

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOTE, LLC,
Petitioner

v.

Twitch LLC,
Patent Owner.

IPR2024-00892
U.S. Patent No. 9,862,466

**PETITION FOR *INTER PARTES* REVIEW
UNDER 37 C.F.R. § 42.101**

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Exhibit List Pursuant to 37 C.F.R. § 42.63(e)

Exhibit No.	Description¹
1001	U.S. Patent No. 9,862,466.
1002	Prosecution history of U.S. Patent No. 9,862,466.
1003	Prosecution history of U.S. Patent No. 10,479,458.
1004	Declaration of T. Kim Parnell, PhD, PE.
1005	Curriculum vitae of T. Kim Parnell, PhD, PE.
1006	DE2612881 to Hoffmann, et al.
1007	English translation of DE2612881.
1008	Translation certification of Dr. W.A.H.M Van Borm.
1009	U.S. Publication No. 2016-0096591 to Hoge, JR.
1010	U.S. Publication No. 2014-0245943 to Swan.
1011	U.S. Patent No. 8,438,985 to Scadden.
1012	U.S. Publication No. 2013-0137319 to Haller et al.
1013	The American Heritage College Dictionary (3rd ed. 2000) (definitions of “overhang,” “tent,” and “underhung”).
1014	Rob Casey, Stand Up Paddling Flatwater to Surf and Rivers (Colin Chisholm, 1st ed. 2011).

¹ Descriptions are for convenience only and are not admissions or evidence.

Exhibit No.	Description¹
1015	Mitch Powers, Stand Up Paddle Instruction Book: All the Basics Including Flatwater, Fitness and Surf Paddling, Introduction–102 (Createspace Independent Pub., 2013).
1016	Complaint, <i>Twitch LLC d/b/a Hala Gear v. Bote, LLC</i> , No. 6:24-cv-00233 (W.D. Tex. May 3, 2024), ECF No. 1.
1017	NPL – Sea Eagle 473rl RazorLite Inflatable Kayak Drop Stitch Inflatable Kakak.
1018	U.S. Patent No. 9,114,862 to Dingel.
1019	U.S. Patent No. 6,394,018 to Klimenko.
1020	U.S. Patent No. 6,648,707 to Peterson.
1021	ISUPWORLD.com, “Airhead SS Camouflage ISUP Review” archived at Wayback Machine (https://web.archive.org/) > https://isupworld.com/airhead-ss-camouflage-review/ , captured May 19, 2015.
1022	Hobie.com, “10’9 SPORTSMAN Inflatable Series Stand Up Paddleboard,” archived at Wayback Machine (https://web.archive.org/) > http://www.hobie.com/stand-up-paddleboards/109Sportsman-31-5.aspx , captured June 18, 2015.
1023	Internet Archive Declaration of Nathaniel E Frank-White.

I. INTRODUCTION

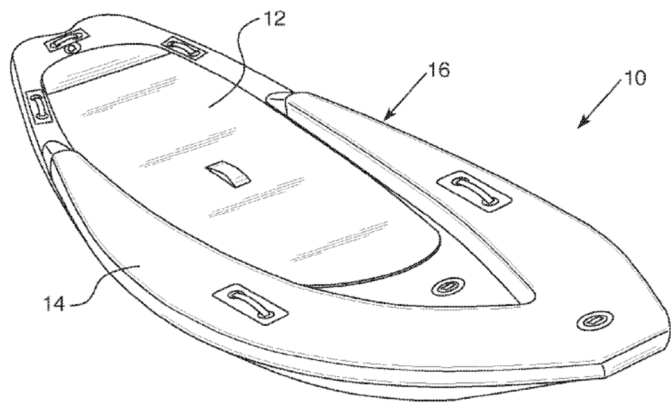
BOTE, LLC (“BOTE” or “Petitioner”) respectfully requests *inter partes* review of claims 1–20 (“the Challenged Claims”) of U.S. Patent No. 9,862,466 (“the ’466 Patent”) (Ex. 1001).

The ’466 Patent describes:

... an inflatable paddle board [that] includes a lower inflatable chamber forming a stand-up board, and an upper inflatable chamber connected to the lower inflatable chamber, the upper inflatable chamber forming a rail around at least a portion of the lower inflatable chamber, and the combination of the lower and upper inflatable chambers forming a curve-shaped front hull. The rail is formed around a front and front-side portion of the lower inflatable chamber. The inflatable paddle board may also include a tent covering between the first inflatable chamber and the second inflatable chamber.

Ex. 1001, 1:56 to 1:66.

This idea of an inflatable stand-up board having an inflatable rail structure formed around the side and front portions of the stand-up board is and was not new at the time of the alleged invention, and as reflected in its scarce file history, the ’466 Patent was granted without full consideration of a wide body of applicable art. Petitioner therefore asks the Board to institute review and find all Challenged Claims unpatentable.



Ex. 1001, Cover.

II. MANDATORY NOTICES

Petitioner provides the following mandatory notices under 37 C.F.R. §42.8.

A. 37 C.F.R. §42.8(b)(1): Real Parties-in-Interest

The real party-in-interest is BOTE, LLC.

B. 37 C.F.R. §42.8(b)(2): Related Matters

Twitch LLC d/b/a Hala Gear v. Bote, LLC, No. 6:24-cv-00233 (W.D. Tex.),
filed May 3, 2024. *See* Ex. 1016.

C. 37 C.F.R. §42.8(b)(3)-(4): Lead and Back-Up Counsel and Service Information

Lead Counsel	Backup Counsel
David A. Mancino Reg. No. 39,289 dmancino@bakerlaw.com <u>Postal and Hand-Delivery Address:</u> BAKER & HOSTETLER LLP 312 Walnut Street, Suite 3200 Cincinnati, OH 45202-4074 Telephone: (513) 929-3495	Kevin P. Flynn Reg. No. 71,906 kflynn@bakerlaw.com <u>Postal and Hand-Delivery Address:</u> BAKER & HOSTETLER LLP 312 Walnut Street, Suite 3200 Cincinnati, OH 45202-4074 Telephone: (513) 852-2627 Douglas A. Grady (<i>pro hac vice</i> forthcoming) dgrady@bakerlaw.com <u>Postal and Hand-Delivery Address:</u> BAKER & HOSTETLER LLP 999 Third Avenue, Suite 3900 Seattle, WA 98104-4040 Telephone: (206) 566-7120

A Power of Attorney accompanies this Petition pursuant to 37 C.F.R. §42.10(b). Petitioner consents to electronic service by email at dmancino@bakerlaw.com, kflynn@bakerlaw.com, and mlcantu@bakerlaw.com.

III. PAYMENT OF FEES PURSUANT TO 37 C.F.R. §42.103

Petitioner requests review of 20 claims. The Director may charge the §42.15(a)(1) fee and any additional fees in connection with this Petition to Deposit Account No. 506092.

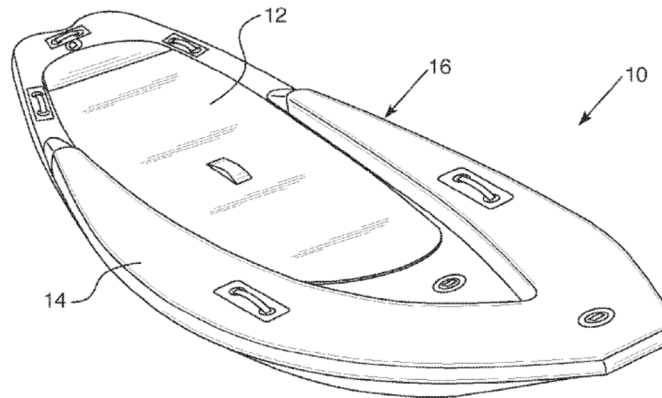
IV. CERTIFICATION OF STANDING UNDER 37 C.F.R. §42.104

Petitioner certifies that the '466 Patent is available for IPR and that Petitioner is not barred or estopped from requesting an IPR on the Challenged Claims of the '466 Patent on the grounds identified herein.

V. SUMMARY OF THE '466 PATENT

The '466 Patent is titled "Inflatable Paddle Board," and issued from Application No. 15/230,435, filed August 7, 2016. Ex. 1001, Cover. The '466 Patent describes a purported improvement to inflatable stand-up paddle boards.

The '466 Patent discloses an “inflatable paddle board 10 [that] includes a board chamber 12 to form a stand-up board area, and a rail chamber 14 to form a rail at least partially around the stand-up board area.” *Id.*, 2:32–35.



Ex. 1001, Cover.

The '466 Patent further describes an embodiment as follows:

... the lower chamber 12 is the shape and outline of a stand-up board. Hence, it may be referred to as the board chamber 12. The upper chamber 14 is generally U-shaped, and may have a flat or substantially flattened nose. The upper chamber 14 may be referred to as the rail chamber 14. The rail chamber 14 may be connected to the board chamber 12 (e.g., via glue, sewing, or otherwise).

Id., 2:56–62.

Additionally, the '466 Patent discloses that embodiments may include a “tent material” that:

... may overlap between the lower chamber 12 and the upper chamber 14. The tent 16 may be made of PVC or other suitable material. The tent 16 may be connected (e.g., glued, sewed, or otherwise attached) to each chamber 12 and 14 and extend therebetween to cover the overlap between the chambers 12 and 14. The tent 16 forms a shape that is unique to this board, referred to herein as a “hull” shape, as it mimics the hull of a boat or ship. The tent 16 also forms a rail shape that gives

the board more stability. The shape also enables the rails of the board to slope outward and away from the center of the board chamber 12.

Id., 3:18–29.

