

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE CLOROX COMPANY

Petitioner

v.

AUTO-KAPS, LLC

Patent Owner

Patent No. 7,490,743

Filing Date: October 22, 2004

Issue Date: February 17, 2009

Title: DISPENSER ASSEMBLY

Inter Partes Review No. _____

**PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *ET SEQ.***

TABLE OF CONTENTS

I.	INTRODUCTION	- 1 -
II.	FORMALITIES	- 1 -
A.	Real Party-in-Interest	- 1 -
B.	Related Matters.....	- 2 -
C.	Fees.....	- 2 -
D.	Designation of Lead Counsel	- 2 -
E.	Service Information.....	- 2 -
F.	Power of Attorney	- 2 -
G.	Standing and Eligibility.....	- 3 -
III.	IDENTIFICATION OF CHALLENGE AND PRECISE RELIEF REQUESTED	- 3 -
A.	The Challenged Claims	- 3 -
B.	Identification of the Prior Art References.....	- 3 -
1.	U.S. Patent No. Re 33,480 (Ex. 1003, “ <i>Guss</i> ”)	- 3 -
2.	U.S. Patent No. 5,246,146 (Ex. 1004, “ <i>Bartimes</i> ”)	- 3 -
3.	French Patent No. 2,820,726 (Exs. 1005, 1006; “ <i>Campagnolo</i> ”)	- 3 -
4.	U.S. Patent No. 5,464,129 (Ex. 1007, “ <i>Ho</i> ”).....	- 4 -
5.	U.S. Patent No. 6,367,665 (Ex. 1008, “ <i>Barriac</i> ”)	- 4 -
6.	U.S. Patent No. 5,152,431 (Ex. 1009, “ <i>Gardner</i> ”).....	- 4 -
7.	U.S. Patent No. 5,147,074 (Ex. 1010, “ <i>Battegazzore</i> ”).....	- 4 -

8.	French Patent No. 2,828,480 (Exs. 1011, 1012; “Bonneyrat”)	- 4 -
9.	U.S. Patent No. 3,197,066 (Ex. 1013, “Denzler”)	- 4 -
10.	U.S. Patent No. 2,690,278 (Ex. 1014, “Bacheller”)	- 5 -
C.	Statement of the Precise Relief Requested.....	- 5 -
1.	Table Listing Grounds 1 Through 16	- 5 -
IV.	OVERVIEW OF THE ’743 PATENT (EX. 1001)	- 7 -
A.	Priority Date	- 7 -
B.	Background and Admitted Prior Art (APA)	- 7 -
C.	Description of the Alleged Invention	- 8 -
D.	Relevant Prosecution History	- 10 -
E.	Person of Ordinary Skill in the Art	- 12 -
V.	PROPOSED CLAIM CONSTRUCTION	- 12 -
A.	The Standard for Claim Construction	- 12 -
B.	Claim Terms	- 14 -
1.	“coupling arrangement” and “mating arrangement”	- 14 -
2.	“pump passageway is non-axial”	- 16 -
VI.	PROPOSED REJECTIONS SHOWING THAT PETITIONER HAS A REASONABLE LIKELIHOOD OF PREVAILING	- 20 -
A.	Ground 1: Independent Claim 1 is Anticipated by <i>Guss</i> (Ex. 1003).....	- 20 -
B.	Ground 2: Independent Claim 1 is Anticipated by <i>Bartimes</i> (Ex. 1004).....	- 26 -

C.	Ground 3: Independent Claim 1 and Dependent Claim 6 are Obvious over <i>Guss</i> (Ex. 1003) in view of <i>Campagnolo</i> (Exs. 1005, 1006).....	- 33 -
D.	Ground 4: Dependent Claim 2 is Obvious over <i>Guss</i> (Ex. 1003) and <i>Campagnolo</i> (Exs. 1005, 1006) in view of <i>Ho</i> (Ex. 1007)	- 36 -
E.	Ground 5: Dependent Claim 2 is Obvious over <i>Bartimes</i> (Ex. 1004) in view of <i>Ho</i> (Ex. 1007)	- 38 -
F.	Ground 6: Dependent Claim 3 is Obvious over <i>Guss</i> (Ex. 1003) and <i>Campagnolo</i> (Exs. 1005, 1006) in view of <i>Ho</i> (Ex. 1007) and further in view of <i>Barriac</i> (Ex. 1008)	- 39 -
G.	Ground 7: Dependent Claim 3 is Obvious over <i>Bartimes</i> (Ex. 1004) in view of <i>Ho</i> (Ex. 1007) and further in view of <i>Barriac</i> (Ex. 1008).....	- 40 -
H.	Ground 8: Dependent Claims 4 and 5 are Obvious over <i>Guss</i> (Ex. 1003) and <i>Campagnolo</i> (Exs. 1005, 1006) in view of <i>Ho</i> (Ex. 1007) and further in view of <i>Gardner</i> (Ex. 1009).....	- 41 -
I.	Ground 9: Dependent Claims 4 and 5 are Obvious over <i>Bartimes</i> (Ex. 1004) in view of <i>Gardner</i> (Ex. 1009).....	- 43 -
J.	Ground 10: Dependent Claim 6 is Obvious over <i>Bartimes</i> (Ex. 1004) in view of <i>Campagnolo</i> (Exs. 1005, 1006).....	- 44 -
K.	Ground 11: Dependent Claims 7 and 8 are Obvious over <i>Bartimes</i> (Ex. 1004) in view of <i>Battegazzore</i> (Ex. 1010).....	- 44 -
L.	Ground 12: Dependent Claims 7 and 8 are Obvious over <i>Guss</i> (Ex. 1003) in view of <i>Campagnolo</i> (Exs. 1005, 1006) and further in view of <i>Battegazzore</i> (Ex. 1010).....	- 46 -
M.	Ground 13: Dependent Claim 9 is Obvious over <i>Guss</i> (Ex. 1003) in view <i>Campagnolo</i> (Exs. 1005 and 1006) and further in view of <i>Bonneyrat</i> (Exs. 1011, 1012)	- 47 -

N.	Ground 14: Dependent Claim 9 is Obvious over <i>Bartimes</i> (Ex. 1004) in view of <i>Campagnolo</i> (Exs. 1005 and 1006) and further in view of <i>Bonneyrat</i> (Exs. 1011, 1012)	- 48 -
O.	Ground 15: Dependent Claim 10 is Obvious over <i>Guss</i> (Ex. 1003) in view of <i>Campagnolo</i> (Exs. 1005, 1006) and further in view of <i>Bonneyrat</i> (Exs. 1011, 1012) and <i>Denzler</i> (Ex. 1013).....	- 49 -
P.	16: Dependent Claim 10 is Obvious over <i>Bartimes</i> (Ex. 1004) in view of <i>Campagnolo</i> (Exs. 1005, 1006) and further in view of <i>Bonneyrat</i> (Exs. 1011, 1012) and <i>Denzler</i> (Ex. 1013)	- 52 -
VII.	CONCLUSION.....	- 52 -

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.