

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION
Petitioner,

v.

FUJIFILM CORPORATION
Patent Owner.

Case No. IPR2018-00877
U.S. Patent No. 6,462,905

REPLY DECLARATION OF THOMAS W. VON ALTEN

SONY Exhibit 1033
SONY v. FUJI

TABLE OF CONTENTS

I.	GROUND 1: THE MCALLISTER-I AND LAVERRIERE COMBINATION RENDERS CLAIMS 1-2 OBVIOUS	1
A.	McAllister-I Exhibits the Same Potential for Brake Misalignment that Motivated Laverriere’s Centering Ribs	2
1.	A POSA Knew There Must Be Clearance Between McAllister-I’s Locking Gear and Reel Hub	3
2.	A POSA Knew There Must Be Clearance Between McAllister-I’s Mating Components	12
3.	The Location of McAllister-I’s Spring Is Irrelevant.....	16
B.	The Proposed Combination Would Operate as Intended and Would Not Require Significant Redesign.....	17
1.	The Proposed Combination Would Operate as Intended	17
2.	The Proposed Combination Would Not Require Significant Redesign	22
II.	GROUND 2: MCALLISTER ANTICIPATES CLAIM 3	23
III.	GROUND 6: MIZUTANI ANTICIPATES CLAIM 3	29

I, Thomas von Alten, declare:

1. I have been retained by Wolf, Greenfield & Sacks, P.C., counsel for Petitioner Sony Corporation (“Petitioner” or “Sony”), to submit this reply declaration in connection with Sony’s Petition for *Inter Partes* Review of Claims 1-4 of U.S. Patent No. 6,462,905 (“the ’905 patent”).

2. I am being compensated for my time at a rate of \$250.00 per hour, plus actual expenses. My compensation is not dependent in any way upon the outcome of this proceeding.

3. My background is provided in my earlier declaration (Ex. 1004), and that declaration also contains my opinions concerning the patentability of claims 1-4 of the ’905 Patent. I understand that Fujifilm subsequently disclaimed claim 4.

4. In preparing this reply declaration, I was asked to evaluate and respond to certain opinions that Mr. William Vanderheyden provided in a statement (Ex. 2008) that Fujifilm submitted in this proceeding.

I. GROUND 1: THE MCALLISTER-I AND LAVERRIERE COMBINATION RENDERS CLAIMS 1-2 OBVIOUS

5. As set forth in my opening declaration, a person of ordinary skill in the art (“POSA”) would have had reasons to add the “centering ribs” of Laverriere to the cartridge depicted in McAllister-I. The resulting McAllister-I / Laverriere combination would have included every element of claims 1 and 2.

A. McAllister-I Exhibits the Same Potential for Brake Misalignment that Motivated Laverriere’s Centering Ribs

6. As explained in my opening declaration, Laverriere explains that centering ribs are helpful because clearances between a braking member and the components with respect to which it moves inside a tape cartridge create the potential for the braking member to become “misaligned...during assembly and/or use.” Ex. 1004 ¶158; Ex. 1007 at 1:31-39.

7. The same is true of McAllister-I. For example, as I previously explained, in McAllister-I there must be clearance between the outer circumference of the locking gear 42 (braking member) and the inner surface of the reel hub 32 to ensure undisturbed rotation of the reel as tape is wound or unwound. Ex. 1004 ¶161. Likewise, as I also previously explained, in McAllister-I there must be clearance between mating components 58 and 60 that attach the braking member to the top portion of the cartridge shell because these components move up and down relative to one another when the braking member moves up and down to unlock and lock the reel. Ex. 1004 ¶162; McAllister-I at Fig. 3.

8. Mr. Vanderheyden disagrees and states that “a person of ordinary skill in the art would not identify a misalignment problem in McAllister-I.” 2008 ¶130. Mr. Vanderheyden is incorrect.

1. A POSA Knew There Must Be Clearance Between McAllister-I's Locking Gear and Reel Hub

9. Mr. Vanderheyden states that “a POSA would not assume that clearance exists between elements, if such a clearance or spacing is not explicitly shown in the figures” of McAllister-I. Ex. 2008 ¶133. He then argues that there could be a “line-to-line” fit (i.e., no clearance at all) between McAllister-I's locking gear 42 (braking member) and the inner surface of its reel hub 32. *Id.* This, of course, is impossible as I explained in my opening declaration, because the reel of such a cartridge rotates at speeds of more than 2,000 rpm and is expected to last for years. Were the locking gear 42 and the inner surface of the reel hub 32 in contact with each other, operation of the cartridge would be impossible. Indeed, in an earlier section of his declaration, Mr. Vanderheyden admitted that McAllister-I is designed to have clearance between these components: “The male and female interlocking structures were designed with a tight fit¹ *to prevent the braking member from touching the inner wall of the reel hub*, without obstructing the intended up and down movement of the braking member.” Ex. 2008 ¶69 (emphasis added).

¹ I will address Mr. Vanderheyden's incorrect analysis of the interlocking structures (i.e., mating elements 58 and 60) separately in the next section of this declaration.

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.