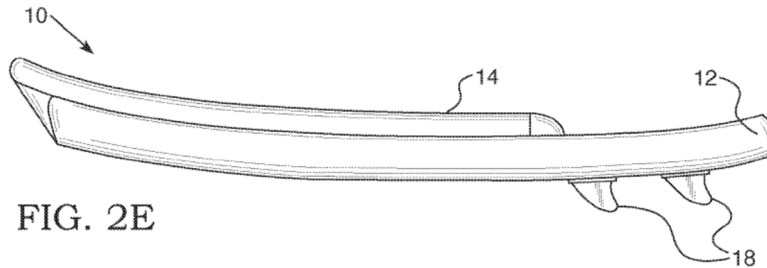


FIG. 2E

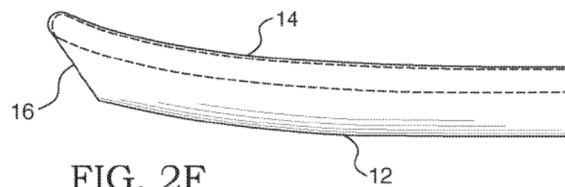


FIG. 2F

Ex. 1001, FIGS. 2E, 2F.

The '466 Patent discloses that:

[t]he shape of the inflatable paddle board 10 provides a hull structure (e.g., at the front or bow and/or front-side of the board), thus providing extra buoyancy to help the user to navigate the inflatable paddle board 10, and also provides secondary (e.g., side-to-side) stability (e.g., for navigating whitewater).

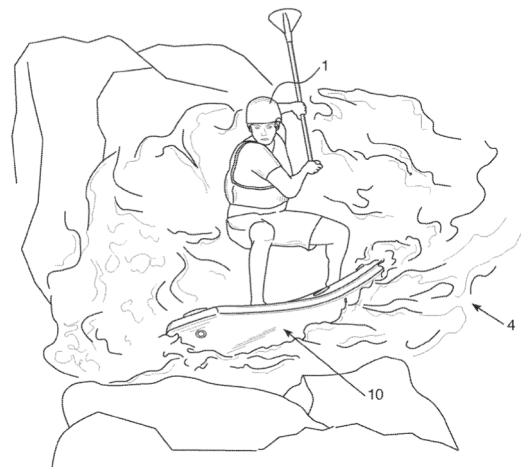


FIG. 6

Id., 4:19–24.

Ex. 1001, FIG. 6.

The '466 Patent also discloses an alternative embodiment that may:

. . . include a lower inflatable chamber 22. This lower chamber 22 may be raised at the front, back, and/or side(s), and may also include one or more fins 28. The inflatable paddle board 20 may also include an upper inflatable chamber 24. This upper chamber 24 may be connected to the lower chamber 22. A tent 26 may cover the area between the upper and lower chamber 22 and 24.

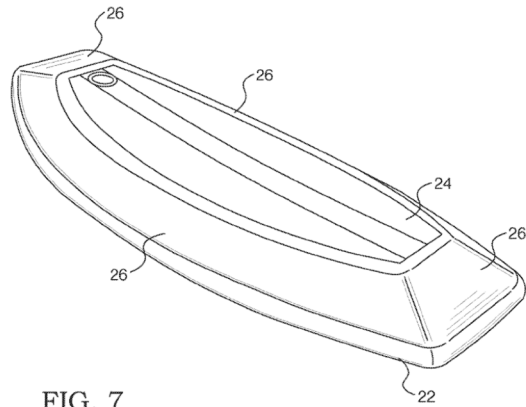


FIG. 7

Id., 4:36–43.

Ex. 1001, FIG. 7. 1

VI. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED

A. 37 C.F.R. §42.104(b)(1): Claims for Which IPR is Requested

Petitioner challenges claims 1–20 of the '466 Patent.

B. 37 C.F.R. §42.104(b)(2): Ground for Challenge

Petitioner challenges claims 1–20 based on the following references:

- DE2612881 to Hoffmann, et al., published Sep. 29, 1977 (Ex. 1006); DE2612881 to Hoffmann, et al., Certified English Translation (Ex. 1007); and Translation Certification of Dr. W.A.H.M Van Borm (Ex. 1008) (collectively, “Hoffmann”).
- U.S. Publication No. 2016-0096591 to Hoge, JR., filed Oct. 3, 2014 (Ex. 1009, “Hoge”).

- U.S. Publication No. 2014-0245943 to Swan, published Sep. 4, 2014. (Ex. 1010, “Swan”).
- U.S. Patent No. 8,438,985 to Scadden, issued May 14, 2013 (Ex. 1011, “Scadden”).
- Internet Archive Capture, “Airhead SS Camouflage ISUP Review,” May 19, 2015 (<https://isupworld.com/airhead-ss-camouflage-review/>) (Ex. 1021); and Internet Archive Declaration of Nathaniel E Frank-White (Ex. 1023) (collectively, “Airhead SS”).
- Internet Archive Capture, “10’9 SPORTSMAN Inflatable Series Stand Up Paddleboard,” June 18, 2015 (<http://www.hobie.com/stand-up-paddleboards/109Sportsman-31-5.aspx>); and Internet Archive Declaration of Nathaniel E Frank-White (Ex. 1023) (collectively, “Hobie iSeries”).

The ’466 Patent has an earliest priority date of Aug. 7, 2015 based on Provisional App. Ser. No. 62/202,549, filed Aug. 7, 2015. Thus, AIA §102 applies. Hoffmann, Swan, Scadden, Airhead SS, and Hobie iSeries were all published/issued before the earliest priority date of the ’466 Patent and are all thus prior art at least under AIA §102(a)(1). With respect to Airhead SS and Hobie iSeries, note that the Internet Archive Declaration of Nathaniel E. Frank-White stated that Exhibits 1021 and 1022 “are true and accurate copies of browser screenshots of the Internet Archive’s records of the archived files for the URLs and the dates specified in the

attached coversheet of each printout.” Ex. 1023 at 1. Hoge was filed before the earliest priority date of the ’466 Patent and is thus prior art under AIA §102(a)(2).

Petitioner requests IPR on the following grounds:

Ground	Claim(s)	Basis
1	15–18, 20	Obvious over Hoffmann in combination with Swan and Hoge (§103).
2	1–3, 5, 7–14	Obvious over Hoffmann in combination with Airhead SS, Scadden, Swan, and Hoge (§103).
3	4, 6	Obvious over Hoffmann in combination with Airhead SS, Scadden, Swan, Hoge, and Hobie iSeries (§103).
4	19	Obvious over Hoffmann in combination with Swan and Scadden (§103).
5	15–18, 20	Anticipated by Swan (§102).

C. 37 C.F.R. §42.104(b)(3): Claim Construction

It is Petitioner’s position that all terms from claims 1–20 should be construed according to their plain and ordinary meanings except for the following terms as discussed below.

- 1. “stand-up board” as appearing in claims 1, 15, 18, 19, and 20, should be construed as “a generally elongated board (like a surf board) that a user can stand upon and use a paddle to maneuver over the water”**

“The plain and ordinary meaning to a POSITA of a stand-up paddle board is a generally elongated board (like a surfboard) that a user can stand upon and use a

paddle to maneuver over the water.” Ex. 1004 ¶77. For example, U.S. 2013/0137319 to Haller et al., cited during the prosecution of the ’466 Patent, explains that “[s]tand up paddleboarding involves employing an oversized surfboard in combination with a paddle for propulsion.” Ex. 1012, [0002]. Continuing, “[t]here are several types of stand up paddleboards currently available in the marketplace. Rigid stand up paddleboards are made of foam or fiberglass, much like surfboards.” *Id.*, [0004]. Further, “[i]nflatable stand up paddleboards thus represent an excellent alternative to rigid products. Inflatable stand up paddleboards are made of drop stitched material allowing them to be inflated to very high pressures, generally from 12 to 15 psi.” *Id.*, [0005]. “An inflatable stand up paddleboard having a top surface for supporting a user and a bottom surface for residing on water.” *Id.*, [0011].

“The ’466 Patent does not define a stand-up paddle board or change the plain and ordinary meaning.” Ex. 1004 ¶80. “That said, the ’466 Patent discloses ‘the lower chamber 12 is the **shape and outline of a stand-up board**. Hence, it may be referred to as the board chamber 12.’” *Id.*; Ex. 1001, 2:56-58. “As shown in Figs. 2A and 2B, this stand-up board chamber 12 appears to show a generally elongated board, like a surfboard, that a user can stand upon and paddle to maneuver over or through the water.” Ex. 1004 ¶80.

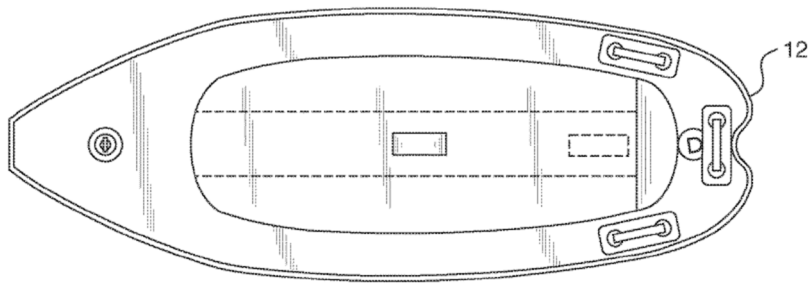


FIG. 2A

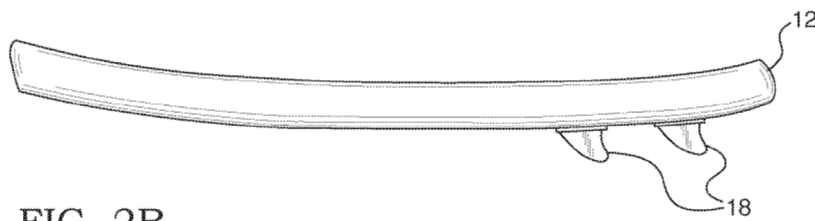
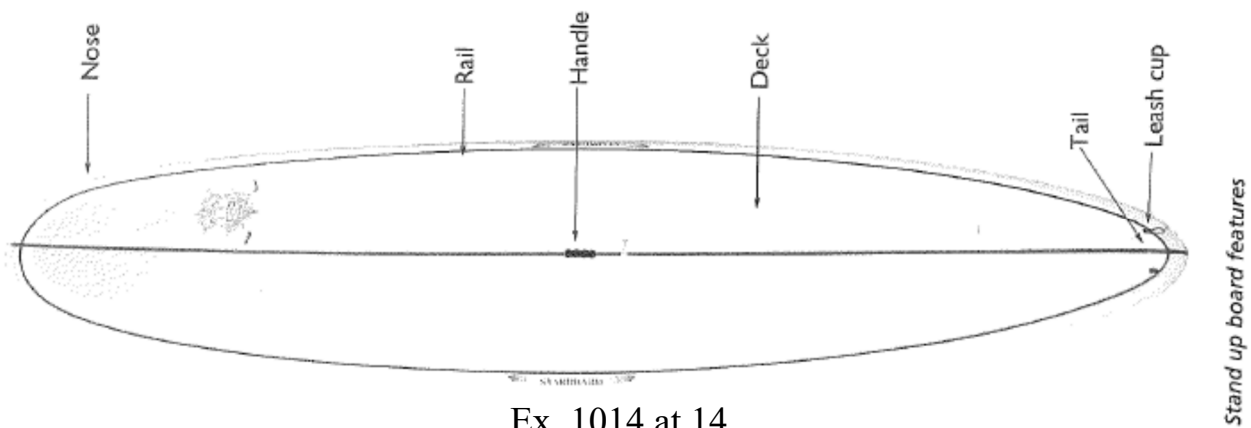


FIG. 2B

Ex. 1001, FIGS. 2A-2B.

