

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GCE GAS CONTROL EQUIPMENT INC.,

Petitioner,

v.

VBOX, Inc.,

Patent Owner.

IPR Case No. IPR2023-00527

U.S. Patent No. 10,357,628

PETITIONER'S REQUEST FOR REHEARING

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE ID MISAPPREHENDS FACTS REGARDING THE REMOVABLE CARTRIDGE LIMITATION’S CONSTRUCTION AND THE PETITION’S SHOWING OF ITS OBVIOUSNESS BASED ON <i>DEANE</i>	2
A.	The ID Misapprehends that the Scope of the Removable Cartridge Limitation Includes Cartridge Removal After Partial Disassembly of the Concentrator, and <i>Deane</i> ’s Teachings Thereof	2
B.	The ID’s Findings Are Not Determinative When the Removable Cartridge Limitation Is Properly Construed	6
III.	THE ID MISAPPREHENDS FACTS AND LAW REGARDING THE REMOVABLE CARTRIDGE LIMITATION’S CONSTRUCTION AND THE RELATED OBVIOUSNESS SHOWINGS BASED ON PO’S ASSERTIONS AS TO <i>DEANE</i> ’S TEACHINGS.....	8
A.	The ID Misapprehends that the Scope of the Removable Cartridge Limitation Includes Relative Movement Between the Receptacle and Cartridge, and <i>Deane</i> ’s Teachings Thereof.....	9
B.	The ID’s Findings Are Not Determinative When the Removable Cartridge Limitation Is Properly Construed	11
IV.	THE ID MISAPPREHENDS FACTS DEMONSTRATING THE <i>DEANE</i> / <i>BERNTSON</i> COMBINATION RENDERS OBVIOUS THE REMOVABLE CARTRIDGE LIMITATION UNDER THE ID’S (APPARENT) CONSTRUCTION	11
A.	The Combined Teachings of <i>Deane</i> and <i>Berntson</i> Demonstrate the Obviousness of the Removable Cartridge Limitation.....	11

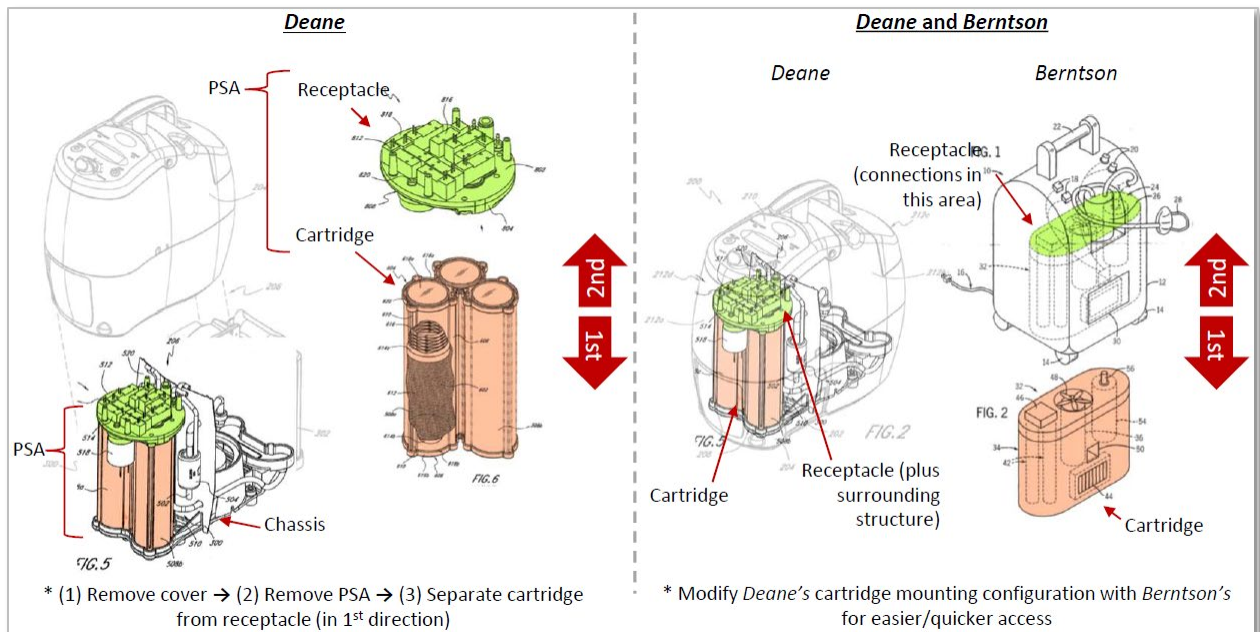
B.	The ID’s Finding that the Petition Fails to Show the Obviousness of the Removable Cartridge Limitation Based on the Combination of <i>Deane</i> and <i>Berntson</i> Misapprehends Ground 1	14
V.	CONCLUSION.....	15

