

Petitioner's Demonstratives

Hangzhou Taihe Trading Co., Ltd. &
Ningbo Likeju Trading co., Ltd.
v.
EP Family Corp.

IPR2023-00658
Patent D934,012

The Challenged Patent - D934,012



US00D934012S

(12) **United States Design Patent** (10) **Patent No.:** **US D934,012 S**
Chang (45) **Date of Patent:** **** Oct. 26, 2021**

(54) **TABLE TOP**

(71) Applicant: **EP Family Corp.**, Walnut, CA (US)

(72) Inventor: **Jeff Yongguang Chang**, Walnut, CA (US)

(**) Term: **15 Years**

(21) Appl. No.: **29/693,716**

(22) Filed: **Jun. 4, 2019**

(22) **LOC (13) Cl.** **06-06**

(52) **U.S. Cl.** **D6/707.19**

(58) **Field of Classification Search**

USPC D6/641, 642, 648, 648.1, 650, 650.1, 656/655, 656, 656.1, 656.11, 656.12, (Continued)

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,536,266 A * 1/1951 Harris A47B 1/05

2,631,074 A * 3/1953 Stamp D05B 75/02

(Continued) 108/102

OTHER PUBLICATIONS

SHW, posted at Amazon.com, posted on Aug. 27, 2018, site visited Apr. 20, 2021, online, available from internet: https://www.amazon.com/SHW-Electric-Height-Adjustable-Computer/dp/B07GVRKCWP?ref_ast_sto_dp&th=1&psc=1 (Year: 2018).*

Primary Examiner — Mary Ann Calabrese

Assistant Examiner — Catherine Ho

(74) **Attorney, Agent, or Firm** — Tommy S F Wang, Wang IP Law Group, PC.

(57) **CLAIM**

The ornamental design for a table top, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a top portion of a table top isolated for clarity of illustration showing my new design;

FIG. 2 is a front view thereof;

FIG. 3 is a rear view thereof;

FIG. 4 is a left side view thereof;

FIG. 5 is a right side view thereof;

FIG. 6 is a top view thereof;

FIG. 7 is a bottom view thereof;

FIG. 8 is another perspective view thereof shown in an environment of use;

FIG. 9 is a perspective view of a bottom portion of the table top isolated for clarity of illustration;

FIG. 10 is a front view thereof;

FIG. 11 is a rear view thereof;

FIG. 12 is a left side view thereof;

FIG. 13 is a right side view thereof;

FIG. 14 is a top view thereof;

FIG. 15 is a bottom view thereof;

FIG. 16 is a perspective view of the table top;

FIG. 17 is a front view thereof;

FIG. 18 is a rear view thereof;

FIG. 19 is a left side view thereof;

FIG. 20 is a right side view thereof;

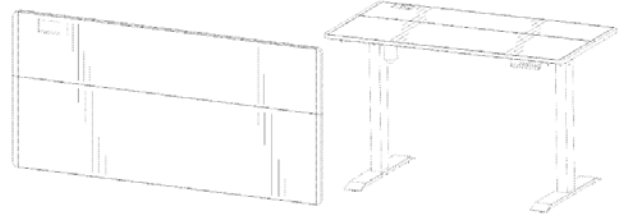
FIG. 21 is a top view thereof;

FIG. 22 is a bottom view thereof; and,

FIG. 23 is a perspective view thereof shown in an environment of use.

The broken line portions of the table top in FIGS. 1-23 represent portions of the article that form no part of the claim. The broken lines of the tenons in FIG. 8 illustrate environment that form no part of the claimed design. The broken lines of the bases in FIG. 23 illustrate environment that form no part of the claimed design. The dot-dash broken lines in FIGS. 1-3, 8-11, 16-18 and 23 represent boundary lines and form no part of the claimed design.

1 Claim, 16 Drawing Sheets



Page 1 of 18

Hangzhou Taihe & Ningbo Likeju Exhibit 1001

US D934,012 S

(22) Filed: **Jun. 4, 2019**

The Challenged Patent - D934,012



US00D934012S

(12) **United States Design Patent** (Patent No. **US D934,012 S**)
Chang

(54) **TABLE TOP**

(71) Applicant: **EP Family Corp.**, Walnut, CA (US)

(72) Inventor: **Jeff Yongguang Chang**, Walnut, CA (US)

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(58) **Field of Classification Search**

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D6/655, 656, 656.1, 656.11, 656.12,

(Continued)

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108/37 108/102

(Continued)

OTHER PUBLICATIONS

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Primary Examiner — Mary Ann Calabrese

Assistant Examiner — Catherine Ho

(74) *Attorney, Agent, or Firm* — Tommy S F Wang,

Wang IP Law Group, PC.

(57)

CLAIM

The ornamental design for a table top, as shown and described.

FIG. 1 is a front view thereof;
 FIG. 2 is a rear view thereof;
 FIG. 3 is a left side view thereof;
 FIG. 4 is a right side view thereof;
 FIG. 5 is a top view thereof;
 FIG. 6 is a bottom view thereof;
 FIG. 7 is another perspective view thereof shown in environment of use;
 FIG. 8 is a perspective view of a bottom portion of the table top isolated for clarity of illustration;
 FIG. 9 is a front view thereof;
 FIG. 10 is a rear view thereof;
 FIG. 11 is a left side view thereof;
 FIG. 12 is a right side view thereof;
 FIG. 13 is a top view thereof;
 FIG. 14 is a bottom view thereof;
 FIG. 15 is a perspective view of the table top shown in environment of use;
 FIG. 16 is a front view thereof;
 FIG. 17 is a rear view thereof;
 FIG. 18 is a left side view thereof;
 FIG. 19 is a right side view thereof;
 FIG. 20 is a top view thereof;
 FIG. 21 is a bottom view thereof; and
 FIG. 22 is a perspective view thereof shown in environment of use.

The broken line portions of the table top represent portions of the article that form claim. The broken lines of the tenons in FIG. 15 represent portions of the article that form no part of the claimed design. The broken lines of the bases in FIG. 23 illustrate that form no part of the claimed design. The lines in FIGS. 1-3, 8-11, 16-18 and 23 represent lines and form no part of the claimed design.

1 Claim, 16 Drawing Sheets

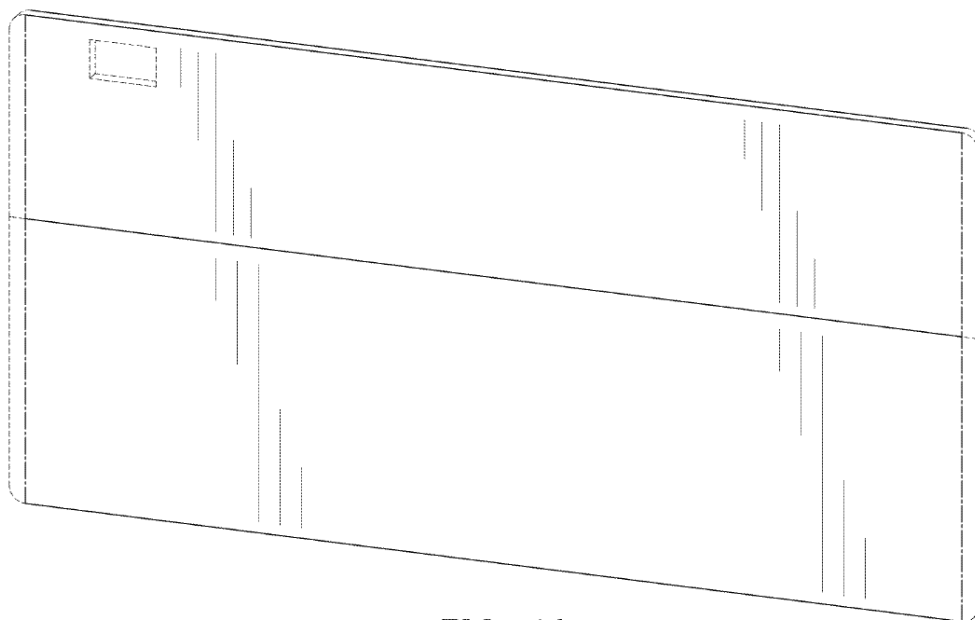
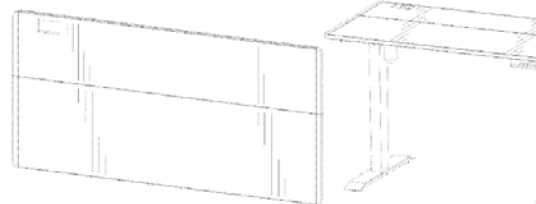


FIG. 16



Procedural Posture

Procedural Posture

- **03/06/2023 – Petition (Paper 3)**
 - Supporting Declaration – Exhibit 1002
- **06/05/2023 – Preliminary Response (Paper 7)**
- **09/01/2023 – Institution Decision (Paper 8)**
- **11/21/2023 – Motion to Amend (Paper 11)**
- **11/21/2023 – No Patent Owner Response Filed**
- **02/16/2024 – Opposition to Motion to Amend (Paper 13)**
 - Supporting Declaration – Exhibit 1011
- **03/29/2024 – Patent Owner’s Reply re: Motion to Amend (Paper 14)**
 - Supporting Declaration – Exhibit 2006
- **04/17/2024 – Petitioner’s Motion to Strike (Paper 17)**
- **04/26/2024 – Petitioner’s Sur-Reply re: Motion to Amend (Paper 20)**

Procedural Posture – Motion to Amend Is Non-Contingent

The single claim, 23 figures of the '012 Patent and the included disclaimer set the scope of the claimed invention in the '012 Patent. This MTA will amend the drawings of the '012 Patent to amend the scope of the claimed invention such that the grounds of invalidity argued by Petitioner are traversed.

Motion to Amend (Paper 11) at 4.

conference call on December 14, 2023, with Patent Owner's and Petitioner's counsel. During the call, Patent Owner's counsel confirmed that its Motion to Amend was non-contingent and that no Patent Owner Response was filed.

In consideration of the foregoing, it is:

ORDERED the record shall reflect that Patent Owner's Motion to Amend is non-contingent.

Order on Conduct of Proceedings (Paper 12) at 2.

“The Motion is not contingent on any finding by the Board regarding the patentability of claim 8. *Id.* Rather, the Motion seeks to replace challenged claim 8 with substitute claim 11 without precondition. . . . Accordingly, we grant Patent Owner's Revised Motion to Amend with respect to the request to cancel challenged claim 8.”

Lifescan Global Corp. v. Ikeda Food Research, Ltd., PGR2019-00032, Paper 38 at 10.



Patent Owner's Proposed Amendments

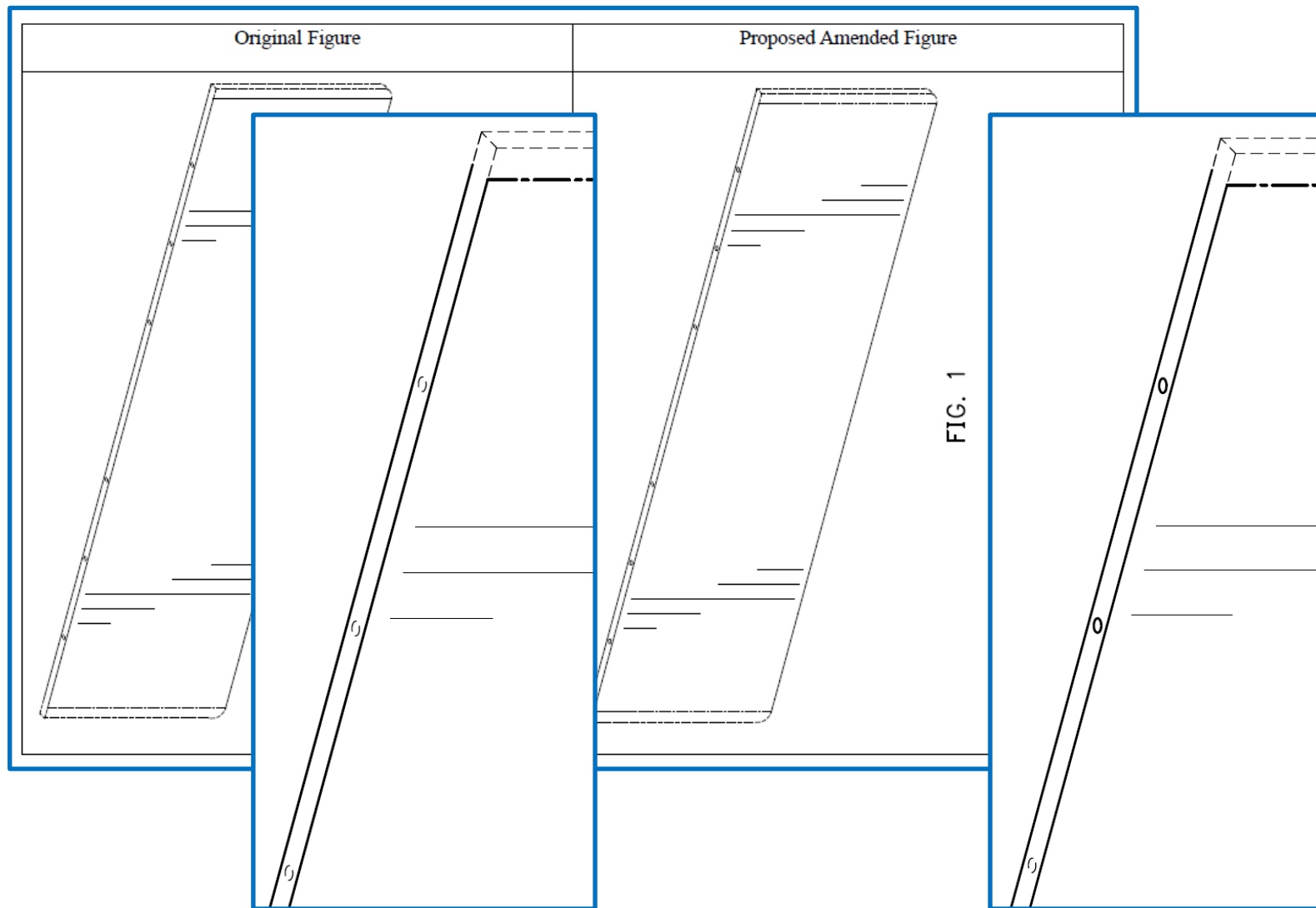
Patent Owner's Amended Claim

- Patent Owner Proposes to Amend Figures 1, 6, 8, 9, and 14

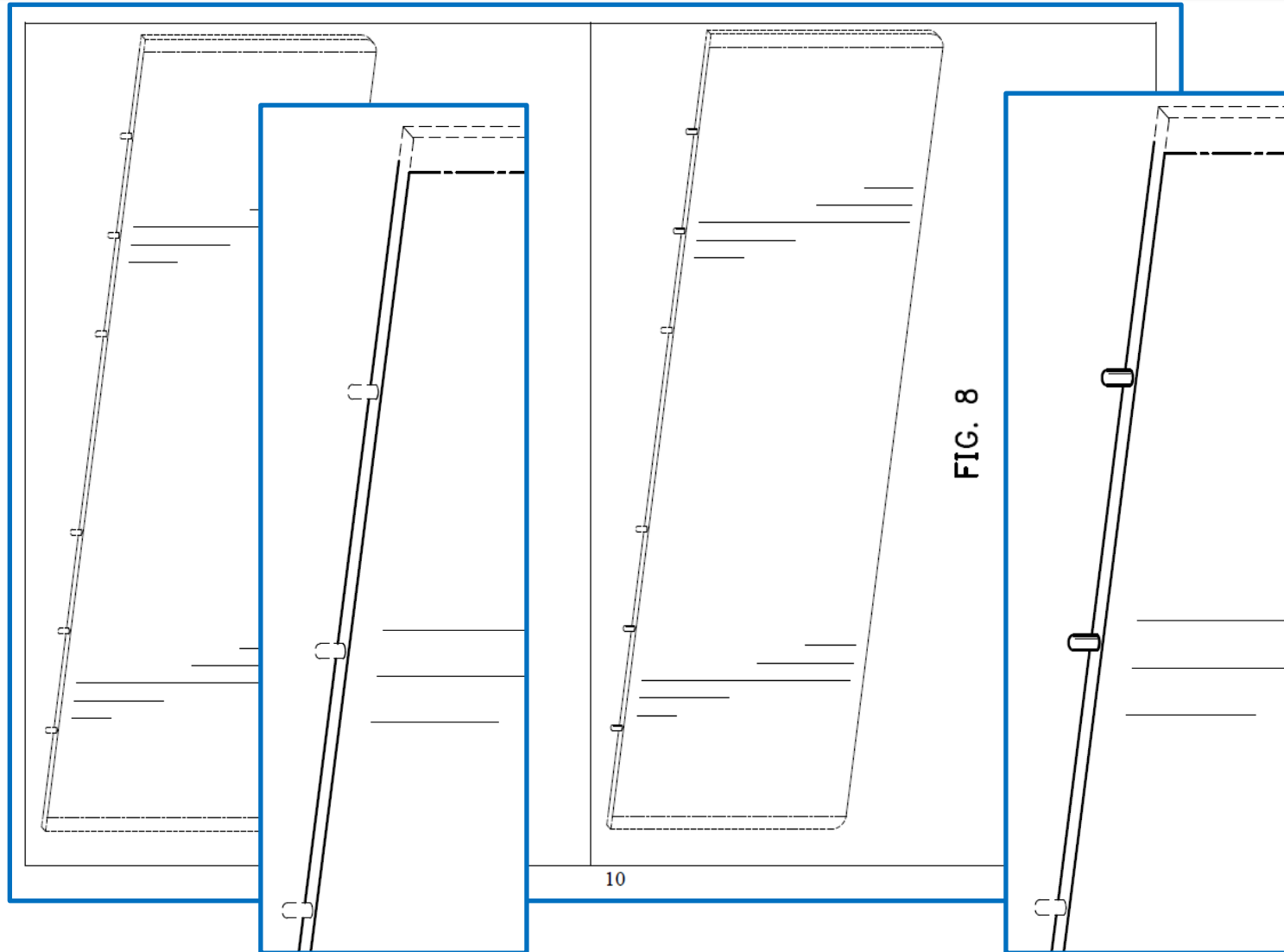
- Figure 1: Removal of disclaimer of a total of four holes by amending the outline of the four holes from broken lines to solid lines. Two of the holes are located closest to the
- Figure 6: Removal of disclaimer of a total of four holes by amending the outline of the four holes from broken lines to solid lines. Two of the holes are located closest to the
- Figure 8: Removal of disclaimer of a total of four tenons by amending the outline of the four tenons from broken lines to solid lines. Two of the tenons are located closest to the
- Figure 9: Removal of disclaimer of a total of four holes by amending the outline of the four holes from broken lines to solid lines. Two of the holes are located closest to the
- Figure 14: Removal of disclaimer of a total of four holes by amending the outline of the four holes from broken lines to solid lines. Two of the holes are located closest to the right side outer edge of the tabletop and two of the holes are located closest to the left side outer edge of the table top.

