

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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HYDRITE CHEMICAL CO.,  
Petitioner,

v.

SOLENIS TECHNOLOGIES, L.P.,  
Patent Owner.

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Case IPR2015-01592

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

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PETITIONER'S RESPONSE

TO

PATENT OWNER'S IDENTIFICATION OF

NEW EVIDENCE AND ARGUMENT IN PETITIONER'S REPLY PAPERS

As authorized in the Board's Order (Paper No. 24), Petitioner presents the following itemized identification of material contained in the Patent Owner's Response that triggered or caused each item listed by Patent Owner to be included in Petitioner's Reply. Given the limited specificity<sup>1</sup> and breadth of Patent Owner's contentions, in combination with the inherent subjectivity in characterizing arguments, Petitioner has endeavored to respond in-kind, but submits that the following may not be an exhaustive listing of all causal triggers.

**I. MATERIAL FROM PETITIONER'S REPLY (PAPER 21)**

1. Patent Owner's Response at pages 1–2 and 14–17: discussing the level of ordinary skill as to obviousness at the time of invention.
2. Patent Owner's Response at pages 5–13, 24, and 38: discussing ICI and predicting surfactant effectiveness.
3. Patent Owner's Response at pages 22–26 and 38: challenging the use of HLB to predict surfactant effectiveness.

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<sup>1</sup> For example, item I.2. of Patent Owner's list refers to Claims 1–19 (as opposed to Claims 1–16 at issue in IPR2015-01592). In addition, item I.3. of Patent Owner's list refers to page 13 of Patent Owner's Reply, which does not appear to be relevant to the statements made by Patent Owner—in an attempt to earnestly respond, Petitioner has presumed Patent Owner is referring to page 15.

## II. MATERIAL FROM REPLY DECLARATION (EX. 1025)

1. Patent Owner's Response at pages 22–26 and 38: challenging the use of HLB to predict surfactant effectiveness.
2. Patent Owner's Response at pages 25–26: discussing Dr. Rockstraw's testimony regarding oil-soluble structures.

Date: August 22, 2016

By: /Joel A. Austin/  
Joel A. Austin  
Reg. No. 59,712  
Back-up Counsel for Petitioner

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Patent 8,962,059

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CERTIFICATE OF SERVICE

*Filed via PRPS*

Dear Board:

I hereby certify on this 22nd day of August 2016, that a true and correct copy of the PETITIONER'S RESPONSE TO PATENT OWNER'S IDENTIFICATION OF NEW EVIDENCE AND ARGUMENT IN PETITIONER'S REPLY PAPERS was electronically mailed in its entirety to:

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Respectfully submitted,

Date: August 22, 2016

By: /Michael Piery/  
Michael Piery  
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