

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
Patent No. 8,962,059

PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION

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I. Introduction

The Board should deny the Petition for *inter partes* review of U.S. Patent No. 8,962,059 (“the 059 Patent”) due to both procedural and substantive defects.

First, Petitioner, Hydrite Chemical Co. (“Hydrite”) advances multiple, alternative grounds for most of the challenged claims but provides no meaningful distinction between them. This is contrary to this Board’s precedent and Hydrite’s obligation to present its best case in a petition for *inter partes* review.

Additionally, many of the references that Hydrite cites, including the teachings of its two primary references, were of record during prosecution of the 059 Patent and thus are cumulative under 35 U.S.C. § 325(d). Accordingly, the Board should decline to consider most, if not all, of these redundant and cumulative grounds and references.

Second, Hydrite has failed to establish a reasonable likelihood that at least one of the challenged claims of the 059 Patent is unpatentable. 37 C.F.R. § 42.108(c). Rather, Hydrite’s Petition is based on factually incorrect premises and presents a textbook example of picking and choosing from a reference only so much as will support an argument to the exclusion of other parts necessary for a full appreciation of what the reference fairly suggests, including parts that lead away from the claimed inventions.

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