Patent owner proposes no amendments to Figs 2 – 5, 7, 10 – 13, 15 – 23.

Patent Owner's Proposed Amendments



Patent Owner's Proposed Amendments



Functionality of Proposed Amendments

The Claim Amendments Are Purely Functional



“Before considering the patentability of any substitute claims, . . . the Board first must determine whether the motion to amend meets the statutory and regulatory requirements set forth in 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121. ”

Lectrosonics, Inc. v. Zaxcom, Inc., Case IPR2018-01129, Paper 15 at 4 (P.T.A.B. Feb. 25, 2019) (precedential).



General features that “are functional [are] not protectable.”

OddzOn Prods, Inc. v. Just Toys, Inc., 122 F.3d 1396, 1404 (Fed. Cir. 1997).



“[A] trial court can usefully guide the finder of fact by addressing a number of other issues that bear on the scope of the claim [including] . . . Distinguishing between those features of the claimed design that are ornamental and those that are purely functional.”

Egyptian Goddess, Inc. v. Swisa, Inc., 543 F.3d 665, 680 (Fed. Cir. 2008).

The Claim Amendments Are Purely Functional

- The added holes and tenons are purely functional in nature:

“Joining material by using holes and projections is a common technique in woodworking and furniture making. Projections and recesses or holes that accommodate those projections have been used to add stability between neighboring pieces of material, such as wooden boards/planks used in a tabletop, for literally centuries.”

Hatch Suppl. (Ex. 1011) at ¶23.

“As explained in EVANS BROS. LONDON, JOINTS IN WOODWORK 84 (3d ed. 1920), the purpose of circular tenons or dowels ‘is to guide the table leaf into its proper position when the leaf engages with the table proper, and to make the flat surface of the table top and leaf register correctly and thus ensure a level surface.’ The insertion of a dowel/tenon into a hole prevents the tenon from moving in a direction perpendicular to the axis of the tenon relative to the hole. This helps not only with stability, but in the case of a tabletop, assists with alignment. Holes and tenons are placed equidistant from the table surface to assure that the tabletop pieces stay even (i.e., one board is not proud of (higher than) the other).”

Hatch Suppl. (Ex. 1011) at ¶27.

The Claim Amendments Are Purely Functional

Table 4: Dowels typically create a visual impression that is identical to the added tenons/dowels in the substitute claim.

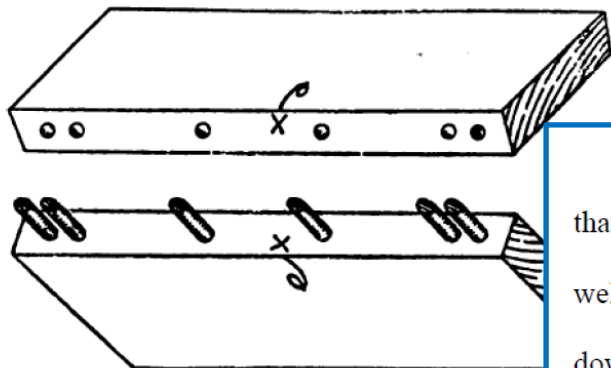


Fig. 201.—Boards ready for Glueing

Figure 201 from JOINTS IN WOODWORK, Page 82.

28. JOINTS IN WOODWORK, which was published in 1920, demonstrates that dowelling was well-understood over 100 years ago. At least it was understood well enough for a detailed guide/manual to be written. Additionally, using dowels/tenons to join tabletop planks was also described in various early United States patents, such as United States Patent No. 1,766,694 to Siskin, which describes using dowels and dowel holes to allow two boards to be “drawn together . . . into engagement, thus forming a table with a large table top.” *Siskin* at 2:96-101. United States Patent No. 666,435 to Oliver, patented in 1901, uses dowel pins and even refers to them as “the usual dowel pins,” which shows that the technique of using dowels was commonplace by the early 20th century. Finally, *Carter*, U.S. Patent No. 543,609 (Ex. 1012), which I rely on in my obviousness analysis below, uses dowels to joint planks in a folding table.

The Claim Amendments Are Purely Functional

“For example, *3D Reconstruction of Furniture Fragments from the Ancient Town of Karanis* [URL] describes the use of ‘dowel plugs [that] were used to connect the two wooden planks that make up the table top’ as early as the ‘Early 3rd to early 4th century.’ See *id.* at Table 1 (dates for layer B).”

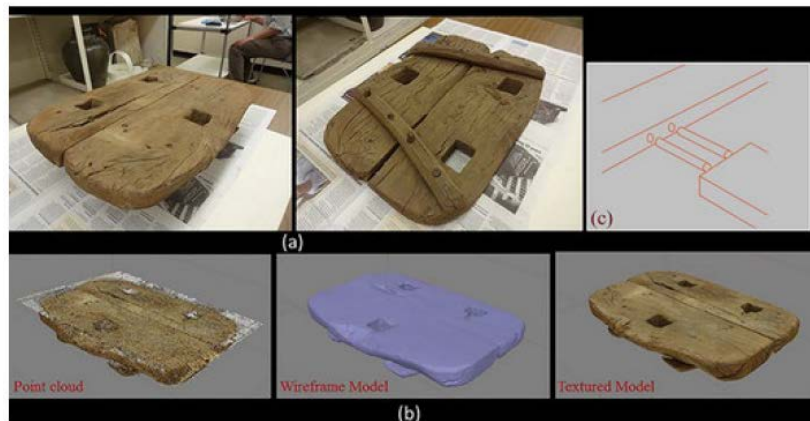
Hatch Suppl. (Ex. 1011) at ¶23.

Table 2: Projections and recesses have been used to add stability between neighboring pieces of material for centuries

Figure 17.

Fullscreen

Focus



(a) rectangular table top; (b) Photogrammetric 3D model of table top; (c) illustration of the wooden dowels connecting the blocks of the table top.

The Claim Amendments Are Purely Functional

Patent Owner Argues: “As there are multiple potential construction methods to choose from, the choice of construction method is clearly ornamental rather than purely functional.”

Patent Owner’s MTA Reply (Paper 14) at 5.

- Mr. Hatch testified:

“My opinion that the added dowels are functional in nature is further confirmed by the ’012 patent itself. As shown [in] Figure 23, which remains unaltered in the amended claim, the newly added holes and tenons are not visible at all. This is because when the table is being used, the two boards/planks form a continuous tabletop. In that configuration, the newly added dowels/holes are entirely hidden from view. ”

Hatch Suppl. (Ex. 1011) at ¶34.

The Claim Amendments Are Purely Functional

- Mr. Hatch testified:

27. As noted above, even cursory historical or archaeological research will reveal that dowels and other projections have been used to join material, including two boards/planks of a tabletop, for centuries. Certainly by the early 1900s, the functional purpose of dowelling was well understood. As explained in EVANS BROS. LONDON, JOINTS IN WOODWORK 84 (3d ed. 1920), the purpose of circular tenons or dowels “is to guide the table leaf into its proper position when the leaf engages with the table proper, and to make the flat surface of the table top and leaf register correctly and thus ensure a level surface.” The insertion of a dowel/tenon into a hole prevents the tenon from moving in a direction perpendicular to the axis of the tenon relative to the hole. This helps not only with stability, but in the case of a tabletop, assists with alignment. Holes and tenons are placed equidistant from the table surface to assure that the tabletop pieces stay even (i.e., one board is not proud of (higher than) the other). Because the surfaces of the boards are flat and the holes/tenons are the same distance from those flat surfaces, the overall tabletop formed by the jointed boards will also be flat (i.e., the planks will be in the right position relative to each other).

The Claim Amendments Are Purely Functional

- And Patent Owner’s own expert gives specific functional purposes for each joint but only generic aesthetic reasons for choosing holes and tenons:

functional purpose. For each example joint, Patent Owner’s expert provided a *specific* functional purpose. Ex. 2006 at ¶ 25 (Blind Mortise and Tenon Joints are “strong and versatile”), ¶ 28 (Biscuit Joint “is a quick and easy method for aligning and joining”), ¶ 31 (Pocket Hole Joint is “fast and simple method for joining two pieces of wood at any angle”), ¶ 34 (Tongue and Groove results in the “tongue fit[ting] snugly into the groove, creating a strong, flush joint”), ¶ 37 (Beadlock Joint creates a “strong, mechanical connection”), ¶ 40 (Clamex P14 connectors are good “where quick and easy assembly and disassembly are required”), ¶ 43 (Tenso P14 connectors are known for their “ease of use and ability to create strong, invisible joints”). Despite providing *specific* functional rationales for choosing each joint, he only provided generic “aesthetic reasons” for choosing holes and tenons. *Id.* at ¶ 47 (citing generic reasons like “historical and traditional designs”).

The Claim Amendments Are Purely Functional

Patent Owner Argues: “a feature that is hidden in use, such as the added tenons and holes, may still be the subject of a design patent”

Patent Owner’s MTA Reply (Paper 14) at 6.

- But:

“Petitioners did not assert in their opposition that the hidden tenons and holes are *[per] se* unpatentable simply because they are hidden. ”

Petitioner’s MTA Sur-Reply (Paper 20) at 3.

- Mr. Hatch testified:

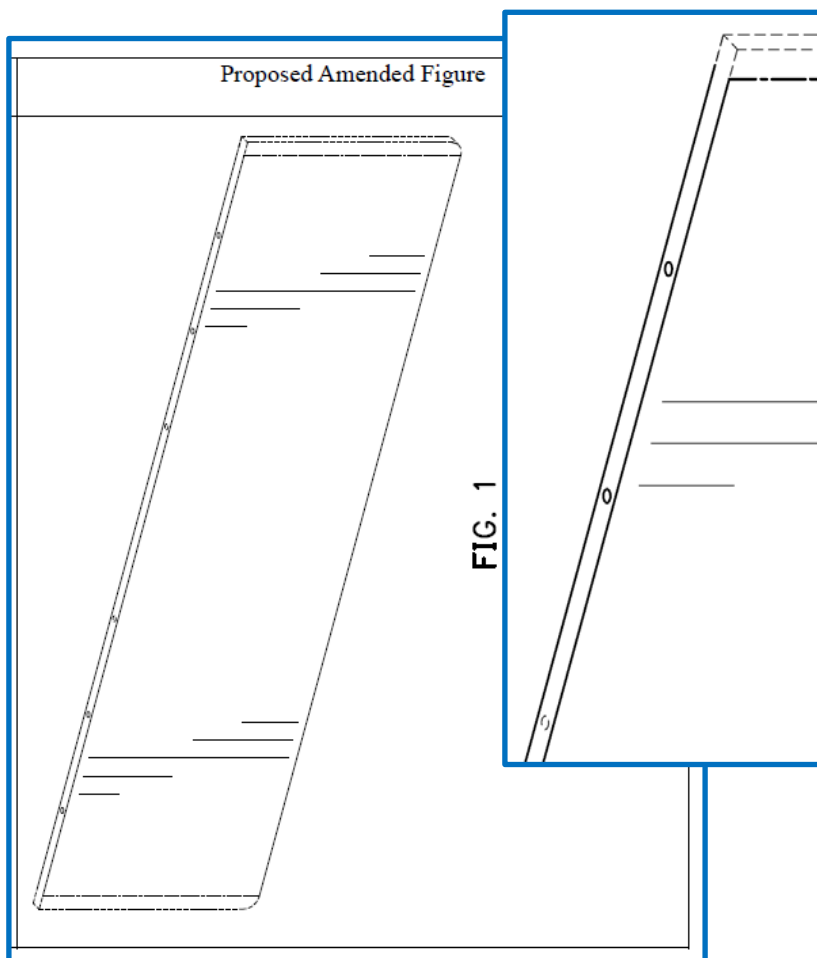
“This is an additional reason that further supports and confirms my opinion that the added tenons/hole are purely functional in nature—and not ornamental. An ordinary observer, when using the table, will not even be able to see the tenons/holes. Rather, they are there solely to provide stability and ensure the smoothness of the joint between the planks. Thus, my opinion is that the added tenons/holes are purely functional in nature.”

Hatch Suppl. (Exhibit 1011) at ¶35.

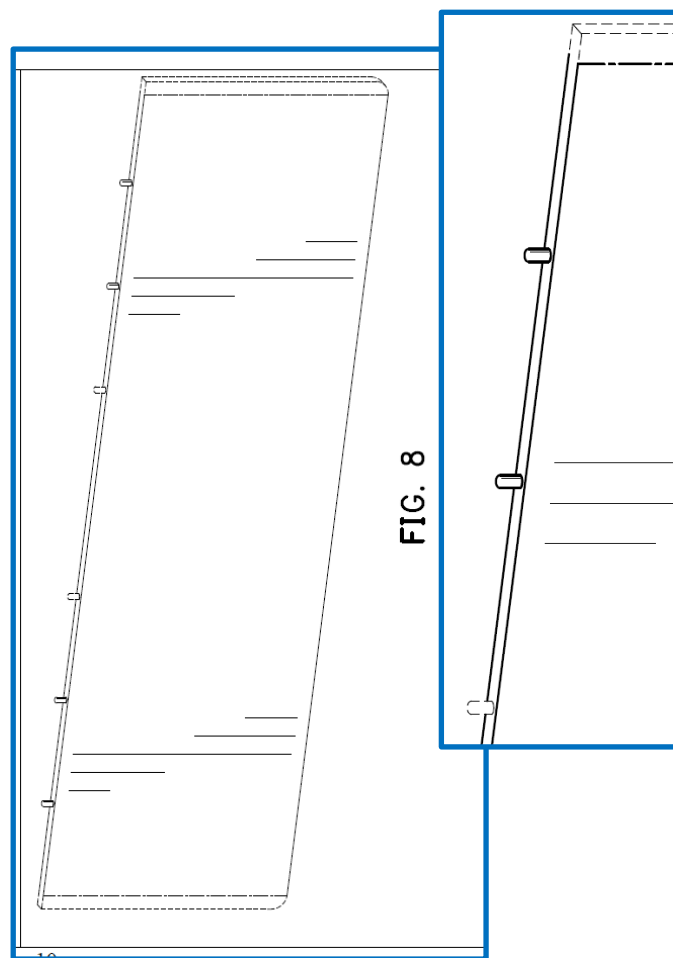
The Amended Claim is Indefinite

The Amended Claim Is Indefinite Due to Inconsistent Figures

- Figure 1 and 8 show the same thing but are inconsistent:



Motion to Amend (Paper 11) at 8.



Motion to Amend (Paper 11) at 10.

The Amended Claim Is Indefinite Due to Inconsistent Figures

Patent owner proposes no amendments to Figs 2 – 5, 7, 10 – 13, 15 – 23.

Patent Owner's Motion to Amend (Paper 11) at 6-7.

US000934012S

(12) United States Design Patent (10) Patent No.: US D934,012 S
Chang (45) Date of Patent: ** Oct. 26, 2021

(54) TABLE TOP

(71) Applicant: EP Family Corp., Walnut, CA (US)

(72) Inventor: Jeff Yongguang Chang, Walnut, CA (US)

(**) Term: 15 Years

(21) Appl. No.: 29/093,716

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(56) References Cited

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(Continued)

OTHER PUBLICATIONS

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Primary Examiner — Mary Ann Calabrese
Assistant Examiner — Catherine Ho
(74) Attorney, Agent or Firm — Tommy S F Wang;
Wang IP Law Group, PC.

FIG. 1 is a perspective view of a top portion of a table top isolated for clarity of illustration showing my new design;
FIG. 2 is a front view thereof;
FIG. 3 is a rear view thereof;
FIG. 8 is another perspective view thereof shown in an environment of use;

Page 1 of 18 Hangzhou Taihe & Ningbo Likeju Exhibit 1001

FIG. 1 is a perspective view of a top portion of a table top isolated for clarity of illustration showing my new design;

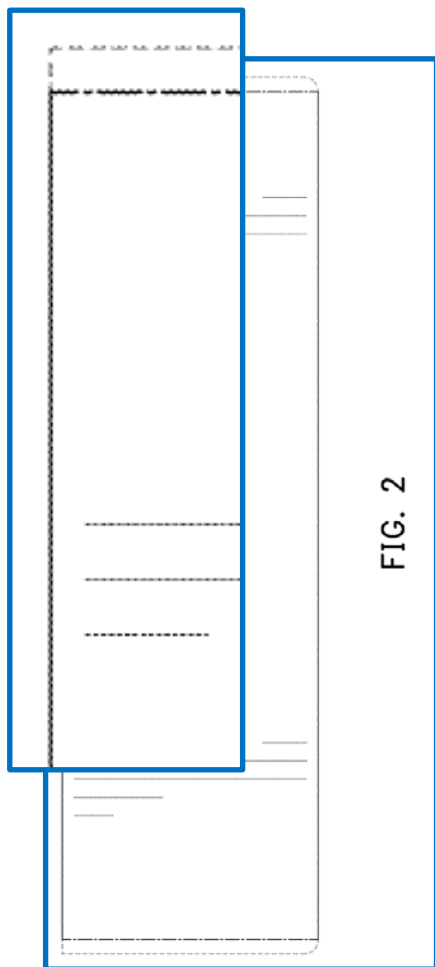
FIG. 2 is a front view thereof;

FIG. 3 is a rear view thereof;

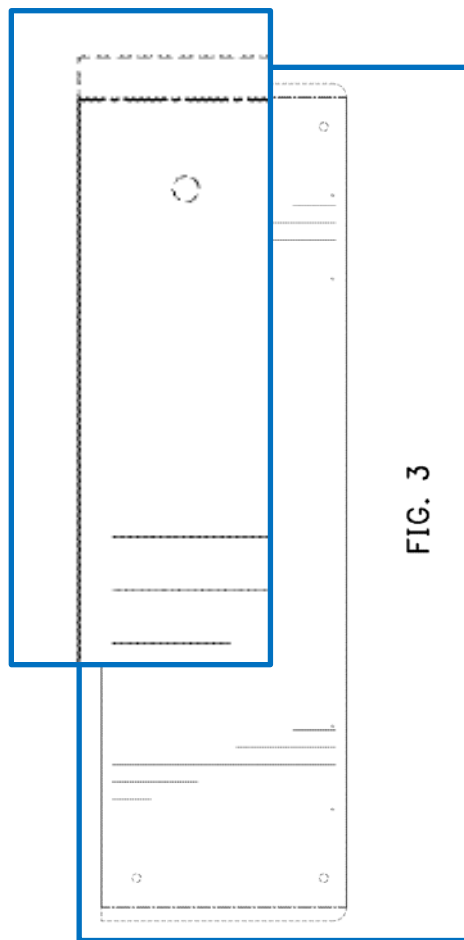
FIG. 8 is another perspective view thereof shown in an environment of use;

The Amended Claim Is Indefinite Due to Inconsistent Figures

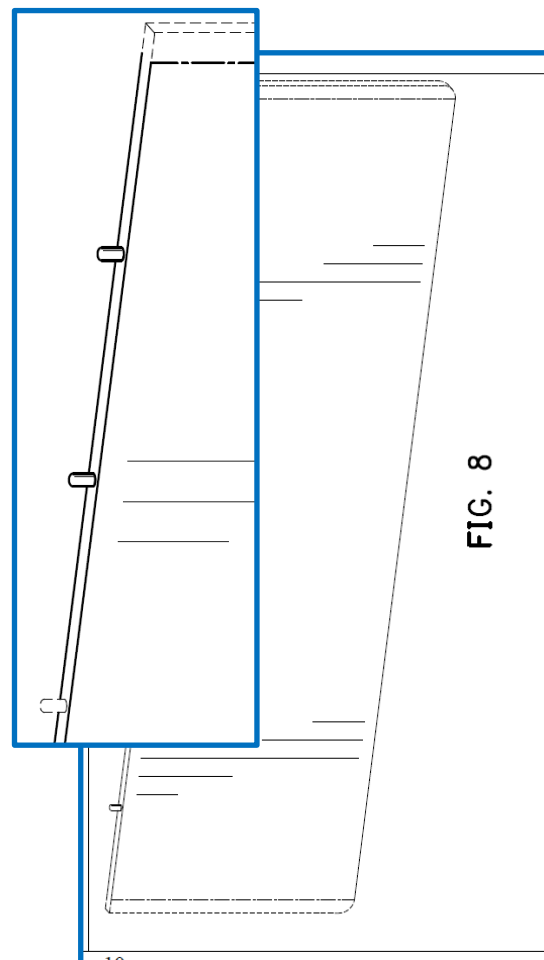
- Figures 2, 3, and 8 show the same thing but are inconsistent:



'012 Patent (Ex. 1001) at Fig. 2



'012 Patent (Ex. 1001) at Fig. 3



Motion to Amend (Paper 11) at 10.

