

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BizLink Technology, Inc.,

Petitioner,

v.

Anderson Power Products, Inc.,

Patent Owner.

Case No. IPR2024-00687

U.S. Patent No. 8,808,017

PETITIONER'S REPLY

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I. PRELIMINARY STATEMENT

The Petition demonstrated, and the Board's Institution Decision confirmed, that the claimed electrical connector was already known and described in the prior art, including *Winkler* (a 1958 patent assigned to Patent Owner).

Unable to differentiate the claimed invention from the prior art, Patent Owner resorts to unnecessary claim construction. However, no lexicography or disavowal justifies any deviation from the plain and ordinary meaning. Furthermore, the prior art disclosures render the claims unpatentable even under Patent Owner's rewritten language.

Patent Owner also attempts to salvage its claims by isolating and disputing minor elements and applying a double standard. Patent Owner argues the prior art figures are unreliable, disclosure ambiguous, or teachings incomplete in some instances; but, in other instances, views the figures reliably with precision and interprets the disclosure liberally. Patent Owner's expert parrots similar attorney arguments without technical analysis.

Advancing positions that starkly contradict the record and its litigation positions, Patent Owner has failed to overcome the clear grounds for invalidating the challenged claims.

II. PATENT OWNER’S IPR-DRIVEN CLAIM CONSTRUCTIONS LACK EVIDENTIARY SUPPORT

Attempting to differentiate from the prior art, Patent Owner asks the Board to rewrite the claims when no claim construction is necessary.

A. Construing the Term “Insulating Housing” as “Electrically Insulating Housing” Conflicts with the Disclosed Housing as Simply Protective

Patent Owner urges rewriting “insulating housing” as “electrically insulating housing,” but narrowing the claims is improper absent express lexicography or clear disavowal of claim scope. *See Thorner v. Sony Computer Entertainment America LLC*, 669 F.3d 1362, 1367 (Fed. Cir. 2012) (“The patentee is free to choose a broad term and expect to obtain the full scope of its plain and ordinary meaning unless the patentee explicitly redefines the term or disavows its full scope.”); *see also* Ex.1026, 8.

The inventors never defined the claimed insulating housing as “electrically insulating.” The term “insulating housing” only appears twice in the specification in describing *prior art* insulating housings 104, 106. Ex.1001, 3:2-10. Focusing on protective characteristics, the specification describes the insulating housings as “shielding the contacts from environmental hazards” and “providing some protection to a user.” *Id.*; Ex.2002, 77:16-80:10. The inventors never defined any “insulating housings” as “electrically insulating.”

Importantly, the claims recite “insulating” in two contexts: “insulating housing(s)” and “insulating barrier(s).” These are two different claim limitations. Patent Owner relies on the claimed “insulating barriers” to add “electrically” before every instance of “insulating,” but rewriting the claims globally also limits the scope of “insulating housings.” POR, 13-14. While the Board preliminarily accepted this argument, the intrinsic evidence offers no lexicography, no disavowal, and no basis for redefining “insulating” globally as “electrically insulating.” Redefining the claims globally also excludes the broader scope of “protection” the specification described for the housings. The inventors knew how to claim “electrical” structures and chose not to claim or require “electrically” “insulating housings.”

Additionally, the Board should disregard Mr. Locati’s claim construction opinions as unreliable. *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 (PTAB Aug. 24, 2022). Mr. Locati’s “opinions” are substantively identical to the claim construction legal brief submitted to the district court last November (a fact he did not learn until his deposition), and those opinions provide no technical analysis. Ex.1022, 137:14-144:7; Ex.1023, 9-13.

B. Construing “Within” As “On the Inside of” Rewrites the Claim Language Where No Disavowal Supports Any Deviation

“Within” is a common word that needs no further explanation. Patent Owner did not construe “within” in court, but relies on it here solely to differentiate the prior

art. However, no lexicography or disavowal justifies departing from the ordinary meaning of “within.”

No intrinsic evidence supports Patent Owner’s construction. The specification never describes what it means for the insulating barriers to be “within” the connectors, imposing no specific configuration or limitation. In fact, “within” was used solely to describe bi-metal contacts not at issue here. Ex.1001, 1:32-35; 2:12-20; 5:21-6:5.

Advancing its construction, Patent Owner relies on passages discussing figures 2A and 2B, but those passages provide no definition, no disavowal. Ex.1022, 31:18-32:12 (figures are only one embodiment). Describing Figures 2A and 2B, the inventors never used the term “within” and never described the barriers as being “on the inside of” the connector. Indeed, the insulating barriers are flush with the ends of the “insulating housing,” contrary to changing “within” to mean “on the inside of.” Patent Owner also relies on an annotated version of Figure 3B (POR, 21), but it does not limit the scope of the claims.

Patent Owner’s dictionary definitions are extrinsic evidence and do not compel the proposed construction either. Cherry-picking “on the inside” ignores the alternative definitions. Ex. 2009. Patent Owner picked one extrinsic definition over others with no explanation. Further, what constitutes “on the inside of” offers no

more clarity than “within.” As explained below (Section III.A.2), the *Winkler* reference teaches the limitation regardless.

III. THE PETITION ESTABLISHED THAT CLAIMS 1-4 AND 7-12 ARE UNPATENTABLE

A. Ground 1A: Claims 1-4 and 9 Are Anticipated by *Winkler*

Patent Owner disputes limitations 1[f], 1[g], 1[h], and 1[i] in arguing that *Winkler* does not anticipate claim 1. POR, 23-46; Ex.1022, 47:7-23.¹ Patent Owner’s arguments (and the parroted “opinions” of Mr. Locati), mischaracterize the petition, misread the prior art, and contradict Patent Owner’s interpretation of the claims in the co-pending litigation.

