



Petitioner Provisur Technologies, Inc.'s Demonstrative Exhibits

PROVISUR TECHNOLOGIES, INC., Petitioner,

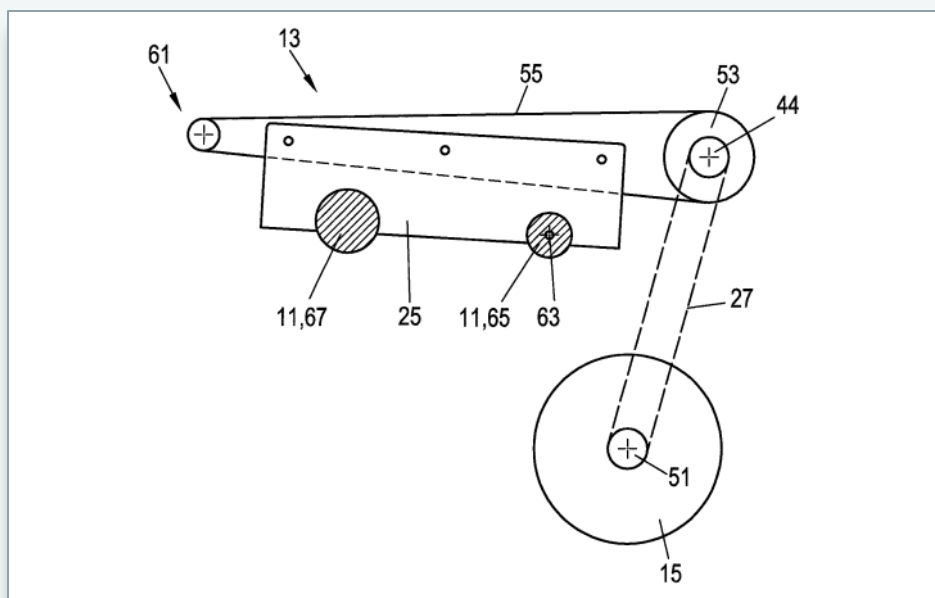
v.

TEXTOR MASCHINENBAU GMBH, Patent Owner

Before the Patent Trial and Appeal Board

Case IPR No. 2024-00224

Patent No. 9,457,487



('487 Patent, Fig. 7)

January 15, 2025

Provisur EX1072
U.S. Patent No. 9,457,487

Cancelled Claim 16 Is Anticipated

CLAIM ELEMENT

KONISHI EXEMPLARY DISCLOSURES

removable conveyor belt unit	conveyor belt 14, subframe 12, and rollers 10, 11, timing pulley 24
base	subframe 12
substructure	frame 9
mount	hooks 25R, 25F
drive	drive motor 32
drive belt	timing belt 49, timing pulley 48, conveyor belt 14, timing pulley 24
relaxing/tautening/relative movement	[0033]-[0041]; Figs. 8-9

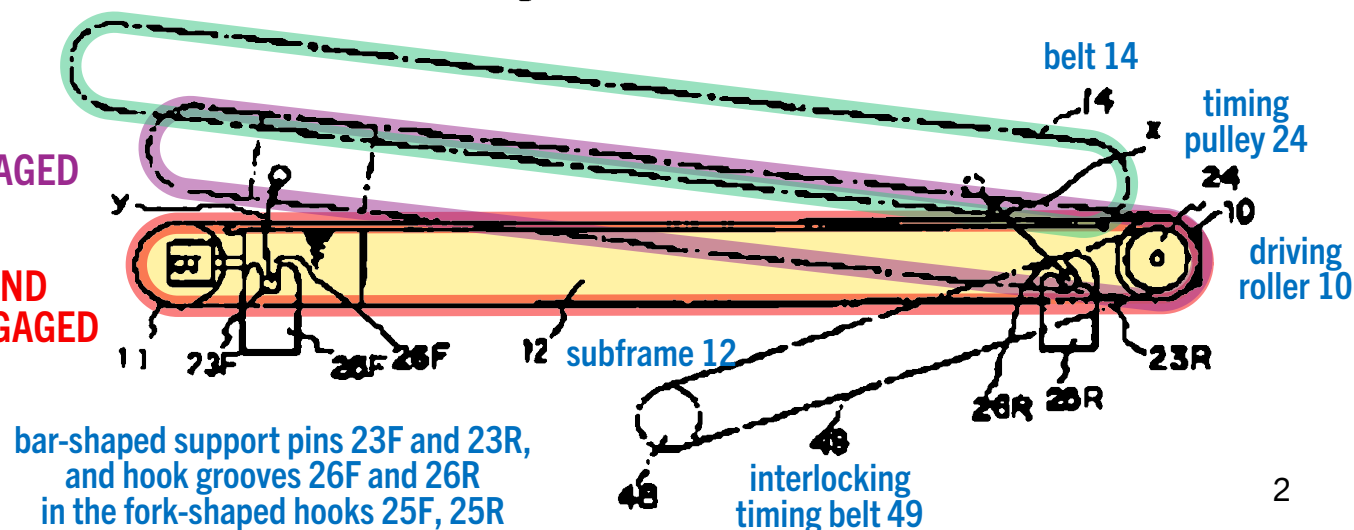
(Pet., 19)

【Figure 8】

Position 3:
NOT ENGAGED

Position 2:
REAR PIN ENGAGED

Position 1:
BOTH FRONT AND
REAR PINS ENGAGED



2

(Pet., 12)

Anticipation Moots All of Patent Owner's "Toolless" Arguments for Non-Obviousness

- ▶ **"Teaching away" need not be addressed if anticipated.** (Pet. Reply, 4).

