

**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 IPR2024-00687
U.S. Patent No. 8,808,017

**PATENT OWNER'S AUTHORIZED MOTION TO STRIKE
PORTIONS OF PETITIONER'S REPLY**

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TABLE OF EXHIBITS

Exhibit No.	Description
2001	Declaration of Ronald P. Locati in Support of Patent Owner's Response
2002	Transcript of the February 28, 2025, Deposition of Dr. Charles Eldering
2003	Joint Claim Construction and Prehearing Statement in <i>Anderson Power Products, Inc. v. BizLink Technology, Inc. et al.</i> , Case No. 23-cv-5436 (N.D. Cal.)
2004	Defendants' Responsive Claim Construction Brief in <i>Anderson Power Products, Inc. v. BizLink Technology, Inc. et al.</i> , Case No. 23-cv-5436 (N.D. Cal.)
2005	Plaintiff's Infringement Contentions in <i>Anderson Power Products, Inc. v. BizLink Technology, Inc. et al.</i> , Case No. 23-cv-5436 (N.D. Cal.)
2006	Defendants' Invalidity Contentions in <i>Anderson Power Products, Inc. v. BizLink Technology, Inc. et al.</i> , Case No. 23-cv-5436 (N.D. Cal.)
2007	Merriam-Webster's Unabridged Dictionary, definition of "insulator"
2008	Merriam-Webster's Unabridged Dictionary, definition of "non-conductive"
2009	Merriam-Webster's Unabridged Dictionary, definition of "within"
2010	March 8, 2024, Letter from Defendants' counsel to Plaintiff's counsel in <i>Anderson Power Products, Inc. v. BizLink Technology, Inc. et al.</i> , Case No. 23-cv-5436 (N.D. Cal.)

I. Petitioner's New Argument That Winkler's "Connecting Surface" Is The Flat Portion 32 And The Curved Portion 34 Should Be Stricken.

The Reply asserts that Winkler's alleged "connecting surface" includes *both* the flat portion 32 *and* the curved portion 34. (Reply, 5:14-6:11.) But, as the Board found, the Petition asserted that Winkler's flat portion 32, *alone*, is the alleged "connecting surface." (Institution Decision ("ID"), 23 ("Petitioner argues that Winkler's elongated flat portion 32 meets the recited 'connecting surface.'"); Petition, 23-35; EX1003, ¶¶67-70; EX2002, 123:7-124:6.)¹ Indeed, the Petition distinguishes the alleged "connecting surface" (*i.e.*, flat portion 32) from Winkler's curved portion 34, which it asserts is the separately claimed "leading end." (*Id.*; EX2002, 126:1-6.) It is impermissible for Petitioner to change what Winkler's alleged "connecting surface" is. *Wasica Fin. GmbH v. Contl. Automotive Sys., Inc.*, 853 F.3d 1272, 1286 (Fed. Cir. 2017) (shifting arguments not allowed).

II. Petitioner's New Argument And Evidence That Kataoka's "second housing" Is "electrically insulating" Should Be Stricken.

The Reply asserts that Kataoka's alleged "second housing" (*i.e.*, housing 7) is "electrically insulating." (Reply, 23:7-16 (citing EX1005, 13:21-25); *id.*, 21:19-22:1.) But, as the Board found, "the Petition does not address whether Kataoka's

¹ See also EX2010, 2 (Petitioner stating: "the contact members 22, 24 have a *connecting surface (e.g., elongated flat portion 32)*"; *id.*, 3 ("configured to laterally engage with the *elongated flat portion 32* of the contact members.")).

housing 7 is electrically insulating.” (ID, 30; Petition, 68-70; EX1003, ¶142; EX2001, ¶144.) The cited portion of Kataoka (*i.e.*, EX1005, 13:21-25) was also not cited anywhere in the Petition or supporting declaration. (*Id.* (citing only EX1005, FIGS. 1, 6A-B, 4:56-66, 10:19-29, 12:17-64).) To the extent Petitioner responds that its “electrically insulating” argument is permissible in view of Patent Owner’s (“PO”) construction of “insulating,” such a position is without merit as arguments beyond those in the petition may be raised only in the *limited scenario* where a new claim construction is offered “*for the first time in [PO’s] response.*” *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1380 (Fed. Cir. 2023).² Here, Petitioner advanced the same construction as PO (Petition, 64, 75), but then failed to apply it to Kataoka’s “second housing.” (*Id.*, 68-70.) That construction of “insulating” was raised prior to institution and adopted in the ID. (ID, 11-12.)

III. Petitioner’s New “insulating housing” Construction Should Be Stricken.

The Reply contends that “insulating housing” should be construed as “protective housing.” (Reply, 2:5-3:16, 22:10-23:7, 23 n. 2.) This construction was not included in the Petition, is inconsistent with the “electrically insulating” construction that *was* (Petition, 64, 74-75; EX1003, ¶¶135, 149; POR, 17-18), and should be stricken. *Wasica*, 853 F.3d at 1286; 37 C.F.R. § 42.104(b)(3).

² Trial Practice Guide (Nov. 2019), 73 (“Petitioner may not submit new evidence or argument in reply that it could have presented earlier.”).

IV. CONCLUSION

Accordingly, the Board should grant PO's Motion to Strike.

Dated: June 30, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the below date, I caused the forgoing to be served by electronic mail to the following:

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