TABLE OF AUTHORITIES

	Page(s)
<u>Cases</u>	
<i>Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP</i> 616 F.3d 1249 (Fed. Cir. 2010)	10
<i>Bicon, Inc. v. Straumann Co.</i> 441 F.3d 945 (Fed. Cir. 2006)	10
<i>Google LLC v. Parus Holdings, Inc.</i> IPR2022-00805, Paper 7 (PTAB Nov. 7, 2022).....	3

I. INTRODUCTION

The Petition asserts that *Deane* alone or the *Deane/Berntson* combination teaches the following portion of limitation [1c]/[11c]: “a separation cartridge selectively removable from the receptacle by movement relative to the receptacle in a first direction” (the “removable cartridge limitation”), in the manner depicted in the following demonstrative figures.



The Institution Decision (“ID”), however, found the showing of both Grounds insufficient as to the second part of the above limitation (“by movement relative to the receptacle in a first direction”) based on several factual findings that Petitioner submits are misapprehended. ID, 18-23. The ID also found the Petition’s construction of the removable cartridge limitation overbroad. *Id.*, 22-23. Petitioner submits that both conclusions are based on misapprehensions of fact and law.

First, as discussed in §II, Petitioner respectfully submits the ID's narrow construction of the removable cartridge limitation misapprehends: (i) the facts supporting the Petition's broader construction; and (ii) *Deane*'s teachings meet this limitation in the manner described in the Petition under its proper construction.

Second, per §III, Petitioner respectfully submits the ID's narrow construction misapprehends facts and law supporting a construction that renders the removable cartridge limitation obvious even as PO interprets *Deane*.

Third, per §IV, Petitioner respectfully submits that, even applying the ID's narrow construction, the ID misapprehends facts showing that the combination of *Deane* and *Berntson* would still teach the removable cartridge limitation.

Petitioner requests rehearing based on the above misapprehensions, and respectfully requests the Board to reconsider and grant the IPR.

II. THE ID MISAPPREHENDS FACTS REGARDING THE REMOVABLE CARTRIDGE LIMITATION'S CONSTRUCTION AND THE PETITION'S SHOWING OF ITS OBVIOUSNESS BASED ON *DEANE*

A. The ID Misapprehends that the Scope of the Removable Cartridge Limitation Includes Cartridge Removal After Partial Disassembly of the Concentrator, and *Deane*'s Teachings Thereof

The record shows the proper scope of the removable cartridge limitation must include, as applied by the Petition, selective removability of the cartridge from the receptacle *after* disassembly of other components of claim 1/11's concentrator (the "partial disassembly aspect"). Pet., 47-55; EX1003, ¶¶335-352.

More specifically, the removable cartridge limitation, properly construed, covers situations as shown in the demonstrative above where Deane's *cartridge* (e.g., housing 602) is removed in a first direction from *receptacle* (e.g., manifold 512) ***after the cartridge and receptacle are first removed from Deane's chassis 202 as part of removable PSA unit 506.*** Per the *sixth* point below, the removable cartridge limitation's application to such sequential disassembly is shown in the drawing on p. 42 of the Petition and ¶337 of Dr. Knaebel's Declaration (EX1003).