"[W]hether a reference 'teaches away' from [an] invention is inapplicable to an anticipation analysis."

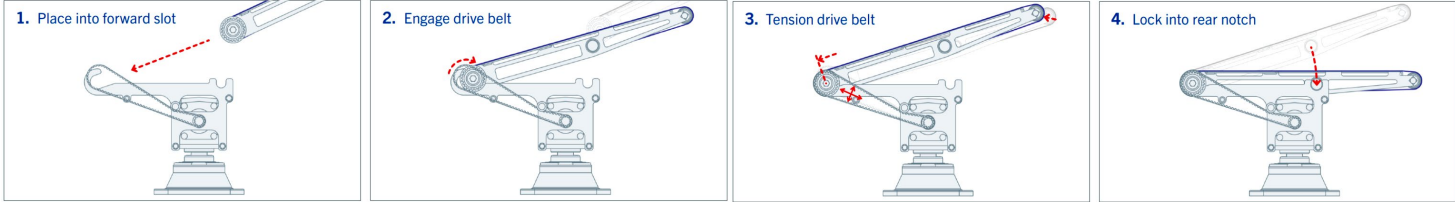
ClearValue, Inc. v. Pearl River Polymers, Inc., 668 F.3d 1340, 1344 (Fed. Cir. 2012).

- ▶ **Secondary considerations need not be addressed if anticipated and/or limitation already known.** (Pet. Reply, 21).

A secondary consideration fails when it "actually results from something other than what is both claimed and *novel* in the claim."

Kennametal, Inc. v. Ingersoll Cutting Tool Co., 780 F.3d 1376, 1385 (Fed. Cir. 2015).

“Toolless” Removal Was Obvious

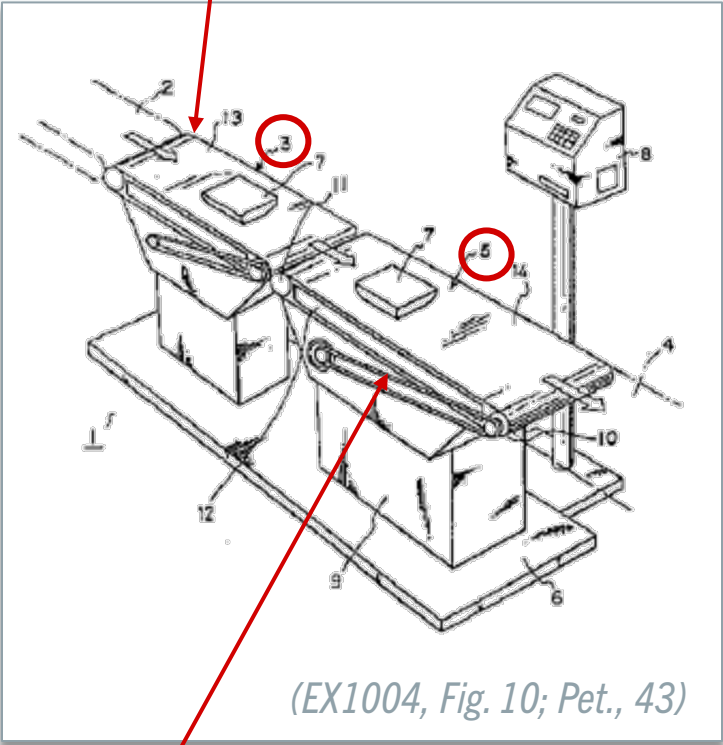
REFERENCE	EVIDENCE	CITATION
Konishi	“diagonal hook groove” “it [is] easy to attach and detach from the frame both structurally and from a work perspective.”	EX1004, ¶¶33, 34, 36; see also id., ¶¶20-22; Prelim. Guid. 7-8.
McLaughlin		EX1003, ¶¶190-91 (Pet. 54-56).
Lee	“No tools are required to remove the conveyor assemblies...which facilitates the cleaning and maintenance of both the conveyor assemblies.”	EX1012, ¶20 (Pet., 42).
Herman	“[T]he latch includ[es] a handle to permit manual disengagement of the latch from the groove.”	EX1041, 3:38-41 (MTA Opp., 9).
Mathues	“Removal is accomplished by simply unhooking the hooks 160 and 162...”	EX1037, ¶49 (MTA Opp., 5).
Schjerven	“The quick-disconnect conveyor structure 217 includes a number of removable securing pins 218...to secure the conveyor frame 219 and the conveyors.”	EX1038, [0076] (MTA Opp., 5-6).
Chandler	“[A] quick connect/disconnect feature that allows quick removal of one of the [conveyor] assemblies for cleaning, maintenance and/or belt replacement.”	EX1016, Abstract, 2:43-46 (Pet., 4, 31-32).

No Dispute that Benefits of Toolless Removal Were Known

REFERENCE	EVIDENCE	CITATION
Konishi	“The subframe can be easily disassembled and assembled from the frame, and maintenance such as cleaning...can be performed.”	EX1004, ¶7.
Lee	“No tools are required to remove the conveyor assemblies ... which facilitates the cleaning and maintenance of both the conveyor assemblies.”	EX1012, ¶20 (Pet., 42).
Herman	“The conveyors are releasable as a unit from the supports to facilitate cleaning of the apparatus.”	EX1041, Abstract (MTA Opp., 4).
Mathues	“[T]he upper conveyor 30 is removed...for cleaning.”	EX1037, ¶68 (MTA Opp., 5).
Chandler	“[A] quick connect/disconnect feature that allows quick removal of one of the [conveyor] assemblies for cleaning, maintenance and/or belt replacement.”	EX1016, Abstract (Pet., 4).

