

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

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

Case No. IPR2016-01361

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	MANDATORY NOTICES (37 C.F.R. §42.8).....	2
	A. Real Party in Interest (37 C.F.R. §42.8(b)(1)).....	2
	B. Related Matters (37 C.F.R. §42.8(b)(2))	2
	C. Lead and Back-Up Counsel (37 C.F.R. §42.8(b)(3))	3
	D. Service Information (37 C.F.R. §42.8(b)(4)).....	3
III.	GROUNDS FOR STANDING.....	3
IV.	IDENTIFICATION OF CHALLENGE (37 C.F.R. §42.104(b)(1)-(3)) and RELIEF REQUESTED (37 C.F.R. §42.22(a)(1)).....	4
	A. Background of the ‘094 Patent	4
	B. The Disclosure of the ‘094 Patent.....	4
	C. Prosecution History of the ‘094 Patent.....	10
	D. Patents and Printed Publications Relied On	15
	E. Statutory Grounds for Challenge (37 C.F.R. §42.104(b)(1)-(2))	15
	F. Claim Construction (37 C.F.R. §42.104(b)(3))	15
V.	HOW CHALLENGED CLAIMS ARE UNPATENTABLE (37 C.F.R. §42.104(b)(4)-(5)).....	20
VI.	CONCLUSION.....	66

TABLE OF AUTHORITIES

Cases

<i>Catalina Marketing Int’l, Inc. v. Coolsavings.com, Inc.</i> , 289 F.3d 801 (Fed. Cir. 2002)	16
<i>Gardner v. TEC Sys., Inc.</i> , 725 F.2d 1338 (Fed. Cir. 1984)	35, 44
<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)	53
<i>General Plastic v. Canon</i> , IPR2015-01954, Decision (Paper 9) (PTAB, Mar. 9, 2016)	3
<i>In re Bigio</i> , 381 F.3d 1320 (Fed. Cir. 2004)	20
<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)	15
<i>In the Matter of Certain Toner Supply Containers And Components Thereof</i> , Inv. No. 337-TA-960 (U.S. Int’l Trade Comm’n)	2

Statutes

35 U.S.C. §103	passim
35 U.S.C. §119	4
35 U.S.C. §120	4, 10
35 U.S.C. §315(d)	3

Other Authorities

MPEP §2111.01(II)	16
MPEP §2111.04	18
MPEP§2144.04(IV)(A)	35, 44
www.merriam-webster.com/dictionary	17

Regulations

37 C.F.R. §42.100(b)	15
----------------------------	----

Other Authorities

MPEP §2111.01(II)	16
MPEP §2111.04	18

MPEP§2144.04(IV)(A)..... 35, 44
www.merriam-webster.com/dictionary17

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 U.S. Patent No. 5,481,344 to Yasuda
- Exhibit 1007 Declaration of Brian Springett, Ph.D.

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.