UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JOHN CRANE, INC., JOHN CRANE PRODUCTION SOLUTIONS, INC. & JOHN CRANE GROUP CORP., Petitioner,

v.

FINALROD IP, LLC, Patent Owner.

Case IPR2016-00521 TITLE: SUCKER ROD APPARATUS AND METHOD Patent 8,851,162 B2

PATENT OWNER'S PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107



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PATENT OWNER'S PRELIMINARY RESPONSE



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	2.	Petitioner Failed to Provide a Substantive Analysis of Why or How a
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E.		Claims 1, 6-11, 16-20, 25-28, 30 and 31 Are Not Rendered Obvious
		Over The Rutledge '431 Patent In View Of The Strandberg '839
		Patent As Asserted In Ground 143
	1.	The Combination of Rutledge '431 and Strandberg '839 Fail to Disclose,
		Suggest, or Teach At Least the Following Claim Limitations:
		a. "Apex"
		b. "the trailing edge is shorter at the closed end and increases
		progressively from the closed end to the open end"47
		c. "each apex forming a perimeter of equal dimension within the cavity
		that is the narrowest part of the cavity associated with each wedge
		shaped portion"
		d. "the compressive forces create a force differential along the wedge
		system greater at the closed end of the end fitting and decreasing
		toward the open end of the fitting"50
F.		Claims 2-5, 12-15, 21-24, and 32-38 Are Not Rendered Obvious Over
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TABLE OF AUTHORITIES

Cases

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