It is unclear from the ID whether the Board disagrees with, or overlooked, this applied scope and reading of *Deane*. ID, 22-23. But, in either case, not applying it is a misapprehension of at least the following facts.

First, Petitioner's expert, Dr. Knaebel, testified that the removable cartridge limitation would include within its scope the "partial disassembly" aspect. EX1003, ¶¶232, 260-285, 336-352. PO offered no rebuttal. Dr. Knaebel's testimony should thus be accorded deference. *Google LLC v. Parus Holdings, Inc.*, IPR2022-00805, Paper 7 at 10 (PTAB Nov. 7, 2022).

Second, ***after the '628 patent issued***, the '669 patent's Examiner found the removable cartridge limitation did not differentiate from *Deane*. Pet., 18-21; EX1003, ¶¶147-153, 192. Logically, this finding must include applying a scope for that limitation similar to the Petition's. The ID did not identify any error by the Examiner in this comparison, and PO did not dispute it at the time.

Third, the *Infringement Contentions* (EX1074) against Petitioner in the related district court matter assert the removable cartridge limitation covers a cartridge removable from a receptacle ***after some disassembly*** of a concentrator. EX1074, p. 5 (showing removal of cover and installation of removal tool ***before*** cartridge removal). Pet., 59, EX1003, ¶368 (discussing disassembly aspect). This confirms the Petition's reading of the removable cartridge limitation is correct. PO should not benefit from advancing differing constructions between fora.

Fourth, the '628 patent's specification does not limit the removable cartridge limitation to "selectively removable" ***before*** disassembly of other portions of its concentrator. PO identifies no requirement that a "receptacle" be directly accessible from outside the concentrator, or that "selective removability" requires cartridge removability without doing ***anything else***. Nor have such constructions been advanced here or in the related litigation. See POPR at 23-25 (arguing a "receptacle" is just a "space configured to receive and contain something" and "selectively removable" is "can be chosen to be removed"). Moreover, the '628 patent expressly indicates that its module 116 is removable from its belt in a "quick connect" fashion (EX1001, 13:25-46), providing (with cartridge) a removable configuration similar to *Deane's* PSA unit 506 for sequential disassembly.

Fifth, the '628 patent's file history confirms the Petition's construction. Specifically, the Examiner compared internal portions of *Warren '095's* (EX1012)

housing 60 and *Dechene*'s (EX1021) housing A to "receptacles" from which cartridges are removable. EX1053, 135-39. Neither "receptacle" is directly accessible from outside its concentrator and both require disassembly of the concentrator for access to the cartridges. *See, e.g.*, EX1012, FIG. 7 (cartridge 12 removable after disassembly); EX1021, FIG. 1 (cartridge E removable from receptacle A after rear wall 18 removal). EX1003, ¶¶267-268, 281-282. PO did not disagree with these comparisons. EX1002, 115. Further, when originally amending its claims to add the "receptacle" language in an effort to distinguish *Warren '095* and *Dechene*, PO did not argue the receptacle must be directly accessible from outside the concentrator or without other disassembly, if those were truly distinctions. EX1002, 237 (focusing instead on inlet/outlet direction *vis-à-vis* initial removability direction). The first/second directions are constructs that exist only to specify the feature PO argued was key—inlets/outlets facing the receptacle.

Sixth, as discussed above, the Petition shows *Deane* teaches the removable cartridge limitation while applying a scope utilizing the partial disassembly aspect. The Petition first shows *Deane* teaches the limitation's first part ("a separation cartridge selectively removable from the receptacle ..."). Pet., 47-54; EX1003, ¶¶335-351. The ID does not disagree that *Deane* teaches a cartridge (*e.g.*, housing 602) and receptacle (*e.g.*, manifold 512) removable from each other. ID, 18-19. Next, the Petition shows *Deane* teaches the limitation's second part ("by