Konishi/McLaughlin Do Not “Teach Away”

Conveyor Device 3



Weighing Device 5

ARGUMENT

EVIDENCE

SUPPORT

Konishi’s teachings are not limited to weigh conveyors.

“The procedure for maintaining the belt conveyor-type automatic weighing device 5 will be described below, but the maintenance for the intake conveyor device 3 is almost the same.”

EX1004, [0018], [0032]; Pet., 20, 31, 76.

Patent Owner’s expert conceded there was no criticizing or discrediting in the prior art.

“Q. Can you point me to where McLaughlin criticizes, discredits, or otherwise discourages investigation into a toolless removable conveyor?

A. I don’t think you’ll see that in my declaration ... [McLaughlin] doesn’t criticize the prior art in that regard. I would not say this is disparaging or criticizing the prior art to teach away.”

EX1045, 289:16-290:13 (McLaughlin); 291:7-295:21 (Konishi); Pet. Reply, 12.

Textor's Force Analysis Arguments Narrowed During the IPR

PO RESP.

Textor argues that the vibrations and forces during normal operation would make the conveyor pop out and thus Konishi/ McLaughlin “teach away.”

PET. REPLY

Provisur's Dr. Collins illustrates that no realistic conveyor weight would lead to a risk of popping out during normal operation.

DR. COLLINS' DEPOSITION

Dr. Collins states that he accounted for vibrations, and that the prior art teaches accounting for vibrations.

PO SUR-REPLY

Textor does not mention other forces during normal operation and focuses on vibrations.

MTA OPPO. SUR-REPLY

Provisur identifies issues with Textor's arguments:

- Provisur considered vibrations
- The prior art accounts for vibrations
- Textor relied on the preamble

Patent Owner Does Not Argue that Preamble is Limiting

PATENT OWNER'S EXPERT

Q. Do you believe that the disclosure in the '487 patent could be used in machines other than slicers?

[objection omitted]

A. I do think the general teaching of the '487 patent could be applied to other conveying systems that do not necessarily have a slicer.

(MTA Sur-Reply, 4; EX1045, 52:15-53:5)

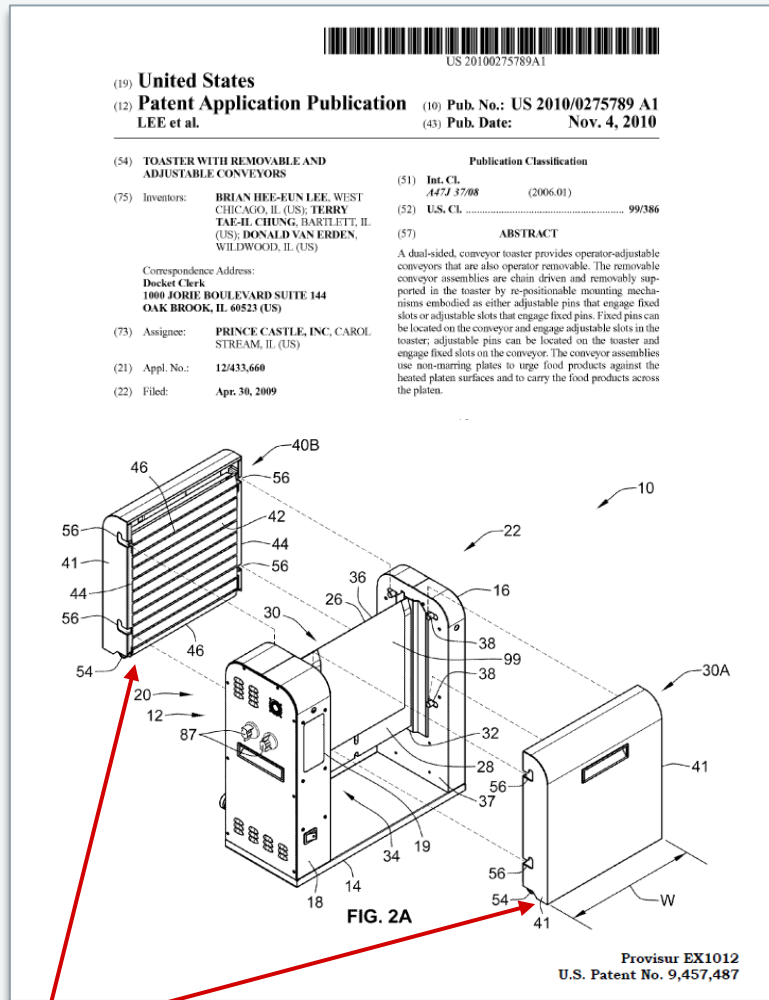
- ▶ Patent Owner “define[d] a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention.”

Shoes by Firebug LLC v. Stride Rite Children's Group, LLC,
962 F.3d 1362, 1367–68 (Fed. Cir. 2020).

- ▶ Examiner: “The recitations to ‘slicing’ or ‘for food products’ are considered to be recitations of the intended use of the apparatus and are not considered to limit the structure of the apparatus.”

(Pet., 10-11)

Petitioner Shows Conveyors Secured By Weight/Friction



- ▶ “No tools are required to remove the conveyor assemblies...which facilitates the cleaning and maintenance of both the conveyor assemblies.”
- ▶ “When the conveyor assembly 40A is resting on the mounting pins 38, the conveyor assembly 40A is effectively locked into the toaster by its own weight.”