The Amended Claim Is Indefinite Due to Inconsistent Figures



FIG. 4



FIG. 5

It is not the position of the tenons that is indefinite – It is whether they are claimed

Patent Owner Argues: “One of ordinary skill in the art would understand how the tenons and holes should be positioned on each of the table top portions”

Patent Owner’s MTA Reply (Paper 14) at 7.

- But:

“But it is not the location of the tenons that lacks clarity. As Petitioners explained, the lack of tenons in the majority of figures—figures in which they should be visible—results in lack of clarity regarding the *scope* of the claim (i.e., whether tenons are *claimed* and required for infringement). ”

Petitioner’s MTA Sur-Reply (Paper 20) at 5-6.

- Mr. Hatch testified:

“Based on these differences, there is no way to determine whether the substitute claim actually includes/requires the added tenons or not. Only one figure includes them (Figure 8), and all of the remaining figures (1-5) that illustrate this portion of the table top, omit the tenons even though one would expect the tenons to be visible in those images.”

Hatch Suppl. (Exhibit 1011) at ¶40.

The Law Requires Consistent Figures in a Design Patent



The scope of a design patent “is indefinite under § 112 if one skilled in the art, viewing the design as would an ordinary observer, would not understand the scope of the design with reasonable certainty based on the claim and visual disclosure.”

“A visual disclosure may be inadequate—and its associated claim indefinite—if it includes multiple, internally inconsistent drawings.”

In re Maatita, 900 F.3d 1369, 1375-77 (Fed. Cir. 2018).



“As the drawing or photograph constitutes the entire visual disclosure of the claim, *it is of utmost importance that the drawing or photograph be clear and complete, and that nothing regarding the design sought to be patented is left to conjecture.*”

M.P.E.P. § 1503.02 (emphasis added).

Unpatentability

Overview of Grounds

The Amended Claim Is Unpatentable Under 35 U.S.C. § 103

- Grounds in Petition and in Opposition to Motion to Amend:

Ground	Grounds in Petition	Grounds in Opposition to Motion to Amend
1	<i>Morgan</i>	<i>Carter and Morgan</i>
2	<i>Galant and Morgan</i>	<i>Carter, Galant, and Morgan</i>
3	<i>Bordonabe Furniture</i>	<i>Carter and Bordonabe Furniture</i>
4	<i>Galant and Bordonabe Furniture</i>	<i>Carter, Galant, and Bordonabe Furniture</i>
5	<i>Iannaccone</i>	<i>Carter and Iannaccone</i>
6	<i>Galant and Iannaccone</i>	<i>Carter, Galant, and Iannaccone</i>

Claim Construction

Alternative Constructions for the Width of the Boards/Planks

Patent Owner's Construction	Petitioner's Construction
'012 Patent is "not limited to unequal [width] embodiments as shown in the drawings"	'012 Patent covers "only tabletops where the boards/planks have unequal widths (i.e., the seam in the table is off center)."
Motion to Amend (Paper 11) at 4.	Petition at 14-15.

- The Board previously stated that "a verbal construction is not necessary to describe the overall ornamental nature of the '012 design."
- The Board also stated the figures "clearly depict a table top having two rectangular portions/planks having different widths."

Institution Decision (Paper 8) at 13.

Institution Decision (Paper 8) at 13.

Claim Construction Affects the Grounds

- Grounds :

Ground	Grounds in Opposition to Motion to Amend	Claim Construction
1	<i>Carter and Morgan</i>	Patent Owner's (covering equal-width)
2	<i>Carter, Galant, and Morgan</i>	Patent Owner's (covering equal-width)
3	<i>Carter and Bordonabe Furniture</i>	Both Constructions
4	<i>Carter, Galant, and Bordonabe Furniture</i>	Both Constructions
5	<i>Carter and Iannaccone</i>	Both Constructions
6	<i>Carter, Galant, and Iannaccone</i>	Both Constructions

Opposition to Motion to Amend (Paper 13) at 7.



Only terms in controversy must be construed and only to the extent necessary to resolve the controversy.

Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc., 200 F.3d 795, 803 (Fed. Cir. 1999).

Obviousness

Broad Overview of Combinations

- Primary Reference Creates Basically the Same Visual Impression
 - *Morgan*
 - *Bordonabe Furniture*
 - *Iannaccone*
- *Carter* is a suitable secondary reference
 - ✓ Not Disputed
- It would have been obvious to add tenons/dowels in view of *Carter*
- *Galant* is a suitable secondary reference
 - ✓ Not Disputed
- It would have been obvious to vary the tabletop size in view of *Galant*
 - ✓ Not Disputed

Arguments Not Raised in Patent Owner Response Are Waived

- Patent Owner has waived patentability arguments not raised in its Patent Owner response, which was not filed in this case.



“Patent Owner is cautioned that any arguments not raised in the response may be deemed waived .”

Scheduling Order (Paper 9) at 9.



“any arguments for patentability not raised in the response may be deemed waived”

Consolidated Trial Practice Guide at 94.



“[T]he general rule is that any argument not raised before the Board is waived on appeal.”

Microsoft Corp. v. Biscotti, Inc., 878 F.3d 1052, 1075 (Fed. Cir. 2017).

Broad Overview of Combinations

- Primary Reference Creates Basically the Same Visual Impression

- *Morgan* ✓ Waived arguments not relating to added holes/tenons
- *Bordonabe Furniture* ✓ Waived arguments not relating to added holes/tenons
- *Iannaccone* ✓ Waived arguments not relating to added holes/tenons

- *Carter* is a suitable secondary reference

✓ Not Disputed

- It would have been obvious to add tenons/dowels in view of *Carter*

- *Galant* is a suitable secondary reference

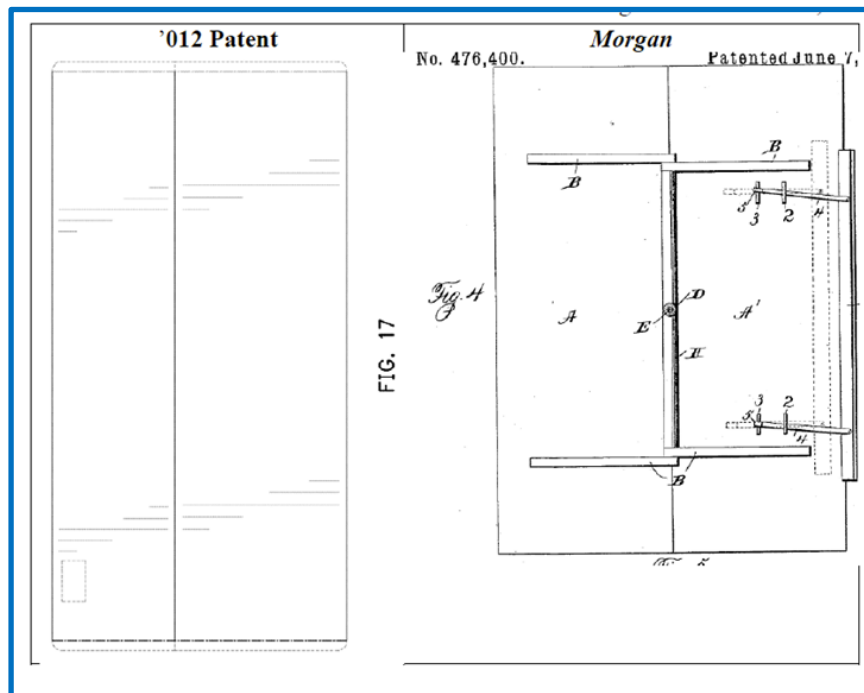
✓ Not Disputed

- It would have been obvious to vary the tabletop size in view of *Galant*

✓ Not Disputed

Grounds 1 & 2 - *Morgan* Creates the Same Overall Visual Impression

Patent Owner's Construction



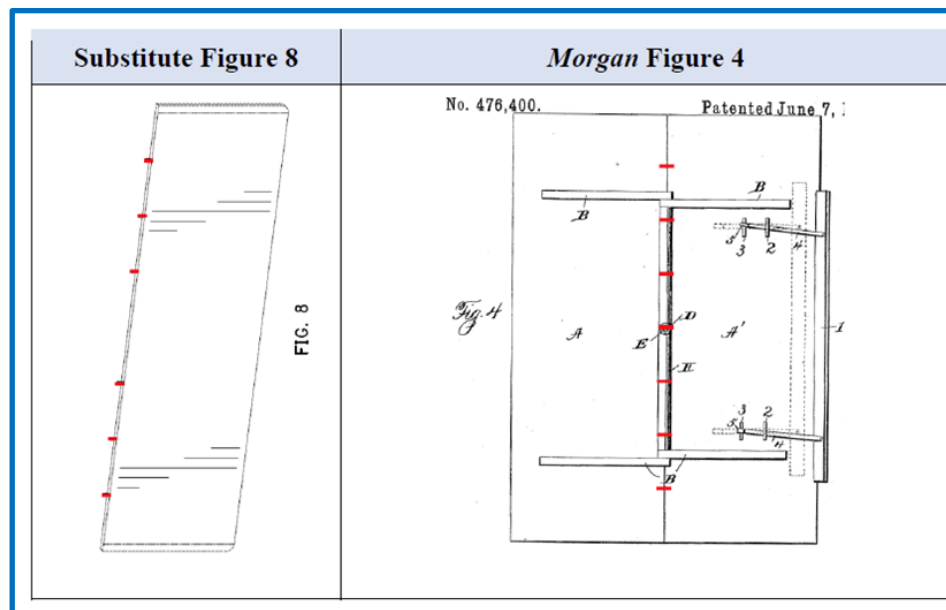
“The added holes/tenons are not a substantial difference or major modification that changes the overall appearance of the substitute claim such that *Morgan* would no longer create the same visual impression as the substitute claim in the same way it created the same visual impression as the unamended claim.”

Opposition to Motion to Amend (Paper 13) at 14.

Grounds 1 & 2-It Would Have Been Obvious to Use Tenons/Dowels in View of *Carter*

Patent Owner's Construction

- *Carter* is a suitable secondary reference because it is so related to *Morgan* that the appearance of features in *Carter* would suggest the application of those features to *Morgan*. ✓ Not Disputed
- It would have been obvious to add 7 dowels/tenons in view of *Carter* and the well-known use of dowels and tenons.
- The resulting tabletop would have the same visual impression as the substitute claim. ✓ Not Disputed



Unclaimed Features Are Not Relevant

Patent Owner Argues: “Further the legs and other mechanical features of *Morgan* are clearly different from the design disclosed in the ‘012 Patent. The ‘012 Patent discloses a separable table top for a standing desk, not a folding table. The ‘012 Patent does not show any suggested mechanization of the two portions of the table top disclosed in *Morgan*.”

Waived, does not relate to amendments

MTA Reply (Paper 14) at 9.

- But the ‘012 patent claims only the tabletop itself and does not claim any legs, mechanical features, or other items attached to the tabletop.

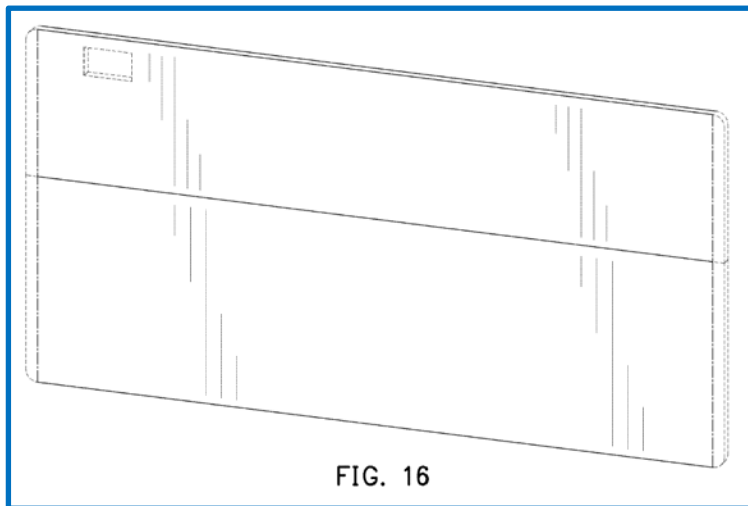


FIG. 16

(57)

CLAIM

The ornamental design for a table top, as shown and described.

‘012 patent (Ex. 1001) at Cover, Fig. 16.

The Board Previously Rejected Patent Owner's Arguments

- In the Institution Decision, the Board correctly rejected these same arguments, explaining that “because the scope of the *claimed* table top does not require legs of any number or type,” the type of legs in the prior art is “essentially immaterial to the analysis.”

MTA Sur-Reply (Paper 20) at 8.

- Patent Owner continues to make the bare assertion that features in the primary prior art references related to unclaimed features render the prior art unsuitable as prior art references.

MTA Sur-Reply (Paper 20) at 8.



“[a] competitor who sells a kennel embodying [the] patented structural design infringes the D’006 patent, ***regardless of extra features***, such as a cover, that the competitor might add to its kennel.”

Advantek Marketing, Inc. v. Shanghai Walk-Long Tools Co., Ltd., 898 F.3d 1210, 1216-17 (Fed. Cir. 2018) (emphasis added).

The Amended '012 Patent Does Not Claim Assembled and Unassembled States

Patent Owner Argues: “The various views of the ‘012 Patent relate to two distinct configurations: 1) before assembly, and 2) after assembly. Before assembly, the two table top portions of the ‘012 Patent are completely separate and give the visual impression of two separate table top portions, with the now claimed tenons and holes visible.”

MTA Reply (Paper 14) at 10.

- But the patent specifically does not claim an unassembled state:

(57)

CLAIM

The ornamental design for a table top, as shown and described.

MTA Sur-Reply (Paper 20) at 10-11.

FIG. 1 is a perspective view of a top portion of a table top isolated for clarity of illustration showing my new design;

FIG. 9 is a perspective view of a bottom portion of the table top isolated for clarity of illustration;

'012 patent (Ex. 1001) at Cover.

Patent Owner Does Not Substantively Argue *Morgan* Is Not a Primary Reference Because of the Amendments (Tenons/Holes)

- Patent Owner focuses on unamended features, occasionally including an add-on sentence making the conclusory assertion that the “addition of the now claimed tenons and holes in the amended claim of the ‘012 Patent only further differentiates [the prior art].”

MTA Sur-Reply (Paper 20) at 11.

- Likewise, Patent Owner’s expert does not explain how the addition of hidden tenons/holes, which are small, unseen features, alters the overall impression of a tabletop made from two abutted planks.

MTA Sur-Reply (Paper 20) at 11.



“Conclusory and/or unsupported testimony is entitled to little weight. See 37 C.F.R. § 42.65(a).”

DraftKings Inc. v. AG 18, LLC, IPR2022-01447, Paper 33 at 14 (P.T.A.B. Mar. 13, 2024).

Carter Discloses Holes and Multiple Dowels

Patent Owner Argues: “*Carter* discloses only a single ‘dowel-pin b’ in Fig. 3. Further, *Carter* does not discuss, suggest or disclose a complementary hole with which the dowel-pin b may couple.”

MTA Reply (Paper 14) at 10-11.

- But *Carter* discloses “dowel pins” (plural) on three occasions.

MTA Sur-Reply (Paper 20) at 12 (citing *Carter* at 1:46, 2:67, 2:91).

- It would be impossible to use a dowel pin without a complementary hole.
- And Mr. Hatch testified:

“Certainly by the early 1900s, the functional purpose of dowelling was well understood. . . . The insertion of a dowel/tenon into a hole prevents the tenon from moving in a direction perpendicular to the axis of the tenon relative to the hole.”

Hatch Suppl. (Ex. 1011) at ¶27.

- Patent Owner appears to read *Carter* in isolation.

Petitioner Does Not Rely On *Carter* Alone

Patent Owner Argues: “Further, given the at least seven other methods of joining/connecting two portions of a table top, there is nothing disclosed or suggested in *Carter* that would make it obvious that a designer of ordinary skill in the art would be motivated [to] choose this method, in the numbers required by the amended claim of the ‘012 Patent.”

