

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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HP INC.,

Petitioner

v.

MEMJET TECHNOLOGY LIMITED,

Patent Owner

Patent No. 8,678,550

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**PETITION FOR *INTER PARTES* REVIEW OF**

**U.S. PATENT NO. 8,678,550**

**CHALLENGING CLAIMS 1-4**

## TABLE OF CONTENTS

	<b>Page</b>
I. INTRODUCTION .....	1
II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(A)(1) .....	1
A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1) .....	1
B. Related Matters under 37 C.F.R. § 42.8(b)(2) .....	1
C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3) .....	2
D. Service Information under 37 C.F.R. § 42.8(b)(4).....	3
III. PAYMENT OF FEES UNDER 37 C.F.R. § 42.103 .....	3
IV. GROUNDS FOR STANDING UNDER 37 C.F.R. § 42.104 .....	3
V. THE '550 PATENT AND ITS PROSECUTION .....	4
A. Summary of the Prosecution History .....	4
B. Brief Description of the Patent .....	5
VI. THE PRIOR ART .....	9
A. Summary of the Prior Art.....	9
B. Brief Description of the Prior Art .....	11
1. Boyd .....	11
2. Waller .....	13
3. Ayata .....	14
VII. STATEMENT OF PRECISE RELIEF REQUESTED FOR EACH CLAIM CHALLENGED .....	15
A. Claims for Which Review Is Requested .....	15
B. Statutory Grounds of Challenge.....	15
C. Proposed Claim Constructions .....	16
1. “laminated ink distribution stack” .....	16

## TABLE OF CONTENTS

(continued)

	<b>Page</b>
2. “transitional ducts” .....	19
VIII. DETAILED GROUNDS FOR UNPATENTABILITY .....	20
A. Grounds 1-2 .....	21
1. Ground 1: Claims 1-3 Are Obvious under 35 U.S.C. § 103(a) in View of Boyd and Waller.....	21
2. Ground 2: Claim 4 Is Obvious under 35 U.S.C. § 103(a) in View of Boyd, Waller, and Ayata .....	45
B. Claim Chart for Grounds 1-2 .....	47
IX. CONCLUSION.....	60

## EXHIBIT LIST

<b><i>HP Exhibit #</i></b>	<b><i>Description</i></b>
Ex. 1001	U.S. Patent No. 8,678,550 to Silverbrook
Ex. 1002	Declaration of Stephen Pond, Ph.D.
Ex. 1003	File History of U.S. Patent 8,678,550
Ex. 1004	U.S. Patent No. 6,322,206 to Boyd <i>et al.</i>
Ex. 1005	U.S. Patent No. 6,250,738 to Waller <i>et al.</i>
Ex. 1006	U.S. Patent No. 4,463,359 to Ayata <i>et al.</i>
Ex. 1007	Curriculum Vitae of Stephen Pond, Ph.D.
Ex. 1008	Excerpt from American Heritage College Dictionary (4th ed. 2007)
Ex. 1009	Excerpt from McGraw-Hill Dictionary of Scientific and Technical Terms (5th ed. 1994)
Ex. 1010	Certified Translation of Final Judgment in Docket No. 21 O 20498/15 before Regional Court of Munich I dated January 29, 2016
Ex. 1011	Memjet's Responsive Claim Constructions served March 7, 2016 in Case No. 3:15-cv-01769-BEN-BLM (S.D. Cal.)
Ex. 1012	U.S. Patent No. 5,917,527 to Boyd <i>et al.</i>

## I. INTRODUCTION

As will be shown below, claims 1-4 of U.S. Patent No. **8,678,550** (“the ’550 patent,” Ex. 1001) should be found unpatentable under pre-AIA 35 U.S.C. § 103. The prior art plainly confirms that the elements of all claims were well known in the art before the application that issued as the ’550 patent was filed and it would have been obvious to one of ordinary skill in the art, at the time of the alleged invention of the ’550 patent, to combine these elements in the claimed manner. Accordingly, pursuant to 35 U.S.C. § 311 and 37 C.F.R. § 42.100 *et seq.*, Petitioner HP Inc. (“Petitioner”) hereby requests *Inter Partes* Review (hereinafter “IPR”) for claims 1-4 of the ’550 patent.

## II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)

Pursuant to 37 C.F.R. § 42.8(a)(1), the following mandatory notices are provided as part of this Petition.

### A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1)

HP Inc. (formerly known as Hewlett-Packard Company) is the real party-in-interest for the Petitioner.

### B. Related Matters under 37 C.F.R. § 42.8(b)(2)

As of the filing date of this Petition, the ’550 patent is involved in litigation in the Southern District of California, captioned *Memjet Technology Limited v. Hewlett-Packard Company*, Case No. 3:15-cv-01769-BEN-BLM. The ’550 patent

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