(EX1012, ¶¶20, 26)

(See also Pet., 39-42; EX1003, ¶¶171-72, 223, 231-33)

Removable Conveyors

(EX1012, Cover Page, Fig. 2 (Lee))

Sud-Chemie Supports Petitioner Provisur

PO TEXTOR'S SUD-CHEMIE CHARACTERIZATION

- ▶ *Sud-Chemie's* prior art “repeatedly refer[red] to the process of adhering the films and sheets together by heat sealing, with no indication that the process contemplates the use of adhesive coatings on the films.”

Sud-Chemie, Inc. v. Multisorb Techs., Inc., 554 F.3d 1001, 1004 (Fed. Cir. 2009).

“In light of an *affirmative* teaching of the heat sealing process that made no mention of adhesives and no evidence that adhesives were required, the negative limitation was satisfied.”

(PO Sur-Reply, 13)

PETITIONER PROVISUR'S ARGUMENT

“In light of an *affirmative* teaching of the ~~heat sealing~~ process ~~↪ removal~~ that made no mention of ~~adhesives~~ and no evidence that ~~↪ tools~~ ~~adhesives~~ were required, the negative limitation was satisfied.” ~~↪ tools~~

(See, e.g., Pet. Reply, 5-6)

Patent Owner Improperly Argues Bodily Incorporation

- ▶ The test for obviousness is not whether the features of a secondary reference may be “bodily incorporated” into the structure of the primary reference. It is well-established that a determination of obviousness based on teachings from multiple references does not require an actual, physical substitution of elements.

See, e.g., In re Mouttet, 686 F.3d 1322, 1332 (Fed. Cir. 1012); (Pet. Reply, 14).

- ▶ The Board has previously been affirmed when it determined a single reference obviousness challenge relied on a limitation being “generally known” in the art.

See Koninklijke Philips N.V. v. Google LLC, 948 F.3d 1330, 1338-39 (Fed. Cir. 2020).

Secondary Considerations: Lack of Nexus

- ▶ **Secondary considerations do not apply to anticipation.**

ClearValue, Inc., 668 F.3d at 1344.

- ▶ **“The weak evidence of secondary considerations presented here cannot overcome the strong showing of obviousness.”**

ZUP, LLC v. Nash Manufacturing, Inc., 896 F.3d 1365, 1375 (Fed. Cir. 2018)

STATEMENT	SUPPORT
“It’s a conveyor. You know, it’s – it’s not a core technology.”	Weber’s CBD0 (EX1060, 250:9-17).
“[I]n the end I don’t know what decisions made them purchase that machine.”	Weber salesman (EX1057, 255:1-256:16).
“Q. Are you aware of any customer who would not have bought a slicing line if that slicing line did not have a removable conveyor belt unit in it? [... A.] No, I haven’t heard about that.”	Inventor Mayer (EX1063 284:12-17).
“Q. In your opinion, what drives customers to buy a slicing line? [... A.] But using my experience, they want to reduce labor at the automatic line...[and increase] the level of hygienic handling of the portion.”	Inventor Mayer (EX1063, 277:21-278:16).
“Weber did not sell many [TS700 FLEXs] because it’s pretty basic.” “Most customers want the ability to run different products.”	Damages Expert (EX1059, 1).

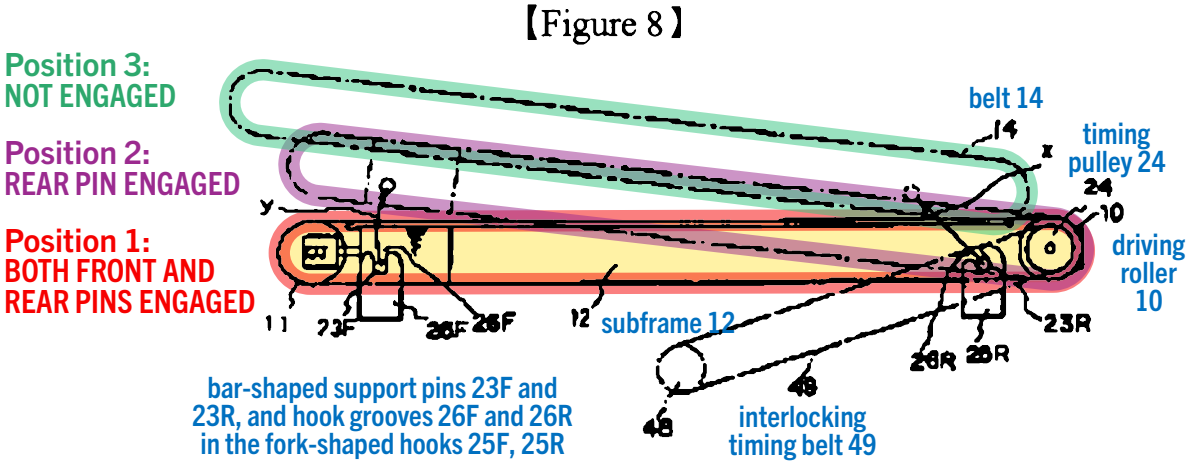
Ground 1 Anticipates the “Toolless” Limitation

KONISHI EXEMPLARY DISCLOSURES

CITATION

The “diagonal hook groove 26R” aids in preventing detachment during use.	EX1004, ¶134; see also id. Prelim. Guid., 7-8.
The subframe 12 is “lifted upward” and “removed smoothly to the side.”	EX1004, ¶¶33, 36; see also Prelim. Guid., 7.
The conveyor belt unit is “easy to attach and detach from the frame both structurally and from a work perspective.”	EX1004, ¶45; see also Prelim. Guid., 7.
The disclosure “maintain[s] the functionality of the equipment in a stable and good condition.”	EX1004, ¶14; see also Pet. Reply, 13.