MTA Reply (Paper 14) at 12.

- But Mr. Hatch testified:

“ An ordinary designer would have known that dowels/tenons—or protrusions of any shape—help to align and stabilize neighboring boards/planks to ensure a flat, continuous surface when the planks are joined together . . . In my opinion, a designer of ordinary skill would have been motivated to select a reasonable number of dowels/tenons to add. JOINTS IN WOODWORK at 81 provides an example of a ‘safe rule for the spacing of dowels when jointing sideboard tops’ as 9-10 inches apart. It was understood that the spacing would be varied depending on the application and cost considerations. . . . In my opinion, based on the above considerations, for a typical tabletop size like those of the tabletops in *Morgan*, *Bordonabe Furniture*, *Galant*, or *Iannaccone*, using between four and ten dowels would have been typical.”

Hatch Suppl. (Ex. 1011) at ¶¶ 48-52.

Petitioner Does Not Rely On *Carter* Alone

Table 8: Carter discloses a folding table that includes the use of dowel pins

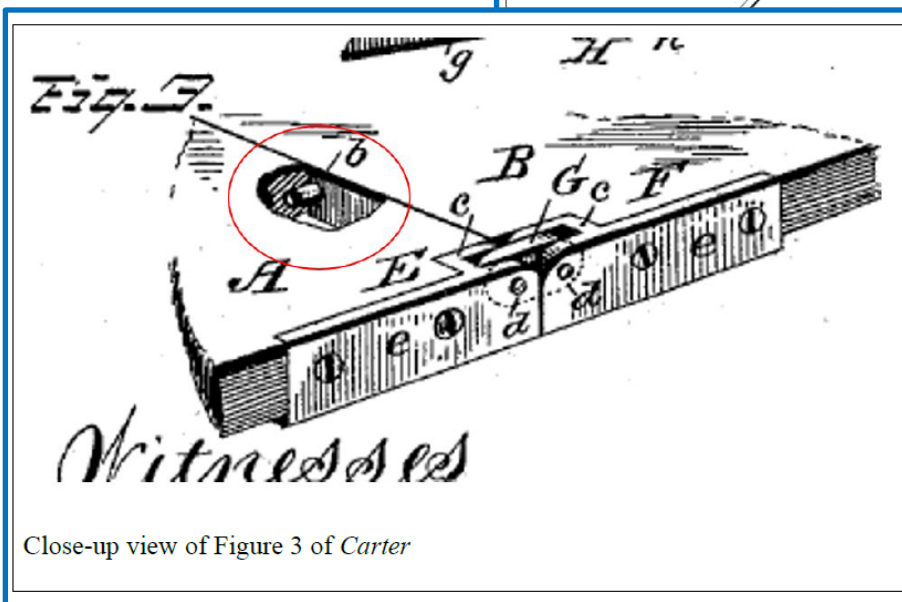
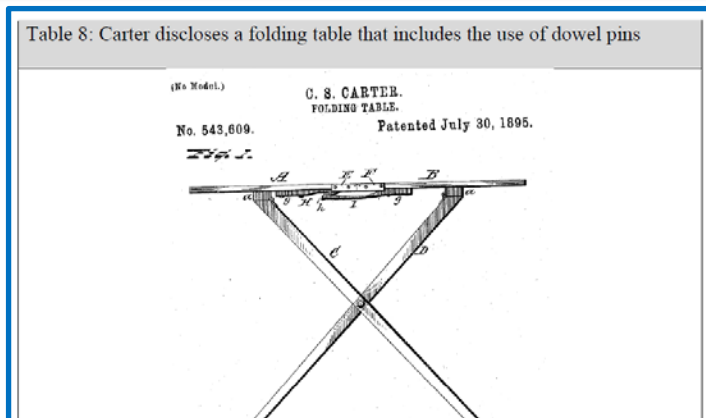
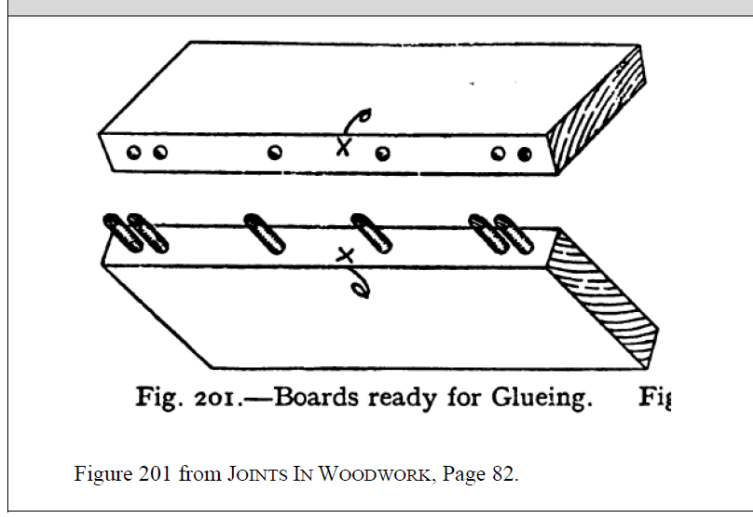


Table 4: Dowels typically create a visual impression that is identical to the added tenons/dowels in the substitute claim.



Mere Existence of Other Joinery Methods Does Not Defeat Obviousness

Patent Owner Argues: “Further, given the at least seven other methods of joining/connecting two portions of a table top, there is nothing disclosed or suggested in *Carter* that would make it obvious that a designer of ordinary skill in the art would be motivated choose this method, in the numbers required by the amended claim of the ‘012 Patent.”

MTA Reply (Paper 14) at 12.



“[O]ur case law does not require that a particular combination must be the preferred or the most desirable, combination described in the prior art in order to provide motivation for the current invention.”

In re Fulton, 391 F.3d 1195, 1200 (Fed. Cir. 2004).



“Similarly, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. . . . [I]t’s not necessary to show that a combination is the *best* option, only that it be a *suitable* option.”

Intel Corp. v. PACT XPP Schweiz AG, 61 F.4th 1373, 1380 (Fed. Cir. 2023) (quotations and citations omitted) (emphasis in original).

Ground 1 – Summary – *Morgan & Carter*

Patent Owner's Construction

- *Morgan* creates basically the same visual impression, Patent Owner's arguments fail because:
 - Unclaimed features are not relevant
 - The amended '012 patent does not claim assembled and unassembled states
 - Patent owner does not substantively argue *Morgan* is not a primary reference because of the amendments (tenons/holes)
- *Carter* is a suitable secondary reference ✓ Not Disputed
- It would have been obvious to add tenons/dowels in view of *Carter*, Patent Owner's arguments fail because:
 - *Carter* discloses holes and multiple dowels
 - Petitioner does not rely on *Carter* alone
 - Mere existence of other joinery methods does not defeat obviousness
- The resulting tabletop would have the same visual impression as the substitute claim. ✓ Not Disputed

Ground 2 - It Would Have Been Obvious to Vary the Tabletop Size in View of *Galant*

Patent Owner's Construction

- *Galant* is a suitable secondary reference because it is so related to *Morgan* that the appearance of features in *Galant* would suggest the application of those features to *Morgan*. ✓ Not Disputed
- *Galant* renders obvious a tabletop with proportions identical to the claimed design for the reasons identified in the Petition. ✓ Not Disputed
- Entirety of Patent Owner's Arguments regarding Ground 2:

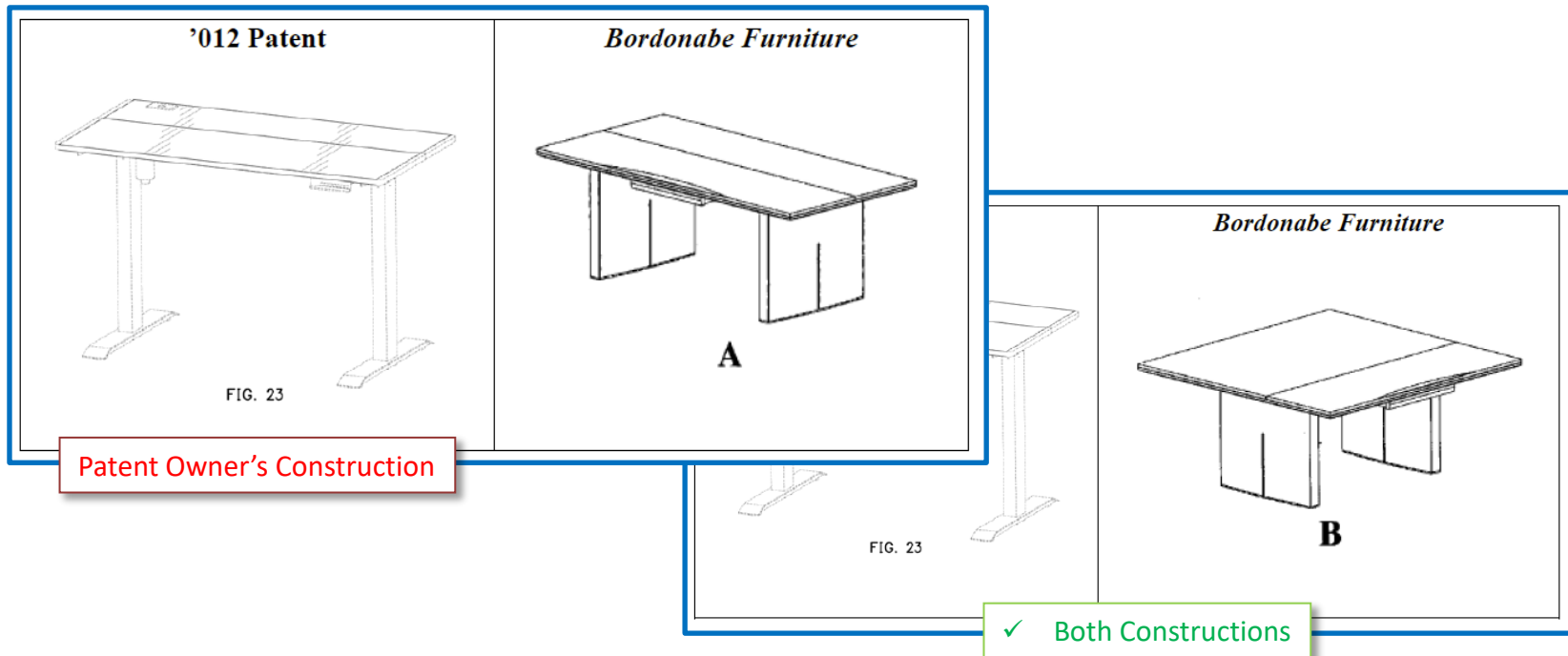
B. Ground 2 -- 35 USC §103 – *Morgan*, *Galant* and *Carter*

For the reasons outlined above, *Morgan* does not operate as a primary reference and *Carter* does not operate as an appropriate secondary reference.

Galant discloses a single piece table top design, without two portions and does nothing to remedy any deficiencies in the combination of *Morgan* and *Carter*. *Id.* ¶¶63, 90, 92.

Grounds 3 & 4 – *Bordonabe Furniture* Creates the Same Overall Visual Impression

✓ Both Constructions



“The added holes/tenons are not a substantial difference or major modification that changes the overall appearance of the substitute claim such that *Bordonabe Furniture* would no longer create the same visual impression as the substitute claim in the same way it created the same visual impression as the unamended claim. Hatch Suppl. at ¶ 69. ”

Opposition to Motion to Amend (Paper 13) at 18.

Grounds 3 & 4-It Would Have Been Obvious to Use Tenons/Dowels in View of *Carter*

✓ Both Constructions

- *Carter* is a suitable secondary reference because it is so related to *Bordonabe Furniture* that the appearance of features in *Carter* would suggest the application of those features to *Bordonabe Furniture*. ✓ Not Disputed
- It would have been obvious to add 7 dowels/tenons in view of *Carter* and the well-known use of dowels and tenons.
- The resulting tabletop would have the same visual impression as the substitute claim. ✓ Not Disputed

75. I note that in my analysis above for *Morgan*, I included a side-by-side comparison of Substitute Figure 8 with *Morgan*. But because *Bordonabe Furniture* (designs A and B) are shown only in perspective view, I have not included such a comparison here. But the comparison would create the same basic effect because designs A and B of *Bordonabe Furniture* have tabletops formed from two planks/boards, just like *Morgan*.

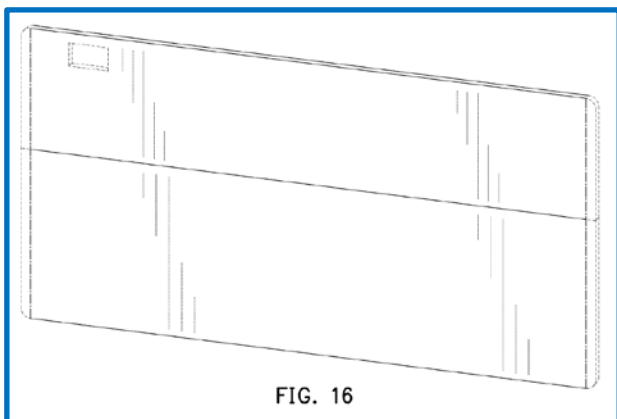
Unclaimed Features Are Not Relevant

Patent Owner Argues: “The design features of the various *Bordonabe Furniture* designs and the ‘012 Patent show many significant differences resulting in a very different visual impression including: 1) a beveled front edge, 2) a recessed and beveled cut line between the lower and upper pieces and 3) an arched edge around the front 4) drawer under the workspace with an angled drawer, 5) various different leg designs, and in *Bordonabe Furniture* Design E, 6) the top piece having a cut line that does not reach the edge.”

Waived, does not relate to amendments

MTA Reply (Paper 14) at 12.

- But the ‘012 patent claims only the tabletop itself and does not claim any additional features added to the tabletop.



(57)

CLAIM

The ornamental design for a table top, as shown and described.

‘012 patent (Ex. 1001) at Cover, Fig. 16.

Unclaimed Features Are Not Relevant

- Petitioners do not rely on designs C and E.
- And Mr. Hatch testified:

87. Regarding the edge profiling of *Bordonabe Furniture*, it's difficult to tell from the image whether any such edge profiling exists. Given that *Bordonabe Furniture* does not depict the edges of the table with any detail, I view any edge profiling (if it exists in *Bordonabe Furniture*), as an exceedingly minor detail. *Bordonabe Furniture* appears to agree since it doesn't even show how the edge is formed. Nonetheless, even if *Bordonabe Furniture* used some kind of edge profile (e.g., a chamfer or some kind of profile similar to molding), that is an additional ornamental feature of *Bordonabe Furniture* that the claimed design lacks. An ordinary designer would have found it obvious to omit such edge profiling and return to generally square edges, which is the default for a simple table. In other words, an ordinary designer would have understood that the default, initial state of a table design was one or more boards with square (i.e., 90 degree) corners. This is

✓ Not Disputed

Patent Owner Does Not Substantively Argue *Bordonabe Furniture* Is Not a Primary Reference Because of the Amendments (Tenons/Holes)

Patent Owner Argues: “None of the figures or provided description in *Bordonabe Furniture* disclose or suggest the holes or tenons as required by the proposed amended claim of the ‘012 Patent.”

MTA Reply (Paper 14) at 13.

- Patent Owner’s expert does not support this statement regarding *Bordonabe Furniture*’s lack of holes or tenons.

66. The table top disclosed in the amended claim of the ‘012 Patent does not show any of these design features shown in *Bordonabe Furniture* Design A.

Williams Declaration (Ex. 2006) at ¶¶64-73.

67. *Bordonabe Furniture* Design A shows a table top design, aside from a difference in the shape of the front edge, that is substantially similar to the table top disclosed in the amended claim of the ‘012 Patent: 1) a beveled upper piece, 3) an arched edge around the front, 4) a beveled front edge, and 5) four cylindrical legs, each inset from the edge of the workspace. These differences are visible in the below comparison of relevant drawings from the ‘012 Patent and *Bordonabe Furniture* Design A:

68. The amended claim of the ‘012 Patent does not disclose any of these design features shown in *Bordonabe Furniture* Design B.

69. *Bordonabe Furniture* Design B shows a table top design, aside from a difference in the shape of the front edge, that is substantially similar to the table top disclosed in the amended claim of the ‘012 Patent: 1) a beveled upper piece, 3) an arched edge around the front, 4) a beveled front edge, and 5) four cylindrical legs, each inset from the edge of the workspace. These differences are visible in the below comparison of relevant drawings from the ‘012 Patent and *Bordonabe Furniture* Design B:

70. The amended claim of the ‘012 Patent does not disclose any of the above design features shown in *Bordonabe Furniture* Design C.

71. *Bordonabe Furniture* Design E has the following differences in table top design from the amended claim of the ‘012 Patent: 1) a table top comprised of two super imposed pieces, 2) the top piece having a cut line that does not reach the edge, 3) the lower piece with a beveled edge, and 4) four cylindrical legs, each inset from the edge of the workspace. These differences are visible in the below comparison of relevant drawings from the ‘012 Patent and *Bordonabe Furniture* E:

For Ground 3, Patent Owner Does Not Make Any New Arguments Re: *Carter*

- Entirety of Patent Owner's Arguments Regarding *Carter* for Ground 3:

For the same reasons outlined in relation to *Morgan*, *Carter* does not operate as a secondary reference in relation to any of the designs contained in *Bordonabe Furniture*. *Bordonabe Furniture* does not operate as a primary reference in the design patent §103 analysis and *Carter* does nothing to remedy that deficiency. The combination of *Bordonabe Furniture* and *Carter* does not render the claimed design of the amended '012 Patent obvious. *Id.* at 73, 90.