2. “rail” as appearing in claims 1-6, 8-10, 12-13 should be construed as “structure extending along at least a portion of the peripheral sides of the paddleboard”

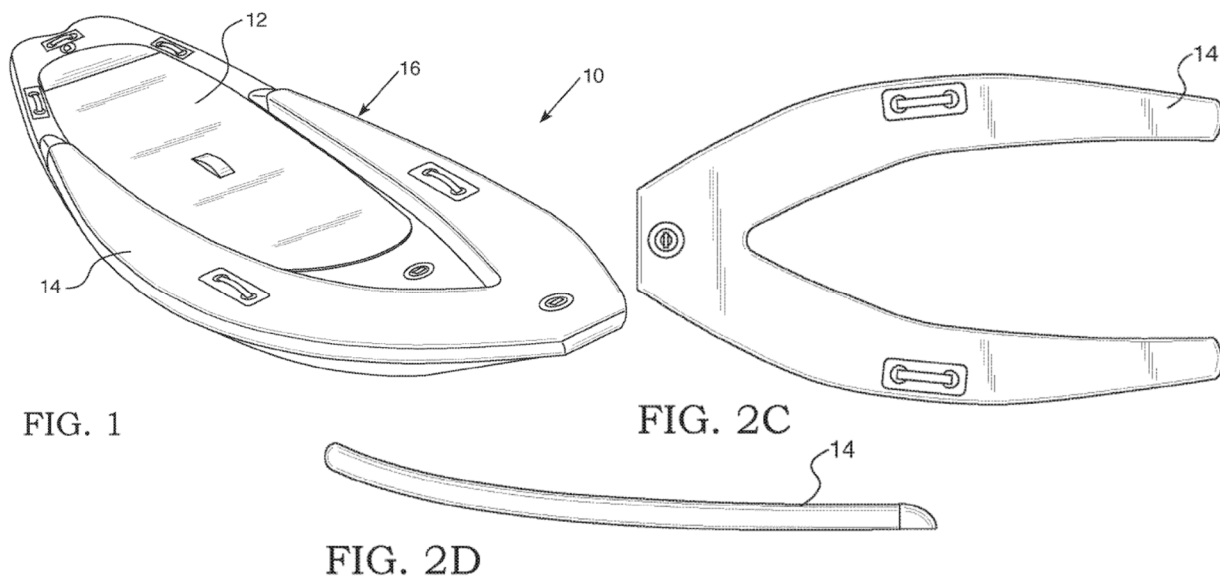
Rob Casey, in “Stand Up Paddling Flatwater to Surf and Rivers” (2011) defines a “rail,” with respect to stand-up paddle boards, as the sides around the paddle board. Ex. 1014 (“Casey”) at 13. Indeed, the “Glossary” section of Casey also expressly defines “rail” as “[e]dge or side of board.” *Id.* at 24.



Ex. 1014 at 14.

Mitch Powers, “Stand Up Paddle Instruction Book” (2013) is consistent with Casey. Powers explains that the “rails” are “the edges or sides of the board. . . . If you want a more of a recreational type SUP you’ll go for thicker rails and hence gain greater stability.” Ex. 1015 (“Powers”) at 10.

The ’466 Patent doesn’t define or re-define a “rail,” but the way that the term is used by the ’466 Patent is broadly similar to the plain and ordinary meaning as defined by Casey and Powers. Ex. 1004 ¶84. The ’466 Patent discloses a “rail chamber 14” that forms a “rail . . . around the stand-up board area.” Ex. 1001, 2:34-35. Further, Figures 1, 2C and 2D illustrate the structure of the disclosed “rail chamber 14.”



Ex. 1001, FIGS. 1, 2C, 2D.

As shown, the described and illustrated rail chamber 14 of the '466 Patent is not the actual side around the paddle board as defined by Casey and Powers. Ex. 1004 ¶85. However, it “is indeed a structure extending along at least a portion of the sides of the paddleboard.” *Id.*

3. “tent covering” as appearing in claims 1, 10, 14-15 should be construed as “a sheet of material covering one or more objects to provide a shape over or between such objects.”

The term “tent covering” has a plain and ordinary meaning to a POSITA. Ex. 1004 ¶87. The definition of “tent” is a “[a] portable shelter, as of canvas, stretched over a supporting framework of poles with ropes and pegs,” and “to form a tent over.” *Id.*; Ex. 1013 at 4.

“The '466 Patent does not define a ‘tent covering.’ But the '466 Patent discloses numerous examples of what a “tent covering” can be and its function. For example, the '466 Patent discloses the tent 16 can overlap a pair of objects, to provide desired shapes for the structure. . . .”:

. . . a tent material may overlap between the lower chamber 12 and the upper chamber 14. The tent 16 may be made of PVC or other suitable material. The tent 16 may be connected (e.g., glued, sewed, or otherwise attached) to each chamber 12 and 14 and extend therebetween to cover the overlap between the chambers 12 and 14. The tent 16 forms a shape that is unique to this board, referred to herein as a “hull” shape, as it mimics the hull of a boat or ship. The tent 16 also forms a rail shape that gives the board more stability. The shape

also enables the rails of the board to slope outward and away from the center of the board chamber 12.

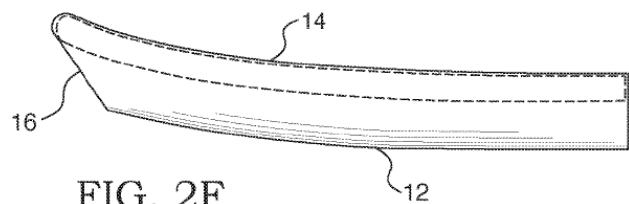
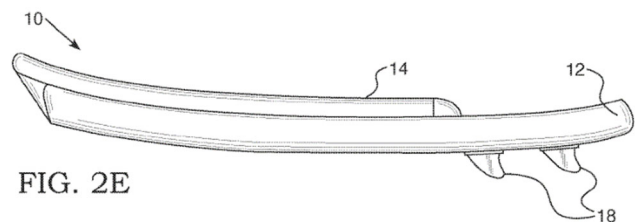
Ex. 1004 ¶88; Ex. 1001, 3:18–29.

“In other passages, the ’466 Patent discloses the tent can be its own inflatable chamber (although this just a disclosed concept that is not sufficiently described or illustrated in any of the figures).” Ex. 1004 ¶89.

It is noted that the tent 16 may also be another chamber (e.g., drop stitch chamber), or the tent 16 may be part of the rail chamber 14 and/or board chamber 12 that is folded to connect to the bottom chamber. The tent 16 can be inflatable itself, or be made taut using other construction methods. In another example, the tent 16 can have an inflatable tube or chamber inside, e.g., to aid in pushing the tent structure outward and reduce slack.

Ex. 1001, 4:11–18.

“The figures of the ’466 Patent (for example, Figs. 2E, 2F) appear to show the tent 16 as a sheet of material covering over the front ends of board chamber 12 and rail chamber 14 to provide an outer shape between the two chambers.” Ex. 1004 ¶90.



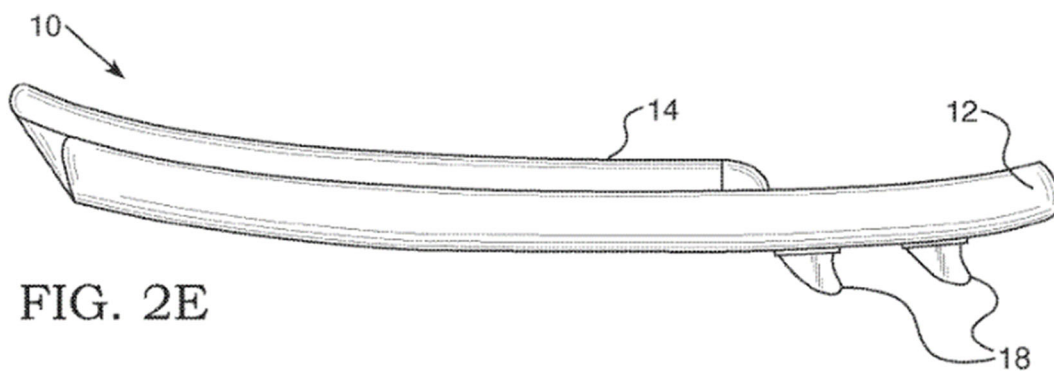
Ex. 1001, FIGS. 2E, 2F.

“As such, an appropriate construction of how “tent covering” is used in the ’466 Patent is ‘a sheet of material covering one or more objects to provide a shape

(for example, a hull shape or a rail shape) over or between such objects.” Ex. 1004 ¶91.

