

Paper No. \_\_\_\_  
Filed: August 29, 2016

Filed on behalf of: Canon Kabushiki Kaisha

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.

---

Case IPR2016-01359

U.S. Patent 8,909,094

---

PATENT OWNER'S PRELIMINARY RESPONSE

UNDER 37 C.F.R. § 42.107

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	THE PETITION SHOULD BE DENIED UNDER 35 U.S.C. § 314(a) .....	4
III.	TECHNOLOGICAL BACKGROUND .....	10
	A.    The '094 Patent .....	10
	B.    Suzuki .....	21
	C.    Ikesue.....	23
IV.	PERSON OF ORDINARY SKILL .....	24
V.	CLAIM CONSTRUCTION .....	24
	A.    “A toner supply container”.....	25
	B.    “a rotational force receiving portion ...” .....	26
	C.    “displacing force receiving portion ...” and “projecting portion ...”.....	29
	D.    “configured and positioned to receive a rotational drive force ...” .....	31
VI.	LEGAL STANDARDS .....	35
VII.	SUZUKI AND IKESUE DO NOT RENDER OBVIOUS ANY OF THE CHALLENGED CLAIMS .....	36
	A.    Petitioner Fails to Show that Suzuki, In View of Ikesue, Discloses or Suggests a Coupling Portion “Configured and Positioned to Receive a Rotational Drive Force”.....	36
	B.    Petitioner Fails to Show that Suzuki, In View of Ikesue, Discloses or Suggests the “Rotational Force Receiving Portion” Required by Claim 1 .....	41
	C.    Petitioner Fails to Show that Suzuki, In View of Ikesue, Discloses or Suggests an “Engaging Portion” or a	

“Displacing Force Receiving Portion” or “Projecting Portion” Displaceable with the Alleged “Supporting Portion”.....	44
D. Petitioner Fails to Show that Suzuki and Ikesue Disclose or Suggest All the Limitations of Claims that Depend from Claim 1 .....	49
VIII. CONCLUSION.....	51

## TABLE OF AUTHORITIES

### Cases

<i>Aspex Eyewear, Inc. v. Marchon Eyewear, Inc.</i> , 672 F.3d 1335 (Fed. Cir. 2012) .....	33
<i>Cuozzo Speed. Techs., LLC v. Lee</i> , 136 S. Ct. 2131 (2016).....	4, 25
<i>Ex parte Icon Health &amp; Fitness, Inc.</i> , 496 F.3d 1374 (Fed. Cir. 2007) .....	29
<i>Gardner v. TEC Sys., Inc.</i> , 725 F.2d 1338 (Fed. Cir. 1984) .....	50
<i>Graham v. John Deere Co. of Kansas City</i> , 383 U.S. 1 (1966).....	35
<i>Hartness Int'l Inc. v. Simplimatic Eng'g Co.</i> , 819 F.2d 1100 (Fed. Cir. 1987) .....	49
<i>In re Giannelli</i> , 739 F.3d 1375 (Fed. Cir. 2014) .....	28, 33, 38
<i>In re Man Machine Interface Techs. LLC</i> , 822 F.3d 1282 (Fed. Cir. 2016) .....	25, 33
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	35
<i>Microsoft Corp. v. Proxyconn, Inc.</i> , 789 F.3d 1292 (Fed. Cir. 2015) .....	25
<i>Straight Path IP Grp., Inc. v. Sipnet EU S.R.O.</i> , 806 F.3d 1356 (Fed. Cir. 2015) .....	32
<i>Trivascular, Inc. v. Samuels</i> , 812 F.3d 1056 (Fed. Cir. 2016) .....	32
<b>Statutes</b>	
35 U.S.C. § 314(a) .....	2, 3, 4, 8, 35

35 U.S.C. § 316(a)(11).....	4
35 U.S.C. § 325(d) .....	4

## **Regulations**

37 C.F.R. § 42.65(a).....	35, 48, 50
37 C.F.R. § 42.100(b) .....	25
37 C.F.R. § 42.104(b)(4).....	35
37 C.F.R. § 42.104(b)(5).....	35
37 C.F.R. § 42.108(a).....	4
37 C.F.R. § 42.108(b) .....	4
37 C.F.R. § 42.108(c).....	3, 35

## **P.T.A.B.**

<i>Conopco, Inc. v. Procter &amp; Gamble Co.,</i> IPR2014-00506, Paper 25 (P.T.A.B. Dec. 10, 2014) .....	6
<i>Conopco, Inc. v. Procter &amp; Gamble Co.,</i> IPR2014-00628, Paper 21 (P.T.A.B. Oct. 20, 2014).....	8
<i>Ex parte Ahlfeld,</i> Appeal 2012-006205, 2015 WL 6774437 (P.T.A.B. Oct. 30, 2015) .....	32
<i>Ex parte Goodrich,</i> Appeal 2009-009437, 2010 WL 3441066 (B.P.A.I. Aug. 30, 2010) .....	50
<i>Ex parte Icon Health &amp; Fitness, Inc.,</i> Appeal No. 2006-0790, 2006 WL 1665623 (B.P.A.I. May 16, 2006).....	29
<i>Ex parte Lee,</i> Appeal 2013-009889, 2015 WL 5719912 (P.T.A.B. Sept. 22, 2015).....	33
<i>Ex parte Lin,</i> Appeal 2011-010005, 2015 WL 2063245 (P.T.A.B. May 1, 2015).....	33

# 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.