Ground 3 – Summary – *Bordonabe Furniture & Carter*

✓ Both Constructions

- *Bordonabe Furniture* creates basically the same visual impression, Patent Owner's arguments fail because:
 - Unclaimed features are not relevant
 - An ordinary designer would have found it obvious to omit edge profiling
 - Patent Owner does not substantively argue *Bordonabe Furniture* is not a primary reference because of the amendments (tenons/holes)
- *Carter* is a suitable secondary reference ✓ Not Disputed
- It would have been obvious to add tenons/dowels in view of *Carter*, Patent Owner's arguments fail for the reasons they fail for Ground 1: (see *Morgan* discussion)
- The resulting tabletop would have the same visual impression as the substitute claim. ✓ Not Disputed

Ground 4 - It Would Have Been Obvious to Vary the Tabletop Size in View of *Galant*

✓ Both Constructions

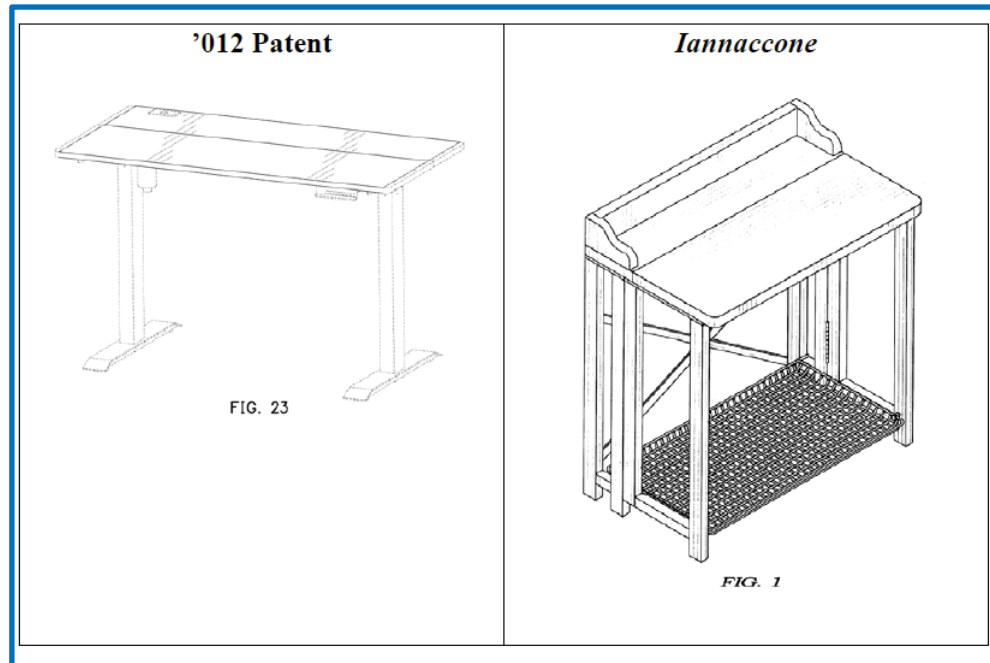
- *Galant* is a suitable secondary reference because it is so related to *Bordonabe Furniture* that the appearance of features in *Galant* would suggest the application of those features to *Bordonabe Furniture*. ✓ Not Disputed
- *Galant* renders obvious a tabletop with proportions identical to the claimed design for the reasons identified in the Petition. ✓ Not Disputed
- Entirety of Patent Owner's Arguments regarding Ground 4:

D. Ground 4 – 35 USC §103 – *Bordonabe Furniture, Galant, and Carter*

Galant discloses a single piece table top design, without two portions and does nothing to remedy any deficiencies in the combination of *Bordonabe Furniture* and *Carter*. *Id.* at 73, 90, 92.

Grounds 5 & 6 – *Iannaccone* Creates the Same Overall Visual Impression

✓ Both Constructions



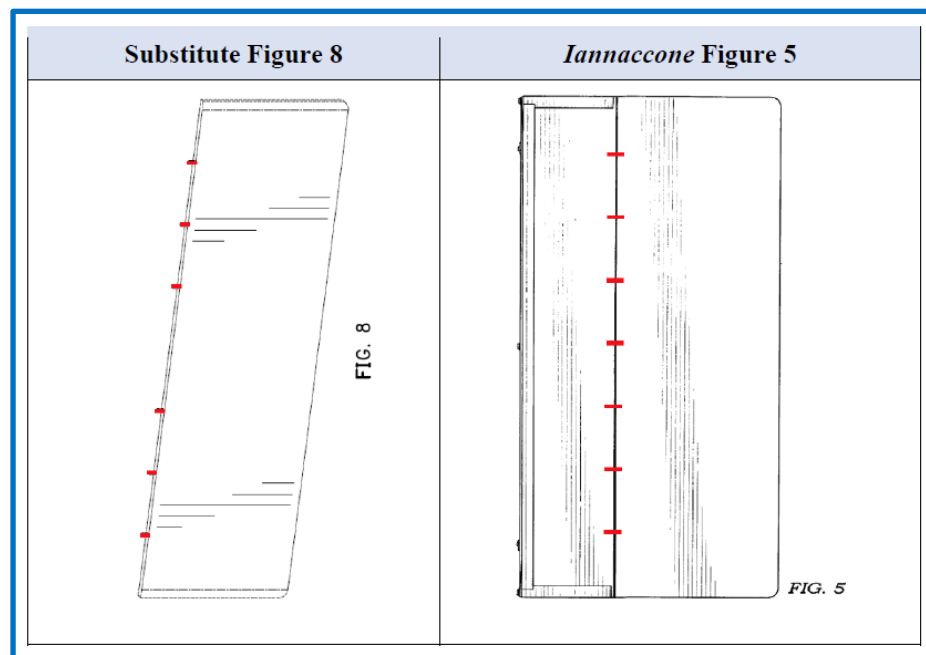
“The added holes/tenons are not a substantial difference or major modification that changes the overall appearance of the substitute claim such that *Iannaccone* would no longer create the same visual impression as the substitute claim in the same way it created the same visual impression as the unamended claim.”

Opposition to Motion to Amend (Paper 13) at 22.

Grounds 5 & 6-It Would Have Been Obvious to Use Tenons/Dowels in View of *Carter*

✓ Both Constructions

- *Carter* is a suitable secondary reference because it is so related to *Iannaccone* that the appearance of features in *Carter* would suggest the application of those features to *Iannaccone*. ✓ Not Disputed
- It would have been obvious to add 7 dowels/tenons in view of *Carter* and the well-known use of dowels and tenons.
- The resulting tabletop would have the same visual impression as the substitute claim. ✓ Not Disputed



Unclaimed Features Are Not Relevant

Patent Owner Argues: “*Iannaccone* is a folding table with the following visual design differences: 1) three short raised sections at the rear of the non-folding panel; 2) two of the raised sections having a curved design along the top; 3) a folding section of the table top that folds parallel with the legs; 4) three legs on each side, for a total of six legs; 5) two cross members along the rear side of the table; 6) a grid material that is shown at the bottom of the table when unfolded and displayed vertically when folded.”

Waived, does not relate to amendments

MTA Reply (Paper 14) at 13.

- But the '012 patent claims only the tabletop itself and does not claim any additional features added to the tabletop.

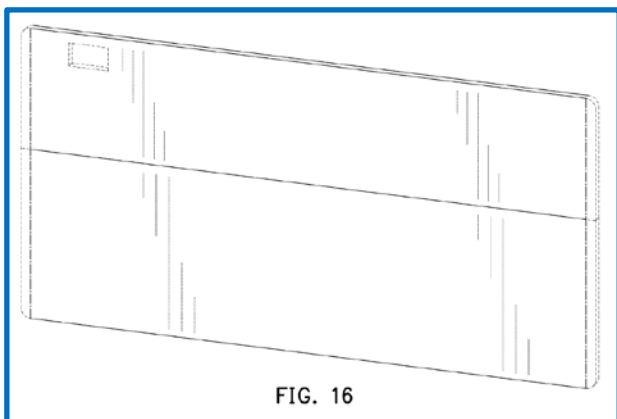


FIG. 16

(57)

CLAIM

The ornamental design for a table top, as shown and described.

'012 patent (Ex. 1001) at Cover, Fig. 16.

Unclaimed Features Are Not Relevant

Patent Owner Argues: “Focusing solely on the table top of *Iannaccone*, the disclosed table top design is formed of two portions, the second portion of which forms the rear of the table. This second, rear portion of the table top includes three raised wall sections, one at the rear edge and two at each side edges. The raised walls on the side edges include a curved design along the top of the wall. The *Iannaccone* reference does not disclose or suggest that the raised walls are in any way separable from the table top. Expert testimony shows that the raised walls of *Iannaccone* are a key feature of the overall design of this folding table. See *Williams Declaration* ¶75.”

Waived, does not relate to amendments

MTA Reply (Paper 14) at 14.

- But Mr. Williams just parrots the “key feature” conclusion, without support:

Iannaccone design as the “raised walls” of *Iannaccone*. I see no suggestion in the figures or text of *Iannaccone* that the raised walls are separable from the table top. In my opinion and experience, the raised walls of *Iannaccone* are a key design feature that is not separable from the table top of *Iannaccone*.

Williams Decl. (Ex. 2006) at ¶75.



“Conclusory and/or unsupported testimony is entitled to little weight. See 37 C.F.R. § 42.65(a).”

DraftKings Inc. v. AG 18, LLC, IPR2022-01447, Paper 33 at 14 (P.T.A.B. Mar. 13, 2024).

Unclaimed Features Are Not Relevant

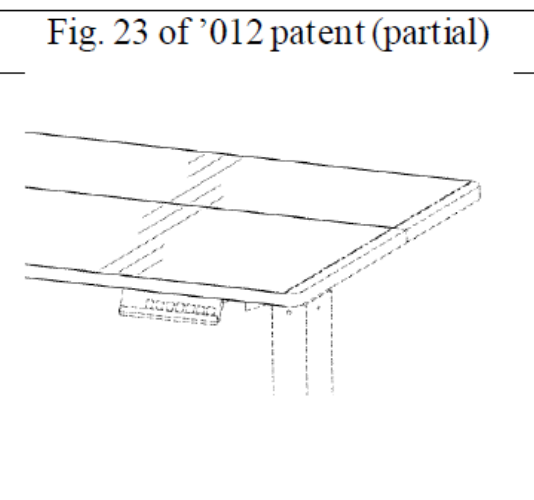
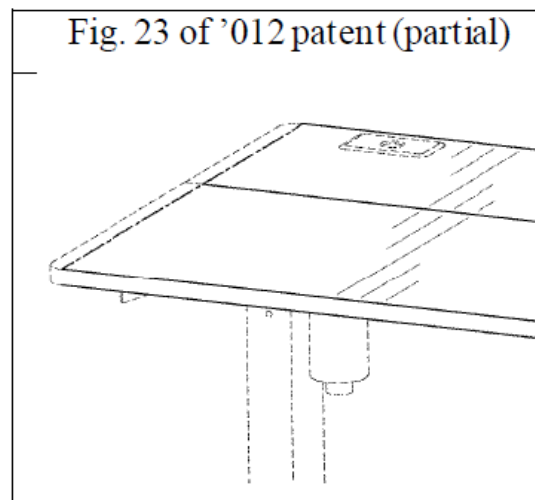
Patent Owner Argues: “The figures of the patent show disclaimed legs, controls and other mechanical items attached to the underside of the table top, but there’s no suggestion of any item, feature, component, or design shown on the surface of the table top, disclaimed or otherwise.”

Waived, does not relate to amendments

MTA Reply (Paper 14) at 14.

- But the Board already pointed out:

Besides the cylindrical object below the table top portion shown on the left, the Figure 23 illustrates in dashed lines what appears as a rectangular object supported on (or in) the top surface of the table top. On the right, there is illustrated in dashed lines a different object supported on the bottom surface of the table top.



The Board Previously Rejected Patent Owner's Arguments

- In the Institution Decision, the Board correctly rejected these same arguments, explaining that “because the scope of the *claimed* table top does not require legs of any number or type,” the type of legs in the prior art is “essentially immaterial to the analysis.”

MTA Sur-Reply (Paper 20) at 8.

- Patent Owner continues to make the bare assertion that features in the primary prior art references related to unclaimed features render the prior art unsuitable as prior art references.

MTA Sur-Reply (Paper 20) at 8.



“[a] competitor who sells a kennel embodying [the] patented structural design infringes the D’006 patent, ***regardless of extra features***, such as a cover, that the competitor might add to its kennel.”

Advantek Marketing, Inc. v. Shanghai Walk-Long Tools Co., Ltd., 898 F.3d 1210, 1216-17 (Fed. Cir. 2018) (emphasis added)).

The Amended '012 Patent Does Not Claim Assembled and Unassembled States

Patent Owner Argues: “The two table top portions are always connected to each other in contrast to the two table top portions in the ‘012 Patent that can be in completely separate as seen before assembly and a complete table top after assembly.”

MTA Reply (Paper 14) at 14.

Waived, does not relate to amendments

- But the patent specifically does not claim an unassembled state:

(57)

CLAIM

The ornamental design for a table top, as shown and described.

MTA Sur-Reply (Paper 20) at 10-11.

FIG. 1 is a perspective view of a top portion of a table top isolated for clarity of illustration showing my new design;

FIG. 9 is a perspective view of a bottom portion of the table top isolated for clarity of illustration;

'012 patent (Ex. 1001) at Cover.

Patent Owner Does Not Substantively Argue *Iannaccone* Is Not a Primary Reference Because of the Amendments (Tenons/Holes)

- Entirety of Patent Owner's argument regarding holes/tenons for *Iannaccone*:

Patent Owner Argues: “The addition of tenons and holes in the amended claim of the ‘012 Patent provide additional clear differences in the visual impression between the ‘012 Patent and *Iannaccone*. *Id.* at ¶84.”

MTA Reply (Paper 14) at 15.

- Patent Owner's expert does not explain how the addition of hidden tenons/holes, which are small, unseen features, alters the overall impression of a tabletop made from two abutted planks.

MTA Sur-Reply (Paper 20) at 11.



“Conclusory and/or unsupported testimony is entitled to little weight. See 37 C.F.R. § 42.65(a).”

DraftKings Inc. v. AG 18, LLC, IPR2022-01447, Paper 33 at 14 (P.T.A.B. Mar. 13, 2024).

For Ground 5, Patent Owner Does Not Make Any New Arguments Re: *Carter*

- Entirety of Patent Owner's Arguments Regarding *Carter* for Ground 5:

For the same reasons outlined in relation to *Morgan*, *Carter* does not operate as a secondary reference in relation to *Iannaccone*. *Iannaccone* does not operate as a primary reference in the design patent §103 analysis and *Carter* does nothing to remedy that deficiency. The combination of *Iannaccone* and *Carter* does not render the claimed design of the amended '012 Patent obvious. *Id.* at 79, 83, 90.

Ground 5 – Summary – *Iannaccone & Carter*

✓ Both Constructions

- *Iannaccone* creates basically the same visual impression, Patent Owner's arguments fail because:
 - Unclaimed features are not relevant
 - The patent explicitly does not claim unassembled and assembled states
 - Patent Owner does not substantively argue *Iannaccone* is not a primary reference because of the amendments (tenons/holes)
- *Carter* is a suitable secondary reference ✓ Not Disputed
- It would have been obvious to add tenons/dowels in view of *Carter*, Patent Owner's arguments fail for the reasons they fail for Ground 1: (see *Morgan* discussion)
- The resulting tabletop would have the same visual impression as the substitute claim. ✓ Not Disputed

Ground 6 - It Would Have Been Obvious to Vary the Tabletop Size in View of *Galant*

✓ Both Constructions

- *Galant* is a suitable secondary reference because it is so related to *Iannaccone* that the appearance of features in *Galant* would suggest the application of those features to *Iannaccone*. ✓ Not Disputed
- *Galant* renders obvious a tabletop with proportions identical to the claimed design for the reasons identified in the Petition. ✓ Not Disputed
- Entirety of Patent Owner's Arguments regarding Ground 6:

F. Ground 6 – 35 USC §103 – *Iannaccone*, *Galant*, and *Carter*

The addition of *Galant* to the obviousness analysis does nothing to remedy the failure of *Iannaccone* to act as a primary reference or *Carter* to act as a secondary reference. *Id.* at 79, 83, 90, 92.

V. CONCLUSION

Claim Appendix

(57)

CLAIM

The ornamental design for a table top, as shown and described.

Description

DESCRIPTION

FIG. 1 is a perspective view of a top portion of a table top isolated for clarity of illustration showing my new design;
FIG. 2 is a front view thereof;
FIG. 3 is a rear view thereof;
FIG. 4 is a left side view thereof;
FIG. 5 is a right side view thereof;
FIG. 6 is a top view thereof;
FIG. 7 is a bottom view thereof;
FIG. 8 is another perspective view thereof shown in an environment of use;
FIG. 9 is a perspective view of a bottom portion of the table top isolated for clarity of illustration;
FIG. 10 is a front view thereof;
FIG. 11 is a rear view thereof;
FIG. 12 is a left side view thereof;
FIG. 13 is a right side view thereof;
FIG. 14 is a top view thereof;
FIG. 15 is a bottom view thereof;
FIG. 16 is a perspective view of the table top;
FIG. 17 is a front view thereof;
FIG. 18 is a rear view thereof;
FIG. 19 is a left side view thereof;
FIG. 20 is a right side view thereof;
FIG. 21 is a top view thereof;
FIG. 22 is a bottom view thereof; and,
FIG. 23 is a perspective view thereof shown in an environment of use.

The broken line portions of the table top in FIGS. 1-23 represent portions of the article that form no part of the claim. The broken lines of the tenons in FIG. 8 illustrate environment that form no part of the claimed design. The broken lines of the bases in FIG. 23 illustrate environment that form no part of the claimed design. The dot-dash broken lines in FIGS. 1-3, 8-11 16-18 and 23 represent boundary lines and form no part of the claimed design.