4. Overhangs as appearing in claim 2 should mean “*project or extend beyond*”

“The plain and ordinary meaning of ‘over-hang’ is to ‘project or extend beyond.’” Ex. 1004 ¶92, *citing* Ex. 1013 at 3. “This is how the term is used in the ’466 Specification. For example, the Specification discloses that the upper chamber 14 may “overhang” the lower chamber and that the lower chamber may also “overhang” the upper chamber.” *Id.*, *citing* Ex. 1001, 2:63 to 3:5. “See, for example, Fig. 2E again, in which the upper chamber 14 overhangs (i.e., projects or extends beyond) the front end of the lower chamber 12; and in which the lower chamber 12 overhangs (i.e., projects or extends beyond) the back end of the upper chamber 14.” *Id.*



Ex. 1001, FIG. 2E.

**5. “under-hangs” as appearing in claim 3 should mean
“protruding from beneath”**

The plain and ordinary meaning of “under-hangs” can be gleaned from the definition of “under-hung,” which is “protruding from beneath.” Ex. 1004 ¶93, *citing* Ex. 1013 at 5.

Dependent claim 8 recites that “the second inflatable chamber under-hangs the first inflatable chamber” Ex. 1004 ¶94, *citing* Ex. 1001, 5:29-30. And claim 19 recites an inflatable paddle board comprising, among other limitations, “wherein the second inflatable chamber under-hangs the first inflatable chamber for at least 5% of the length of the first inflatable chamber.” *Id.*, *citing* Ex. 1001, 6:35-37. But there is no specific disclosure in the Specification of a rail-chamber underhanging the board chamber other than the following:

The top chamber may overhang the lower chamber by about 8 inches. However, other examples, including no overhang are also possible (e.g., depending on the desired shape of the board). For example, **the design may include under- and/or overhanging inflatable chambers (e.g., the top chamber overhangs and/or under-hangs the bottom chamber).**”

Id., *citing* Ex. 1001, 1:47–53.

“No reference is made to any specific figures and no figures illustrate or show a rail chamber underhanging a board chamber as claimed As such, since this term is not otherwise redefined in any way by the Specification, the term should be

construed according to its plain and ordinary meaning – ‘protruding from beneath.’”

Ex. 1004 ¶95.

D. 37 C.F.R. § 42.104(b)(4): How the Claims are Unpatentable

Section IX explains the Challenged Claims’ unpatentability.

E. 37 C.F.R. § 42.104(b)(5): Evidence Supporting Challenge

Supporting exhibits are identified on pages x-xi of this petition. The relevance and specific portions supporting the challenge are provided throughout the petition. *See, e.g.*, Section IX. Petitioner submits as Ex. 1004 a declaration from T. Kim Parnell, PhD, PE, in support of this Petition under 37 C.F.R. §1.68.

VII. LEVEL OF ORDINARY SKILL IN THE ART

With respect to the ’466 Patent, a POSITA will:

. . . have a B.S. or higher degree in Mechanical Engineering (or an equivalent degree/experience) with sufficient experience in design, manufacture, use of inflatable watercraft and/or the materials and components that make up such products (for example materials that can be utilized in drop-stitched chambers and withstand inflation pressures on the order of 15 psi). The type of experience is as relevant as the length of the experience. The more direct experience that involves design, manufacture, or use of inflatable watercraft for recreational activities is preferred. Additional education may substitute for some of the practical experience such as graduate degrees like M.S. or Ph.D. Likewise, certain direct experience may substitute for some more formal education. Due to the modest design and implementation complexities in the field, a POSITA with respect to the ’466 Patent will have an average-level of problem-solving acumen and would seek solutions to design, material selection, and manufacturing issues for inflatable watercraft problems, but would look to other areas of recreational watercraft, surfboards, boats, other inflatable structures,

etc. to find similar solutions to similar problems confronted in the field.”

Ex. 1004 ¶72. Dr. Parnell understood and possessed the knowledge of a POSITA as of the ’466 Patent’s earliest possible priority date. Ex. 1004 ¶73.

VIII. OVERVIEW OF THE PRIOR ART

A. Hoffmann (*See Translation, Ex. 1007*)

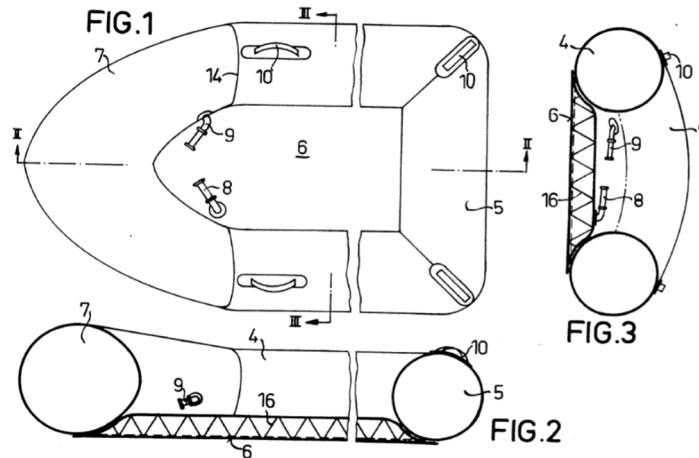
Hoffmann was not considered during prosecution of the ’466 Patent. Hoffmann discloses an inflatable boat with a surfboard-shaped, drop-stitched floor 6 that provides “**standing options**” for occupants.

[T]he manufacture of the floor from so-called spacer fabric is also of importance, since only with this the desired extreme lightweight construction can be realized to the full extent. At the same time, when in a state of use, the inflatable boat has almost flat floor surfaces inside and out, which offer the occupants comfortable, tip-proof seating or **standing options** without additional inserts

Ex. 1004 ¶97; Ex. 1007, [0005].

The drop-stitched floor 6 is glued to inflatable side tubes 4 to form a rail that includes a curved bow. Ex. 1004 ¶98. “The inflatable boat depicted is constructed from two straight extending side tubes 4, . . . and a continuous floor 6. The side tubes 4 continue towards the front via curved pieces 7 into the bow section, where they converge in a truncated bow tip.” Ex. 1007, [0009]. “The floor 6 is made of a so-called spacer fabric with connecting threads 16 woven between two outer fabric plies and is glued to the gunwale tubes 4, 5, 7 over its entire circumference.” *Id.*, [0010].

Hoffmann discloses that it could be equipped with rowlocks, which would inform a POSITA that the craft can be used with paddles. Ex. 1004 ¶98, *citing* Ex. 1007, [0012].



Ex. 1006, FIGS. 1–3.

B. Hoge (Ex. 1009)

Hoge was not considered during prosecution of the '466 Patent. However, a similar Non-Patent Literature document (Ex. 1017, “Cited NPL”) was cited during prosecution and admitted to be prior art. *See* Ex. 1001, Cover. The Cited NPL is a capture of www.boatownersworld.com advertising the “patent pending” Sea Eagle 473rl RazorLite Inflatable Kayak Drop Stitch Inflatable Kayak. Ex. 1004 ¶100. Hoge appears to be related to the Cited NPL, but there are significant differences in the disclosure. *Id.* For example, Hoge discloses and describes the fabric floor 28, but the Cited NPL does not disclose or describe this component. *Id.* Additionally, Hoge discloses that its drop stitch chambers can be inflated to a pressure of “10psi, 15psi

or greater psi,” while the Cited NPL discloses that its drop stitch chambers are inflated “up to 12 psi.” *Id.*, citing Ex. 1009, Ex. 1017. There are also differences between the photos of the Cited NPL and the drawings in Hoge. *Id.*

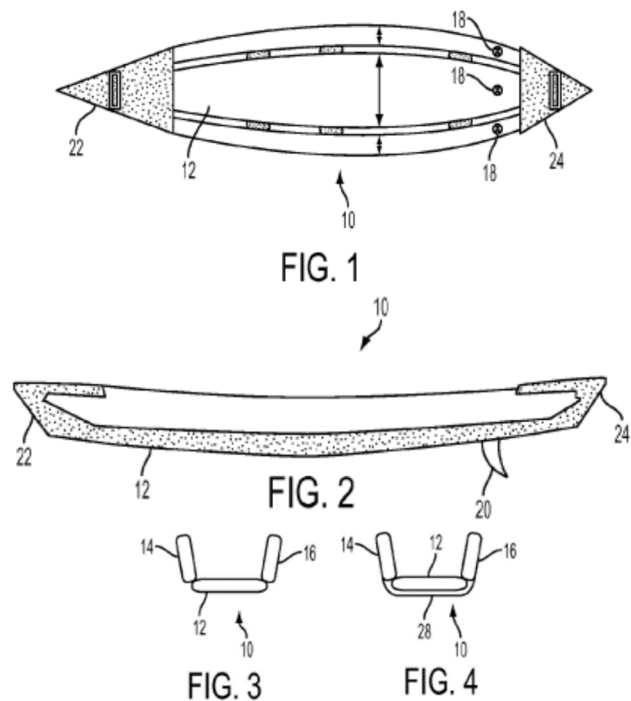
Hoge discloses an:

. . . inflatable kayak includes an inflatable floor made of high pressure drop stitch material; and inflatable sides made of high-pressure drop stitch material formed at port and starboard sides of the inflatable floor, respectively. The drop stitch inflatable sides can be glued or welded directly to the port and starboard sides of the inflatable floor, and the inflatable sides are configured to be inclined outboard from the inflatable floor.

Ex. 1009, ABSTRACT. “As shown in the figures below, the drop stitched inflatable floor 12 is generally shaped as a surfboard, and the inflatable sides 14, 16 form a rail around the inflatable floor 12. Further, a tent covering material (fabric floor 28) as shown in Fig. 4, covers the bottom hull of the craft.”

Ex. 1004 ¶101 citing Ex. 1009, [0032].

Hoge broadly defines a kayak as “a small watercraft having a narrow beam which typically is propelled by a user’s manipulation of a double-bladed paddle.” Ex. 1009, [0004].