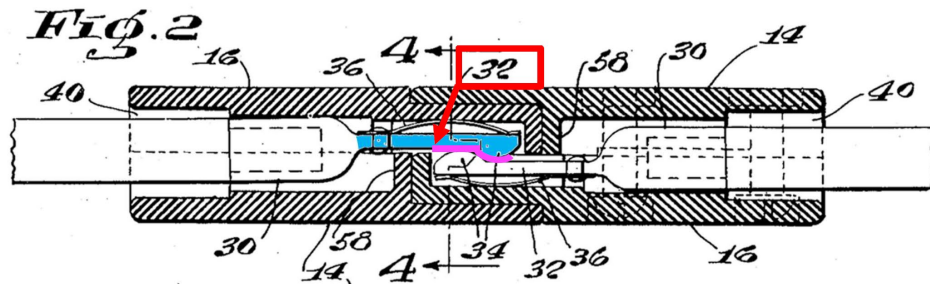
1. *Winkler* Discloses 1[f]: “laterally engage the connecting surface”

a. The petition establishes anticipation.

Patent Owner ignores the petition’s identification of the “connecting surface” and incorrectly restricts its analysis to one, narrow region, but the attempt to limit the petition and distinguish *Winkler* fails.

¹ Patent Owner does not dispute that *Winkler* anticipates the additional limitations of claims 2, 3, and 9.

Patent Owner acknowledges that the antecedent basis for the connecting surface is in 1[c] (POR, 23-24), and includes two figures from the petition, but ignores the actual figure that identifies the connecting surface in 1[c]:



*Ex. 1004, Fig. 2 (annotated highlighting **contact member 22** in blue, circling elongated flat portion 32, and identifying a **connecting surface** in pink)*

As shown, the petition identifies both the elongated flat section of the electrical contact **and** the curved portion of the contact as the connecting surface. Petition, 23; Ex.2002, 39:8-40:3. Patent Owner skips this figure. The petition also demonstrates that Patent Owner interpreted a round convex portion of a first electrical contact as satisfying the claimed substantially parallel contacting surface in the co-pending litigation (Petition, 26), which Patent Owner does not refute. Patent Owner agrees that there is contact between the curved portions of the electrical contacts, so its criticism of the petition fails for at least this reason.

Patent Owner also claims the petition is deficient for asserting that the first and second electrical contacts laterally engage with one another, but not that the second contact engages with the first. POR, 25-26. The Board should reject this nonsensical argument that puts form over substance. When the contacts engage with

one another in *Winkler* (1) the second contact engages with the first and (2) the first contact engages with the second.

b. *Winkler* discloses that “the second electrical contact is configured to laterally engage with the connecting surface of the first electrical contact.”

The Board should maintain its finding in the Institution Decision that *Winkler* discloses 1[f] because a POSITA would have understood the limitation from *Winkler*.

First, Patent Owner admits the electrical contacts are laterally engaged at least on the curved surfaces. POR, 28. The curved surfaces are part of the contact member and made from the same material. Ex.1004, 2:10-14; Ex.1022, 63:4-12. There is no reason to treat the curved portions differently from the other portions of the electrical contacts (as confirmed by Patent Owner’s infringement allegations). Petition, 26; Ex.1009, 11.

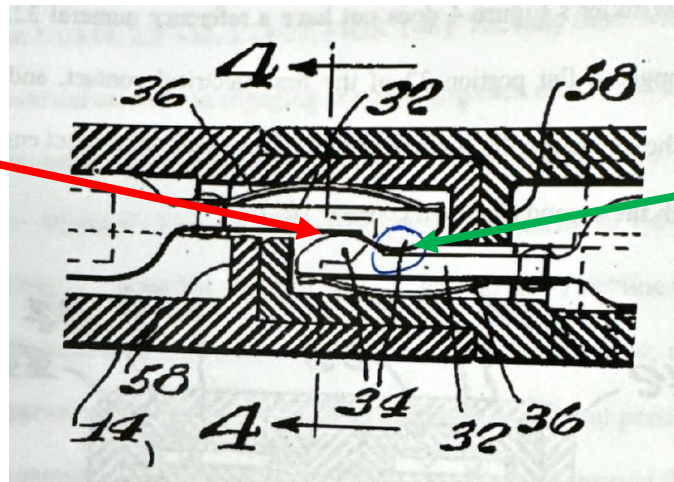
Second, the Board should reject Patent Owner’s unreasonable interpretation of *Winkler*. For example, Patent Owner argues that *Winkler* Figure 4 “illustrates the engagement between the convex end portions 34 along the ‘line 4-4’” and that it shows “engagement with each other at an approximately 45-degree angle.” POR, 29. *Winkler* does not describe “line 4-4” as anything other than a reference line for the cross-sectional view of Figure 4. Ex.1004, 1:33-34; Ex.1022, 54:6-19. There is no mention of a 45-degree angle at all. Ex.1004; Ex.1022, 57:21-25. These are artificial

limitations manufactured by Patent Owner attempting to avoid the disclosure of *Winkler*.

Moreover, though not in his declaration, at his deposition Mr. Locati attempted to create another limitation, arguing that *Winkler* requires a single point of contact. There is no mention of a single point of contact in *Winkler*. Ex.1004; Ex.1022, 71:12-22. Indeed, for a power connector, a large cross section would be preferred to reduce resistance, minimize joule heating, and facilitate efficient transfer of electricity. *See* Ex.1008, 29 (suggesting using “larger cross sections” to minimize bulk resistance). Mr. Locati has previously acknowledged same. Ex.1024, 4 (“In the case of power connectors, large cross sections are preferred to minimize joule heating.”). In a design with rounded contacts like *Winkler*, multiple points of contact would increase contact surface area.

Patent Owner also takes the untenable position that Figure 2 shows conclusively that there is no contact between the curved portion of the second electrical contact and the flat portion of the first electrical contact. POR, 31. When asked to identify support for this, Mr. Locati pointed to a *different* part of Figure 2, which does not confirm lack of contact anyway:

Area of contact
between the curved
portion of the
second electrical
contact and the flat
portion of the first
electrical contact



Only “gap”
Mr. Locati
identified at
his deposition

Ex.1022, 62:10-23; Ex.1025, 9.