Figure 1 (Before Proposed Amendment)

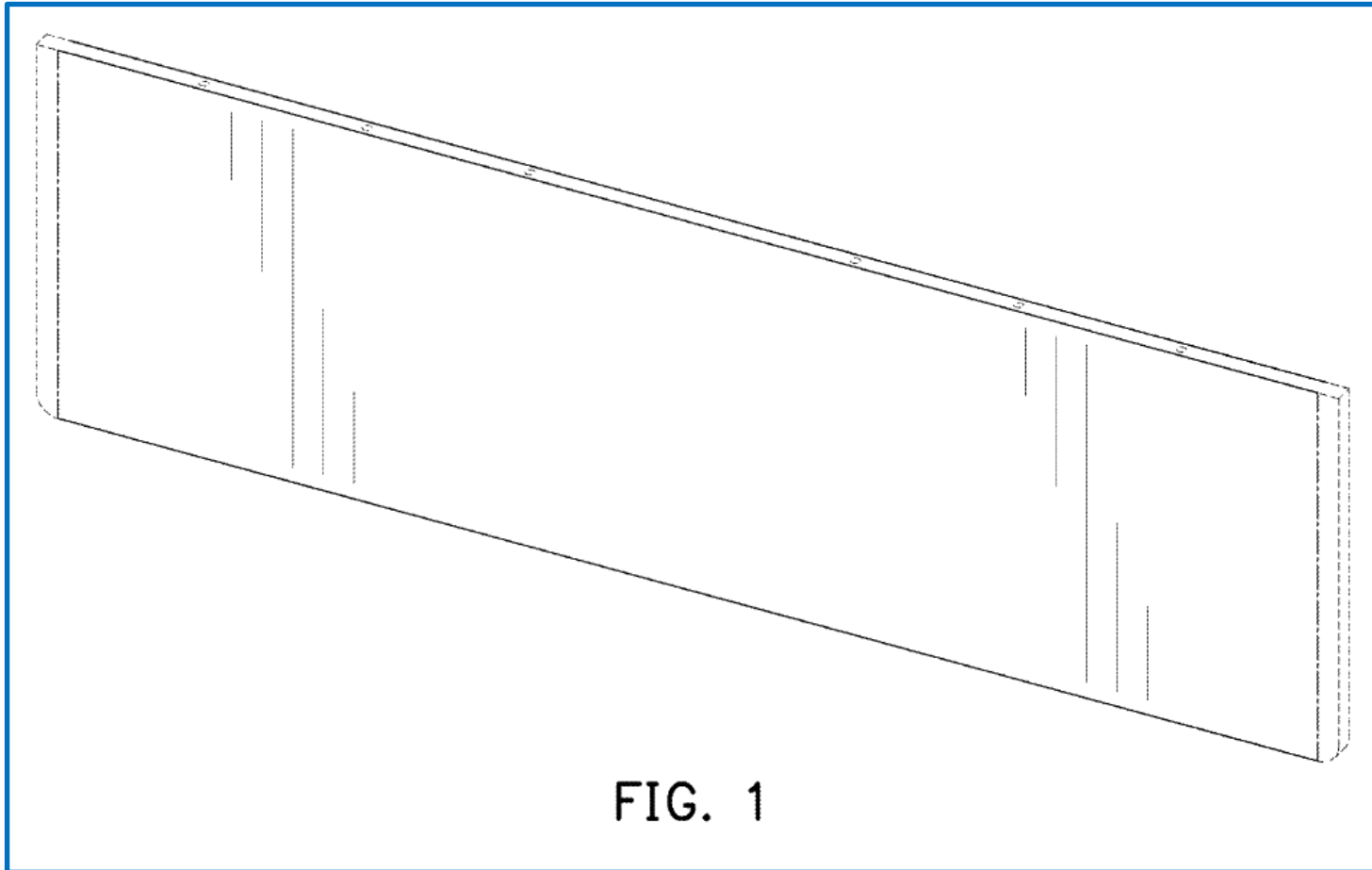


Figure 1 (Proposed Amendment)

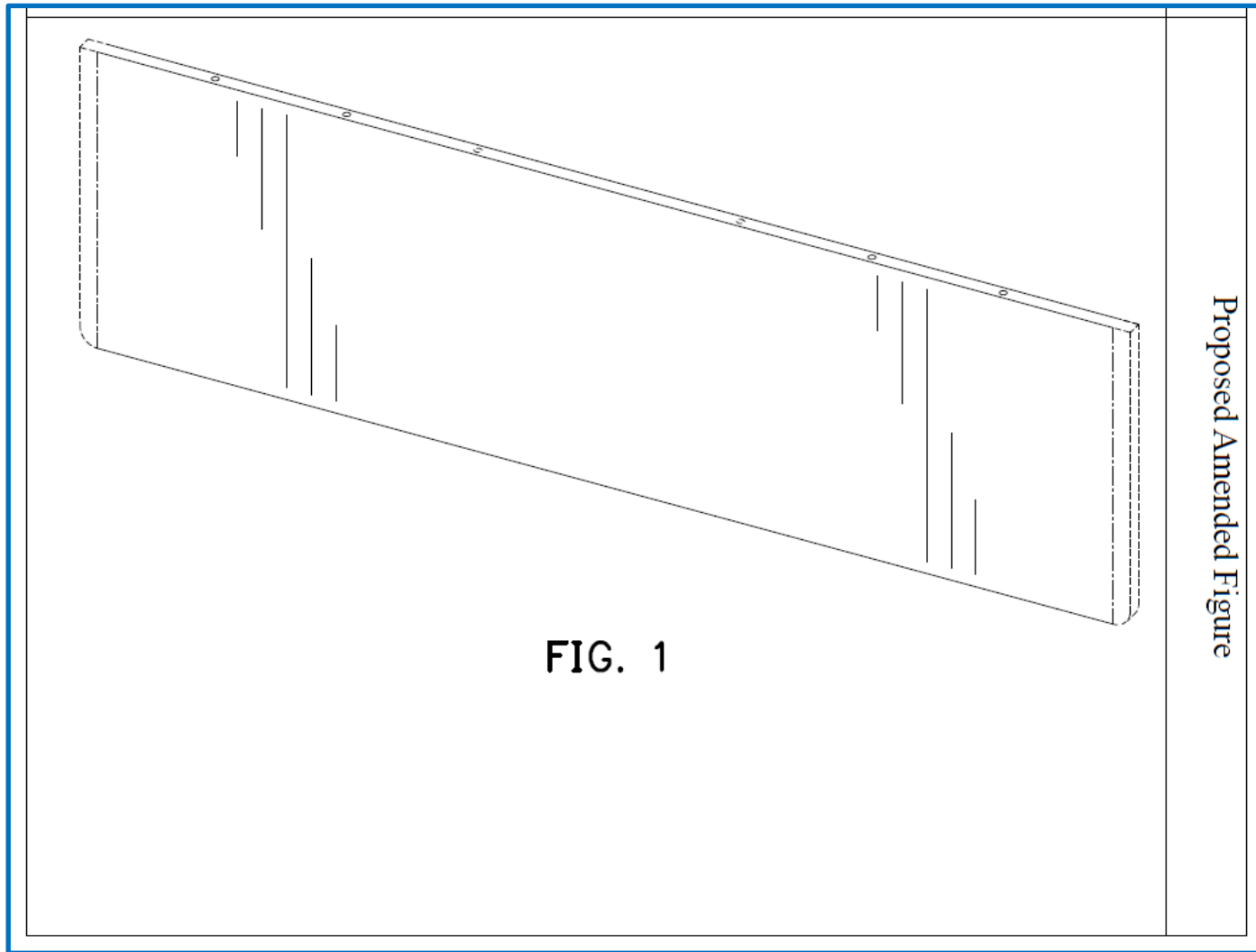


Figure 2 (Not Amended)

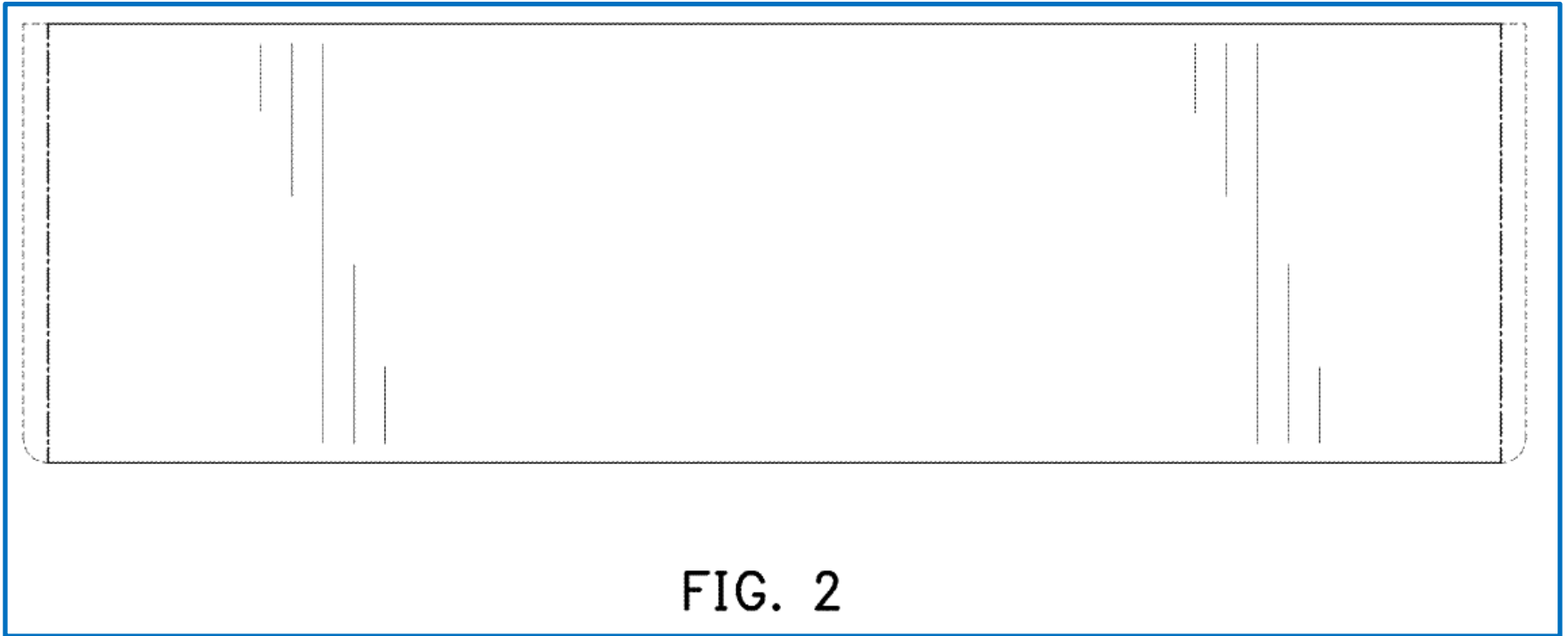


FIG. 2

Figure 3 (Not Amended)

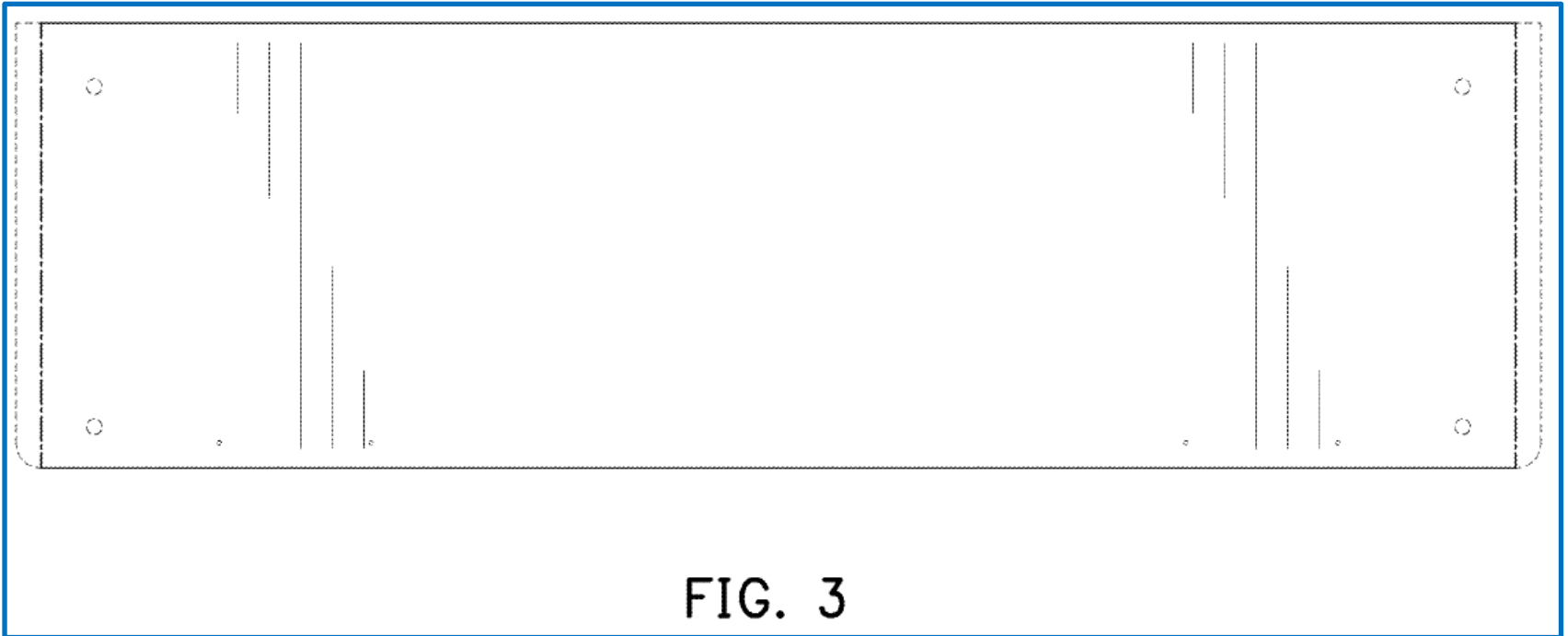


Figure 4 (Not Amended)

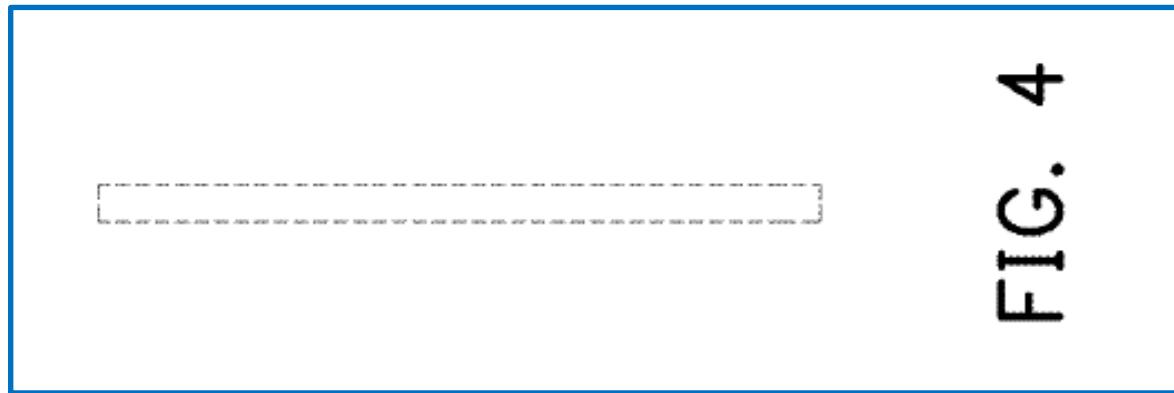


Figure 5 (Not Amended)

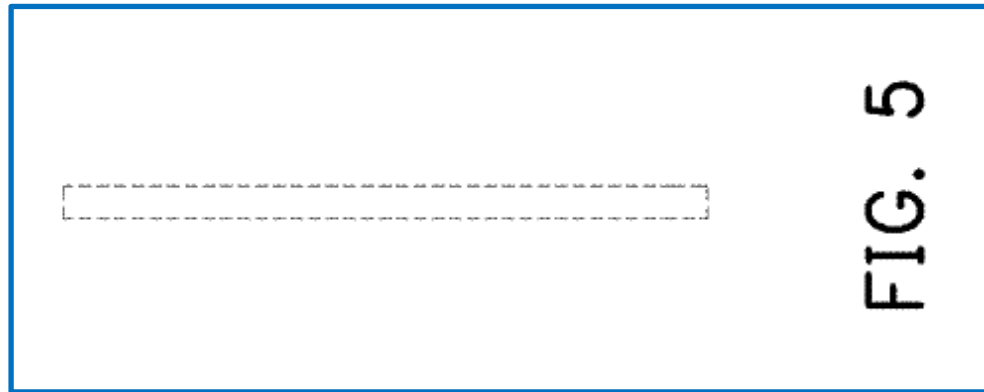


Figure 6 (Before Proposed Amendment)

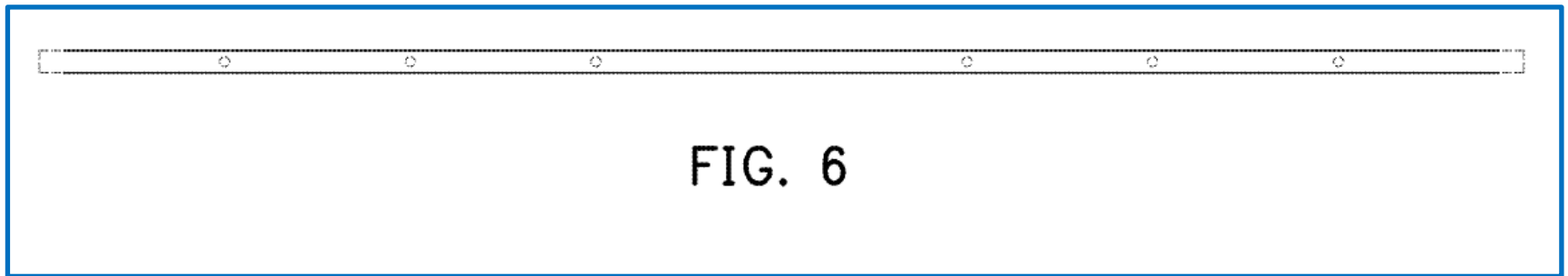


Figure 6 (Proposed Amendment)



FIG. 6

Figure 7 (Not Amended)

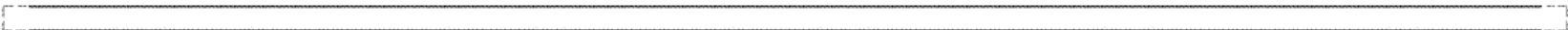


FIG. 7

Figure 8 (Before Proposed Amendment)