movement relative to the receptacle in a first direction”). Pet., 54-55; EX1003, ¶352. Specifically, the Petition shows that *Deane* teaches its cartridge (*e.g.*, housing 602) is removable from its receptacle (*e.g.*, manifold 512) in a first direction along the cartridge's axis in view of their respective geometries *after* the PSA unit containing these components is removed from *Deane*'s chassis. Pet., 49 (*see* annotated figure showing sequential disassembly, including the FIG. 6/8 relationship after PSA unit 506 is unmounted), 54-55; EX1003, ¶¶337, 352. Supporting this analysis, *Deane* teaches: (i) its individual components are disconnectable; (ii) its manifold 512 is “mounted” to housing 602; and (iii) the manifold 512 / housing 602 together form PSA unit 506 “mounted” in the POC. Pet., 47-48, 52-53; EX1003, ¶¶336-337, 343-346; EX1004, ¶¶[0062]-[0065].

B. The ID's Findings Are Not Determinative When the Removable Cartridge Limitation Is Properly Construed

Petitioner submits the ID's factual findings do not support denial when the removable cartridge limitation is properly construed as above for at least the following reasons, demonstrating each to be a misapprehension.

First, the basis for the ID's finding (ID, 20-21) that Grounds 1/4 are deficient—*Deane*'s resting on a surface (Pet., 20-21)—is irrelevant; when PSA unit 506 is removed from the chassis *before* the cartridge (*e.g.*, housing 602) is removed from the receptacle (*e.g.*, manifold 512) in the first direction (as described above), *Deane*'s chassis would not be in the way.

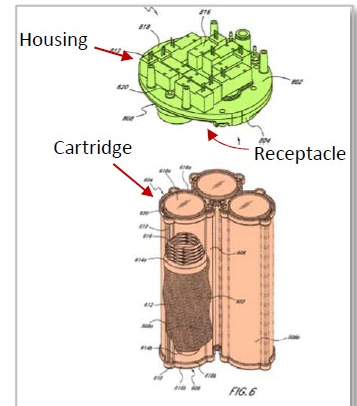
Second, the ID's finding (ID, 20-21) that Grounds 1/4 are deficient because the Petition shows housing 602 is removable from manifold 512 "in an axial direction rather than a lateral direction" does not comport with the Petition's actual showing.¹ The Petition explicitly states that *Deane* teaches, via its interface between housing 602 and manifold 512, removability of housing 602 in a "**first direction**" that is **along** the separation cartridge's axial direction.² Pet., 54-55 (removal of housing 602 from manifold 512 is in "a direction along the axis of adsorbent housing 602 / adsorbent bed columns 508a, 508b (**identified in the annotated drawings herein with a red arrow labeled '1st'**)") (emphasis added); EX1003, ¶352. Thus, the Petition does not simply state *Deane* teaches removal in an "axial direction;" it demonstrates removal in a first direction **along** the axial direction and illustrates the first direction with a red "1st" arrow in the annotated figures on Petition pp. 52 and 56.

Third, although not expressed in the ID, if its analysis found *Deane*'s manifold 512 cannot **by itself** qualify as a receptacle because it does not have

¹ This is true regardless of the construction of the removable cartridge limitation.

² "Axial" is a common term referring to the centerline of an object's length, as explained in the Petition. *See* Pet., 34-35, 65-67 and blue line in the annotated figure on p. 66; EX1003, ¶¶286-290, 382-391 (figure in ¶384).

sufficient structure surrounding the sides of the cartridge (*e.g.*, the '628 patent's cup-shaped structure) or because the housing does not “define” it, such conclusions are misapprehensions. [1c]/[11c] specifies the receptacle is what the cartridge is ***removable from in the first direction***. Thus, only the ***base or bottom*** parts of a cup-shaped structure are ***necessarily*** encompassed by “receptacle,” as a cartridge is not removable from the cup's ***sides*** in the “first direction.” As for the housing defining the receptacle of [1b]/[11b], this is satisfied, for example, by the portions of *Deane*'s manifold 512 not directly interfacing with housing 602 (*e.g.*, its outermost periphery per the demonstrative here), and/or *Deane*'s shell 204 (and intervening components). Pet., 41-46; EX1003, ¶¶320-334 (both stating, *e.g.*, at end of ¶323, any of the green shaded elements can be the housing). Any of these elements “define,” at least in part, the portion of manifold 512 interfacing with housing 602. And making some or all of these pieces integral would have been obvious. Pet., 46 n.8; EX1003, ¶348.