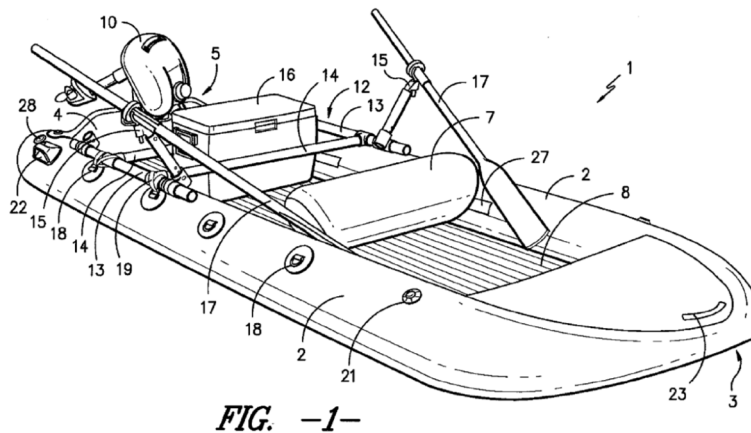
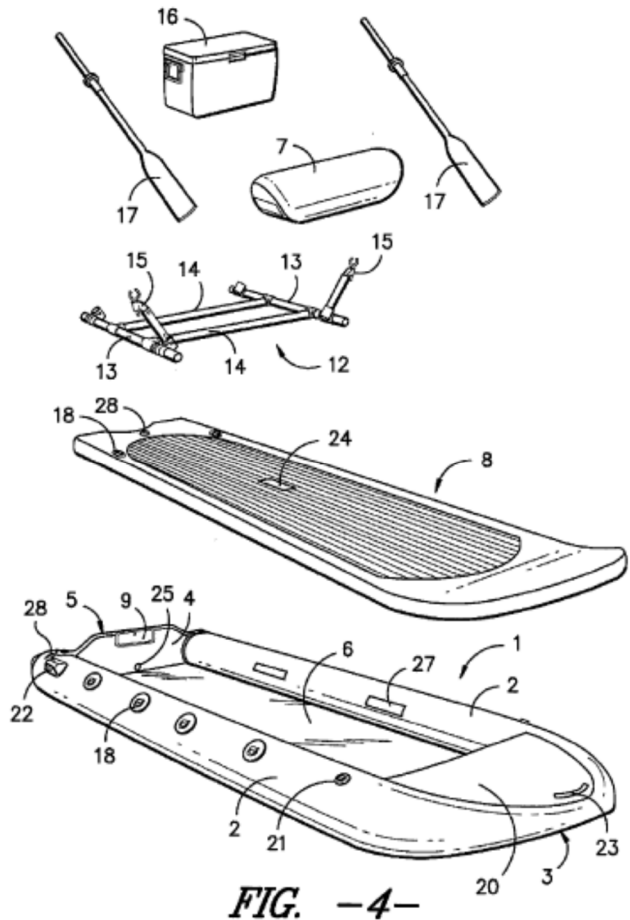
Ex. 1009, FIGS. 1-4.

C. Swan (Ex. 1010)

Swan was not considered during prosecution of the '466 Patent. Swan discloses:

[a]n inflatable shallow draft fishing boat having a removable, inflatable **paddleboard floor** that provides stable flotation for at least two standing adults, the boat also including an adjustable, detachable rowing frame. The boat can be maneuvered and propelled by oars... The paddleboard floor may be held in place by frictional engagement when the boat and the paddleboard are inflated; alternatively, the paddleboard may be removed and function independently as a stand-up paddleboard that can be used for fishing, swimming, or similar recreational water sports.

Ex. 1010, ABSTRACT.



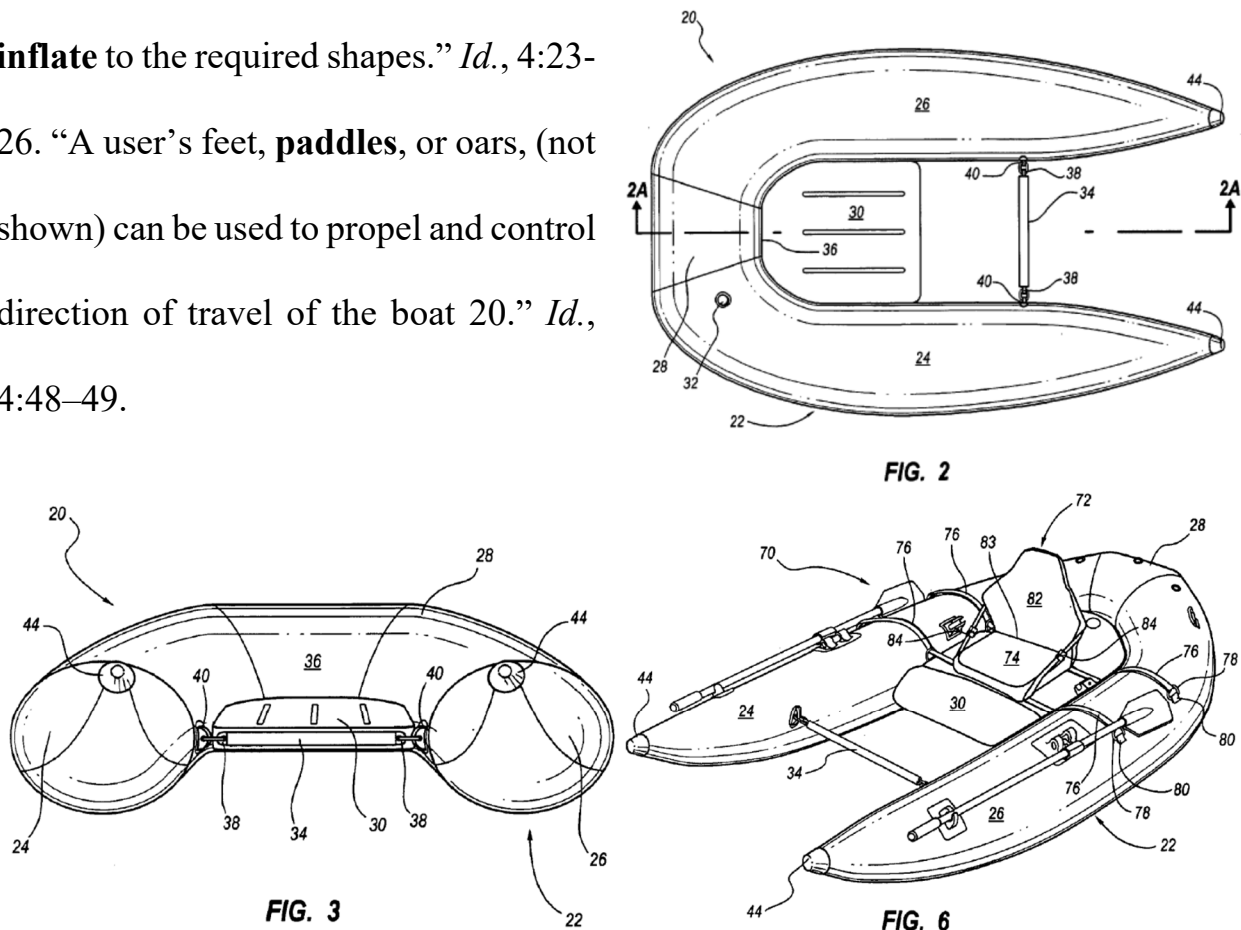
Ex. 1010, FIGS. 1, 4.

D. Scadden (Ex. 1011)

Scadden was not considered during prosecution of the '466 Patent. Scadden discloses an inflatable float boat that includes:

. . . a unitary twin pontoon inflatable hull that in itself serves as a lightweight float boat having a pair of stern connected, spaced apart inflatable pontoons. The hull includes a seat, a foot rest, a seat back and holder for oars. Adding a lightweight **standing deck** and a safety bar provides a lightweight, easily transported float boat in which a fisherman can sit, **or stand**, during boat travel.

Ex. 1011, 2:16-23. “The pontoons 24 and 26, transom 28 and platform 30 are all made from durable flexible materials, such as reinforced neoprene rubber, that can **inflate** to the required shapes.” *Id.*, 4:23-26. “A user’s feet, **paddles**, or oars, (not shown) can be used to propel and control direction of travel of the boat 20.” *Id.*, 4:48–49.



Ex. 1011, FIGS. 2, 3, 6.

E. Airhead SS (Ex. 1021)

Airhead SS Camouflage ISUP Review (“Airhead SS”) was not considered during prosecution of the ’466 Patent. Airhead SS discloses an inflatable paddle board consisting of a first inflatable chamber (“main chamber”) forming a stand-up board. Airhead SS also discloses a second inflatable chamber (“side chambers”) connected to the sides of the first inflatable chamber (“main chamber”). Ex. 1021 at 1-4. “This is one of the most stable inflatable SUP boards on the market.” *Id.* at 2. “The main body can be inflated up to 15 PSI. The side chambers can be inflated up to 9 PSI.” *Id.* at 4.



Airhead SS Camouflage ISUP Review



This is one of the most stable inflatable SUP boards on the market.

It is wide, it is strong and it is ideal for any person who would like a little extra stability while out on the water.

Specs For The Airhead SS Camouflage

- 10'8" long
- 38" wide
- weighs 32 lbs.
- can hold up to 300 lbs.
- air pressure: main chamber 15 PSI, side chambers 7-9 PSI
- includes two small side skegs, one large removable skeg

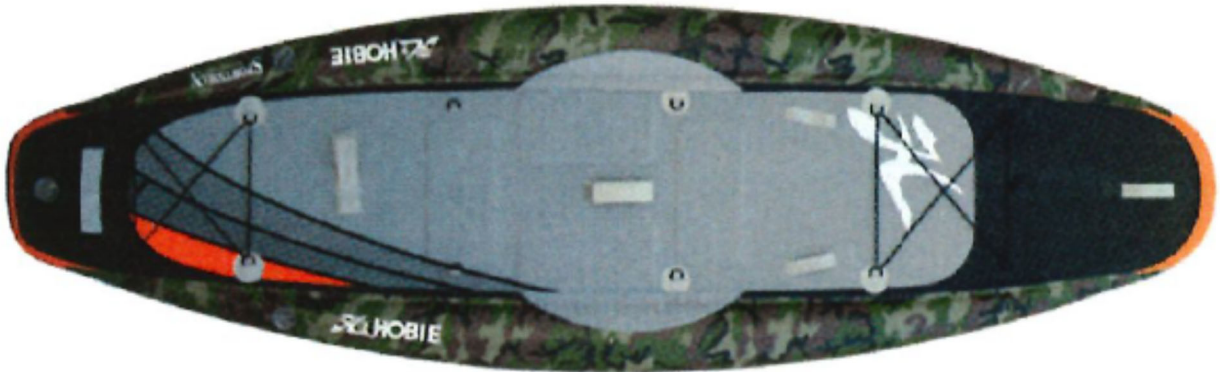
Material: Extra rugged drop stitch PVC construction

Ex. 1021 at 2-3.

