art45

VIII. EVIDENCE OF NON-OBVIOUSNESS IN PATENTEE'S
PRELIMINARY RESPONSE.....46

IV. CLOSING48

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