Filed: July 21, 2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALLSTEEL INC.
Petitioner

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.
Patent Owner

Case IPR2015-01691
Patent No. 8,024,901

Before SALLY C. MEDLEY, SCOTT A. DANIELS, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*

REPLY TO PATENT OWNER'S RESPONSE UNDER 35 U.S.C. § § 311-319 AND 37 C.F.R. § 42.100 *et seq.*

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In response to the Board's decision to grant *inter partes* review of Claim 1 of the '901 patent on three separate grounds, Patent Owner concedes that the prior art teaches the very point of novelty (the beaded connection of Claim 1) that Patent Owner added and argued in the face of repeated obviousness rejections. This concession alone speaks volumes about the fragility of Patent Owner's non-obviousness arguments. And Patent Owner concedes much more. Patent Owner does not argue that **any** limitation of Claim 1 is missing from **any** of the obviousness grounds. And Patent Owner admits that a person of skill would be motivated to combine the references, just not in ways that result in a wall systems that meet all elements of claim 1 based on Patent Owner's claim construction.

Despite conceding that all elements of claim 1 are met in Petitioner's proposed combinations and making affirmative arguments about how a person of skill would combine these references, Patent Owner continues to argue for the patentability of claim 1 by focusing on two arguments, neither of which have a basis in law: (1) a claim construction argument that "stringers" must not contact the ground to be "stringers" and (2) obviousness arguments that a person of ordinary skill would be limited to bodily incorporating references into one another, even though obviousness is based on, "what the combined teachings of the references would have suggested to a person of ordinary skill in the art, not whether one reference may be bodily incorporated into the structure of another

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