F. Hobie iSeries (Ex. 1022)

The Hobie iSeries (“inflatable series”) paddle board was not considered during the prosecution of the ’466 Patent. Similar to the Airhead SS, the Hobie iSeries discloses an inflatable paddle board consisting of a first inflatable chamber (main chamber) forming a stand-up board and a second inflatable chamber (side chambers) connected to the first inflatable chamber (main chamber). Ex. 1022 at 2.

10'9 SPORTSMAN



Inflatable Series

10'9 Sportsman

8' Day Trip Air

12'6 Tour

10'6 Tour

10'8 Adventure

10' Coaster

Ex. 1022 at 2.

IX. SPECIFIC GROUNDS FOR THE PETITION

The sections below demonstrate obviousness of the Challenged Claims.

A. Ground 1: Claims 15-18 and 20 are obvious over Hoffmann in combination with Swan and Hoge.

1. Independent Claim 15

a. PREAMBLE “An inflatable paddle board, comprising:”

As shown and discussed in Section VIII.A-C, Hoffmann, Swan and Hoge each respectively disclose an inflatable paddle board.

b. a lower inflatable chamber forming a stand-up board;

Hoffmann discloses a lower inflatable chamber forming a stand-up board (elongated drop-stitched floor 6 having a generally surfboard shape with a truncated bow tip). Ex. 1004 ¶123. Note that Figures 2 and 3 reliably show that the stand-up board chamber 6 is lower than the upper inflatable chamber (side tubes 4, 7). Ex. 1004 ¶124.

The invention relates to inflatable boats with two parallel side tubes that converge in a truncated bow tip . . . **and a flat floor that connects them.**”

Ex. 1007, [0001].

[T]he **manufacture of the floor from so-called spacer fabric** is also of importance, since only with this the desired extreme lightweight construction can be realized to the full extent. At the same time, when in a state of use, the inflatable boat has almost flat floor surfaces inside

and out, which offer the occupants comfortable, tip-proof seating or **standing options** without additional inserts”

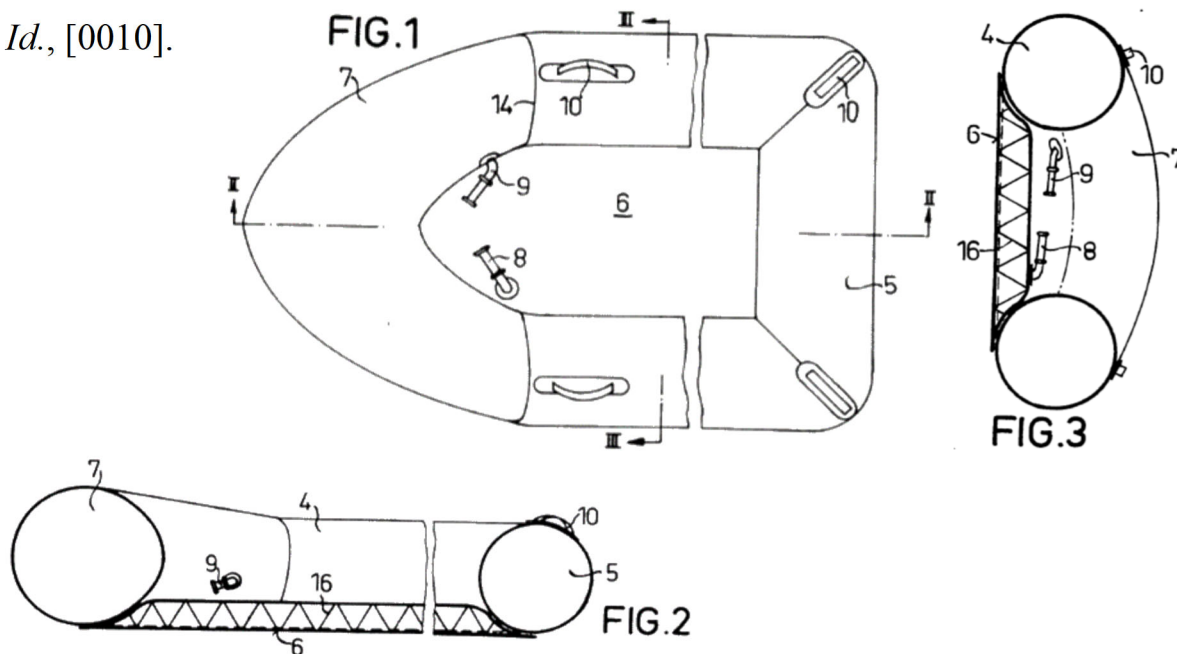
Id., [0005].

The inflatable boat depicted is constructed from two straight extending side tubes 4, . . . and a **continuous floor 6**. The side tubes 4 continue towards the front via curved pieces 7 into the bow section, where they converge in a truncated bow tip.

Id., [0009].

The floor 6 is made of a so-called spacer fabric with connecting threads 16 woven between two outer fabric plies and is glued to the gunwale tubes 4, 5, 7 over its entire circumference. A filling valve with a tube connector 8 is provided in the area of one of the curved pieces 7 for inflating the floor.

Id., [0010].



Ex. 1006, FIGS. 1-3.

Hoge also discloses a lower inflatable chamber (inflatable floor 12) made of high-pressure drop stitch material and inflated to a pressure of 15psi. Ex. 1004 ¶125.

While Hoge does not expressly disclose the floor is a stand-up board, Hoge’s

inflatable floor 12 is at least obviously a stand-up board chamber (or can obviously be used as a stand-up board chamber). *Id.* ¶¶125-126. Hoge's floor chamber 12 is generally surfboard shaped, and Hoge discloses that its floor chamber 12 is inflated to a pressure of 15 psi, which is in the range of desired pressures for inflatable drop stitched stand-up paddle boards. *Id.* ¶126. *See also* Ex. 1012, [0005] ("Inflatable stand up paddle-boards are made of drop stitched material allowing them to be inflated to very high pressures, generally from 12 to 15 psi.").

As shown in FIGS. 1 and 2, the inflatable kayak 10 includes an inflatable floor 12 made of high-pressure drop stitch material. The inflatable floor 12 may be made of 1000 denier polyester fabric but may be made of other stronger or weaker fabric materials. An example of the drop stitch material is shown in FIG. 5 where thousands of drop stitches are provided to maintain an equal distance between the top and bottom surfaces of the inflatable floor 12. . . . The use of drop stitch material in the floor 12 allows the floor 12 to be inflated to a pressure of 15 psi.

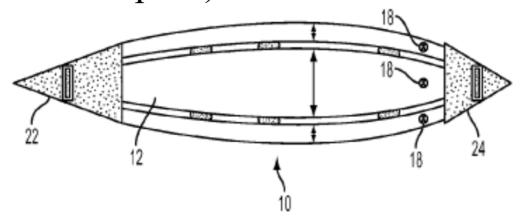


FIG. 1

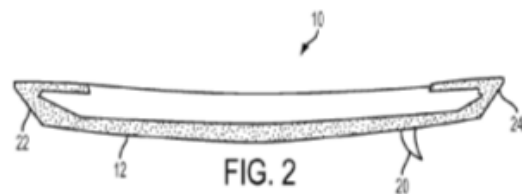


FIG. 2

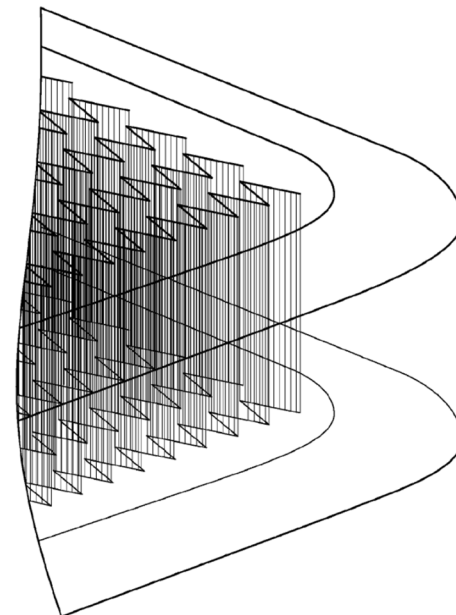


FIG. 5

Ex. 1009, [0030].

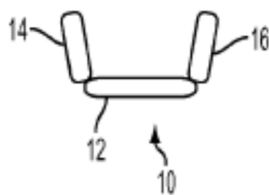


FIG. 3

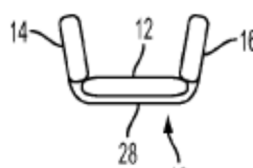


FIG. 4

Ex. 1009, FIGS. 1-5.

Swan also discloses a lower inflatable chamber (paddleboard 8) forming a stand-up paddle board. Ex. 1004 ¶127. Swan discloses that drop-stitched inflatable chambers (such as disclosed in Hoge) are well suited for stand-up paddle boards. *Id.*

Inflatable stand up paddleboards have been in use for several years and are constructed by making an inflatable drop stitch (DS) air-tight envelope of PVC impregnated polyester fabric or other coated or impregnated fabric into the shape of a conventional paddleboard that can be inflated through a valve. This drop stitch manufacturing creates a board that may be inflated to very high pressures, resulting in rigidity similar to a hard board. Some benefits of inflatable boards over hard boards are their durability and transportability.

Ex. 1010, [0004].

A removable, inflatable paddleboard 8 preferably 6 inches thick sits just above the bottom member 6 and inside the boat 1. The combination of the inflated boat 1 and the inflated paddleboard 8 creates a buoyant, stable boat with a firm floor allowing two adults to **stand up** and cast fishing lines from the boat 1.

Id., [0035].

[W]herein the **paddleboard includes drop stitch construction of inflatable materials**

Id., Claim 12.

