

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL PLASTIC INDUSTRIAL CO., LTD.

Petitioner

v.

CANON KABUSHIKI KAISHA

Patent Owner

U.S. Patent No. 8,909,094

Issue Date: December 9, 2014

Title: SEALING MEMBER, TONER ACCOMMODATING CONTAINER
AND IMAGING FORMING APPARATUS

**SECOND PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,909,094**

Case No. IPR2016-01359

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Cases

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<i>Garmin Int’l Inc. v. Cuozzo Speed Techs. LLC</i> , IPR2012-00001, Final Written Decision (PTAB Nov. 13, 2013), <i>aff’d sub nom, In re Cuozzo Speed Techs. LLC</i> , 793 F.3d 1268 (Fed. Cir. 2015), <i>aff’d</i> , ____ U.S. ____ (June 20, 2016)	48
<i>General Plastic v. Canon</i> , IPR2015-01954, Decision (Paper 9) (PTAB, Mar. 9, 2016)	3
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<i>In re Hiniker Co.</i> , 150 F.3d 1362 (Fed. Cir. 1998)	2
<i>In re Translogic Tech., Inc.</i> , 504 F.3d 1249 (Fed. Cir. 2007)	16
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Other Authorities

MPEP §2111.01(II)16
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www.merriam-webster.com/dictionary18

Regulations

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LISTING OF EXHIBITS

- Exhibit 1001 U.S. Patent No. 8,909,094 to Yamada, et al.
- Exhibit 1002 Prosecution History for U.S. Patent Application Serial No. 13/617,050, Filed On September 14, 2012
- Exhibit 1003 U.S. Patent No. 7,647,012 to Yamada, et al.
- Exhibit 1004 Special Master's Claims Construction Report and Recommendations dated Nov. 8, 2013, in Case No. 1:11-cv-03855-RLV in the U.S. District Court, Northern District of Georgia
- Exhibit 1005 Court's Order dated January 9, 2014, in Case No. 1:11-cv-03855-RLV in the U.S. District Court, Northern District of Georgia
- Exhibit 1006 Japanese Patent Application Publication No. 2000-305346 to Suzuki (including certified English translation)
- Exhibit 1007 U.S. Patent No. 5,598,254 to Ikesue, et al.
- Exhibit 1008 Declaration of Brian Springett, Ph.D.

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