KONISHI FIG. 8



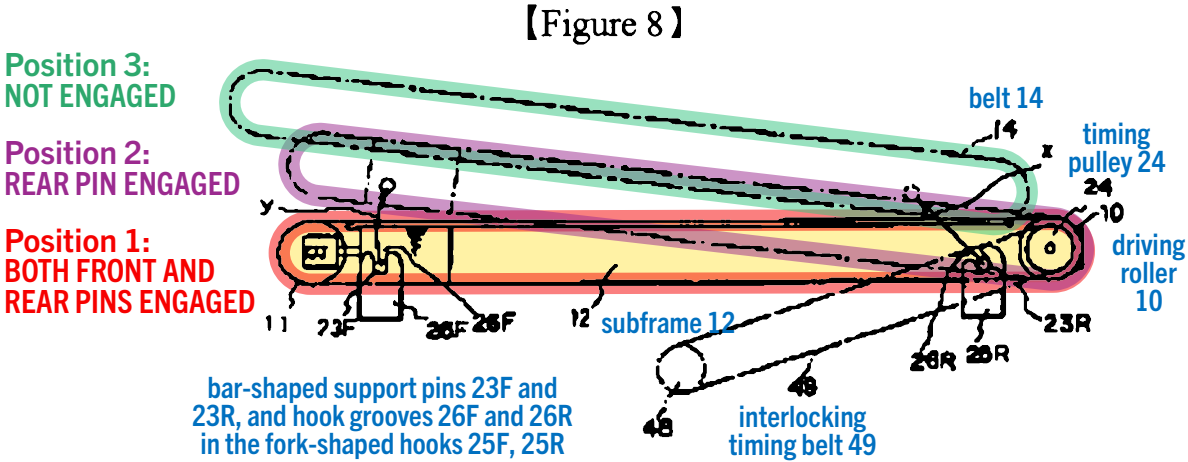
Ground 2 Renders Obvious the “Toolless” Limitation

EVIDENCE SUPPORTING OBVIOUSNESS

CITATION

The “diagonal hook groove 26R” aids in preventing detachment during use.	EX1004, ¶134; see also id. Prelim. Guid., 7-8.
The subframe 12 is “lifted upward” and “removed smoothly to the side.”	EX1004, ¶¶33, 36; see also Prelim. Guid., 7.
The conveyor belt unit is “easy to attach and detach from the frame both structurally and from a work perspective.”	EX1004, ¶45; see also Prelim. Guid., 7.
The disclosure “maintain[s] the functionality of the equipment in a stable and good condition.”	EX1004, ¶14; see also Pet. Reply, 13.
“Additionally, a POSA would have been aware of other prior art that discusses toolless conveyor removal.”	Pet., 42 (citing EX1003, ¶172; EX1012, ¶120).
“Textor also ignores Provisur’s reliance on the level of knowledge in the art regarding removable conveyor belt units at the time of the claim invention.”	Decision on Institution, 14-15.

KONISHI FIG. 8



Ground 3 Renders Obvious the “Toolless” Limitation

EVIDENCE SUPPORTING OBVIOUSNESS

CITATION

“Dr. Collins provides illustrations showing how McLaughlin’s check scale 200 could be installed or removed without tools.”

Pet., 70
(citing EX1003,
¶¶218, 230).

“Additionally, a POSA would have been aware of other prior art that discusses toolless conveyor removal.”

Pet., 70
(citing EX1003,
¶¶218, 230).

“No tools are required to remove the conveyor assemblies 40A and 40B, which facilitates cleaning and maintenance.”

EX1012, ¶120;
Pet. 70.

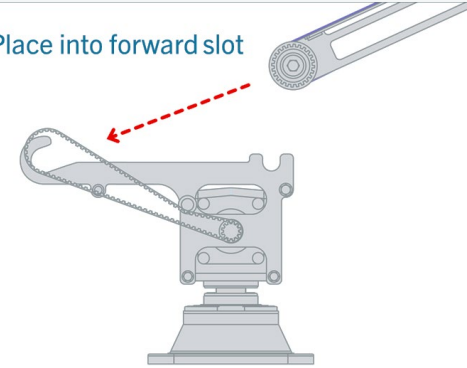
“When the conveyor assembly 40A is resting on the mounting pins 38, the conveyor assembly 40A is effectively locked into the toaster by its own weight.”

EX1012, ¶126;
Pet. Reply, 8.

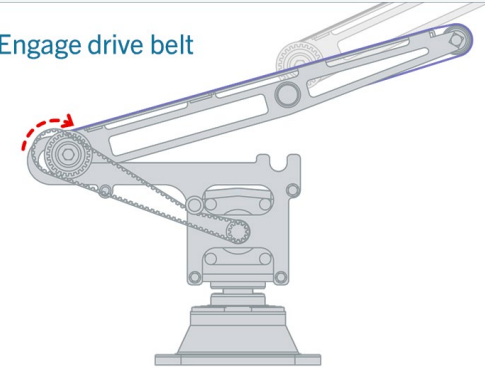
“Alternate embodiments include the use of one or more hold down springs and/or common barrel-bolt latches (not shown in the figures) to prevent the conveyor assemblies from being accidentally lifted out of position.”

EX1012, ¶147;
Pet., 68.

