

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 IPR2015-00958
Patent No. 8,585,136

CHAIR WITH COUPLING
COMPANION STOOL BASE

**PATENT OWNER'S PRELIMINARY RESPONSE
PURSUANT TO 37 CFR §42.107 TO
PETITIONER'S SECOND PETITION FOR
INTER PARTIES REVIEW**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE INVENTION.....	2
III.	RELATED JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.....	3
IV.	PETITIONER’S CONSTRUCTIONS ARE UNREASONABLE.....	5
V.	ADDITIONAL CLAIM CONSTUCTION ISSUES.....	7
VI.	PETITIONER’S APPLICATION OF THE PRIOR ART FOR THE CLAIMS UNDER §103 OF THE PATENT CODE DOES NOT WORK WHEN THE CLAIMS ARE PROPERLY CONSTRUED.....	16
VII.	OBJECTIVE INDICATORS OF NON-OBVIOUSNESS.....	21
VIII.	CONCLUSION.....	23

EXHIBIT LIST

Exhibit No.	Exhibit
2001	Markman Order in N.D. of Ohio Case No. 14-cv-00962
2002	Joint Prehearing Statement
2003	Notice of Allowance
2004	U.S. Design Patent No. 139,241
2005	US Patent No. 8,777,305
2006	University Loft Company Brochure
2007	Trey Chair Literature
2008	2007 Plastic Parts Innovation Conference Award
2009	New Product Design Competition Award
2010	University Loft Company “The Wave Chair” Brochure

I. INTRODUCTION

This is the preliminary response of Patent Owner, Sauder Manufacturing Company, to the Petition for Inter Parties Review filed on March 27, 2015 by J Squared, Inc. d/b/a University Loft Company (hereinafter “ULC”). Patent Owner has already responded to the Petition filed by the same party on the same patent in February, 2014

Patent Owner asserts that the Petition should be denied for the following reasons:

1. The claim constructions proffered by Petitioner are unreasonable as inconsistent with the patent disclosure, the plain meaning of the terms in the claims, and the content and prosecution histories of closely related patents;
2. Petitioner’s obviousness analysis is incomplete insofar as it fails to deal with a “means plus function” limitation in claim 12;
3. When properly construed, none of the claims in the ‘136 patent under attack is obvious in view of the prior art; and
4. There is strong objective evidence of non-obviousness, including marketplace recognition and Petitioner’s deliberate act of copying the product disclosed and claimed in the ‘136 patent.

II. THE INVENTION

The invention disclosed and claimed in the '136 patent consists of two parts: a "floor rocker" 100 and a pedestal type stool base 300. The floor rocker can be securely joined or "coupled" to the base to define a "desk chair"; spec. col. 8, ll 36-38. This is referred to in claim 1 as the "first configuration." By manually opening a latch 160, the floor rocker may be decoupled from the base 300 and placed next to the base such that the base saddle 310 can serve as a writing surface; spec. col. 8, line 18. This is the "second configuration" and is shown in Figs 18 and 19 in the drawings.

The floor rocker is made up of a seat 134, a backrest 114, and a unitary frame "assembly" which is integral with the rockers 106, 180 "positioned below" the seat surface so as to permit the floor rocker to rock in the "second configuration."

Coupling of the chair and base is achieved in part by the use of a claw 110, 142 on the front of the seat to "capture" the front edge of the base saddle 310; i.e., by fitting into a pair of notches. Coupling further involves a spring-biased latch 160 capturing the rear of the saddle by way of another notch; *See* FIGS. 10-14 of the patent drawings, and the specification in col. 9, beginning at line 7. When fully "coupled," relative movement between and/or inadvertent separation of the floor rocker from the base is prevented and the two components become a unit. The

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.