

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE CLOROX COMPANY  
Petitioner,

v.

AUTO-KAPS, LLC  
Patent Owner

Case IPR2016-00821  
U.S. Patent No. 7,490,743

PRELIMINARY RESPONSE BY PATENT OWNER  
UNDER 37 C.F.R. §42.107 TO THE CLOROX COMPANY'S  
PETITION FOR  
INTER PARTES REVIEW OF U.S. PATENT NO. 7,490,743

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By:           /Jeannie Ngai/            
          Jeannie Ngai

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**TABLE OF EXHIBITS**

Exhibit	Description
2001	Declaration of Dr. James Rice
2002	<i>Eizo Corp. v. Barco N.V.</i> , IPR2014-00358, Paper 11 (P.T.A.B. July 23, 2014)
2003	<i>Moses Lake Indus., Inc. v. Enthone, Inc.</i> , IPR2014-00243, Paper 6 (P.T.A.B. June 18, 2014)
2004	<i>Zimmer Holdings, Inc. and Zimmer, Inc. v. Bonutti Skeletal Innovations LLC</i> , IPR2014-01078, Paper 17 (P.T.A.B. Oct. 30, 2014)
2005	<i>Beckton, Dickinson and Company v. One Stockduq Holdings, LLC</i> , IPR2013-00235, Paper No. 10 (P.T.A.B. Oct. 1, 2013)
2006	<i>Volkswagen Group of America, Inc. v. Velocity Patent LLC</i> , IPR2015-00276, Paper No. 8 (P.T.A.B. June 1, 2015)

**I. PRELIMINARY STATEMENT**

The following constitutes the Preliminary Response under 37 C.F.R. §42.107(a) of Patent Owner, Auto-Kaps, LLC. (“Patent Owner”), to the Petition (Paper No. 1) filed by The Clorox Company (“Petitioner”) for *Inter Partes* Review of U.S. Patent No. 7,490,743 (“the ‘743 patent”). The “Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response” (Paper No. 3) from the Patent Trial and Appeal Board (“Board”) bears a mailing date of April 7, 2016. Thus, this Preliminary Response is being timely submitted pursuant to 37 C.F.R. §42.107(b).

**II. INTRODUCTION**

Petitioner alleges that claims 1-10 of the ‘743 patent are invalid in view of two primary references combined with various secondary references. The first primary reference relied on by the Petitioner is U.S. Patent No. RE 33,480 to Guss (“Guss”)(Ex. 1003). The second primary reference relied on by the Petitioner is U.S. Patent No. 5,246,146 to Bartimes (“Bartimes”)(Ex. 1004). Patent Owner notes that the Bartimes reference was considered by the Examiner during prosecution of the ‘743 patent and that claims 1-10 were issued over this reference. Petitioner relies

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