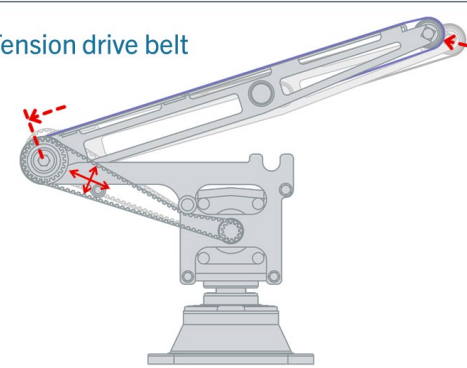
1. Place into forward slot



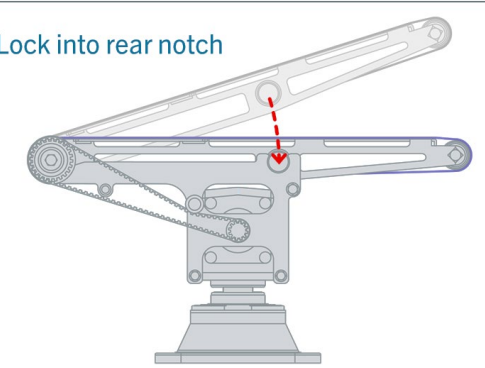
2. Engage drive belt



3. Tension drive belt



4. Lock into rear notch



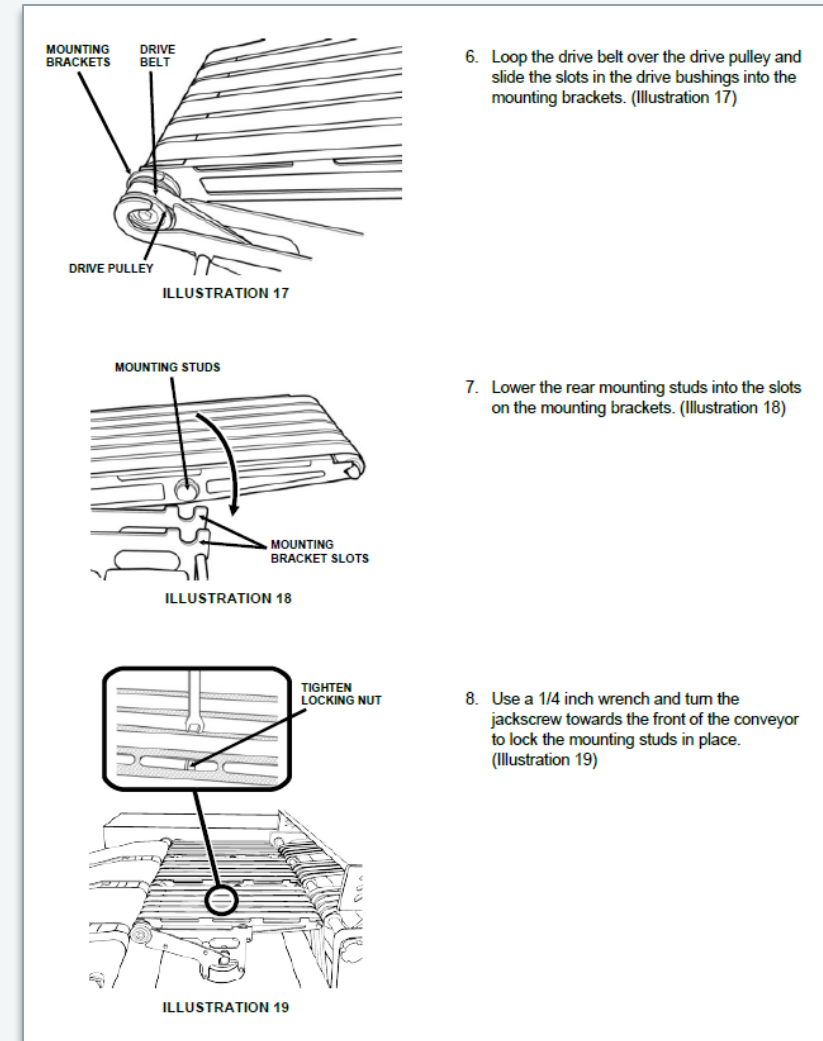
The PowerMax Manuals Illustrate One Obvious Design Choice

- ▶ Dr. Collins (EX1003, ¶223): “using latches to secure devices would have been well known...and an obvious design choice.” (see also Pet., 40).
- ▶ *In re Magna Elecs., Inc.*, 611 Fed. Appx. 969, 974 (Fed. Cir. 2015): A feature is “an obvious design choice within the skill of the art” if the feature “provide[s] the same...functionality as [the prior art], and cannot be used as a distinguishing factor to render the claims nonobvious” (Pet. Reply, 16).
- ▶ Dr. Reinholtz (EX1045, 132:20-133:2; 195:14-16):

“Q. Were conveyors that used latches to secure the conveyor belt units known in the art before the '487 patent?

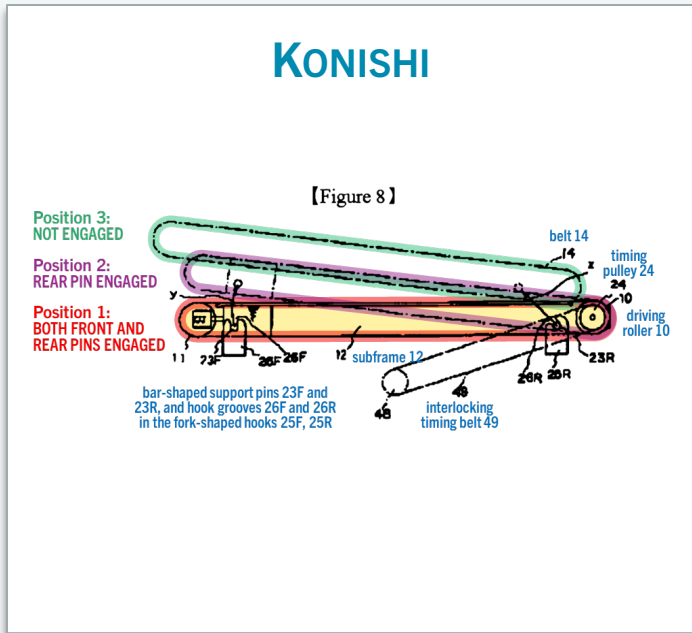
A. I think so.”

