

Kingston v. Polaris Inno

IPR2016-01622
U.S. Patent No. 6,850,414

Patent Owner Polaris Innovatio

November 14, 2017

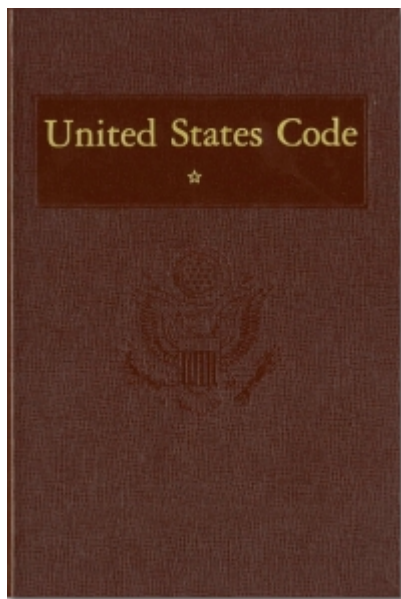
Overview Of Arguments

- I. The Scope Of The Hearing
- II. The Effect Of *Aqua Products v. Matal* (Fed. Cir.) (en banc)
- III. The Merits Of The Motion To Amend

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Scope Of IPR Review – Set by Director's determination

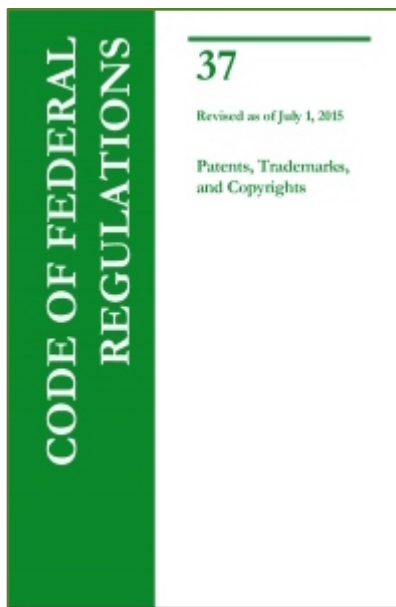


(a) The Director may not authorize an IPR to be instituted unless the Director determines that the evidence presented in the petition filed under section 313 ***shows that there is a reasonable possibility that the petitioner would prevail*** with respect to the claims challenged in the petition

(c) The Director shall notify the petitioner, in writing, of the ***Director's determination***.

(d) The determination by the Director on a petition for IPR review under this section ***shall***

Scope Of IPR Review – Set Under Office Rules



(a) ***Institution of trial.*** The Board instituted the trial on the written request of the petitioner and the Director.

37 C.F.R. § 42.4

(a) When instituting inter partes review, the Board may determine that the petitioner has not shown that it is more likely than not that the claims are unpatentable. In such a case, the Board may determine that the petitioner has not shown that it is more likely than not that the claims are unpatentable. ***review to proceed on all or some of the grounds of unpatentability or some of the grounds of unpatentability.***

(b) At any time prior to institution of inter partes review, the Board may deny some or all grounds for unpatentability of the challenged claims. ***Denial of a ground for unpatentability does not preclude the Board from instituting inter partes review on that ground.***

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