

Filed: July 3, 2025

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

The Board should deny Patent Owner’s motion. The Reply does not include improper arguments, just arguments Patent Owner hopes to exclude (but has had the opportunity to address). There is no unfair surprise or prejudice to justify striking the arguments, “an exceptional remedy” rarely granted. TPG (Nov. 2019), 80.

I. The Reply “Connecting Surface” Argument Relies on a Figure from the Petition that Patent Owner Refuses to Acknowledge or Address

Patent Owner argues the Reply includes a “new” argument that the “connecting surface” includes both the flat portion 32 and curved portion 34, but what it seeks to strike relates to an annotated figure *from the Petition* that expressly highlights both portions for the surface. Petition, 23. Dr. Eldering included the same figure. Ex.1001, ¶ 67. Attempting to limit the “connecting surface” to the flat portion alone, Patent Owner has omitted the Petition’s annotated figure at every opportunity, but doing so does not change the Petition itself. Merely pointing out Patent Owner’s choice to ignore parts of the Petition is not a basis for striking those arguments in the Reply. Further, the Board did not consider or resolve this dispute in the Institution Decision; it just found *Winkler* teaches the limitation regardless. ID, 23.

II. Petitioner’s Argument and Evidence Showing *Kataoka*’s “Second Housing” is “Electrically Insulating” is a Proper Response to Patent Owner’s New Claim Construction

Patent Owner admits that new arguments and evidence may be allowed where a new claim construction is raised for the first time in the Patent Owner’s response.

Motion, 2; *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1380 (Fed. Cir. 2023). That is what occurred here. Contrary to Patent Owner’s motion, the Petition did not advance or rely on Patent Owner’s “electrically insulating” construction, but instead established *Kataoka* discloses “insulating housings” under the plain meaning, which includes insulating with non-conductive resin *and* protecting internal contacts from the environment. Petition, 64, 12 (“Petitioner submits that no terms require express construction because the claims are invalid under any reasonable construction.”). And the Petition’s analysis of “insulating barrier” (*id.*, 75)—a different component entirely—is irrelevant to the construction of the insulating housing. *See* Reply, 3.

Instead, Patent Owner raised the “electrically insulating” construction first; the Reply was Petitioner’s first opportunity to rebut the proposed construction and to demonstrate unpatentability under Patent Owner’s new construction. As in *Axonics*, Petitioner is entitled to “the opportunity in its reply to argue and present evidence . . . under the new construction.” *Axonics*, 75 F.4th at 1384. Petitioner’s Reply relied on the Petition’s same grounds and references and was entirely proper.

III. Petitioner Has Not Proposed a Construction for “Insulating Housing”

The Reply does not advance a new claim construction. Indeed, as in the Petition, the Reply confirms that “petitioner does not contend any claim construction is necessary.” Reply, 23:1-2, n.2. Even if Petitioner proposed a new construction, that would be an appropriate response to Patent Owner’s new claim construction.

Date: July 3, 2025

Respectfully Submitted,

/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 Opposition To Patent Owner's Authorized Motion To Strike Portions Of The Petitioner's Reply** was served on July 3, 2025, via email directed to counsel of record for the Patent Owner at the following:

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Dated: July 3, 2025

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