

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL PLASTIC INDUSTRIAL CO., LTD.,
Petitioner

v.

CANON INC.,
Patent Owner

Case IPR2015-01954
Patent 8,909,094 B2

Before JAMESON LEE, THOMAS L. GIANNETTI, and HUNG H. BUI,
Administrative Patent Judges.

BUI, *Administrative Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. Background

On September 25, 2015, General Plastic Industrial Co., Ltd. (“Petitioner”) filed a Petition pursuant to 35 U.S.C. § 311 and 37 C.F.R. § 42.1 to institute *inter partes* review of claims 1, 7–9, 11, 16–18, 29 and 38 of U.S. Patent No. 8,909,094 B2 (Ex. 1001, “the ’094 patent”). Paper 2 (“Pet.”). Canon Inc. (“Patent Owner”) filed a Preliminary Response on December 22, 2015. Paper 10 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Upon consideration of the arguments and evidence presented by Petitioner and Patent Owner, we are not persuaded that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of any one of claims 1, 7–9, 11, 16–18, 29, and 38 of the ’094 patent. For reasons discussed below, we deny the Petition as to all challenges.

B. Related Matters

Petitioner indicates that the ’094 patent was the subject of an ITC Investigation: *In the Matter of Certain Toner Supply Containers and Components Thereof*, Inv. No. 337-TA-960 (U.S. Int’l Trade Comm’n).

C. The '094 Patent

The '094 patent describes a toner supply container for use in an electro-photographic image forming apparatus, such as a copier or a printer. Ex. 1001, 1:26–36, claims 1, 7–9, 11, 16–18, 29, and 38.

Figure 3 of the '094 patent illustrates such a toner supply container (toner bottle) relative to a copier, as reproduced below with additional markings, inserted in red, for illustration.

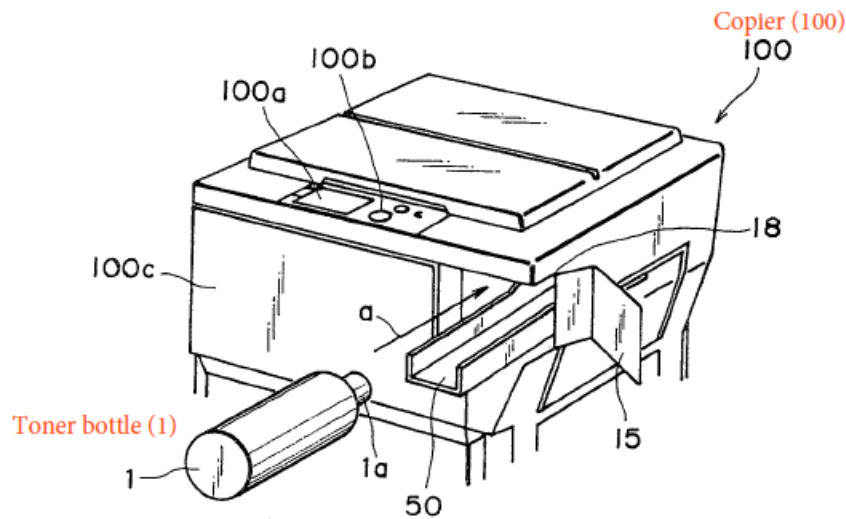


Figure 3 depicts toner supply container (toner bottle) 1 relative to copier 100.

As shown in Figure 3, toner supply container (toner bottle) 1 is installed in copier 100 by inserting the same in the direction indicated by arrow (a). Ex. 1001, Fig. 3.

Figure 8 provides a perspective view of toner bottle 1, as reproduced below with additional markings, in red, for illustration.

