IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYDRITE CHEMICAL CO.,
Petitioner,

v.

SOLENIS TECHNOLOGIES, L.P.,
Patent Owner.

Case IPR2015-01592

U.S. Patent No. 8,962,059

PETITIONER'S REPLY

TO

PATENT OWNER'S RESPONSE

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. UPDATED EXHIBIT LIST IV

II. THE '059 PATENT REMAINS UNPATENTABLE 1

III. SOLENIS' RESPONSE CHANGES NOTHING 2

A. ICI IS RELEVANT TO OBVIOUSNESS, A REASONABLE EXPECTATION OF SUCCESS, AND IS CONSISTENT WITH OTHER EVIDENCE OF RECORD 2

B. ROCKSTRAW'S TESTIMONY IS RELEVANT AND KOHL'S POSITION IS UNSUPPORTABLE 8

IV. REJECTIONS BASED UPON WINSNESS AND ALTHER (GROUNDS 1-6) INVALIDATE CLAIMS 1–16 10

A. WINSNESS NOTED PROBLEMS IN ETHANOL PRODUCTION 10

B. WINSNESS CAN BE IMPROVED 10

C. WINSNESS IS ASPIRATIONAL 13

D. ALTHER TEACHES USE OF POLYSORBATE 80 TO BREAK AN EMULSION 13

E. SOLENIS' CONTENTIONS DO NOT UNDERCUT THE RELEVANCY OF MARTIN 16

F. CLAIMS 4 AND 5 REMAIN UNPATENTABLE 16

V. REJECTIONS BASED UPON BONANNO (GROUNDS 7-9) INVALIDATE CLAIMS 1–3, 6, 10, AND 11 17

A. BONANNO AND ICI ARE FUNDAMENTALLY CONSISTENT 17

B. THE CLAIMED "INVENTION" IS OBVIOUS TO ONE OF ORDINARY SKILL 18

1. Bonanno Centrifuges the Surfactant Laden Byproduct 19

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

2. One of Ordinary Skill Would Have Recognized the Claimed Chemicals *19*

C. SOLENIS' ATTACK ON THE REMAINING PRIOR ART IS IRRELEVANT 22

VI. SOLENIS' "SECONDARY CONSIDERATIONS" ARE IRRELEVANT AND OUTWEIGHED BY THE STRONG *PRIMA FACIE* CASE OF OBVIOUSNESS 22

VII. CONCLUSION 25

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

I. UPDATED EXHIBIT LIST

The following Updated Exhibit List is provided in accordance with 37 C.F.R. § 42.63(e):

UPDATED EXHIBIT LIST	
Number	Brief Description
1001	U.S. Patent No. 8,962,059 ("'059 Patent")
1002	Prosecution History of U.S. Patent No. 8,962,059 ("'059 Prosecution")[1]
1003	Assignment Records of U.S. Patent No. 8,962,059 ("'059 Assignment Records")
1004	Superior Oil Company, Inc. v. Solenis Technologies L.P., United States District Court for the District of Delaware, C.A. No. 15-0183-GMS, Notice of Dismissal, June 11, 2015 ("Interference Dismissal")

[1] As available from PAIR.

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

UPDATED EXHIBIT LIST	
Number	Brief Description
1005	Declaration of David A. Rockstraw, Ph.D., P.E. ("Rockstraw Decl.")
1006	U.S. Patent No. 4,702,798 ("Bonanno")
1007	George Alther, "Put the Breaks On," Chemical Engineering, Vol. 5, No. 3 (March 1998) ("Alther")
1008	"The HLB System a time-saving guide to emulsifier selection," ICI Americas Inc. (March 1980) ("ICI")
1009	Pasupati Mukerjee and Karol J. Mysels, "Critical Micelle Concentrations of Aqueous Surfactant Systems," Nat. Stand. Ref. Data Ser., Nat. Bur. Stand. (Feb. 1971) ("Mukerjee")

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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.