“I think an engineering student would have the skill to implement a latch.”

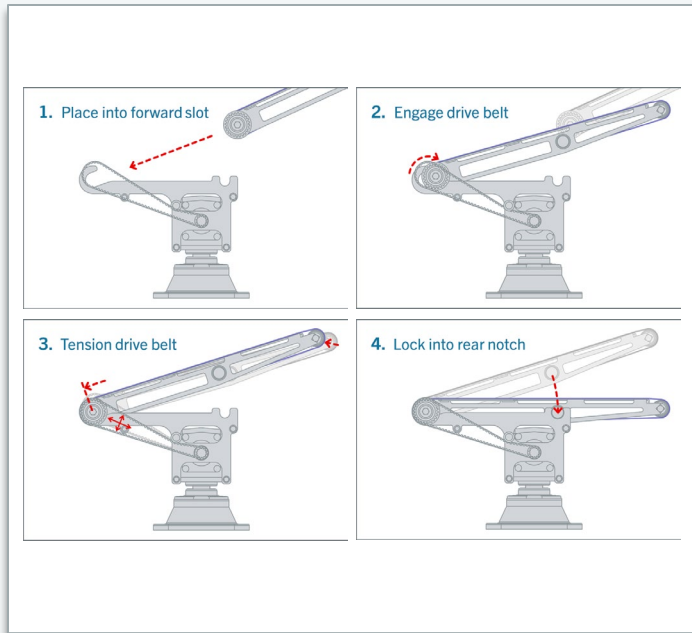


(EX1030 (PowerMax3000 Slicer Operating Manual))

Ground 4 Renders Obvious the “Toolless” Limitation



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ARGUMENT/EVIDENCE

“Additionally, a POSA would have been aware of other prior art that discusses toolless conveyor removal.”
(Pet., 42 (citing EX1003, ¶172; EX1012, ¶20)).

“Textor also ignores Provisur’s reliance on the level of knowledge in the art regarding removable conveyor belt units at the time of the claim invention.” (Decision on Institution, 14-15).

= Obvious!

Ground 5 Renders Obvious the “Toolless” Limitation

HERMAN EVIDENCE

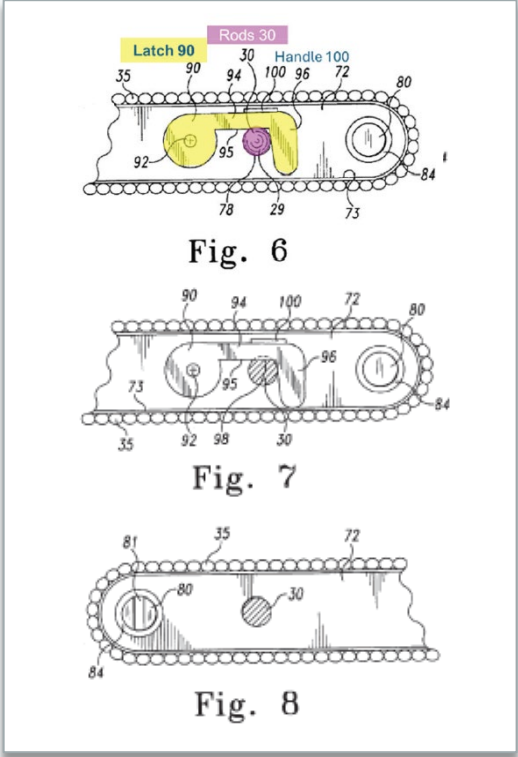
CITATION

Herman’s latch
“permit[s] manual
disengagement of the
latch from the groove.”

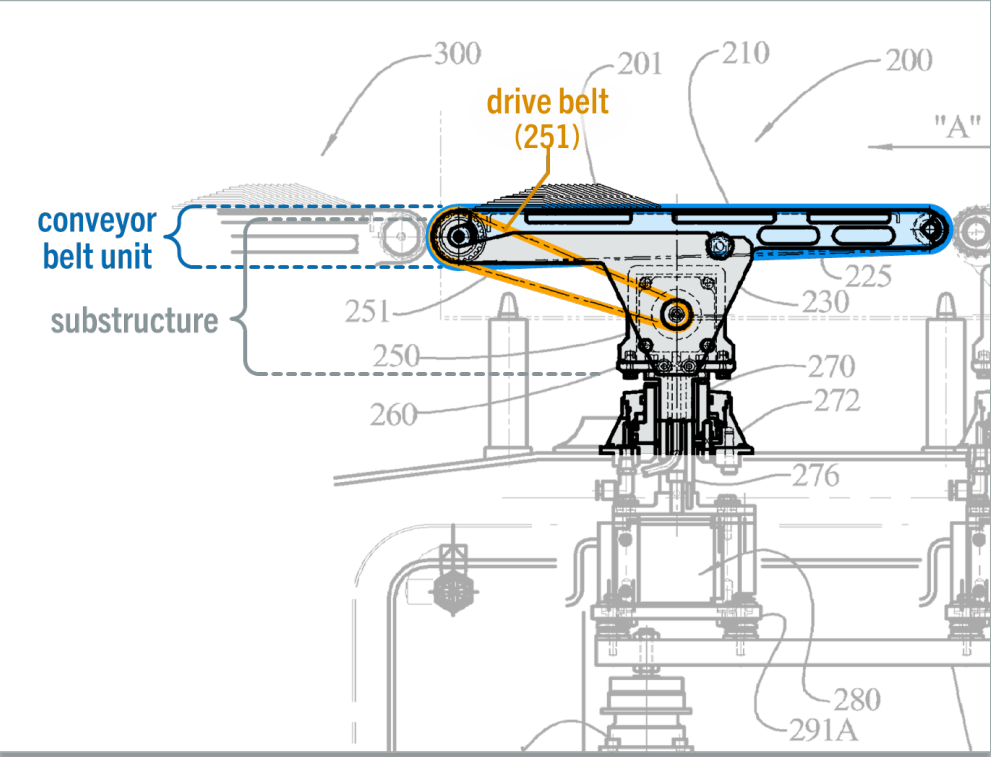
EX 1041,
3:38-41
(MTA Oppo,
9).