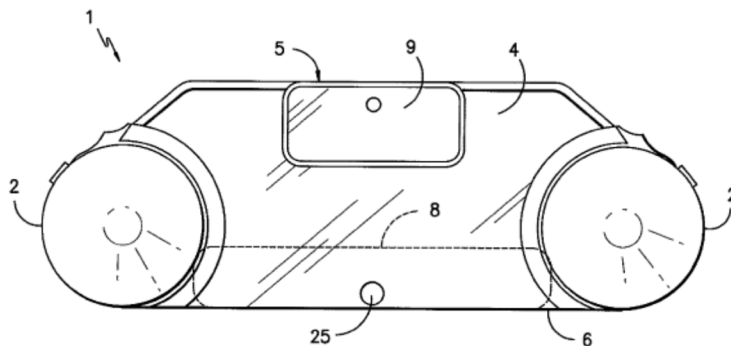


FIG. -5-

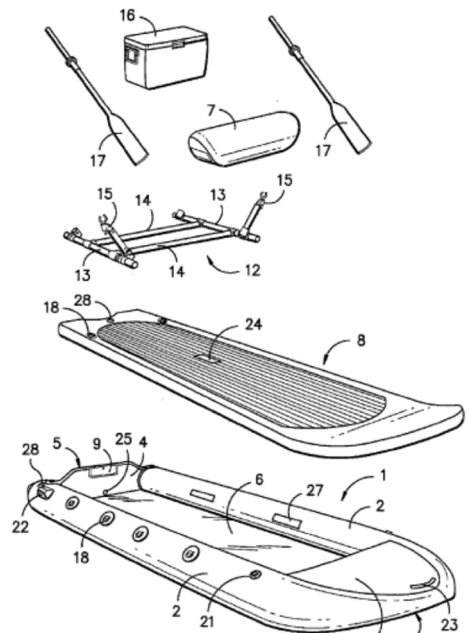


FIG. -4-

Ex. 1010, FIGS. 4-5.

It would be obvious to incorporate the stand-up board chamber (paddleboard 8) of Swan in place of the inflatable stand-up board chambers (i.e., floor chambers) of Hoffmann or Hoge because Swan discloses that its paddleboard 8 creates a buoyant, stable boat with a firm floor allowing two adults to stand up and cast fishing lines from the boat. Ex. 1004 ¶127, *citing* Ex. 1010, [0035]. Incorporating Swan's paddleboard 8 in place of the floors of Hoffmann or Hoge would be a routine implementation for a POSITA, rendering predictable results. *Id.* Swan discloses a stand-up paddle board chamber (paddleboard 8) forming a stand-up paddle board combined with side rails (side tubes 2). *Id.*

- c. an upper inflatable chamber connected to the lower inflatable chamber, the upper inflatable chamber forming a rail around at least a portion of the lower inflatable chamber, and the combination of the lower and upper inflatable chambers forming a curve-shaped front hull; and**

Hoffmann discloses an upper inflatable chamber (inflatable gunwale tubes 4 & 7) connected to the lower inflatable chamber (inflatable floor 6), where the upper inflatable chamber (inflatable gunwale tubes) form a rail around at least a portion of the sides of the lower inflatable chamber (inflatable floor 6), and the combination of the lower and upper inflatable chambers form a curve-shaped front hull (the combination of the inflatable floor 6 and gunwale tubes 7 form the curve-shaped front hull). Ex. 1004 ¶131.

The invention relates to inflatable boats with two parallel side tubes that converge in a truncated bow tip . . . and a flat floor that connects them.

Ex. 1007, [0001].

The specific coordination of the **side gunwale tubes** with the basic dimensions of the boat body and their all-round connection with the insertion of a stern side transverse tube . . . result in . . . the fully inflated boat with a relatively large usable interior area

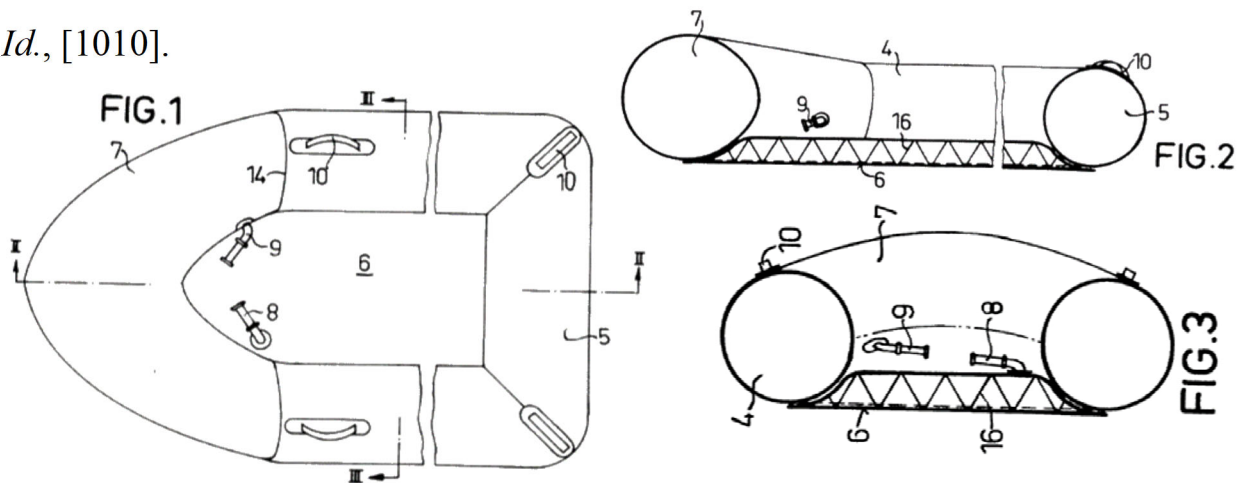
Id., [0004].

The inflatable boat depicted is constructed from two straight extending side tubes 4, . . . and a continuous floor 6. **The side tubes 4 continue toward the front via curved pieces into the bow section, where they converge in a truncated bow tip.** . . . The **curved pieces 7** widen on one side upwards to up to 1.1/2 times the original side tube diameter in the area of the bow tip. This creates a comparatively spacious, highly resilient inflatable boat with a **bulbous bow** and a basic shape that can be described as a compromise between a teardrop and a pontoon shape.

Id., [0009].

The floor 6 is . . . is glued to the gunwale tubes 4, 5, 7 over its entire circumference. . . . A similar filling valve with a tube connector 9 . . . for **inflating the gunwale tubes**.

Id., [1010].



Ex. 1007, FIGS. 1-3.

Swan also discloses an upper inflatable chamber (side tubes 2) connected (e.g., by friction fit or by hook/loop connections known as Velcro) to the lower inflatable chamber 8. Ex. 1004 ¶135. The upper inflatable chamber 2 forms a rail around the sides of the lower inflatable chamber 8. *Id.* The combination of the lower inflatable chamber 8 and upper inflatable chamber forms a curve-shaped front hull (bow 3). *Id.*

Inflatable boats have been in use for decades. A common design includes **two parallel side tubes that curve together in the front forming a bow.**

Ex. 1010, [0002].

In one embodiment, the sides of an inflatable boat 1 are defined by two elongated tubes 2 preferably about 12.5 feet long, forming a boat about 4 feet wide. **The two side tubes 2 come together in the front to form a bow 3 and may further curve up near the bow 3 about 12 inches to help prevent waves from breaking over the bow 3 and into the boat 1 when underway.** The two side tubes 2, preferably about 11 inches in diameter, connect to a transom 4 on the stern end.

Id., [0027].

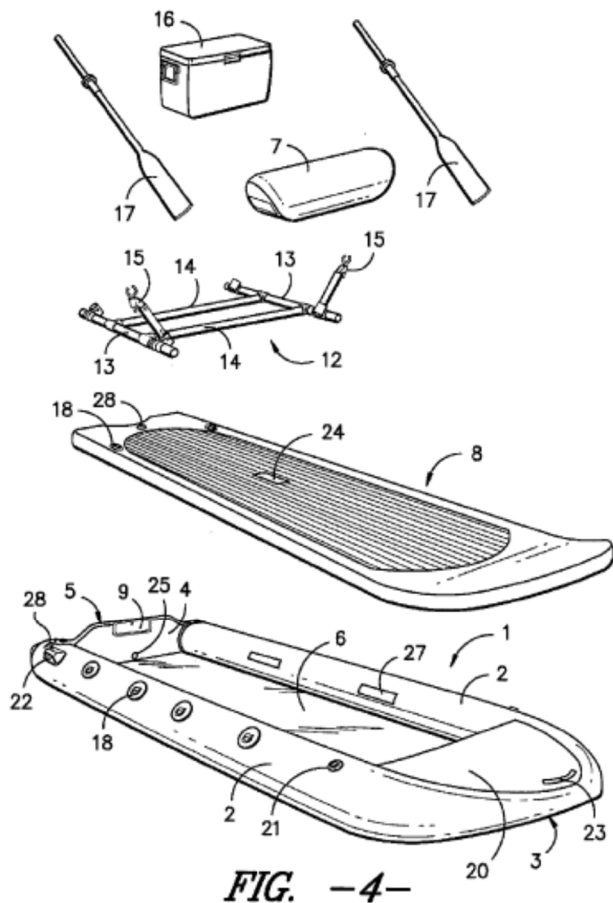


FIG. -4-

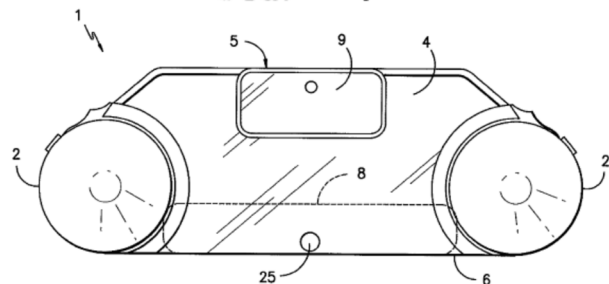


FIG. -5-

Ex. 1010, FIGS. 4-5.

