UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD DYNACRAFT BSC, INC., Petitioner

V.

MATTEL, INC., *Patent Owner*.

Case IPR2018-00042 Patent 7,621,543

Title: BLOW-MOLDED WHEELS HAVING UNDERCUT TREADS, METHODS FOR PRODUCING THE SAME, AND CHILDREN'S RIDE-ON VEHICLES INCLUDING THE SAME

PATENT OWNER'S PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. § 42.107



TABLE OF CONTENTS

	Pag	ge
Ι. Ι	NTRODUCTION	.1
II.	SUMMARY OF ARGUMENTS	.1
III.	STANDARDS FOR INSTITUTION	.4
IV.	BRIEF OVERVIEW OF THE '543 PATENT	.5
A.	Prior Art Children's Ride-On Wheels and Their Limitations	.5
B.	Specification of the '543 Patent	15
C.	Prosecution History of the '543 Patent	22
D.	Claim Construction 2	24
V.	PETITIONER'S PRIOR ART	25
A. Do	There Is No Motivation To Combine Petitioner's References, and DeGraaff es Not Add One2	
1	. Damon	29
2	DeGraaff3	30
3	Perego	32
4	Plastic Blow Molding Handbook	35
5	Felker 4	14
VI.	LEVEL OF ORDINARY SKILL IN THE ART	17
VII. SUC	PETITIONER'S UNPATENTABILITY GROUNDS ARE UNLIKELY TO CEED	
	Ground 1: Damon, Perego, DeGraaff and the Handbook Do Not Render the allenged Claims Obvious	
1	. DeGraaff Does Not Provide Adequate Motivation to Combine	19
2 S	Petitioner's Combination of Damon, Perego, the Handbook, and DeGraafstill Does Not Disclose All of the Claimed Elements	
3	Claims 5-8 and 10 Are Not Obvious Under Ground 1	55
B. Cla	Ground 2: Damon, DeGraaff and Felker Do Not Render the Challenged	55



	1.	DeGraaff Again Does Not Provide Adequate Motivation to Combine	.55
	2.	Petitioner's Combination of Damon, DeGraaff and Felker Still Does Not	
	Dis	sclose All of the Claimed Elements.	.57
	3.	Claims 5-8 and 10 Are Not Obvious Under Ground 2	.57
VI	П	CONCLUSION	58



TABLE OF AUTHORITIES

	Page(s)
Cases	
ActiveVideo Networks, Inc. v. Verizon Commc'ns, Inc., 694 F.3d 1312 (Fed. Cir. 2012)	5
August Tech. Corp. v. Camtek Ltd., 655 F.3d 1278 (Fed. Cir. 2011)	5
Black & Decker, Inc. v. Positec USA, Inc., 646 Fed. Appx. 1019 (Fed. Cir. 2016)	56
KSR Int'l Co. v. Teleflex, Inc., 550 U.S. 398 (2007)	5
Purdue Pharma L.P., v. Epic Pharma, LLC, 811 F.3d 1345 (Fed. Cir. 2016) (Fed. Cir. Dec. 7, 2016)	24
SAS Inst., Inc. v. ComplementSoft, LLC, IPR2013-00581 (PTAB Dec. 30, 2013)	5
Tietex Int'l, Ltd. v. Precision Fabrics Group, Inc., IPR2015-01671 (PTAB Feb. 11, 2016)	5
Vizio, Inc. v. Int'l Trade Comm'n, 605 F.3d 1330 (Fed. Cir. 2010)	5
Statutes	
35 U.S.C. § 314	4
35 U.S.C. § 316	4
Other Authorities	
37 C.F.R. § 42.104	4, 5
37 C.F.R. § 42.108	4



TABLE OF AUTHORITIES

Exhibit #	Exhibit Description
2001	"A Story About Our Heritage," available at http://www.fisher-price.com/en_US/ourstory/how-it-began/index.html
2002	U.S. Patent No. D636,412 to Misse
2003	"Injection, Blow Molding," Encyclopedia Britannica, 1997, available at https://www.slideshare.net/imtiazfiaz/injection-blow-molding
2004	"Manufacturing Processes – Blow Molding Plastics," available at http://www.engineershandbook.com/MfgMethods/blowmolding.htm
2005	U.S. Patent No. 2,619,678 to Crooker
2006	"Types of Molding Processes," available at https://sciencing.com/types-molding-processes-7651143.html
2007	Declaration of Daria DeLizio



DOCKET

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.