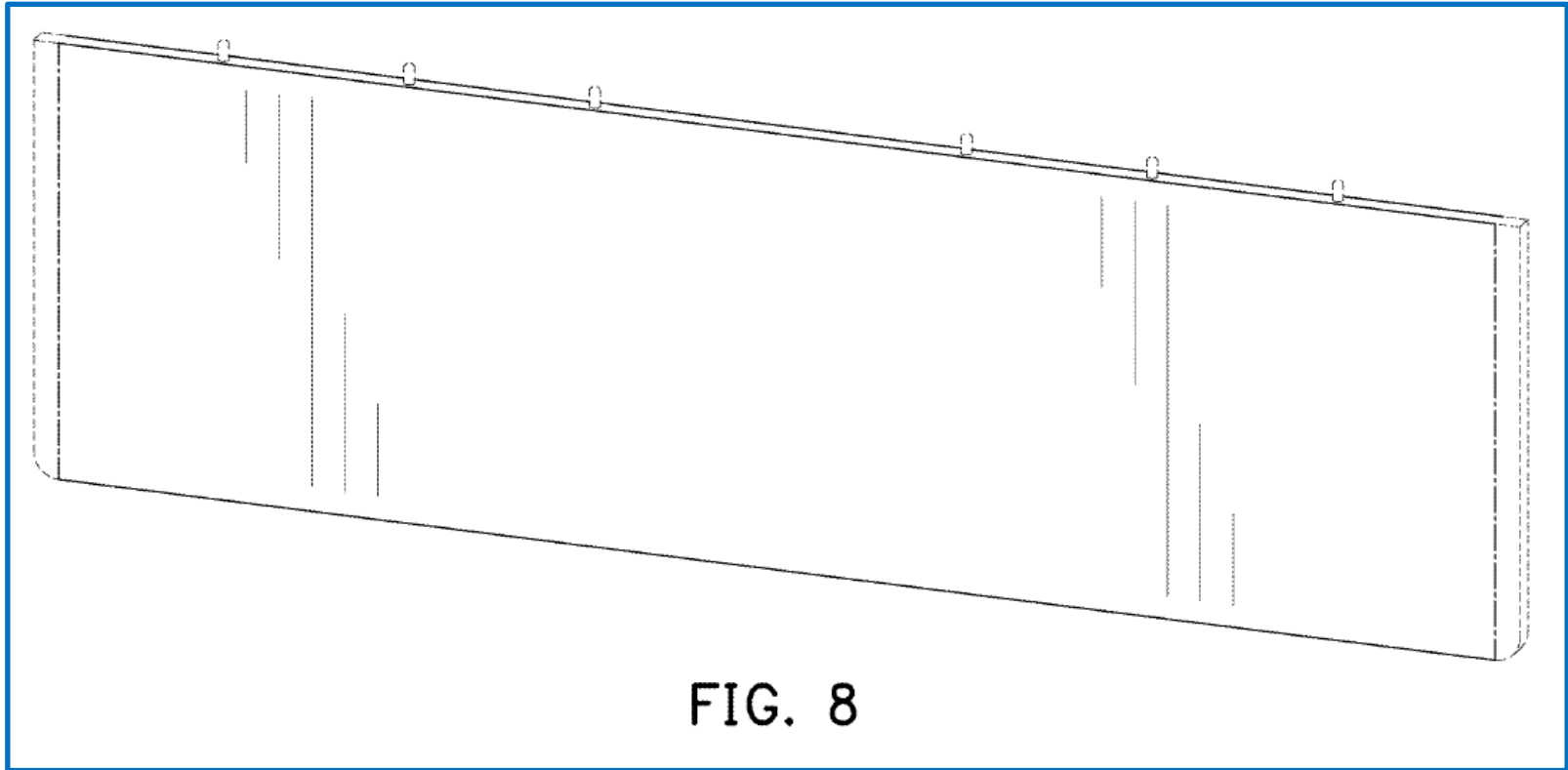


Figure 8 (Proposed Amendment)

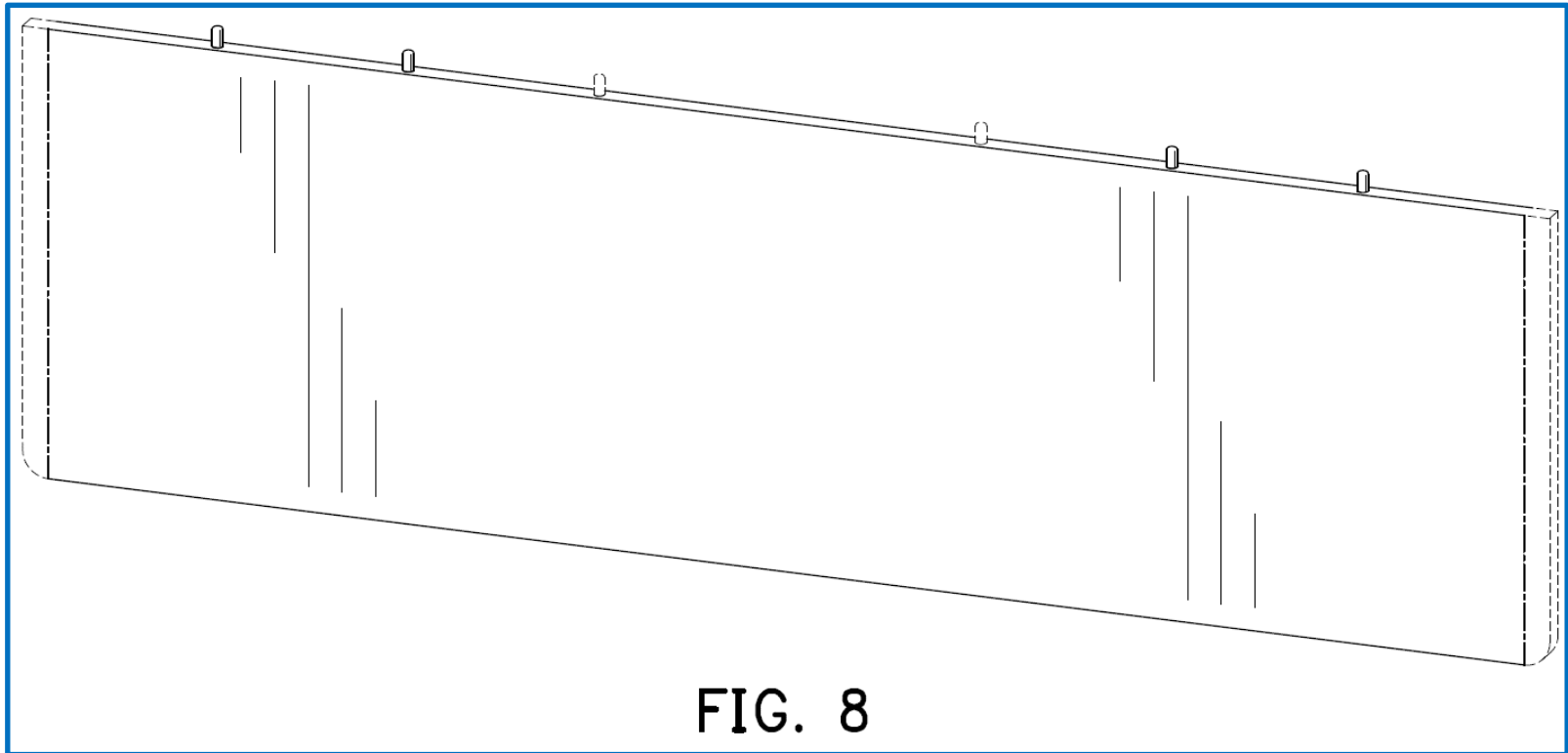


Figure 9 (Before Proposed Amendment)

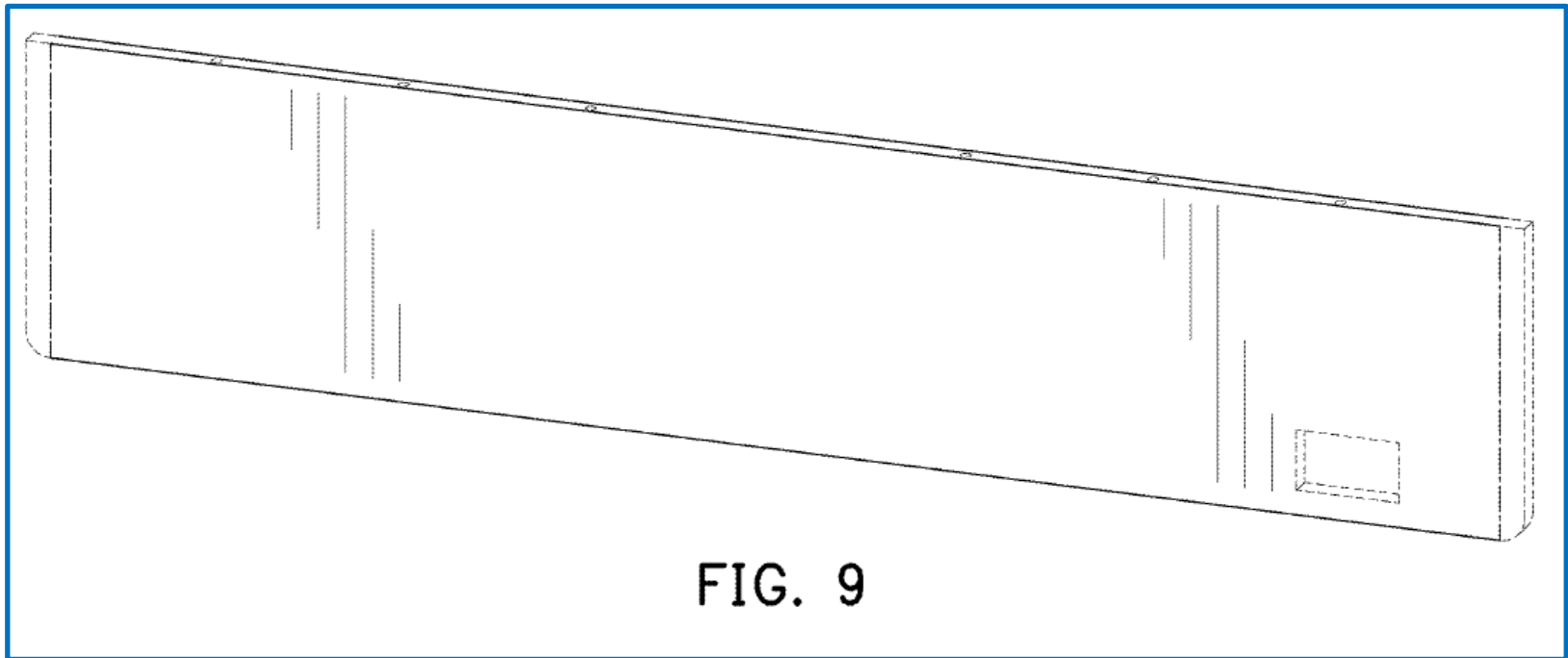
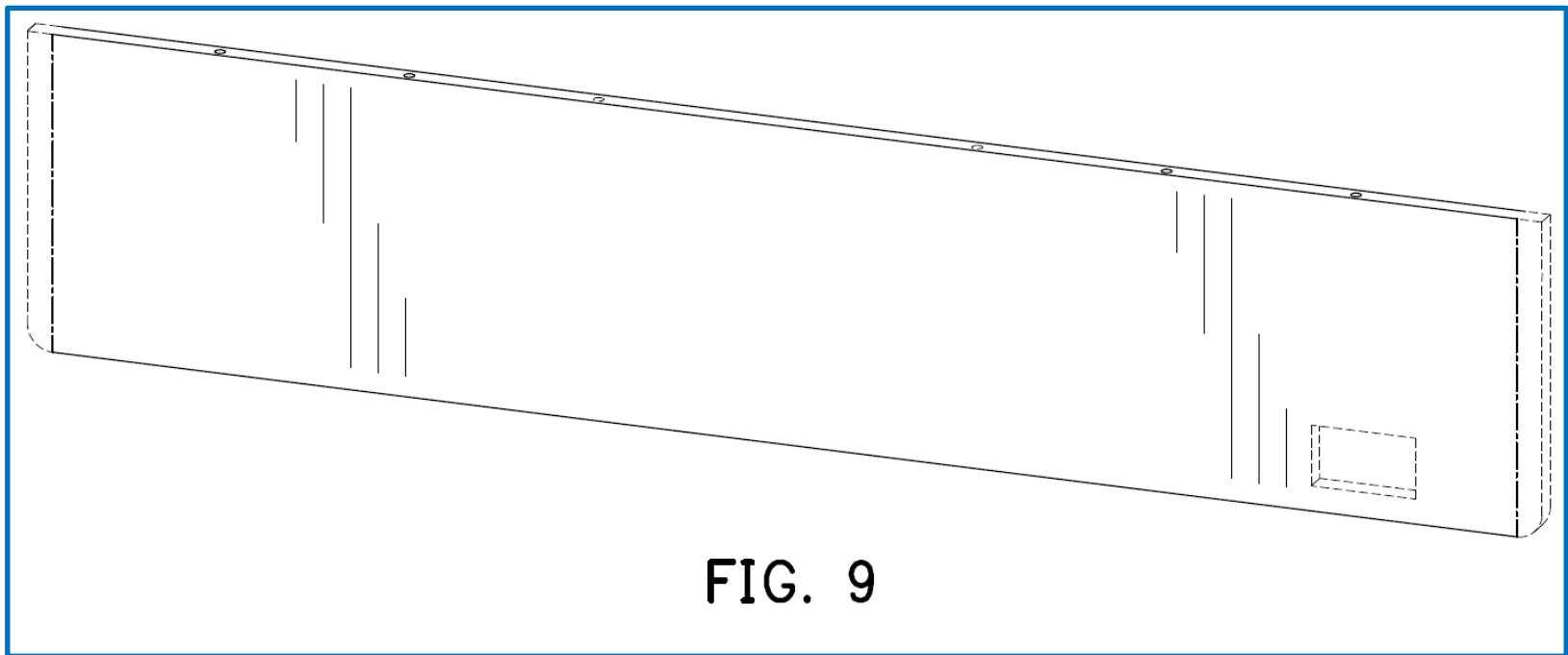


Figure 9 (Proposed Amendment)



Figures 10 & 11 (Not Amended)

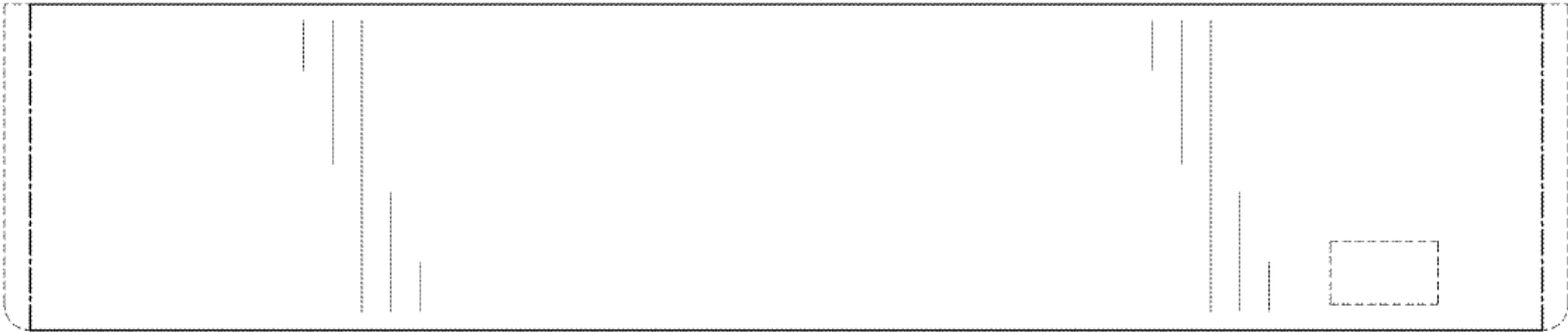


FIG. 10

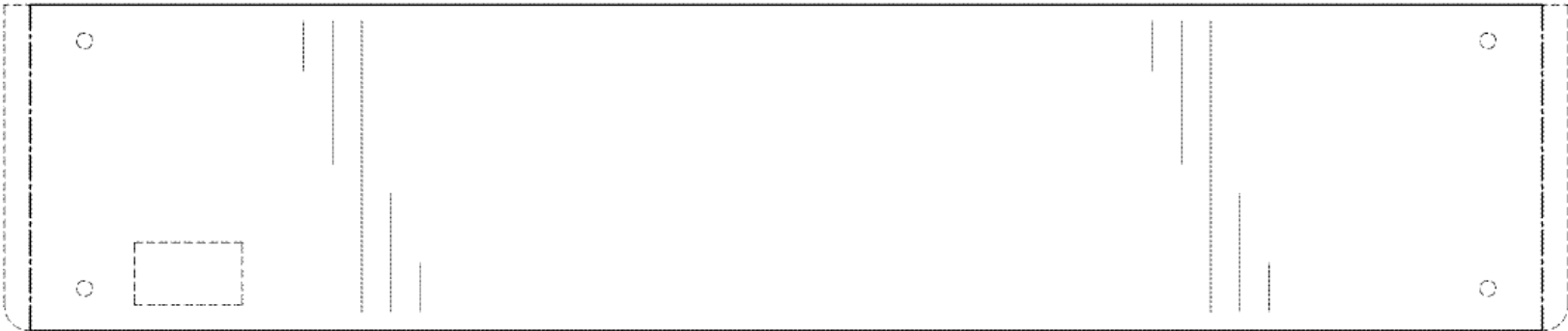


FIG. 11

Figures 12 & 13 (Not Amended)



FIG. 12



FIG. 13

Figure 14 (Before Proposed Amendment)

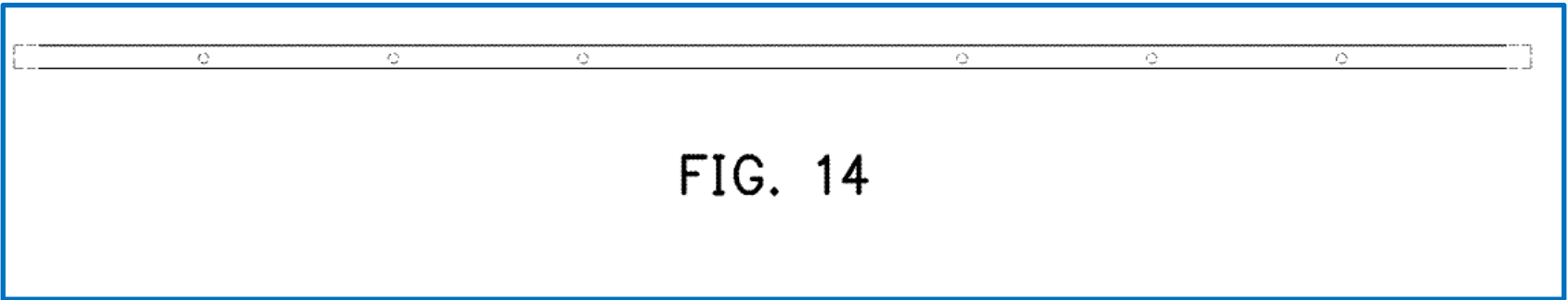


FIG. 14

Figure 14 (Proposed Amendment)