Fourth, the ID's findings (ID, 21-22) related to the Petition's *Berntson*-based showings are not relevant to the above reading, which is based on *Deane*'s teachings. See also §IV.B for a further discussion of the *Berntson*-based showings.

III. THE ID MISAPPREHENDS FACTS AND LAW REGARDING THE REMOVABLE CARTRIDGE LIMITATION'S CONSTRUCTION AND

**THE RELATED OBVIOUSNESS SHOWINGS BASED ON PO'S
ASSERTIONS AS TO *DEANE'S* TEACHINGS**

**A. The ID Misapprehends that the Scope of the Removable
Cartridge Limitation Includes Relative Movement Between the
Receptacle and Cartridge, and *Deane's* Teachings Thereof**

Further to the partial disassembly aspect, “movement relative to” must encompass *relative* movement of the cartridge *vis-à-vis* the receptacle (the “relative movement aspect”). Pet., 47-55; EX1003, ¶¶335-352. *Relative movement* is a commonly-used physics/engineering term that defines movement relative to a particular *frame of reference*. In the context of two objects, a first object may move “relative to” a second object's frame of reference (*i.e.*, from the second object's perspective) by, *e.g.*, moving the first object away from the second, moving the second away from the first, or moving both from each other.

Thus, the removable cartridge limitation's scope covers situations where the *receptacle* (*e.g.*, manifold 512) illustrated in the demonstrative on page 1 above moves in the second direction away from a stationary *cartridge* (*e.g.*, adsorbent housing 602). This would occur when, as PO characterizes *Deane's* disassembly (*see* POPR, 35, 40-41), manifold 512 is removed from housing 602 that remains mounted to *Deane's* chassis 202. In this case, the *cartridge* moves in the first direction in the *receptacle's frame of reference* (*e.g.*, from the receptacle's point of view), which falls within “movement relative to” as properly construed.

It appears the Board disagrees with this reading of “movement relative to,”

but the ID does not explain why. ID, 22-23. Petitioner respectfully submits that not applying it misapprehends at least the following facts and claim construction law.

First, the relative movement aspect comports with the Petition's explanation of, and Dr. Knaebel's testimony (Pet., 47-55; EX1003, ¶¶335-352) regarding, the removable cartridge limitation, and with the '669 patent Examiner's conclusion that it did not differentiate from *Deane* (Pet., 18-21; EX1003, ¶¶147-153, 192).

Second, restricting the removable cartridge limitation to absolute rather than relative movement of the cartridge away from the receptacle is legal error at least because it ignores the plain meaning of "movement relative to" and makes that term *superfluous*, therefore violating the tenets of claim construction *See Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP*, 616 F.3d 1249, 1257 (Fed. Cir. 2010) ("[c]laims must be 'interpreted with an eye toward giving effect to all terms in the claim' and avoiding 'a claim construction which would render a claim limitation meaningless.'"); *Bicon, Inc. v. Straumann Co.*, 441 F.3d 945, 950-51 (Fed. Cir. 2006). Indeed, the ID's reading means that there is no difference between the claim language and a "separation cartridge selectively removable from the receptacle in a first direction." Adding "by movement relative to" must mean *something* different from the foregoing and cannot just be ignored.

Third, there is nothing in the intrinsic record that supports restricting the removable cartridge limitation as the ID did, and PO did not identify support for

such a narrow reading. Nor did PO's Sur-Reply (Paper 8) disclaim all situations in the '628 patent where its receptacle would move away from its cartridge, such as where the cartridge is held during its release and the receptacle (before or after it is disconnected from the belt; *see* EX1001, 13:25-46) is allowed to fall away.