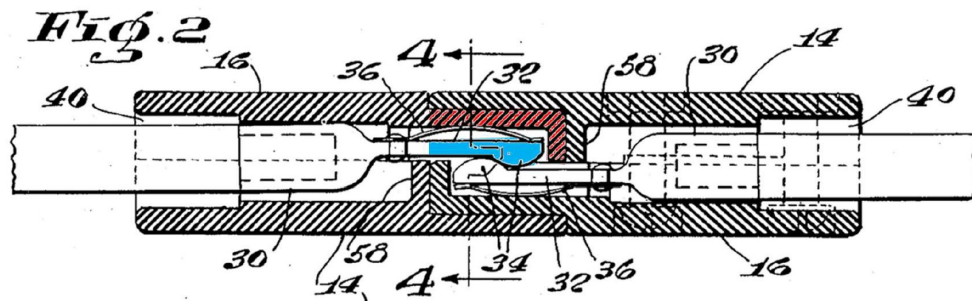
In the Response, Patent Owner backtracks in the very next section, arguing that the figure is ambiguous and unreliable. *Id.* There are no disputes over proportions or scale, so the cases concerning reliability for establishing precise *proportions* do not apply. Figure 2 shows contact.

The Board correctly rejected Patent Owner’s arguments in the Institution Decision and should maintain its finding that *Winkler* anticipates 1[f].

2. *Winkler* Discloses 1[g] “a first insulating barrier within the first connector”

Patent Owner’s argument that *Winkler* does not anticipate 1[g] relies on an improper construction of “within,” and fails to refute anticipation even under that construction. There is no meaningful difference between what the patent claims and what *Winkler* disclosed fifty years earlier.

The petition identifies receiving pocket 42 as “the claimed ‘first insulating barrier’ of 1[g] . . . because receiving pocket 42 is ‘substantially U-shaped in cross section and closed at [its] outer end[.]’” Petition, 30. It includes an annotated figure with the receiving pocket colored red and demonstrating the closed outer end:



The petition asserts that *Winkler* anticipates 1[g] and identifies the structure.

Further, Patent Owner’s argument requires construing “within” to narrow the claims without lexicography or clear disavowal of claim scope. *See* Section II.B. The patent identifies no significance to the barrier being within the connector. Patent Owner’s claim construction argument confirms that *Winkler* teaches 1[g]. Patent Owner indicates that “the insulated housings 104, 106 ‘surround’ the electrical contacts” and that “additional insulating structures 108, 110 are provided proximal to the outer faces of the [electrical] contacts 100, 102.” POR, 19-20.

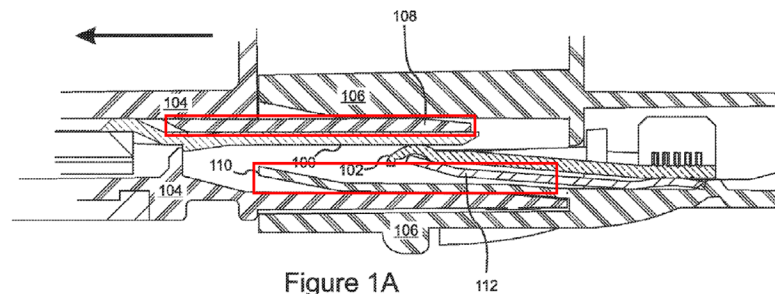


Figure 1A
Prior Art

Patent Owner further explains that “[t]hese insulating structures 108, 110 are ‘replaced by insulating barrier structures 200, 202.’” *Id.* The specification explains “[t]he male insulating barrier structure 200 extends beyond the male contact 100, and covers the leading end of the male contact 100.” Ex.1001, 3:23-25. If the new portion of element 200 in the ’017 patent is “within” (or “on the inside of”) the connector, then so is the relevant portion of the receiving pocket in *Winkler* (i.e., the portion that extends beyond the contact to form the barrier):

’017 Patent:

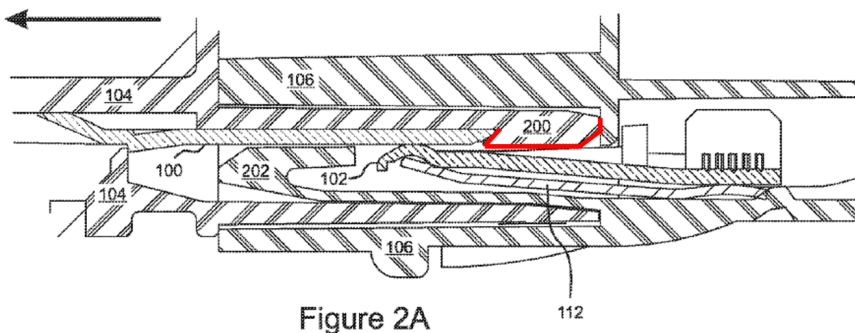
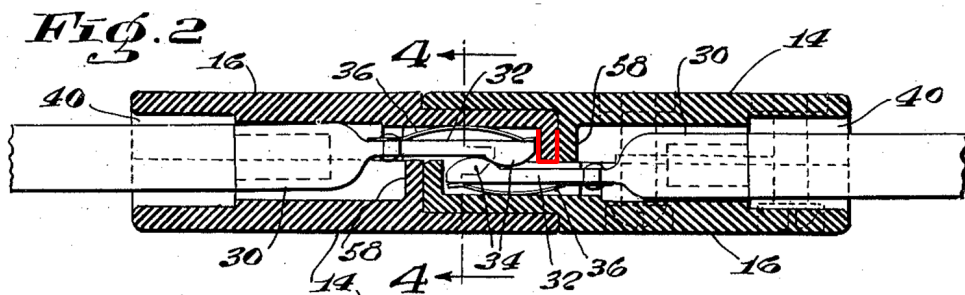


