

Filed on behalf of Bedgear LLC  
By: Joseph J. Richetti  
Bryan Cave LLP  
1290 Avenue of the Americas  
New York, NY 10104  
Tel: (212) 541-2000  
Fax: (212) 541-4630

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

BEDGEAR, LLC  
Petitioner

v.

SHEEX, INC.  
Patent Owner

---

Case: To Be Assigned  
U.S. Patent No. 8,402,580

---

**PETITION FOR *INTER PARTES* REVIEW  
PURSUANT TO 37 C.F.R. §42.100 *et seq.***

**TABLE OF CONTENTS**

I. MANDATORY NOTICES (37 C.F.R. § 42.8) ..... 1

II. GROUNDS FOR STANDING (37 C.F.R. § 42.104(a))..... 2

III. IDENTIFICATION OF CHALLENGE (37 C.F.R. § 42.104(b))..... 2

    A. Claims for Which Review Is Requested ..... 2

    B. Priority Date of the ‘580 Patent..... 2

    C. The Specific Art on Which the Challenge Is Based..... 3

    D. The Statutory Grounds on Which the Challenge Is Based..... 4

IV. OVERVIEW OF THE ‘580 PATENT ..... 4

    A. Technology Background ..... 4

    B. The ‘580 Patent Specification ..... 7

    C. Prosecution History ..... 10

    D. The Challenged Claims ..... 12

V. LEVEL OF ORDINARY SKILL ..... 12

VI. CLAIM CONSTRUCTION ..... 13

VII. GROUNDS OF UNPATENTABILITY..... 15

    A. Overview of the Grounds ..... 15

    B. Ground 1: The APA In View Of Haggerty Renders Obvious  
    Claims 1-14, 18, and 19 ..... 17

        1. The APA in view of Haggerty renders obvious claim 1 ..... 20

            a. The APA in view of Haggerty teaches a finished fabric  
            at least 90 inches wide (1[Pre]) ..... 20

            b. The APA in view of Haggerty teaches a first circular  
            knitted fabric portion and a second circular knitted  
            fabric portion (1[A1] & 1[A2]) ..... 22

c.	The APA teaches at least one of the circular knitted fabric portions comprising a performance fabric that has been circularly knit at 17 gauges or higher (1[B1]) ...	23
d.	The APA teaches the performance fabric having an elasticity such that it has a tendency to sag by an amount greater than a threshold amount of sag determined by a finishing process (1[B2]) .....	25
e.	The APA teaches the sag would interfere with the finishing process if the performance fabric were circularly knit at greater than a 72.5 inch circumference (1[B3]) .....	28
f.	The APA in view of Haggerty teaches the first and second fabric portions are discrete (1[C1]); and are joined along respective edges of the two portions to form the finished fabric (1[C2]) .....	30
2.	The APA in view of Haggerty renders obvious claim 2.....	33
3.	The APA in view of Haggerty renders obvious claim 3.....	33
4.	The APA in view of Haggerty renders obvious claims 4-9.....	34
5.	The APA in view of Haggerty renders obvious claims 10-12..	34
6.	The APA in view of Haggerty renders obvious claim 13.....	35
7.	The APA in view of Haggerty renders obvious claim 14.....	36
8.	The APA in view of Haggerty renders obvious claim 18.....	36
9.	The APA in view of Haggerty renders obvious claim 19.....	37
C.	Ground 2: The APA In View Of Haggerty, Further In View Of Fleissner Renders Obvious Claims 1-14, 18, and 19 .....	38
1.	The APA in view of Haggerty and Fleissner renders obvious independent claim 1 .....	40
a.	The APA in view of Haggerty and Fleissner teaches limitations 1[Pre], [A1], [A2], [B1]. [C1], and [C2] .....	40

b.	The APA in view of Haggerty and Fleissner teaches “the performance fabric has a tendency to sag by an amount that is greater than a threshold amount of sag determined by a finishing process” (1[B2]); and “the sag would interfere with the finishing process if the performance fabric were circularly knit at greater than a 72.5 inch circumference” (1[B3]) .....	40
2.	The APA in view of Haggerty and Fleissner renders obvious dependent claims 2-14, 18, and 19 .....	43
D.	Ground 4: Stewart In View Of Fleissner Renders Obvious Claims 1-14, 18, and 19 .....	44
1.	Stewart in view of Fleissner renders obvious claim 1 .....	45
a.	Stewart teaches a finished fabric at least 90 inches wide (1[Pre]) .....	45
b.	Stewart teaches a first circular knitted fabric portion and a second circular knitted fabric portion (1[A1] & 1[A2]) .....	46
c.	Stewart teaches at least one of the circular knitted fabric portions comprising a performance fabric that has been circularly knit at 17 gauges or higher (1[B1]) ...	47
d.	Stewart in view of Fleissner teaches the performance fabric having an elasticity such that it has a tendency to sag by an amount greater than a threshold amount of sag determined by a finishing process (1[B2]) .....	49
e.	Stewart in view of Fleissner teaches the sag would interfere with the finishing process if the performance fabric were circularly knit at greater than a 72.5 inch circumference (1[B3]) .....	51
f.	Stewart teaches the first and second fabric portions are discrete (1[C1]); and are joined along respective edges to form the finished fabric (1[C2]) .....	53
2.	Stewart in view of Fleissner renders obvious claim 2 .....	55

3. Stewart in view of Fleissner renders obvious claim 3 .....55

4. Stewart in view of Fleissner renders obvious claims 4-9 .....56

5. Stewart in view of Fleissner renders obvious claims 10-12 .....57

6. Stewart in view of Fleissner renders obvious claim 13 .....58

7. Stewart in view of Fleissner renders obvious claim 14 .....58

8. Stewart in view of Fleissner renders obvious claim 18 .....58

9. Stewart in view of Fleissner renders obvious claim 19 .....59

VIII. CONCLUSION .....60

# 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.