Herman teaches that
“retention of the
conveyor units 32 and
58 on the support rods
30 is facilitated by the
use of a latch 90 shown
in FIGS. 5-7.”

EX 1041,
7:17-20
(MTA Oppo,
9).



(EX1040, ¶ 19, 143 (citing EX1041))



(EX1040, ¶138 (citing EX1006))

Ground 6 Renders Obvious the “Toolless” Limitation

HERMAN EVIDENCE

CITATION

“[T]he upper conveyor can be removed.”

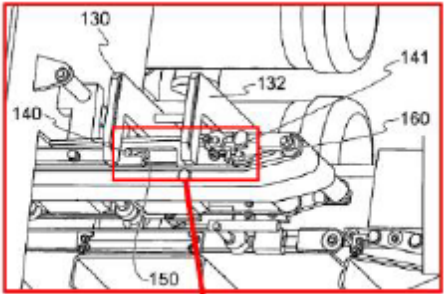
EX 1037,
Abstract (MTA
Oppo, 17).

The conveyor can be removed
“by simply unhooking the
hooks..., sliding the conveyor
30 in the upstream direction
and dropping it downwardly for
removal.”

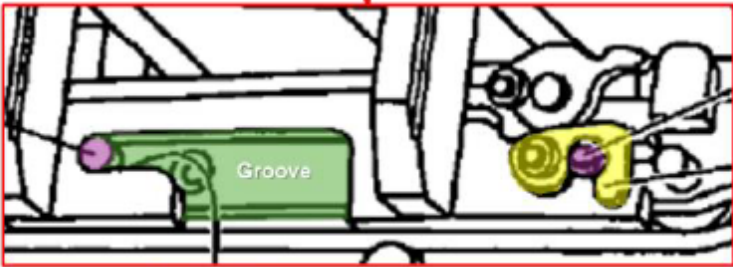
EX 1037, ¶49
(MTA Oppo, 18).

(MTA Oppo., 18 (citing EX1040, ¶1219))

Portion of Fig. 12



Pin 140



Pin 141

Hook 160

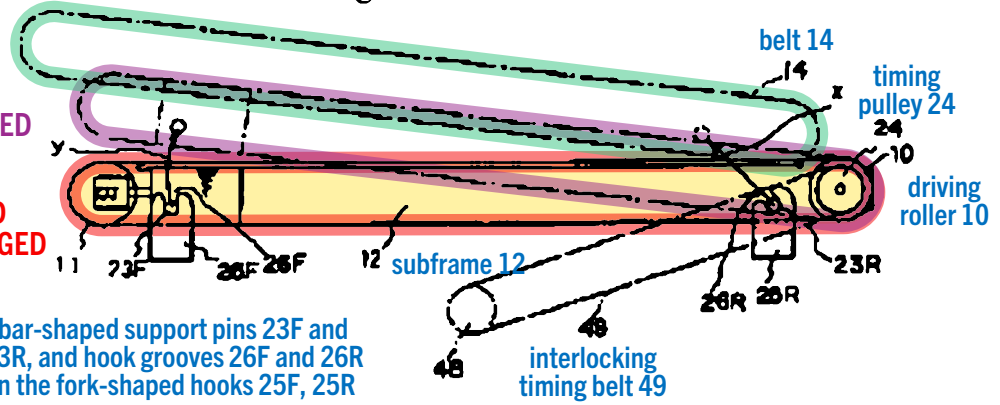
Bracket 150

【Figure 8】

Position 3:
NOT ENGAGED

Position 2:
REAR PIN ENGAGED

Position 1:
BOTH FRONT AND
REAR PINS ENGAGED



Grounds 2-6 Render Obvious the Two-Lane Limitation

- ▶ Patent Owner did not advocate for patentability of two-lane limitation after the Pet. Reply.
- ▶ “Petitioner relies on the un rebutted testimony of its expert.” (Prelim. Guid., 8).
- ▶ Weber previously advocated that a four-lane slicing machine (with a priority date at least five years before the '487 patent) would have been obvious in view of two-lane prior art.

See Weber v. Provisur, IPR2022-00599, Paper 65 at 49-60.

'487 PATENT'S INVENTOR

- Q. Are there any additional difficulties when using a removable conveyor in a two-lane system?
- A. [...] [T]he array of space underneath the base assembly gave enough room to implement the drive motor in a mirrored way compared to the one lane execution...It's a mirrored - exactly mirrored version of a standard one lane execution of such a removable conveyor system.

(EX1063, 206:11-207:9 (Pet. Reply, 24))