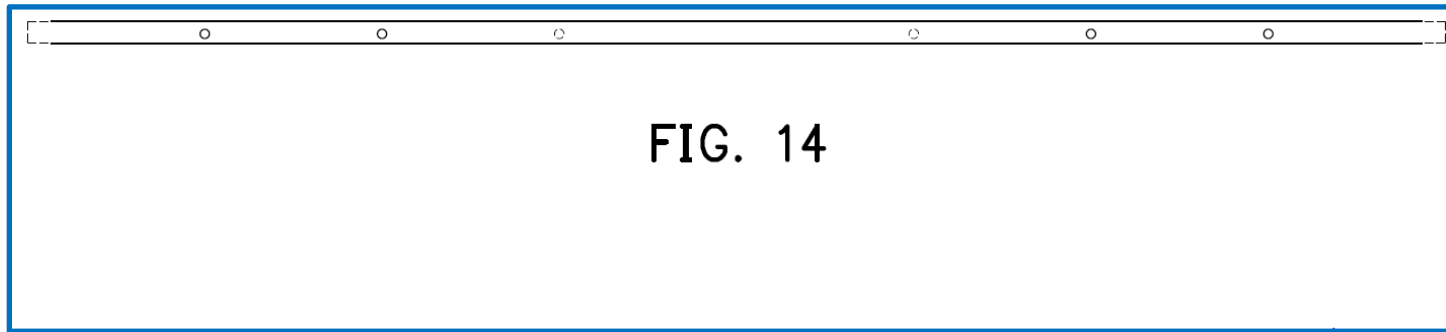


FIG. 14

Figure 15 (Not Amended)

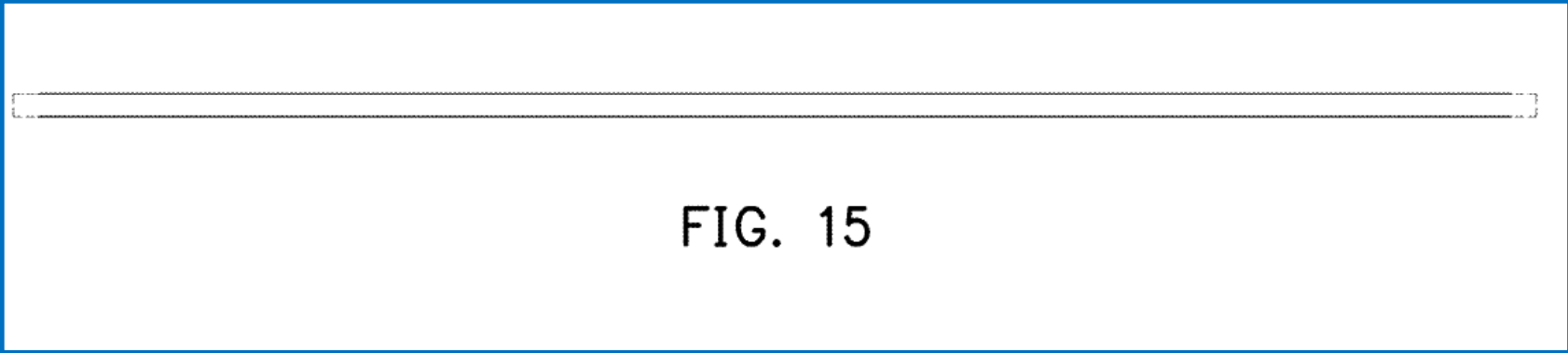


FIG. 15

Figure 16 (Not Amended)

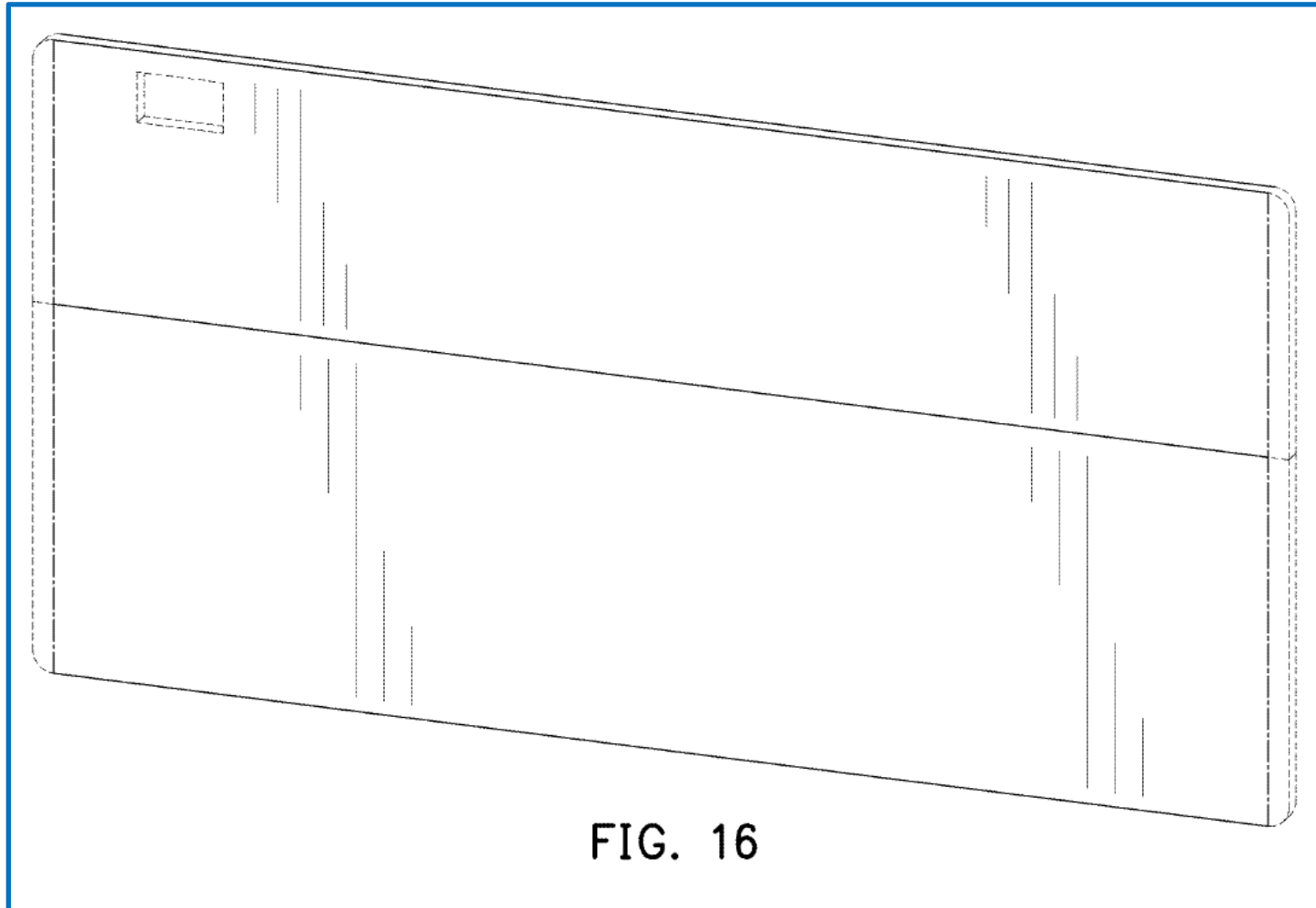


FIG. 16

Figure 17 (Not Amended)

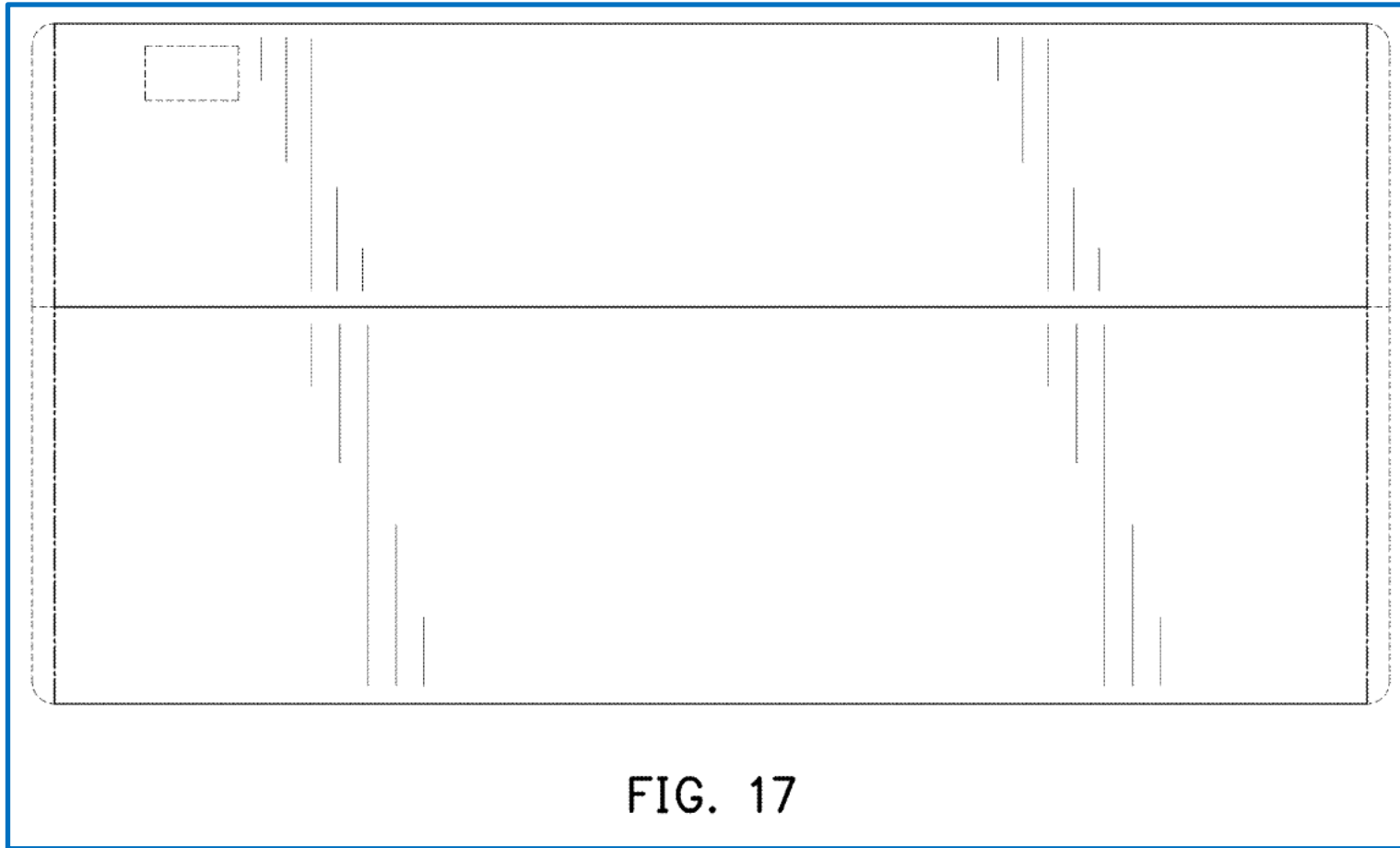
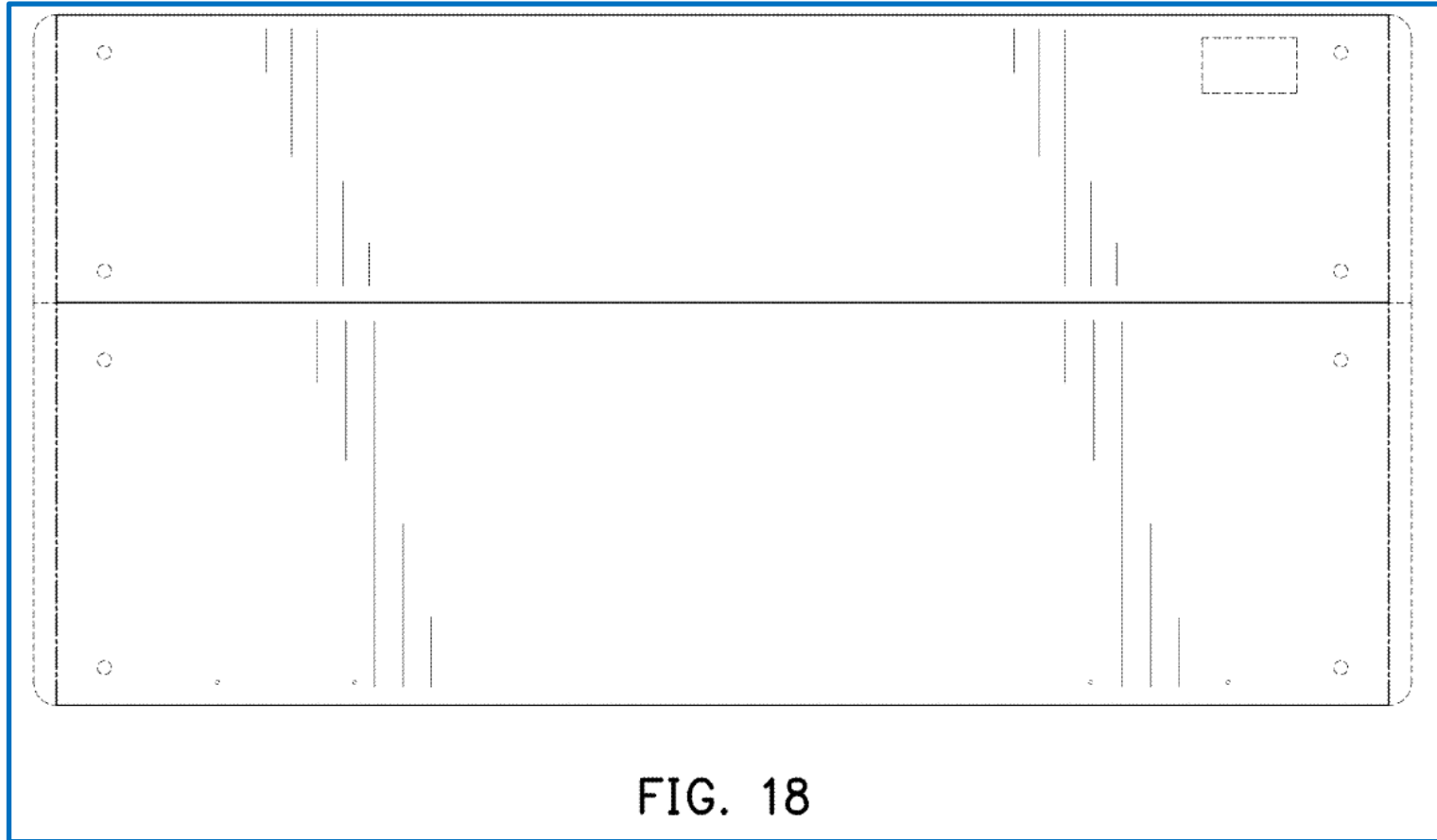


FIG. 17

Figure 18 (Not Amended)



Figures 19 & 20 (Not Amended)



FIG. 19



FIG. 20

Figures 21 & 22 (Not Amended)



FIG. 21

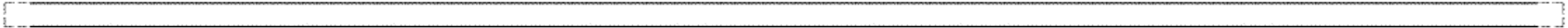


FIG. 22

Figure 23 (Not Amended)

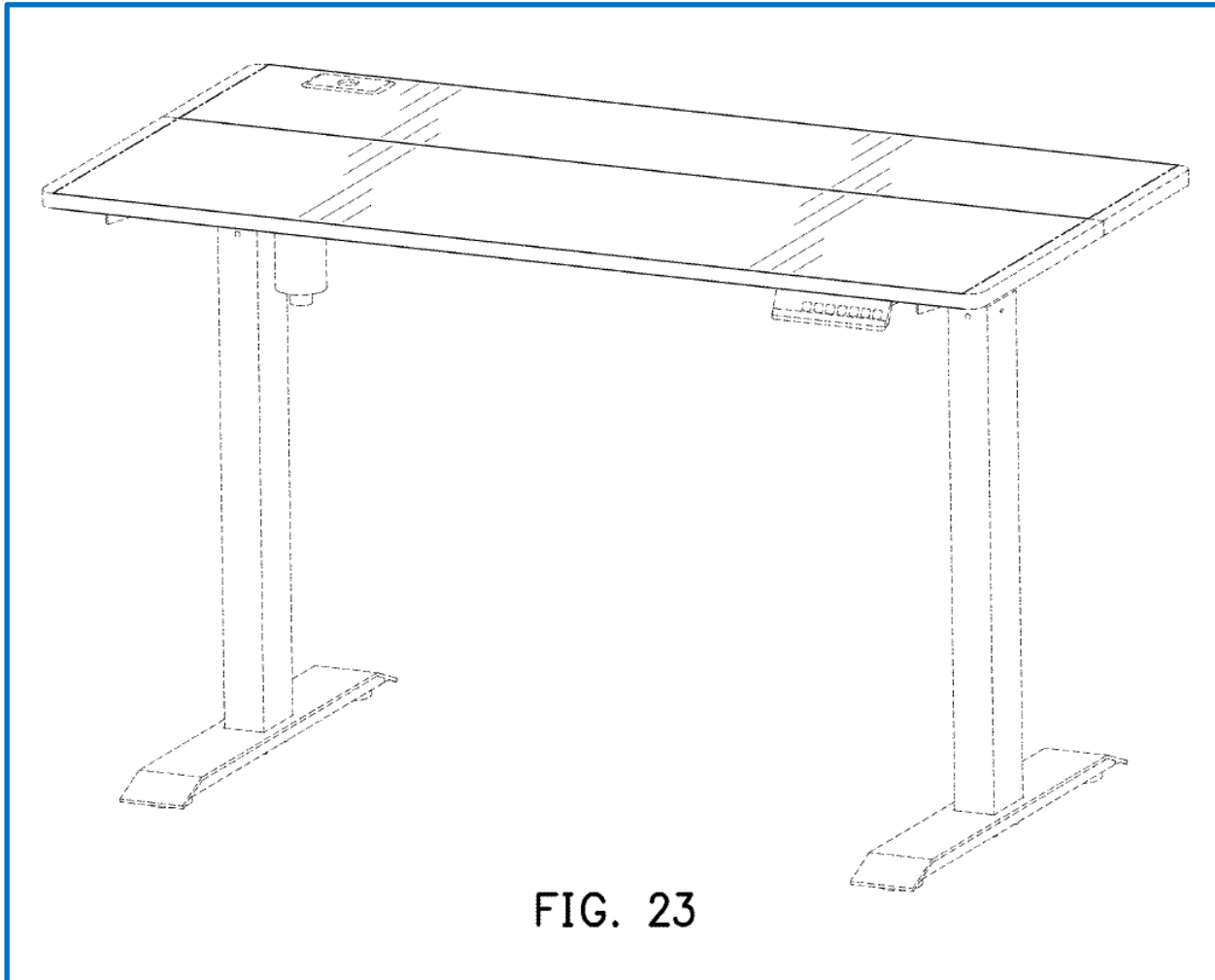


FIG. 23