

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IRONBURG INVENTIONS LTD.,
Patent Owner.

Cases:

IPR2016-00948 (Patent 8,641,525 B2)

IPR2016-00949 (Patent 9,089,770 B2)

**PETITIONER'S RESPONSE TO PATENT OWNER'S
SUBMISSION REGARDING SCOPE OF REPLY**

Under 37 CFR § 42.23(b), the proper scope of Petitioner’s Reply may include arguments responding to the Patent Owner Response (Paper 19 in each of IPR2016-0948 and IPR2016-0949, hereinafter referred to as the “0948 PO Response,” or the “0949 PO Response,” respectively). Here, every argument that the Patent Owner alleges as “new,” in its Submission Re: Scope of Petitioner’s Reply, responds to an argument in the Patent Owner Response, as follows:

- The section of Petitioner’s Reply entitled “Tosaki is analogous art” responds to Patent Owner’s arguments that Tosaki is non-analogous art, at pp. 47-49 of the 0948 PO Response, and at pp. 49-51 of the 0949 PO Response.
- Petitioner’s argument that hand grips 14 of Tosaki are “handles,” within that term’s ordinary meaning, responds to Patent Owner’s argument that Tosaki does not disclose any “handles,” at p. 27 of the 0948 PO Response and at p. 27 of the 0949 PO Response. Petitioner also made the argument regarding handles in the original Petition in IPR2016-00949, Paper 1, at pp. 20-21.
- Petitioner’s argument that Enright ¶0032 would rationally suggest to a POSITA to lengthen Enright’s mode switches, responds to Patent Owner’s argument that Enright’s ¶0032 suggests only the *position* of the mode switches, at pp. 49-50 of the 0948 PO Response and at pp. 51-52 of the 0949 PO Response. Petitioner also made the lengthening argument in the original petitions (*see*, IPR2016-00948, Paper 1, at p. 37, and IPR2016-00949, Paper 1, at p. 43).

- Petitioner’s arguments that the Enright mode switches 32, 34 must include a flexible element such as a spring, that Ironburg did not invent flexible materials, and that Oelsch suggests making a switch from an elongate flexible beam, respond to Patent Owner’s argument about whether Enright “teaches or suggests that the mode switches ‘may be bent or flexed by a load,’ as required under the Board’s construction.” *See*, 0948 PO Response at pp. 40-41. The earliest opportunity for the Petitioner to address that claim construction, or the Patent Owner’s arguments based upon it, was in the Petitioner’s Reply.

- Petitioner’s arguments regarding “paddle levers” respond to Patent Owner’s argument that Enright fails to disclose paddle levers “under the Board’s construction¹,” at pp. 57-58 of the 0948 PO Response and at pp. 59-60 of the 0949 PO Response. Petitioner’s arguments that paddle levers were common knowledge, and drawn merely as simple ovals, were also made in the original petitions (*see*, IPR2016-00948, Paper 1, at p. 16, and IPR2016-00949, Paper 1, at p. 28-29.)

Therefore, in this case each Petitioner’s Reply has proper scope under 37 CFR § 42.23(b).

¹ Actually the Board did not construe “paddle lever,” but rather disagreed with a proposed construction. *See, e.g.*, IPR2016-0948, Paper 10, at p. 16.

Dated: 13 July, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.205, that on 13 July 2017 a true copy of the foregoing PETITIONER'S RESPONSE TO PATENT OWNER'S SUBMISSION REGARDING SCOPE OF REPLY was served in its entirety on the Patent Owner electronically via PTAB E2E to:

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