

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

YITA LLC  
Petitioner

v.

MACNEIL IP LLC  
Patent Owner

---

Case No. IPR2020-01139  
Patent No. 8,382,186

---

**DECLARATION OF MARK STRACHAN IN SUPPORT OF  
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TABLE OF CONTENTS**

I.	Introduction .....	1
II.	Qualifications and Experience .....	3
III.	Legal Principles .....	12
	A. Obviousness.....	12
	B. Motivation to Combine .....	16
IV.	Level of Ordinary Skill in the Art .....	18
V.	The Rabbe-Yung-Gruenwald combination discloses a thermoformed floor tray with integrally formed panels that closely conform to a vehicle foot well contour.....	19
	A. A POSA would have understood that Rabbe’s floor tray is conducive to thermoforming. ....	20
	1. Rabbe’s floor tray is not limited to thermosets.....	21
	2. Rabbe’s floor tray design would have suggested thermoforming a single sheet of thermoplastic polymeric material.....	26
	3. Rabbe’s drawings do not suggest sharp corners. ....	30
	4. Rabbe’s floor tray would actually have a shallow draw, although a POSA would have known how to thermoform a deeper draw.....	33
	5. Rabbe’s undercuts and walls of unequal heights would not have deterred a POSA from thermoforming.....	36
	B. A POSA reading Yung would have been led to thermoforming to produce the vehicle floor mat.....	40
	1. The materials of Yung’s tri-layer floor mat would have led a POSA to thermoforming, not compression molding. ....	41

2.	Thermoforming fabric and foam materials was well known and well within the level of ordinary skill in the art. ....	46
3.	Thermoforming Yung’s tri-layer structure was well within the level of ordinary skill in the art.....	54
4.	Thermoforming Yung’s embossments was well within the level of ordinary skill in the art. ....	61
C.	A POSA would have understood that Gruenwald’s well known thermoforming techniques were applicable to thermoforming Rabbe’s floor tray. ....	63
VI.	Conclusion.....	65

**LIST OF MATERIALS CONSIDERED**

<b>Case No.</b>	<b>Exhibit No.</b>	<b>Description</b>
IPR2020-01139	<b>3</b>	Petition for <i>Inter Partes</i> Review of U.S. Patent No. 8,382,186
IPR2020-01139	<b>17</b>	Decision Granting <i>Inter Partes</i> Review
IPR2020-01139	<b>29</b>	Patent Owner's Response (Redacted)
IPR2020-01142	<b>3</b>	Petition for <i>Inter Partes</i> Review of U.S. Patent No. 8,833,834
IPR2020-01142	<b>17</b>	Decision Granting <i>Inter Partes</i> Review
IPR2020-01142	<b>28</b>	Patent Owner's Response (Redacted)
IPR2020-01139	<b>1001</b>	U.S. Patent No. 8,382,186 to MacNeil et al., issued February 26, 2013 ("186 Patent")
IPR2020-01142	<b>1001</b>	U.S. Patent No. 8,833,834 to MacNeil et al., issued September 16, 2014 ("834 Patent")
IPR2020-01139, -01142	<b>1005</b>	French Patent Application Pre-Grant Publication No. 2547252 to Rabbe, published December 14, 1984, with attached certified English-language translation ("Rabbe")
IPR2020-01139, -01142	<b>1006</b>	U.S. Patent Application Pre-Grant Publication No. 2002/0045029 A1 to Yung, published April 18, 2002 ("Yung")
IPR2020-01139, -01142	<b>1007</b>	Gruenwald, G., <i>Thermoforming: A Plastics Processing Guide</i> , CRC Press, 2nd Edition, 1998 ("Gruenwald")
IPR2020-01139, -01142	<b>1008</b>	Throne, J., <i>Technology of Thermoforming</i> , Hanser, 1996 ("Throne I")
IPR2020-01139, -01142	<b>1009</b>	Throne, J., <i>Understanding Thermoforming</i> , Hanser, 2nd Edition, 2008 ("Throne II")
IPR2020-01139, -01142	<b>1012</b>	U.S. Patent No. 6,793,872 to Buss, issued September 21, 2004 ("Buss")
IPR2020-01139, -01142	<b>1013</b>	U.S. Patent No. 6,361,099 to McIntosh, issued March 26, 2002 ("McIntosh")

IPR2020-01139 & IPR2020-01142  
Declaration of Mark Strachan

Case No.	Exhibit No.	Description
IPR2020-01139, -01142	<b>1016</b>	DOW HDPE DGDA-5004 NT 7 Data Sheet, published October 10, 2003
IPR2020-01139, -01142	<b>1017</b>	Black Armor Web Advertisement
IPR2020-01139, -01142	<b>1018</b>	<i>Husky Liner Advertisement</i> , August 24, 2000
IPR2020-01139, -01142	<b>1019</b>	U.S. Patent No. 4,420,180 to Dupont et al., issued December 13, 1983 (“Dupont”)
IPR2020-01139, -01142	<b>1043</b>	<i>Curriculum vitae</i> of Mark Strachan
IPR2020-01139, -01142	<b>1047</b>	Transcript of the Deposition of Ray Sherman, taken July 28, 2021
IPR2020-01139, -01142	<b>1049</b>	Transcript of the Deposition of Tim A. Osswald, Ph.D., taken August 5, 2021
IPR2020-01139, -01142	<b>1054</b>	U.S. Patent No. 6,953,545 to Tyler (“Tyler”)
IPR2020-01139, -01142	<b>1056</b>	U.S. Patent Application Publication 2001/0028932 to Akaike et al.
IPR2020-01139, -01142	<b>1057</b>	<i>Handbook of Plastic Foams: Types, Properties, Manufacture and Applications</i> , ed. Arthur H. Landrock, Noyes Publications, 1995
IPR2020-01139, -01142	<b>1058</b>	Reinkemeyer, Heiz-Gerd, “New Solutions for the Trim of Automotive Vehicles,” Society of Automotive Engineers, Automotive Engineering Congress and Exposition, 1976.
IPR2020-01139, -01142	<b>1063</b>	U.S. Patent No. 6,817,649 to Stanesic
IPR2020-01139, -01142	<b>1064</b>	U.S. Patent No. 5,648,031 to Sturtevant et al.
IPR2020-01139, -01142	<b>1065</b>	European Patent No. 0288728 to Landler
IPR2020-01139, -01142	<b>1066</b>	U.S. Patent No. 5,529,826 to Tailor et al.
IPR2020-01139, -01142	<b>1067</b>	International Patent Publication No. WO 2004/087804 to Walther et al.
IPR2020-01139, -01142	<b>1068</b>	U.S. Patent No. 6,849,667 to Haseyama et al.

# 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.