UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARKEMA AND ARKEMA FRANCE,
Petitioner

v.

HONEYWELL INTERNATIONAL INC.,
Patent Owner.

PGR2016-00011
Patent No. 9,157,017

PATENT OWNER'S MOTION
FOR LEAVE TO REQUEST A CERTIFICATE OF CORRECTION

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Introduction

Honeywell's claimed automobile air conditioning compositions defied industry skepticism and made the apparently impossible possible: a safe and efficient refrigerant-lubricant combination with virtually no impact on the ozone layer or global warming. Honeywell began seeking patent protection on its groundbreaking compositions and methods as early as 2002 and disclosed detailed examples of their uses in automobile air conditioning in applications dating back to 2005. Earlier in this case, the Board held the claims of Honeywell's U.S. Patent No. 9,157,017 unpatentable over uses of Honeywell's own products in *2012*—but only after denying Honeywell leave to correct an inadvertent mistake in the '017 patent's chain of priority which would have resulted in a priority date of *2005*.

The Federal Circuit vacated that decision and ordered that Honeywell be allowed to file this motion for leave to seek a certificate of correction. The bar for Honeywell to prevail is low: The Board cannot rule on the ultimate merits of the proposed correction, but instead may only "determine if Honeywell ha[s] demonstrated a '*sufficient* basis' that the mistake '*may*' be correctable." *Honeywell Int'l Inc. v. Arkema Inc.*, 939 F.3d 1345, 1349 (Fed. Cir. 2019). It plainly has.

Honeywell's requested correction easily falls within the class of "minor character" mistakes for which the Director grants certificates of correction. For at least forty years, "the PTO has previously allowed patentees to correct priority

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