

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YITA LLC,  
Petitioner,

v.

MACNEIL IP LLC,  
Patent Owner.

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

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**PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY**

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<i>Ex Parte Nobuya Sato &amp; Kazunari Saitou</i> , No. 2012-001276, 2014 WL 1154010 (P.T.A.B. Mar. 20, 2014) .....	8
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**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
<b>2001</b>	<i>Reserved</i>
<b>2002</b>	<i>Reserved</i>
<b>2003</b>	<i>Reserved</i>
<b>2004</b>	Declaration of James L. Throne, Ph.D. <sup>1</sup>
<b>2005</b>	<i>Reserved</i>
<b>2006</b>	<i>Reserved</i>
<b>2007</b>	<i>Reserved</i>
<b>2008</b>	<i>Reserved</i>
<b>2009</b>	<i>Reserved</i>
<b>2010</b>	<i>Reserved</i>
<b>2011</b>	Strong, A. Brent, Plastics Materials and Processing, Prentice-Hall, Inc., 2nd Edition, 2000 (“Strong”)
<b>2012</b>	U.S. Patent No. 6,261,667 to Yang, issued July 17, 2001
<b>2013</b>	U.S. Patent No. Des. 408,342 to Yang, issued April 20, 1999
<b>2014</b>	U.S. Patent and Trademark Office, Office Action issued on U.S. Application No. 11/463,215 on June 6, 2007
<b>2015</b>	U.S. Patent No. 3,288,187 to Wheaton, issued November 29, 1966
<b>2016</b>	U.S. Patent No. 3,401,975 to Oger, issued September 17, 1968
<b>2017</b>	U.S. Patent and Trademark Office, Office Action issued on U.S. Application No. 11/463,215 on November 27, 2007
<b>2018</b>	U.S. Patent and Trademark Office, Office Action issued on U.S. Application No. 12/332,757 on June 11, 2009
<b>2019</b>	Husky Deep Tray Floor Liner, downloaded from <a href="http://www.truckstuffusa.com/cusfitdeepr.html">http://www.truckstuffusa.com/cusfitdeepr.html</a> on January 3, 2005

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<sup>1</sup> Patent Owner has affirmatively withdrawn the testimony of Dr. Throne in Exhibit 2004 pursuant to the Patent Trial and Appeal Board Consolidated Trial Practice Guide 2019.

<b>2020</b>	Advertisement for Highland's Black Armor Floor Guard, Stylin Concepts "Custom Truck Accessors" catalog, 2003, pp. 1, 2, and 109
<b>2021</b>	Advertisement for Highland floor guards, Counterman Info Pages, prior to Nov. 2002, page 27
<b>2022</b>	Merriam Webster's Online Dictionary, "Contour" <a href="https://www.merriam-webster.com/dictionary/contour">https://www.merriam-webster.com/dictionary/contour</a> (last visited October 14, 2020)
<b>2023</b>	Chinese Patent Application No. 87212432 to Yang, filed July 29, 1998, with attached certified English-language translation
<b>2024</b>	Declaration of Bruce D. Popp, Ph.D., March 3, 2021
<b>2025</b>	Collins Le Robert Comprehensive Dictionary: French-English, English-French © 2017 Dictionnaires Le Robert/HarperCollins Publishers
<b>2026</b>	Beryl T. Atkins et al., Collins-Robert French to English Dictionary, entry for rebord (2d ed. 1993)
<b>2027</b>	Larousse French to English Dictionary, entry for rebord (unabridged ed. 2010)
<b>2028</b>	Gustave Rudler and Norma C. Anderson, Collins French Gem Dictionary, French to English, entry for rebord (1964)
<b>2029</b>	Richard Ernst, Dictionnaire des techniques et sciences appliquées, entries for bride, collarete and rebord (Paris 2002)
<b>2030</b>	Image from <a href="https://wholesalecoolies.com/product/blank-thick-hard-foam-old-school-can-koozie/">https://wholesalecoolies.com/product/blank-thick-hard-foam-old-school-can-koozie/</a>
<b>2031</b>	Declarations of Vladimir Orlov and Janina Kaminskiene, March 23, 2021
<b>2032</b>	Richard Ernst, Dictionnaire des techniques et sciences appliquées, entry for contour (Paris 2002)
<b>2033</b>	Screen Shot of Google Translate from ENGLISH Contour to FRENCH Contour, <a href="https://translate.google.com/?sl=auto&amp;tl=fr&amp;text=contour&amp;op=translate">https://translate.google.com/?sl=auto&amp;tl=fr&amp;text=contour&amp;op=translate</a>
<b>2034</b>	Richard Ernst, Dictionnaire des techniques et sciences appliquées, entry for topographie (Paris 2002)
<b>2035</b>	Screen Shot of Google Translate of ENGLISH Topography to FRENCH Topography, <a href="https://translate.google.com/?sl=auto&amp;tl=fr&amp;text=topography&amp;op=translate">https://translate.google.com/?sl=auto&amp;tl=fr&amp;text=topography&amp;op=translate</a>

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