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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 No. IPR2015-01691
U.S. Patent No. 8,024,901

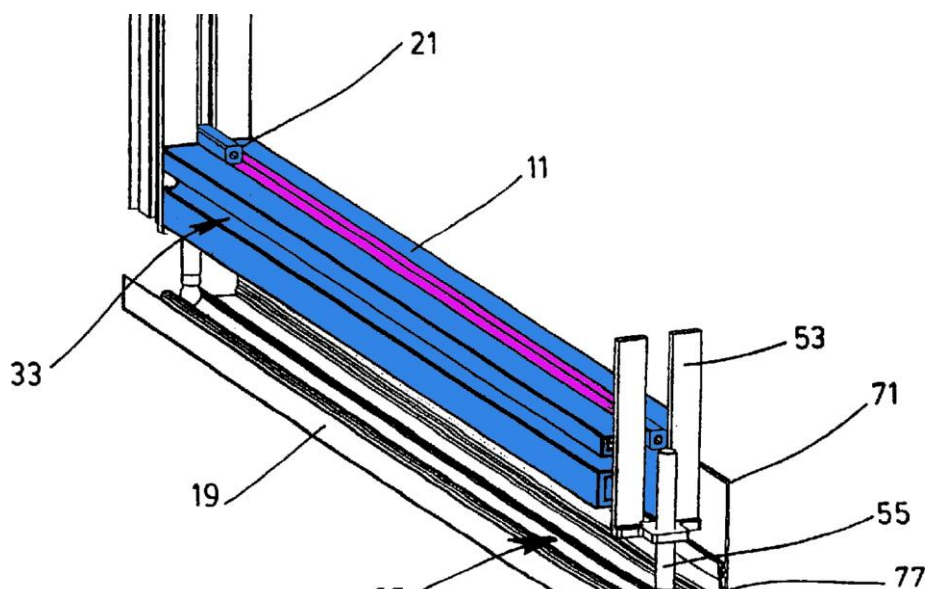
October 13, 2016

Introduction & Summary

- Petitioner has not carried its burden to prove obviousness because:
 - The Petitioner's motivations to combine references don't lead to the claimed invention
 - Petitioner's own expert repudiated or expressed doubt about the combination argued in the Petition
- Objective evidence shows the claimed invention would not have been obvious

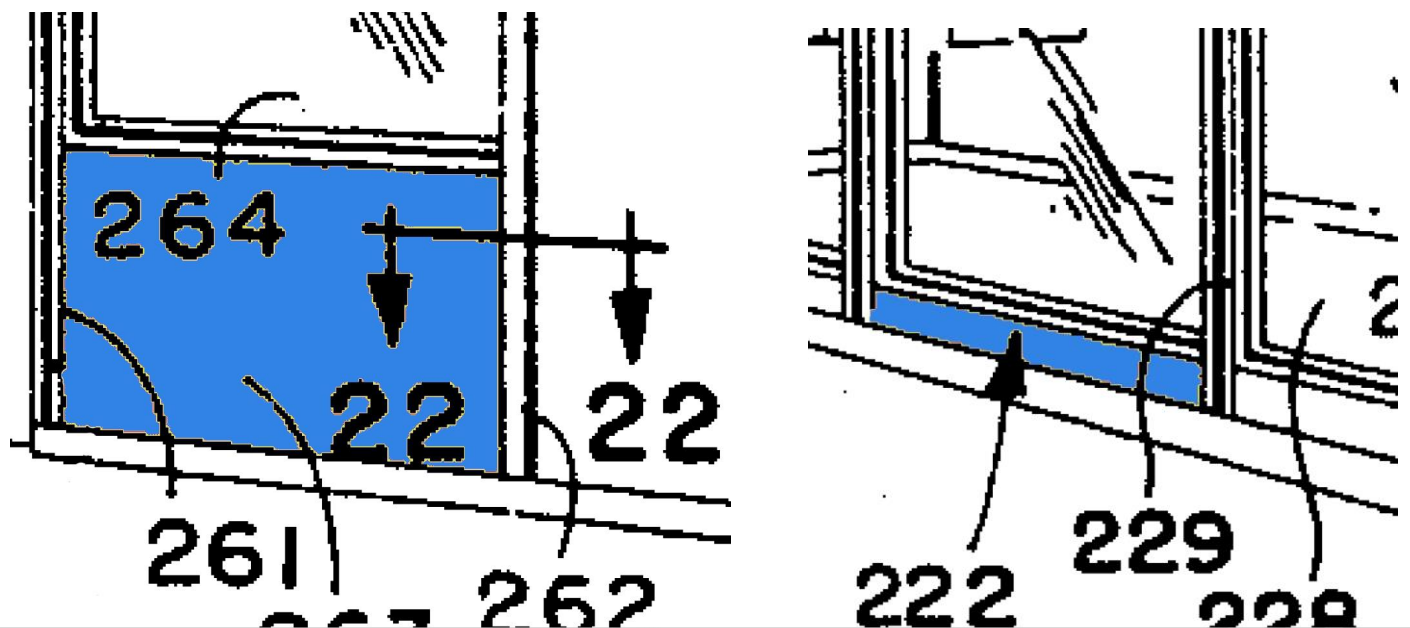
No Motivation to Import the Distance Channels of EVH into the Raith System (POR, pp. 27-

Petitioner argues: “It would have been obvious to combine the distance channels of EVH with Raith *to provide a manner of supporting and securing the g panels of Raith.*” [Petition, pp. 25-26; Ex. 1018, ¶¶ 95.1



No Motivation to Import the Distance Ch of EVH into the Raith System (POR, pp. 27-

Raith already has horizontal members. Petitioner's motivation is at most a reason to use EVH's groove those horizontal members to secure the glass along horizontal edge [Ex. 2009, ¶¶ 17-18]:



Petitioner's Expert testified that even he, an expert, would not combine EVH and Raith as Petitioner argues (POR, pp. 31-32; Ex. 2003, 105:14-106:22).

Q. Can you explain to me, Dr. Beaman, how a bottom distance channel could be incorporated into a glass panel as disclosed in Raith?

...

THE WITNESS: Oh, they're both glass panels, so I think you could take the structure and use it directly into Raith, but there would be a -- I mean, you obviously, you have the -- where the window goes in and you can certainly take the whole assembly and bring it over. I mean, you'd have to have the right end

...

Q. And would you need additional structure to secure the bottom distance channel 11 to the horizontal frames disclosed -- or the vertical frames disclosed in

...

THE WITNESS: Say it again. I'm sorry. **You would want to take this horizontal strip and put it right into the vertical frames of Raith?**

...

Q. **Is that what you opine a person of skill in the art would do?**

A. I don't necessarily have to do that, I could probably take the end frame and obviously change the -- the opposing sides of it so it fits in with the strip, **but I'm not sure I'd take that particular element and stick it right into Raith.**

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