B. The ID's Findings Are Not Determinative When the Removable Cartridge Limitation Is Properly Construed

As discussed in §II.B, Petitioner respectfully submits the ID's factual findings do not support denial when the removable cartridge limitation is properly construed, and that each is a misapprehension. The ID's finding (ID, 20-21) that Grounds 1/4 are deficient due to *Deane*'s teaching that it rests on a table is irrelevant because, according to PO's reading of *Deane*, its receptacle (*e.g.*, manifold 512) would be separated upwardly from its cartridge (*e.g.*, housing 602). The ID's finding (ID, 20-21) that Grounds 1/4 are deficient due to the difference between "axial" and "first" direction does not comport with the Petition. And the ID's findings (ID, 21-22) as to the Petition's *Berntson*-related showings are irrelevant to the showing of this element in view of the teachings of *Deane* above.

IV. THE ID MISAPPREHENDS FACTS DEMONSTRATING THE *DEANE* / *BERNTSON* COMBINATION RENDERS OBVIOUS THE REMOVABLE CARTRIDGE LIMITATION UNDER THE ID'S (APPARENT) CONSTRUCTION

A. The Combined Teachings of *Deane* and *Berntson* Demonstrate the Obviousness of the Removable Cartridge Limitation

Independent of the above, the Petition's *Deane* / *Berntson* combination

shows the obviousness of the removable cartridge limitation using the ID's (apparent) construction (ID, 22-23) as requiring physical movement of a cartridge away from a receptacle. Finding the contrary misapprehends the following facts.

First, the Petition shows that *Deane and Berntson* teach the removable cartridge limitation's first part ("a separation cartridge selectively removable from the receptacle") **and** that such cartridges were well-known. Pet., 8, 22-25, 37-39, 53-54; EX1003, ¶¶49-55, 200-217, 300-306, 335-351. In particular, further to *Deane's* above-cited teachings, the Petition shows that *Berntson* teaches a cartridge (ORAG 32) that: (i) has adsorbent beds like *Deane's* housing 206 (and optionally other components); (ii) is removably fastened to housing 12; and (iii) has top-side fluid/electrical connections 46, 50, 56 interfacing with pneumatic hoses and connectors from housing 12. Pet., 25, 37-39, 53-54; EX1003, ¶¶200-217, 300-306, 335-351; EX1006, FIGS. 1-2, ¶¶[0011]-[0017]. The Petition further explains that *Berntson's* cartridge is more modular, self-contained, and easily removable as a whole for maintenance than *Deane's*. Pet., 38-39, 53-54; EX1003, ¶¶300-305, 349-350. That is, *Berntson's* self-contained cartridge **does not need to be directly mounted at its bottom to a chassis as in Deane**. *Id.* Indeed, *Berntson* teaches that it can be connected to its housing in **any** known manner. EX1006 ¶¶[0012], [0018].

Thus, the *Deane / Berntson* combination would have resulted in PSA assembly 506 (per *Deane*) with a cartridge (per *Deane* and *Berntson*) that is more

self-contained and easily removable while still utilizing the top-side manifold 512 / housing 602 interface configuration of *Deane* (*Berntson* teaches a similar inlet/outlet orientation). In this configuration, it would have been obvious to manipulate the discrete PSA unit 506 by hand and disconnect manifold 512 and housing 602 such that housing 602 (in one hand) is removed (and thus ***moved***) from a stationary manifold 512 (held in the other hand). Indeed, *Berntson* teaches exactly this disconnection scheme by providing a top side connection to hoses (EX1006, FIGS. 1-2, ¶[0016]) and indicating that such connections can use any applicable scheme, such as *Deane*'s. See also, e.g., *Dechene*'s (EX1021, 4:12-18, FIG. 1) quick-connect fittings 114 at hose ends).

Second, the Petition demonstrates that a POSITA would have been motivated to modify *Deane* in view of *Berntson* for many reasons. Pet., 37-38, 54-55; EX1003, ¶¶300-306, 349-350. For example, *Deane* contemplates maintenance of its components, while *Berntson* teaches an improved maintenance scheme using a self-contained cartridge. Pet., 37-38, 54-55; EX1003, ¶¶300-305, 349-350. Thus, a POSITA would have been motivated to employ *Berntson*'s construction in *Deane*. Pet., 37-38, 54-55; EX1003, ¶¶300-305, 349-350.