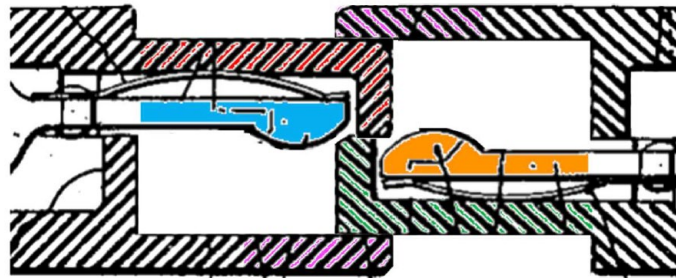
Figure 2A

Winkler:



Ex.1001, Fig. 2A (top); Ex.1004, Fig. 2 (bottom). This also corresponds with Patent Owner's infringement allegations. Ex.1009, 12-13; Ex.2005, 13. The Board must use the same claim scope when interpreting the figures in the '017 patent and *Winkler*.

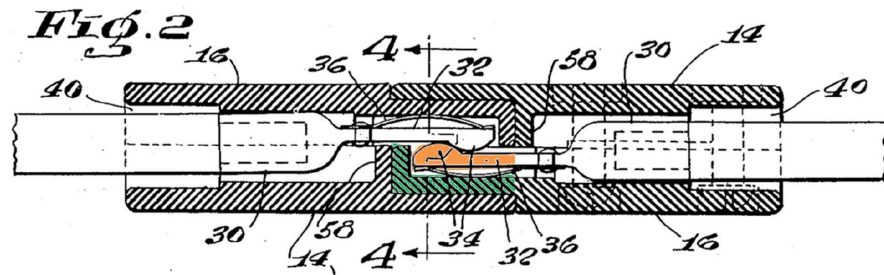
Patent Owner also incorrectly asserts that Petitioner admitted *Winkler*'s receiving pocket is "an outer portion of the connector housing." POR, 35. Patent Owner cites a figure from the petition's discussion of claim 4:



The figure identifies barrier tensioning mechanisms in pink. Petition, 36. The text concerning these pink sections is not an admission that the receiving pocket, especially the end portion forming the insulating barrier, is an "outer portion of the housing."

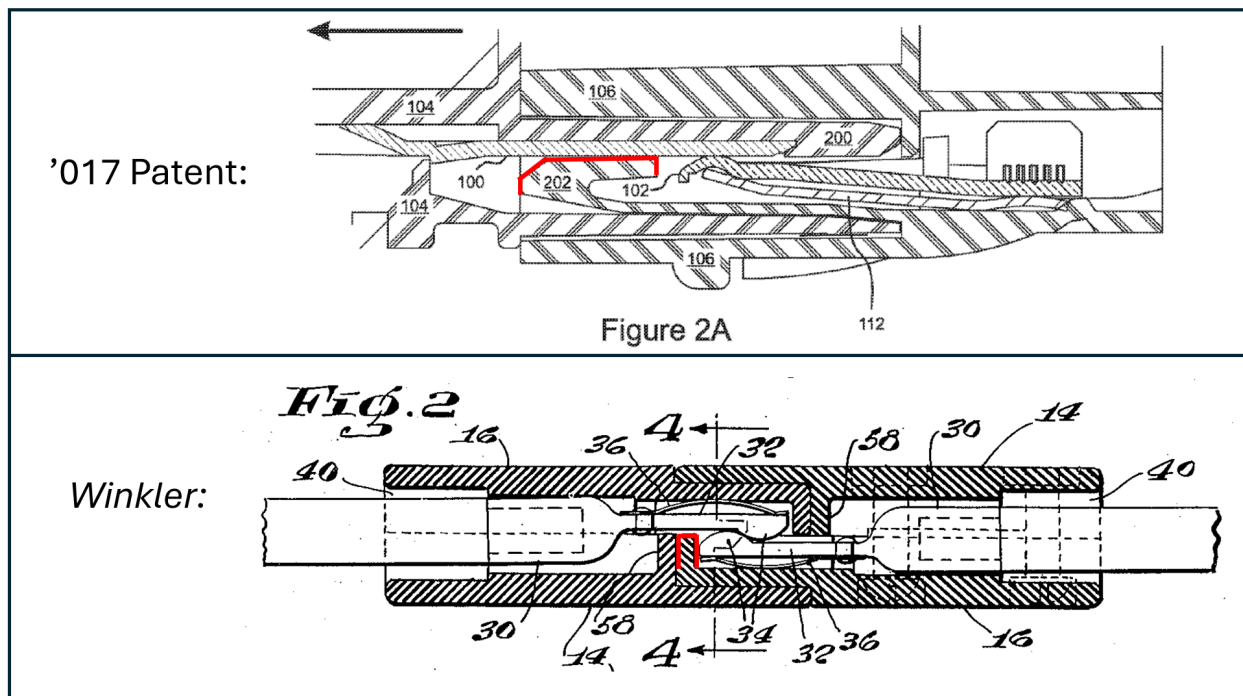
3. *Winkler* Discloses 1[h] "a second insulating barrier extending beyond the second electrical contact within the second connector"

The petition identified receiving pocket 42 in *Winkler* as a second insulating barrier that meets the requirements of 1[h], and the petition illustrated this disclosure by coloring the relevant structure green:



The petition asserts that *Winkler* anticipates 1[h] and identifies the structure.

Patent Owner's reliance on the claim construction of "within" also fails here. If structure 202 of Figure 2A of the '017 patent is "within" (or "on the inside of") the connector, then so is the relevant portion of the receiving pocket in *Winkler*.



Finally, Patent Owner faults Petitioner for treating limitations 1[g] (a first insulating barrier) and 1[h] (a second insulating barrier) as though they have the same meaning, but the petition identifies different insulating barrier structures of

different connectors in *Winkler*'s figures to satisfy these different limitations (one is colored red, and the other is colored green). *See* Petition, 30-32. Patent Owner has not explained why separately identified receiving pockets of separate connectors cannot satisfy both 1[g] and 1[h].

