

Filed on behalf of: Signify Holdings B.V.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUMINEX INTERNATIONAL COMPANY LTD.,
and MENARD, INC.,

Petitioners,

v.

SIGNIFY HOLDINGS B.V.,
Patent Owner.

Case IPR2024-00101
U.S. Patent No. 10,299,336

**PATENT OWNER'S SUPPLEMENTAL BRIEF
ADDRESSING CONTINUITY OF DISCLOSURE***

* This brief was authorized by the Board in an email dated June 25, 2025. EX3008.

Record evidence establishes continuity of disclosure in the ancestor applications for claims 13, 15 and 16 of the '336 Patent in three ways.

First, each application in the chain incorporates by reference “[t]he entire contents of” each prior application, including the '424 Provisional. EX1021, 1:4-8¹; EX1022, 1:4-7; EX1007, [0001]; EX1001, 1:6-15. Such “broad and unambiguous” incorporation statements are “plainly sufficient to incorporate” the referenced documents “in [their] entirety” for purposes of establishing priority. *Paice LLC v. Ford Motor Co.*, 881 F.3d 894, 906-09 (Fed. Cir. 2018); *cf. Zenon Envtl., Inc. v. U.S. Filter Corp.*, 506 F.3d 1370, 1379-82 (Fed. Cir. 2007) (distinguishing incorporation statements that, unlike here, did **not** incorporate “the entire disclosures”).

Second, the intervening applications repeated the '424 Provisional (EX1008) switch embodiment descriptions cited by Signify (POR, 10-26; Sur-Reply, 2-8):

EX1008	EX1021	EX1022	EX1001
2:7-16	5:2-13	5:2-13	3:47-63
3:25-4:1, 4:2-25	4:8-16, 6:22-7:2, 7:8-19, 7:29	4:8-16, 6:24-7:4, 7:10-21, 8:1	3:6-19, 5:25-39, 5:48-63, 6:11-12
5:1-25, 5:12-28, 5:29-6:21	9:9-10:2, 10:12-11:19	9:11-10:4, 10:14-11:22	7:1-32, 7:45-8:29
Figs. 1E, 1H, 2-4	Figs. 1E, 1H, 2-4	Figs. 1E, 1H, 2-4	Figs. 1E, 1H, 2-4

Third, continuity was established prior to the hearing. The foregoing evidence was already of record, and the Petition’s analysis of the ancestor applications

¹ All citations are to the original numbering in the applications/patent.

acknowledged that the '062 (EX1021) and '141 (EX1022) Applications contain the “same disclosures,” and characterized them as “add[ing] additional disclosures” to the “switch disclosed in the '424 Provisional.” Pet., 19, 21. The Petition argued that Chaimberg and Halliwell were nevertheless prior art because the '424 Provisional's disclosure did not support claim 13. Pet., 18-23. Given the Petition's position, the POR's showing (POR, 10-30) that the '424 Provisional's circuit board mounted switch **did** support claims 13, 15 and 16 was sufficient to meet Signify's burden of production. *See Tech. Licensing Corp. v Videotek, Inc.*, 545 F.3d 1316, 1327-28 (Fed. Cir. 2008). The burden of “going forward” then shifted back to Petitioner to identify reasons that those claims were not entitled to the earlier filing date. *Id.* at 1328. The Reply identified three “technical” and two “legal” arguments, but continuity of the '424 Provisional's disclosures was not among them. Reply, 15-20.

During the hearing, Petitioner admitted this argument was not in its papers, which is fully consistent with the record evidence identified above.² Petitioner also stated that it had not considered continuity of the '424 Provisional's disclosures in preparing for the hearing, but the Petition in fact **established** a complete continuity of that disclosure. *See* Pet., 18-23. Accordingly, the record evidence establishes continuity for purposes of priority, and claims 13, 15 and 16 should be given the benefit of the '424 Provisional's filing date.

² The hearing transcript was not available as of the time of this brief.

June 30, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served to Petitioner by causing it to be sent by email to counsel for Petitioner at the following email address:

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