

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WEATHERFORD INTERNATIONAL, LLC

Petitioner,

v.

BAKER HUGHES OILFIELD OPERATIONS, LLC

Patent Owner.

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Case IPR2019-00768

Patent RE46,137

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**PETITIONER'S REPLY TO PATENT OWNER'S  
RESPONSE TO PETITION FOR *INTER PARTES* REVIEW**

**TABLE OF CONTENTS**

	<b>Page No.</b>
I. INTRODUCTION.....	1
II. PATENT OWNER CONCEDES ANTICIPATION IN GROUND 1 .....	2
III. THE REMAINING CLAIMS ARE OBVIOUS UNDER GROUNDS 2-3 .....	3
A. Giroux Discloses a Sleeve Urged Toward Its Initial Position.....	4
B. A POSITA Would Have Been Motivated to Modify Patel '427 with Giroux .....	12
IV. PO'S REMAINING ARGUMENTS FAIL.....	15
A. A POSITA Was Aware of Urged Sleeves.....	15
B. A POSITA Was Concerned with Premature Actuation of Sliding Sleeves .....	18
C. Urging Was a Known Option for Sliding Sleeves Before 2011 .....	23
D. Mr. Chambers Did Not Concede That There Was No Motivation for Urging if a Shear Pin Is Used .....	23
V. CONCLUSION .....	25

**TABLE OF AUTHORITIES**

	<b>Page No(s).</b>
<i>In re Aslanian</i> , 590 F.2d 911 (C.C.P.A. 1979).....	4, 6, 9
<i>In re Baum</i> , 374 F.2d 1004 (C.C.P.A. 1967).....	4
<i>Ex parte Bjorn</i> , 2018-001567, 2019 WL 6173305 (P.T.A.B. Oct. 16, 2019).....	8
<i>In re Daniel</i> , 34 F.2d 995 (C.C.P.A. 1929).....	11
<i>Ex parte Elder</i> , 2016-004536, 2018 WL 2318043 (P.T.A.B. May 14, 2018) .....	9
<i>In re Fulton</i> , 391 F.3d 1195 (Fed. Cir. 2004) .....	13
<i>Hockerson-Halberstadt, Inc. v. Avia Group International</i> , 222 F.3d 951 (Fed. Cir. 2000) .....	7, 8
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007) .....	13, 14
<i>In re Meng</i> , 492 F.2d 843 (C.C.P.A. 1974).....	9
<i>Ex parte Nguyen</i> , Appeal 2018-001801, 2018 WL 5821695 (P.T.A.B. Oct. 19, 2018) .....	11
<i>Presidio Components Inc. v. Am. Tech. Ceramics Corp.</i> , IPR2015-01330, 2015 WL 9599180 (P.T.A.B. Dec. 3, 2015) .....	8, 9
<i>Ex parte Roth</i> , Appeal 2010-009869, 2012 WL 359969 (B.P.A.I. Feb. 1, 2012) .....	9, 11

**TABLE OF AUTHORITIES**

**Page No(s).**

*In re Wolfensperger*,  
302 F.2d 950 (C.C.P.A. 1962) ..... 10

**I. INTRODUCTION**

Petitioner explained with supporting evidence in its Ground 1 how Patel '427 anticipates claims 1, 2, 4-7, 12-15, 18-20, 23-30, 32-40, 43, and 44 of the '137 Patent. Patent Owner ("PO") offers no challenge to Ground 1. *See, e.g.*, PO Response ("Resp.") (Paper 16) at 2-3 (PO asserting that it "does not acquiesce to Petitioner's other challenges," but offering no rebuttal on the merits). Instead of challenging the Petition, PO disclaimed all claims challenged in Ground 1 other than claims 1 and 34. EX2005. PO only retained those claims in an ill-advised strategy to keep its reexamination alive. *E.g.*, Paper 23 at 4 (asserting that only claims 1 and 34 overlap with the reexamination). Claims 1 and 34 do not recite "urging," which is PO's only remaining validity argument, as discussed below for Grounds 2 and 3. PO's concession that claims that depend from claims 1 and 34 are invalid necessarily concedes that claims 1 and 34 are invalid. PO's weak passing assertion that Petitioner cannot meet its burden to prove anticipation of claim 1 because its expert, Mr. Chambers, allegedly offered a narrow interpretation of "at least in part open," relies on a false characterization of Mr. Chambers' testimony and a claim construction position PO does not adopt. Claims 1 and 34 are invalid.

With respect to Grounds 2 and 3, which assert obviousness based on Patel '427 in view of Giroux for Ground 2 as well as the Admitted Prior Art and knowledge of a POSITA for Ground 3, PO offers two primary arguments: (1) no

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