4. *Winkler* Discloses 1[i] “the second insulating barrier being configured so as to be in close proximity with the first insulating barrier”

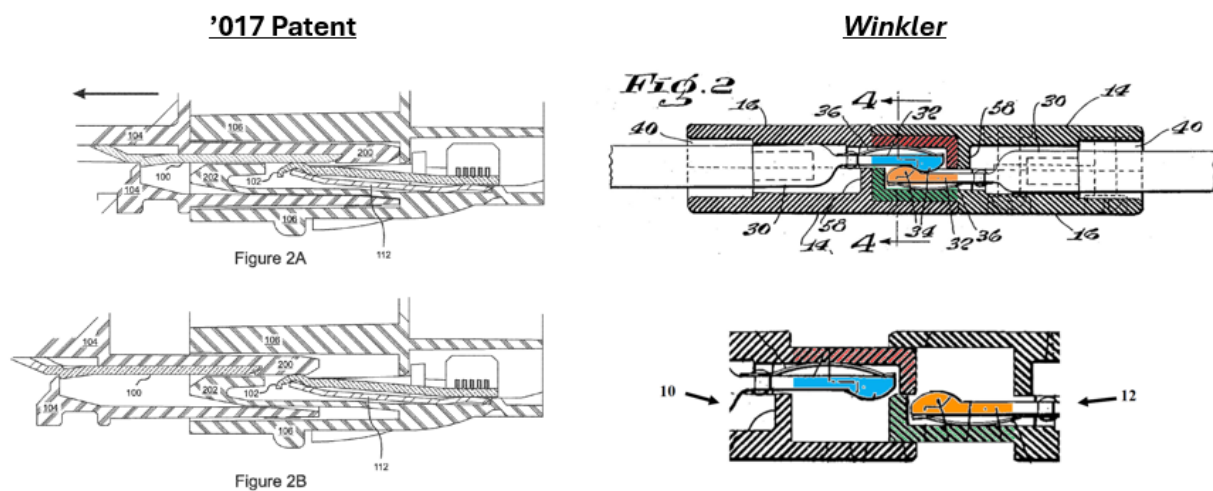
The Board should reject Patent Owner's argument that *Winkler* does not anticipate 1[i] because it is based on feigned inability to understand *Winkler*'s disclosure and positions that contradict Patent Owner's infringement allegations.

a. The petition establishes anticipation.

The petition, supported by Dr. Eldering, established that *Winkler*'s figures and specification demonstrate anticipation of the challenged claims. The Board rejected Patent Owner's arguments in the Institution Decision and should reject the same arguments again.

Patent Owner argues again that the petition diagram based on *Winkler*'s figures is “made up” and was “created for purposes of this proceeding.” POR, 38-39. The Board correctly rejected this argument: “Petitioner's reliance on the modified Figure 2 diagram not explicitly shown in *Winkler* is not *per se* improper, so long as the skilled artisan would have reasonably understood that that is what *Winkler* discloses.” Institution Decision, 26 (citing *Acoustic Tech., Inc. v. Itron*

Networked Solutions, Inc., 949 F.3d 1366, 1373 (Fed. Cir. 2020)). Dr. Eldering’s declaration discussed the annotated figure and explained how a POSITA would reasonably understand the *Winkler* disclosure using figures analogous to those included in the ’017 patent. Preparing a side-by-side comparison is what a POSITA would do:



Patent Owner also argues that the diagram is “ambiguous” because it “depicts the arrangement of the alleged insulating barriers vis-à-vis the alleged electrical contacts at an unspecified location” and “does not disclose anything about the alleged insulating barriers or their arrangement at other locations along the width of the electrical connector pair.” POR, 39-40. Mr. Locati repeats this attorney argument. As the Board correctly determined, “it is implicit in Petitioner’s contentions and reasoning that the same illustrated structure exists at other locations” Institution Decision, 27.

Indeed, unlike the ’017 patent, *Winkler* includes several figures showing the cross sections of both the length *and* the width of *Winkler*’s connectors, as well as perspective views, laying to rest any question of *Winkler*’s structure. See Ex.1004, Figs. 1, 3-5, 7. The figures of *Winkler* provide *more* detail than the figures and descriptions in the ’017 patent (which Mr. Locati had no trouble understanding). Ex.1022, 32:13-21, 40:11-42:1. Mr. Locati cannot credibly dispute that *Winkler*’s figures showing the same perspective as the ’017 patent plus *additional* cross-sectional views would have been sufficient for a POSITA to understand. And when alleging infringement, Patent Owner provided only lengthwise cross-sectional views in the fully connected position for limitation 1[i] (the same configuration as *Winkler*’s Figure 2). Ex.1009, 13; Ex.2005, 19-20.

Patent Owner’s third argument—that “the Petition simply says ‘see the diagram above’ with no explanation or analysis”—is factually incorrect where the petition devotes two pages to explaining limitation 1[i], supported by six paragraphs from Dr. Eldering.

Finally, the petition does not raise an inherency issue. The Institution Decision correctly explained that “[i]n an anticipation analysis, the dispositive question is whether a skilled artisan would ‘reasonably understand or infer’ from a prior art reference that every claim limitation is disclosed in that single reference Expert testimony may shed light on what a skilled artisan would reasonably understand or infer from a prior art reference.” Institution Decision, 26 (citing *Acoustic Tech.*, 949 F.3d at 1373). Patent Owner did not address this standard, and the cases cited in the Response do not establish a different standard. The petition and supporting declaration demonstrate what POSITA would reasonable understand from *Winkler*.

b. *Winkler* discloses “blocking substantially all through-air arcing paths between the first and second electrical contacts”

Patent Owner raises two additional arguments that fail. First, Patent Owner mischaracterizes *Winkler*, which does not describe arcing as “pervasive.” POR, 42. *Winkler* states only that “**any** pitting of the terminals caused by arcing at the **extreme ends** thereof during disengagement will not impair the efficiency of the contacting surfaces.” Ex.1004, 1:58-59, 3:42. Patent Owner also argues that *Winkler*’s

indication that some electrical arcing may occur at the ends of the contacts precludes finding that *Winkler* anticipates 1[i], but this is incorrect. The claims do not require eliminating *all* instances of arcing throughout the *entire* mating process. *Winkler* refers to arcing that could occur after *Winkler*'s insulating barriers have passed one another in the connection process, when the extreme ends of the contact end portions have a direct line of sight and air path. The same could also occur in the '017 patent at an intermediate point between Figures 2A and 2B, where the insulating barriers no longer sit between the electrical contacts and the contacts are not yet engaged.