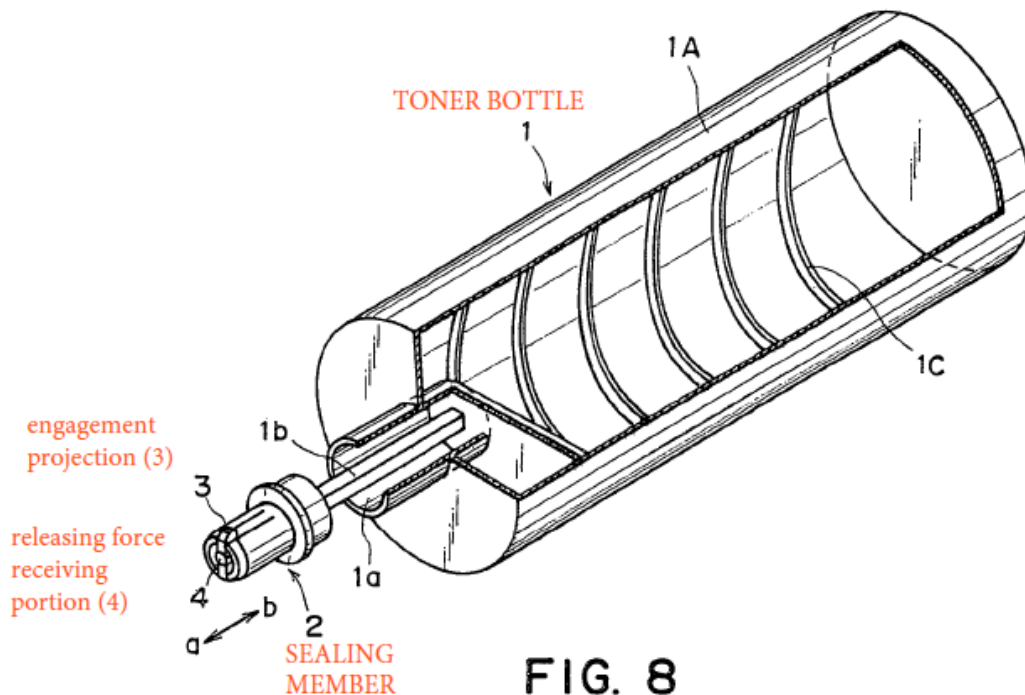


FIG. 8

Figure 8 depicts a perspective view of toner bottle 1 including sealing member 2.

As shown in Figure 8, toner bottle 1 is provided with two main components: (1) rotatable container body 1 provided with an opening 1a at one end through which toner may flow, and (2) sealing member 2. *Id.* at 9:37–39. Opening 1a is plugged with sealing member 2 for sealing opening 1a of toner bottle 1. Opening 1a is unsealed and resealed by the sliding motion of sealing member 2 relative to toner bottle 1 in the longitudinal direction (arrow a \leftrightarrow b) of toner bottle 1. *Id.* at 9:41–47.

Opening 1a is sealed, via sealing member 2, when toner bottle 1 is outside copier 1. *Id.* When toner bottle 1 is installed in copier 100, shown in Figure 1, two things happen: (1) opening 1a is unsealed; and (2) when

copier 100 is being used, toner bottle 1 is rotated. *Id.* at 7:24–8:54. The rotation of toner bottle 1 causes the toner to be fed out of opening 1a and into a toner hopper (not shown) within copier 100 when container body 1 is rotated. *Id.* at 9:64–10:37, Fig. 8.

According to the '094 patent, sealing member 2 performs the following functions: (1) sealing opening 1a of toner bottle 1, (2) receiving the rotational driving force from a main assembly of copier 100, and (3) transmitting the rotational driving force to toner bottle 1. *Id.* at 8:37–41.

The challenged claims are directed to the embodiment of sealing member 2, shown in Figures 23A–23B, which are reproduced below with additional markings, in red.

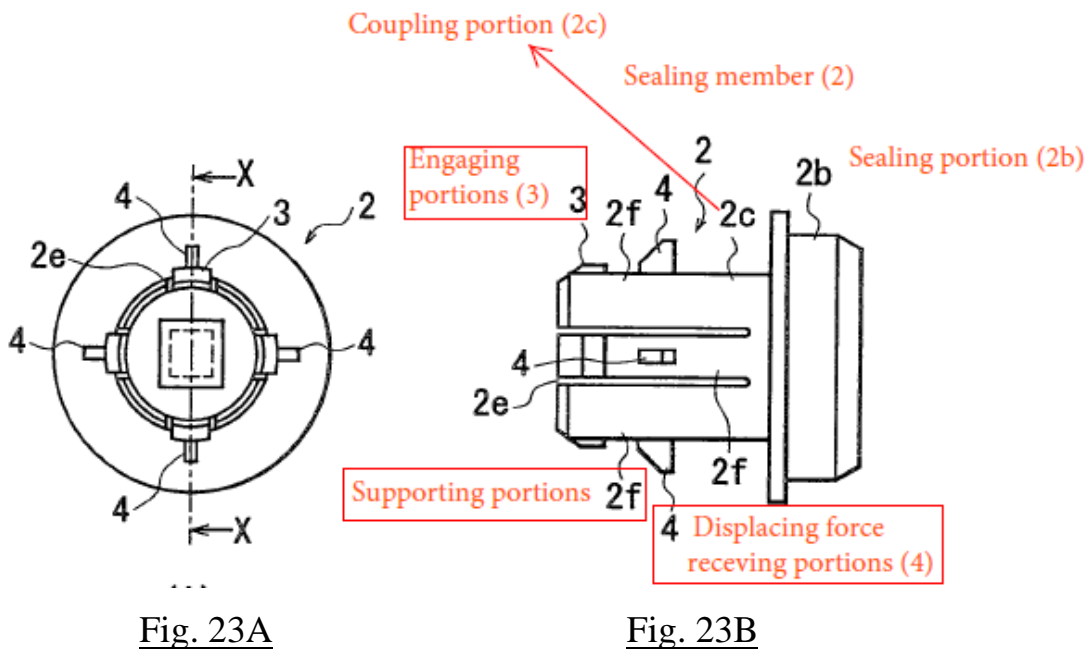


Figure 23A shows a side view of sealing member 2, while Figure 23B shows a front view of sealing member 2.

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