

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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

**Petitioners,**

**v.**

**FINALROD IP, LLC,  
Patent Owner.**

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**IPR No. IPR2016-00521**

**U.S. Patent No. 8,851,162**

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**PETITIONERS' REQUEST FOR REHEARING  
UNDER 37 C.F.R. § 42.71(d)**

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## I. INTRODUCTION

On June 7, 2016, the Board issued a Decision (Paper 7, “Decision”) Denying Institution of *Inter Partes* Review of claims 1-40 of U.S. Patent No. 8,851,162 (“the ’162 Patent”). Pursuant to 37 C.F.R. § 42.71(d), Petitioners respectfully request rehearing of the Board’s Decision.

The Board’s Decision seemingly agreed with Petitioners that the “apex” is a *location* at narrowest part of the cavity between adjacent wedges. Decision at 11-12. This is indisputably correct because the claims explicitly require the apex to be a location at narrowest part of the cavity. The Board’s decision also seemingly agreed that Petitioners accurately identified the locations of the apexes in the prior art and the ’162 Patent. *Id.* However, Petitioners respectfully submit that the Board: (1) misapprehended that the “such that” claim language requires the apex (which is nothing more than a location between adjacent wedges) alone “impact[s]” the lengths of the leading and trailing edges of the same wedge; and (2) overlooked evidence presented in the Petition that clearly discussed how the edge lengths were formed “such that” the leading edge is longer than the trailing edge, consistent with the apex’s identified location. Moreover, to the extent that the “such that” language requires that the apex location itself impacts the lengths of the leading and trailing edge, then the Petition also clearly discussed how the apex and the angles of inclination from the apex impact the edge lengths.

In particular, the Board’s Decision found that “[t]he Petition does not show sufficiently that the apexes taught by the combination of Rutledge ’431 and Strandberg *form perimeters that impact the lengths of the leading and trailing edges . . .*” Decision at 12 (emphases added throughout unless otherwise indicated). However, the ’162 Patent’s claims and specification make clear that the apexes are definite and fixed locations in each wedge, i.e., the apex is the location at the “narrowest part of the cavity.” *See, e.g.,* Ex. 1001, 3:1-5; Fig. 2. Figures 2-8 of the ’162 Patent unambiguously confirm that the narrowest part of each cavity is located in between two adjacent wedges. Thus, there can be no doubt that Petitioners correctly identified the apex’s location.

Despite this evidence, it is respectfully submitted that the Board misapprehended that the “such that” language in the claims somehow requires the apex alone to “impact” the lengths of the leading and trailing edges of the *same* wedge. Petitioners respectfully submit this is error. *First*, Federal Circuit case law makes clear that “such that” is not a term that requires a direct causal connection, and must be interpreted in the context of the specification and patent at issue. Here, the claimed apex is nothing more than a fixed location at the narrowest part of the cavity, and a fixed location in an apparatus cannot control the lengths of the leading and trailing edges. Moreover, there is no support in the ’162 Patent’s specification for construing the “such that” language to require that the location of

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