Second, Patent Owner argues that *Winkler* “shows that there are through-air arcing paths between *Winkler*'s alleged insulating barriers.” POR, 43. Setting aside Patent Owner's inconsistent stance on the reliability of *Winkler*'s figures—apparently, they are unreliable support for Petitioner yet reliable support for Patent Owner—Patent Owner's litigation positions directly contradict this argument. Patent Owner previously argued that “the claimed insulating barriers need not be in physical contact” and “at no point did Plaintiff assert that the claims of the '017 patent preclude a ‘gap’ between the insulating barriers.” Ex.1026, 7-9. Patent Owner argues the opposite here. And Mr. Locati's opinions on this topic are unreliable because Patent Owner kept him in the dark on its contradictory positions and infringement contentions. Ex.1022, 17:20-18:8, 137:14-17.

Further, Patent Owner challenges the sufficiency of *Winkler*'s figures when arguing no anticipation, even though *Winkler*'s figures provide substantially more information than the '017 patent figures. The Board should reject this double standard. The '017 patent shows one cross-section view to illustrate blocking substantially all through-air arcing paths. Patent Owner's infringement mapping of 1[i] relies on the same cross-section view (in the fully connected configuration) for alleging blocking of substantially all through-air arcing paths. Ex.1009, 13; Ex.2005 19-20. *Winkler* includes the same cross section view, plus ***additional*** views. Ex.1004, Figs. 1-8. The Board should maintain its finding that *Winkler*'s figures—and Petitioner's diagrams based on those figures—establish anticipation of 1[i] based on *Winkler*.

5. *Winkler* Discloses the “barrier tensioning mechanisms” of Claim 4

In disputing that *Winkler* discloses the “barrier tensioning mechanisms” of claim 4, Patent Owner again criticizes the petition's diagram based on *Winkler*'s figures, while relying on *Winkler*'s figures as precise representations of what *Winkler* discloses. For example, Patent Owner and Mr. Locati argue that “*Winkler* is clear the alleged insulating barriers do not press against each other when connectors 10, 12 are partially disconnected.” POR, 46; Ex.2001, ¶ 114. But Mr. Locati repeatedly argued that *Winkler* does not depict the partially disconnected

configuration, and he made no attempt to recreate the partially disconnected configuration of *Winkler* or depict what he would understand that configuration would look like. Ex.1022, 77:4-82:13, 84:11-87:15. Mr. Locati argues he “would never envisage this diagram from *Winkler*’s actual figures,” but has never provided or explained what he would reasonably understand from *Winkler*, or how it would differ from Dr. Eldering’s understanding. *Id.* As explained by Dr. Eldering, *Winkler* anticipates claim 4 because the “outer portions of each connector housing in *Winkler* form narrow openings in the connectors, such that the first and second insulating barriers are pressed together when the connectors are partially disconnected.” Ex.2003, ¶¶ 89-90.

B. Ground 1B: Claim 7 is Obvious Over *Winkler* in view of *Winkler*2

Patent Owner does not dispute that the additional limitations of claim 7 are obvious in view of the prior art.

C. Ground 1C: Claims 8 and 10, reciting “a terminal for soldering” and “a terminal using insulation displacement,” are Obvious Over *Winkler* in view of the Handbook

Patent Owner’s arguments regarding claims 8 and 10 are based on the incorrect assumption that “*Winkler*’s electrical contacts require freedom of movement within the housing.” POR, 47-48. Again, Mr. Locati’s “opinions” repeat Patent Owner’s attorney argument without explanation. *Winkler* itself teaches that “each terminal is provided with a cylindrical end portion 30 bored to receive the end

of the cable into 10 which it may be soldered” (Ex.1004, 2:4-10), contradicting Patent Owner’s argument that *Winkler* would require limited freedom of movement and preclude soldering to a board or use of insulation displacement.

D. Ground 1D: Claims 11 And 12, reciting “a screw terminal” and “a terminal using a spring mechanism,” Are Obvious Over *Winkler* in View of *Poliak*

In its Response, Patent Owner argues—with no explanation—that the proposed combinations do not teach what claims 11 and 12 require. POR, 51-52. Mr. Locati’s declaration parrots the same statement. The ’017 patent never describes or depicts a screw terminal or spring mechanism. Ex.1022, 115:1-116:4. The claims simply recite these features without restriction or limitation. *Id.* The petition explains why it would have been obvious to include a screw terminal in dependent claim 11 or the spring mechanism of claim 12. Petition, 55-62. Dr. Eldering provided examples and annotated figures explaining why the claimed configurations would have been obvious. Ex.1003, ¶¶120-132. Patent Owner and Mr. Locati did not address or distinguish the analysis.