Third, the Petition demonstrates, ***in the context of the Deane/Berntson combination***, that *Deane* teaches the second part of the removable cartridge limitation (“by movement relative to the receptacle in a first direction”) for the

reasons discussed in §II.B (*see* second point explaining first direction removal is dictated by housing 602 / manifold 512 interface). In the context of the Petition's analysis, these removal direction teachings apply to the cartridge / receptacle of the *Deane / Berntson* combination just as much as *Deane's* alone. In the context of the former, for at least the reasons above, the combination teaches a self-contained cartridge disconnectable/removable from a receptacle by holding the connection while moving the cartridge 32 away. This movement (at least initially) would be in the first direction as dictated by the housing 602 / manifold 512 interface. Indeed, the *Infringement Contentions* (EX1074, p. 5) contemplate a broad meaning for movability and "first direction," including ***unscrewing*** cartridges from receptacles.

B. The ID's Finding that the Petition Fails to Show the Obviousness of the Removable Cartridge Limitation Based on the Combination of *Deane* and *Berntson* Misapprehends Ground 1

Petitioner respectfully submits that the ID's factual finding that the *Deane / Berntson* combination does not render the removable cartridge limitation obvious is based on at least the following misapprehensions of fact.

First, the ID's finding (ID, 19) that the Petition relies on "Deane alone" to teach the second part of the removable cartridge limitation misapprehends Ground 1, which applies the analysis of the limitation's first part to the second. Pet., 54 (stating "[m]ore specifically (***and further to the above***)") (emphasis added); EX1003, ¶353. In this regard, as discussed above, the analysis of the first part

shows the *Deane/Berntson* cartridge is ***movable*** *vis-à-vis* its receptacle and the analysis of the second part shows the required “first direction” of removability.

Second, the ID's finding (ID, 20-21) that *Deane* cannot teach the removable cartridge limitation's second part because its concentrator rests on a surface similarly misapprehends Ground 1, which comprehends cartridge ***removability*** (and thus movability) from a receptacle by disconnection ***internally to the concentrator***. Thus, the fact that a device rests on a floor is no impediment to removing a cartridge in any particular direction, as specifically taught by *Berntson*.

Third, the ID's factual finding (ID, 20-21) that Grounds 1/4 are deficient because the Petition shows removal in an “axial” rather than “first” direction does not comport with the Petition's actual showing for at least the reasons in §II.B.

Fourth, the ID's factual finding (ID, 22) that the Petition does not identify *Berntson*'s teachings or explain how it would have been combined with *Deane* misapprehends Ground 1 for at least the above reasons.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Board reconsider its ID and grant *inter partes* review of the '628 patent.

Dated: October 2, 2023

Respectfully submitted,

/s/ Robert M. Masters

Robert M. Masters (Reg. No. 35,603)

Timothy Cremen (Reg. No. 50,855)

Roy D. Jung (Reg. No. 80,281)

**SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP**

2099 Pennsylvania Avenue, NW, Suite 100

Washington, DC 20006-6801

Tel.: 202.747.1900

Fax: 202.747.1901

legaltm-gce-ipr@sheppardmullin.com

Eric K. Gill (Reg. No. 71,709)

**SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP**

12275 El Camino Real, Suite 100

San Diego, CA 92130-4092

Telephone: (858) 720-8900

Fax: (858) 509-3691

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on October 2, 2023 a complete and entire copy of the foregoing document was filed with the PTAB through P-TACTS and served via email on attorneys of record at the following addresses:

Timothy J. Murphy tmurphy@cgolaw.com

David L. Atallah datallah@cgolaw.com

Jessica Fleetham jfleetham@cgolaw.com

Date: October 2, 2023

2099 Pennsylvania Avenue, NW
Suite 100

Washington, DC 20006-6801

Tel.: 202.747.1900

Fax: 202.747.1901

legaltm-gce-ipr@sheppardmullin.com

/s/ Robert M. Masters

Robert M. Masters (Reg. No. 35,603)

*Counsel for Petitioner GCE Gas
Control Equipment Inc.*