Filed on behalf of Oxbo International Corporation

By: Andrew J. Lagatta, Reg. No. 62,529 Merchant & Gould P.C.

3200 IDS Center

80 South 8th Street

Minneapolis, MN 55402

Tel: (612) 332-5300 Fax: (612) 332-9081

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

H&S MANUFACTURING COMPANY, INC.

Petitioner,

V.

OXBO INTERNATIONAL CORPORATION

Patent Owner.

Case IPR2016-00950 Patent 8,166,739

PATENT OWNER'S RESPONSE



Table of Contents

I.	Intro	uction		1	
II.	Overview of the '739 patent			3	
	A.	Hay harvesting.			
	B.	Windrow mergers			
	C.	The invention of the '739 patent			
III.	Perso	n having ordinary sk	ill in the art	11	
IV.	Claim construction			11	
	A.	Windrow merger		12	
	B.	Pickup assembly		13	
V.	Overview of the asserted references			15	
	A.	Cereal combine har	vester head (Declementi)	15	
		1. Grain harves	ting	15	
		2. Cereal comb	ine harvester header of Declementi	16	
	B.	Swather attachment (US Honey)		19	
	C.	Hay harvester (Lohrentz)			
VI.	Stanc	ard for <i>inter partes</i> 1	rd for <i>inter partes</i> review		
VII.	The 1	aw of obviousness			
VIII.	Petitioner fails to establish that claim 1 is obvious			23	
	A.	•	rove that Declementi, US Honey, and Lohrentz as of claim 1	23	
		1. None of Petit	tioner's references disclose a windrow merger	24	
			tioner's references disclose three pickup	26	
		b. None of	menti does not teach a pickup assembly		
		assemblies a. Decler b. None of assembles	menti does not teach a pickup assembly	26	



	В.	Petitioner fails to provide a valid reason to combine Declementi, US Honey and Lohrentz to create the claimed windrow merger and				
			provides no reasonable expectation of success			
		1.	Petitioner's reason to modify Declementi to "increase operat capabilities" is based on hindsight	_		
		2.	The combination of Declementi, US Honey and Lohrentz would change the principle operation of the references	36		
		3.	Petitioner does not provide any reasoning for how the conveyors of US Honey would be incorporated into Declement			
		4.	Petitioner fails to establish any expectation of success for the proposed combination			
IX.	Obje	Objective indicia support nonobviousness of the '739 Patent4				
	A.	Nexus exists between the claimed invention and Patent Owner's commercial product				
	B.	Petitioner copied Patent Owner's patented products				
	C.	Patent Owner's product has received industry praise56				
	D.	Geis	er is not probative of whether the claimed invention is obvious	.57		
v	Cons	Jugion		50		



Exhibit List

Exhibit #	Description
2001	Shinners, K.J., <i>et al.</i> , Equipment to Rake and Merge Hay and Forage, University of Wisconsin Forage Research and Extension (2003), cited in Petitioner's Ex. 1012, ¶118. (H&S 093286-91)
2002	Jarrett, EP0120574A1, October 3, 1984
2003	Declaration of Shane A. Brunner in Support of Patent Owner's Motion for Admission Pro Hac Vice
2004	Declaration of Thomas R. Johnson in Support of Patent Owner's Motion for Admission Pro Hac Vice
2005	Deposition transcript of Dr. Daniel J. Undersander
2006	Srivastava et al., <i>Engineering Principles of Agricultural Machines</i> (1993). pp. 406-443
2007	Deposition transcript of Mr. Ralph E. Shirley
2008	Declaration of Dr. Jonathan Chaplin
2009	Defendant's Answers to Plaintiff's First Set of Interrogatories
2010	2004 AE50 Outstanding Innovations, June/July 2004
2011	Redacted deposition transcript of Jake Kappelman (selected excerpts)
2012	Exhibit 12 of Jake Kappelman deposition
2013	Exhibit 13 of Jake Kappelman deposition
2014	H&S 152469-H&S 152495
2015	Claim chart regarding the Tri-Flex merger
2016	Listing of issued patents assigned to Kuhn S.A.



2017	Claim chart regarding Patent Owner's products
2018	Declaration of Shane A. Brunner
2019	Declaration of Benjamin Legatt



DOCKET A L A R M

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.