E. Ground 2A: Claims 1-4 Are Anticipated by *Kataoka*

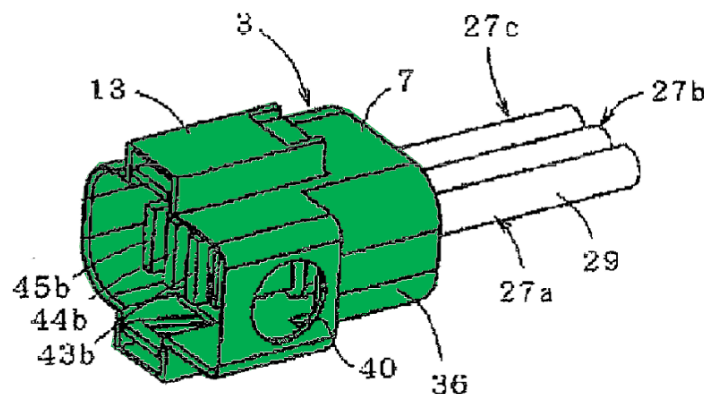
Patent Owner only disputes two claim 1 limitations of the *Kataoka* ground: 1[d] and 1[i]. Ex.1022, 48:18-49:16. There is no genuine dispute over 1[d]: Mr. Locati agreed that a housing made of non-conductive resin is an “insulating housing” (Ex.2001, ¶ 54) and admitted at his deposition that *Kataoka* discloses a second

housing made of a non-conductive resin (Ex.1022, 120:1-6). Patent Owner's arguments regarding 1[i] mirror arguments in the *Winkler* grounds and fail for similar reasons.

1. *Kataoka* Discloses 1[d]

Patent Owner admits that *Kataoka* discloses a “second housing,” but argues that it is not an “insulating housing.” POR, 53-56. This argument fails regardless of whether the Board adopts Patent Owner's “insulating” claim construction.

As outlined in the petition, *Kataoka* discloses “a second connector having a second insulating housing” with second connector portion 3 having housing 7:



Ex. 1005, portion of Fig. 1 (annotated highlighting
second connector portion 3 in green)

Housing 7 includes cylindrical body 36. Ex.1022, 118:9-120:8. The petition also explained that *Kataoka*'s housing 7 and cylindrical body 36 are “insulating” because they surround and protect the contacts of the connector, consistent with the '017

patent’s description of the role of the housing. *See* Petition, 68-70.² *Kataoka* meets 1[d] under the plain and ordinary meaning of “insulating.”

Patent Owner attempts to narrowly construe “insulating housing” as “electrically insulating housing” (POR, 12-18) and the Board applied that construction on a preliminary basis in the Institution Decision to find that *Kataoka* did not anticipate claim 1. The Board should not adopt Patent Owner’s proposed construction (as explained above), but even under that narrow construction, *Kataoka* expressly anticipates 1[d].

Patent Owner admitted that a “non-conductive resin” “does not conduct electricity and is, therefore, electrically insulating.” POR, 17. Mr. Locati agrees. Ex.2001, ¶ 54; Ex.1022, 120:22-25. *Kataoka* discloses an embodiment in which the cylindrical body 36 is formed of a non-conductive resin. Ex.2006, 13:21-25 (“Since the cylindrical body 36 is formed of a non-conductive resin in the present embodiment”); Ex.1022, 120:1-6. Therefore, even if under Patent Owner’s construction narrowing every instance of “insulating” to “electrically insulating,” *Kataoka* anticipates 1[d].

² Patent Owner faults the Petitioner for not raising a claim construction of “insulating” as “protecting,” but petitioner does not contend any claim construction is necessary (and has not contended so in the district court). Ex.2004, 12-15.

2. *Kataoka* Discloses 1[i]

a. The petition establishes anticipation.

For 1[i], Patent Owner repeats similar arguments about the *Winkler* petition diagrams and those arguments fail for the same reasons.

First, Patent Owner criticizes the petition for relying on a “made-up diagram,” but could not explain what is added or made up when two connectors are simply pushed toward each other. Similarly, Mr. Locati never explains why he would not “envisage” the diagram in the petition. In fact, he presents no alternate diagram for consideration and did he explain how he would modify Petitioner’s diagram. Ex.1022, 121:23-122:25; Ex.2001. There is nothing *per se* improper about the petition relying on the *Kataoka* diagram. Institution Decision, 26.

Second, Patent Owner argues the diagram is “at best ambiguous,” but the annotated figure provides the same amount of information as the disclosure of the ’017 patent and Patent Owner’s infringement contentions, and “it is implicit in Petitioner’s contentions and reasoning that the same illustrated structure exists at other locations sufficient to block all through-air arcing paths.” Institution Decision, 27.

Third, Patent Owner argues that “[t]he Petition simply says ‘see the diagram above,’” (POR, 62), which is incorrect.

Fourth, the Petition does not raise an inherency argument because the diagram conveys what a POSITA would reasonably understand from *Kataoka*.

b. *Kataoka* discloses “blocking substantially all through-air arcing paths between the first and second electrical contacts”

In attempting to prove that *Kataoka* does not anticipate limitation 1[i], Patent Owner raises three arguments, each of which fails.

First, Patent Owner argues that “*Kataoka*’s figures indicate there are through-air arcing paths” and that *Kataoka* teaches that there are “gaps” between insulating members.” POR, 63-64. But Patent Owner has itself maintained that the claims do not require eliminating *all* through-air arcing paths, and that it has “at no point asserted that the patent precludes a gap between the insulating barriers.” Ex.1026, 7-9.

Second, Patent Owner argues that in *Kataoka* “connecting member 9 is not tightened until connectors 2 and 3 are fully fitted together,” inferring this conclusion by reading between the lines (contrary to its approach to harmful aspects of *Kataoka*’s disclosure). Patent Owner cited eight different parts of *Kataoka* and none of them state or suggest that connecting member 9 is only tightened when the connectors are fully fitted together. Similarly, Patent Owner argues that “*Kataoka* discloses that the gaps between insulating members 43a-46a allow connectors 2, 3 to be fitted together without causing undesirable abrasion to the electrical contacts,”

(POR, 64-65), but *Kataoka* does not say that anywhere either. The portions of *Kataoka* cited concern prevention of “fine sliding” after the connectors are mated, do not reference connecting member 9 at all, and say nothing about the act of fitting the connectors together. *Kataoka* anticipates limitation 1[i] regardless.

3. *Kataoka* Discloses Claims 2 and 3

The petition established that *Kataoka* anticipates claims 2 and 3 and nothing in the Patent Owner Response refutes this ground. Those claims recite a “contact tensioning mechanism that presses the second electrical contact against the engaging Surface of the first electrical contact when the first and second connectors are connected.” Patent Owner argues that connecting member 9 is tightened in the fully connected state. POR, 65. In that configuration, the mechanism presses the first electrical contact against the surface of the second electrical contact *and* thus also presses the second electrical contact against the surface of the first.

4. *Kataoka* Discloses Claim 4

Patent Owner’s arguments for Claim 4 are like the arguments presented for limitation 1[i] and the Board should reject them for the same reasons. First, that the modified figure of *Kataoka* does not appear in the reference itself does not prevent the Board from considering what a POSITA would understand from the disclosure (as explained by Dr. Eldering), especially where Mr. Locati does not present any alternative diagram or explanation. Second, Patent Owner’s argument that

connecting member 9 only makes an impact in the fully connected state is unsupported by *Kataoka*.

F. Ground 2B: Claims 7-10 Are Obvious Over *Kataoka* in View of the Handbook

Patent Owner does not dispute that the additional limitations of claims 7-10 would be obvious in view of the prior art.

IV. PATENT OWNER’S PROPOSED LEVEL OF ORDINARY SKILL IS UNREASONABLY NARROW AND IGNORES THE INVENTORS

Patent Owner narrowly defines a person of ordinary skill in the art, even though it is inconsequential to the merits; Mr. Locati admitted his opinions are unaffected by the definition of a POSITA. Ex.1022, 28:8-11. Patent Owner’s apparent motivation is not to change any patentability analysis, but to exclude Dr. Eldering’s testimony, even though its narrow definition also excludes a named inventor. The Board should reject Patent Owner’s proposal.

The parties agree that the relevant educational background is electrical engineering or a similar field, but disagree about whether “additional relevant work experience can compensate for less education, and vice versa” (as Petitioner proposed).³ Patent Owner insists that in addition to specific education requirements, “at least two years of experience designing or developing electrical connectors” is

³ Dr. Eldering qualifies as a POSITA under either definition.

an absolute requirement, but offers no justification, despite that the patent discloses a simple structure long-known in the field of electrical connectors. Mr. Locati's declaration is no help, as his "opinions" merely repeat Patent Owner's criticisms word-for-word, and provided no analysis of the relevant factors, despite reciting them. Ex.1022, 28:2-7.

Patent Owner suggests that a "roadie" who plugged in equipment for decades would be a POSITA under Petitioner's definition (POR, 8), but this strawman argument misses the mark. Petitioner's definition would not allow for a person with no relevant education and no relevant experience and "no idea how electrical connectors work" to be a person of skill in the art. Instead, Petitioner's definition of a POSITA requires at least one of (1) *relevant* education or (2) *relevant* experience.

Here, the inventors' backgrounds support Petitioner's proposed flexibility. Mr. Locati admitted that he never considered the educational background or work experience of the named inventors. Ex.1022, 144:12-145:13. Brian Davies is one of the two named inventors. Ex.1001. Mr. Davies has a degree in ***chemical*** engineering and joined Anderson in 2002 as a Corporate Marketing Director. Ex.1027, 4, 6. Even as the Director of Engineering for almost seven years, Mr. Davies does not meet Patent Owner's rigid POSITA definition, because he does not have the right educational background. Ex.1022, 23:7-22. Mr. Davies would likely qualify as a POSITA under Petitioner's definition, where his experience working with electrical

connectors could compensate for his lack of educational background in electrical engineering. The Board should adopt Petitioner's definition and the flexibility it provides.

V. THE PTAB SHOULD CREDIT DR. ELDERING'S TESTIMONY

A. Dr. Eldering is a POSITA Under Either Definition

The Board should reject Patent Owner's overly-narrow definition of a POSITA, with requirements that are unsupported by any rationale, inconsistent with the experience of the named inventors, and have no impact on the merits of the petition. Even under Patent Owner's incorrect definition, Dr. Eldering qualifies as a POSITA. When asked about his experience at his deposition, Dr. Eldering explained that he has had experience analyzing the designs of electrical connectors and consulting with companies to design or redesign their connectors. Ex.2002, 23:7-28:4, 30:1-35:18. Mr. Locati discussed similar types of experience in his declaration. Ex.2001, ¶4. Dr. Eldering is a POSITA and the Board should rely on his testimony.

B. Dr. Eldering Gave Complete and Responsive Testimony

At his deposition, Dr. Eldering gave complete and responsive answers. Patent Owner identifies isolated examples concerning side issues to discount Dr. Eldering's testimony, but its complaints are undermined by the fact that Patent Owner made no attempt to raise any issue during the deposition or seek intervention by the Board. Patent Owner's own expert, Mr. Locati, was unable to answer basic questions on

issues central to the dispute, including how he would reasonably understand the partial disconnection configuration of the prior art references differently from Dr. Eldering. Ex.1022, 77:11-87:15, 121:23-122:25.

VI. CONCLUSION

For the reasons above and the identified teachings in the prior art, Petitioner has established that the challenged claims are unpatentable.

Date: June 13, 2025

Respectfully Submitted,

/Ming-Tao Yang/

Ming-Tao Yang, Lead Counsel
Reg. No. 62,019

CERTIFICATION OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(a)(1)(i), the undersigned hereby certifies that the foregoing PETITIONER'S REPLY contains 5,548 words, excluding the parts of this Petition that are exempted under 37 C.F.R. § 42.24(a), as measured by the word-processing system used to prepare this paper.

Dated: June 13, 2025

/Ming-Tao Yang/
Ming-Tao Yang, Lead Counsel
Reg. No. 62,019

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Petitioner's Reply** was served on June 13, 2025, via email directed to counsel of record for the Patent Owner at the following:

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