The paddleboard 8 may be shaped to contact the inside edges of the side tubes 2 and transom 4 of the boat 1, preferably tapered and rounded on the bow end giving the paddleboard 8 a typical bow shape, while being squared off on the stern end to fit against the transom 4.

Id., [0036].

In an alternative embodiment of the invention, the **paddleboard 8 and side tubes 2 may be connected more securely through an attachment device such as hook and loop strips 27**, straps or another similar connecting device. Hook and loop strips 27 may be affixed to the side tubes 2, subsequently passing through loops affixed to the sides of the paddleboard 8, and then reattaching to the hook and loop strips 27 on the side tubes 2. Similarly, hook strips 27 may be affixed to the side tubes 2 and positioned to attach to loop strips 27 that may be affixed to the sides of the paddleboard 8.

Id., [0038].

An inflatable boat comprising: A pair of elongated, inflatable tubes forming the sides of a boat, having a first end and a second end; **said tubes connected to each another at said first end, forming a bow; . . . an inflatable paddleboard that may be removably positioned between said tubes and on top of said bottom member for the purpose of creating buoyancy and forming a firm floor, said paddleboard having a bow end . . .** The inflatable boat of claim 1, wherein **said bow includes an arcuate curve.**

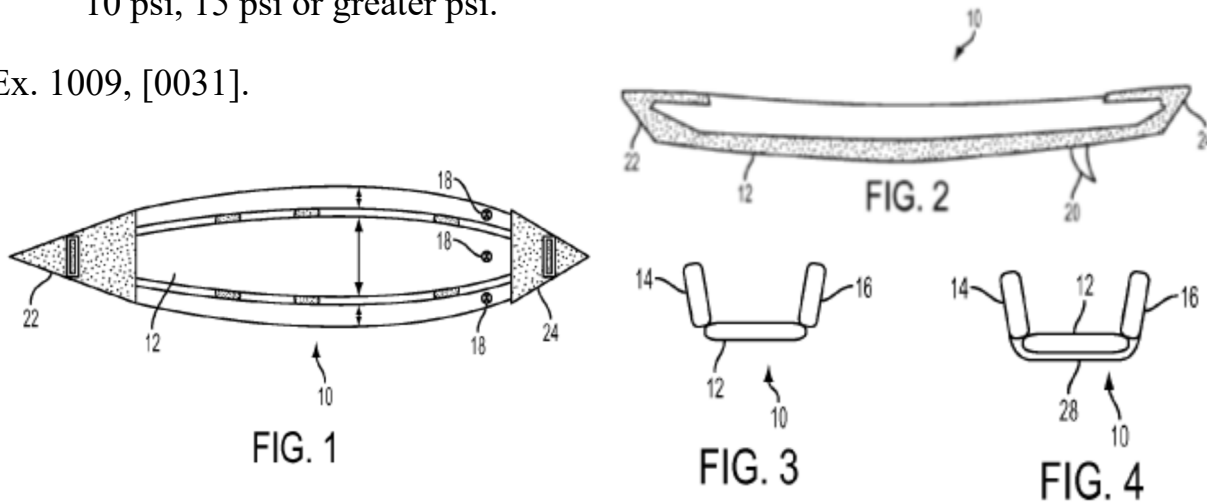
Id., Claims 1-2.

Hoge also discloses an upper inflatable chamber (inflatable sides 14, 16) that are stacked on the lower inflatable chamber 12 as shown in Fig.3 and connected to the lower inflatable chamber using, for example, glue or welds. The upper inflatable chamber 14/16 forms a rail around the lower inflatable chamber 12. The combination

of the lower and upper inflatable chambers form at least a portion of the front hull (bow). Ex. 1004 ¶134.

Glued or welded directly to the inflatable floor 12 are inflatable sides 14, 16 which are also made of high-pressure drop stitch material formed at port and starboard sides of the inflatable floor 12, respectively. ... The use of drop stitch material in the inflatable sides 14, 16 allows the inflatable sides 14, 16 to be inflated to a pressure of 10 psi, 15 psi or greater psi.

Ex. 1009, [0031].



Ex. 1009, FIGS. 1-4.

- d. **a tent covering between the lower inflatable chamber and the upper inflatable chamber.**

Hoge discloses a tent covering fabric floor 28 between the lower inflatable chamber 12 and the upper inflatable chamber 14/16:

Alternatively, as shown in FIG. 4, the inflatable sides 14, 16 may be glued or welded to **a non-inflated fabric floor 28** and the inflatable floor 12 made of high pressure drop stitch material may be positioned and attached to a top of the **non-inflated fabric floor 28** with the inflatable sides 14, 16 pressing against the inflatable floor 12 made of high pressure drop stitch material.

Hoge, [0032].

It would be obvious to add Hoge's tent covering (fabric floor 28) to Hoffmann to provide a layer of protective tenting to the bottom surfaces of the inflatable bottom and inflatable side tubes 4 and curved pieces 7 of Hoffmann, for example, to protect against punctures in such inflatable chambers. Ex. 1004 ¶140. Likewise, modifying Hoffmann in such a way would be a routine implementation for a POSITA requiring merely adding an additional protective fabric floor (as informed by Hoge), rendering predictable results. *Id.*

Swan also discloses a tent covering (plastic, rubber or latex bottom member 6) between the lower inflatable chamber 8 chamber and the upper inflatable chamber 2. Ex. 1004 ¶141. Swan also discloses another tent covering (bow cover 20) between the lower inflatable chamber 8 and the upper inflatable chamber 2. *Id.*

A plastic or **rubber bottom member 6 is attached with a watertight seal at the bottom of the side tubes 2** from the tip of the bow 3 to the bottom of the transom 4 **to form the bottom of a watertight vessel or boat.**

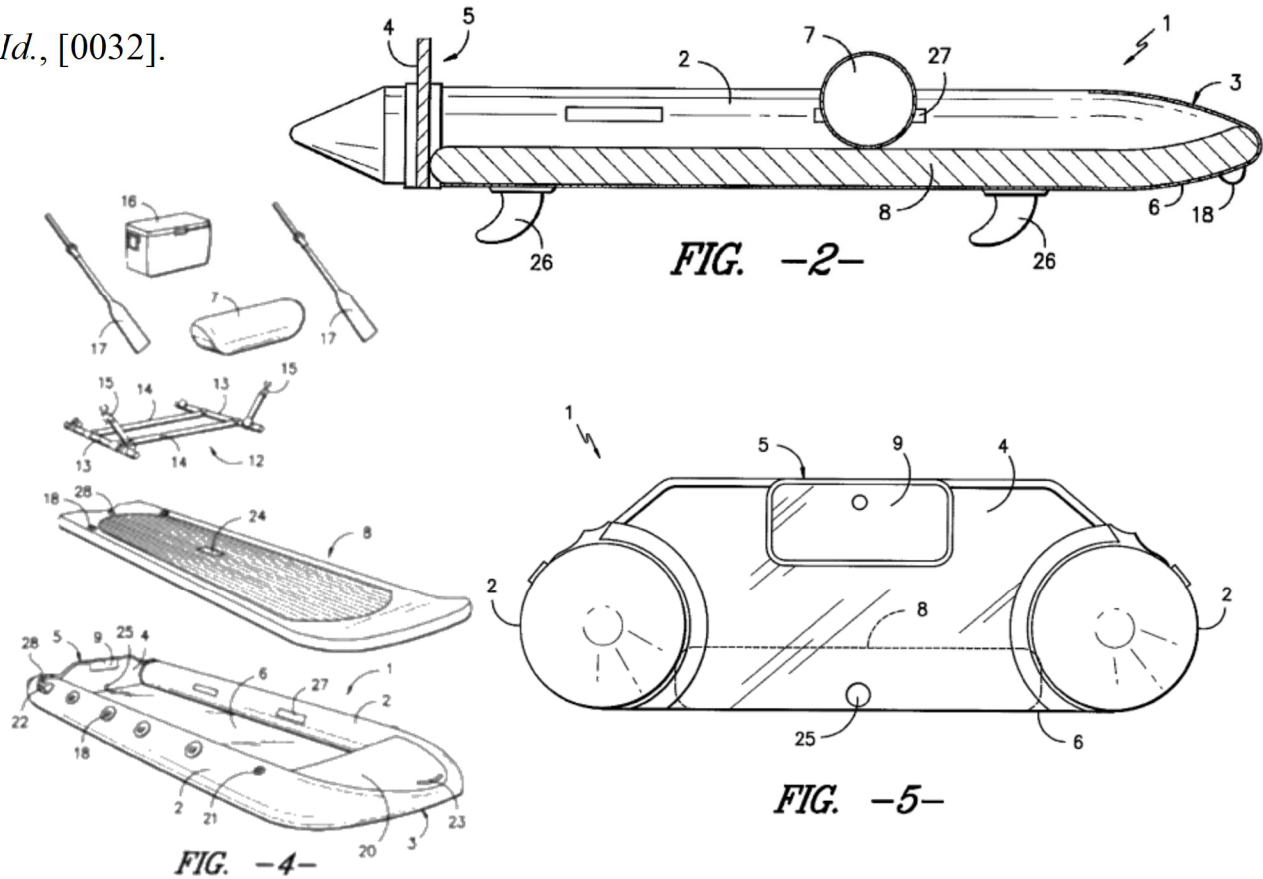
Ex. 1010, [0027].

. . . a bottom member attached in a water tight manner to said tubes and said transom, **said bottom member extending from said bow to said stern**, forming a substantially watertight bottom; . . . **said bottom member is constructed from material selected from the group consisting of plastic, rubber, and latex.**

Id., Claims 1, 3.

A **bow cover 20** may extend back from the bow 3 about 24 inches, thus creating a storage area that allows stowage of rain coats shoes and other gear.

Id., [0032].



Ex. 1010, FIGS. 2, 4-5.

Additionally, Swan's inflatable thwart 7 that is connected between the lower and upper inflatable chambers by hook/loop fasteners 27 also provides the claimed tent covering. Ex. 1004 ¶143.

An **inflatable, removable thwart 7** may be used to provide a seat near the bow 3. It may be held in place by hook and loop tape 27, for instance, which connects it to the inside of each side tube 2.

Ex. 1010, [0027].

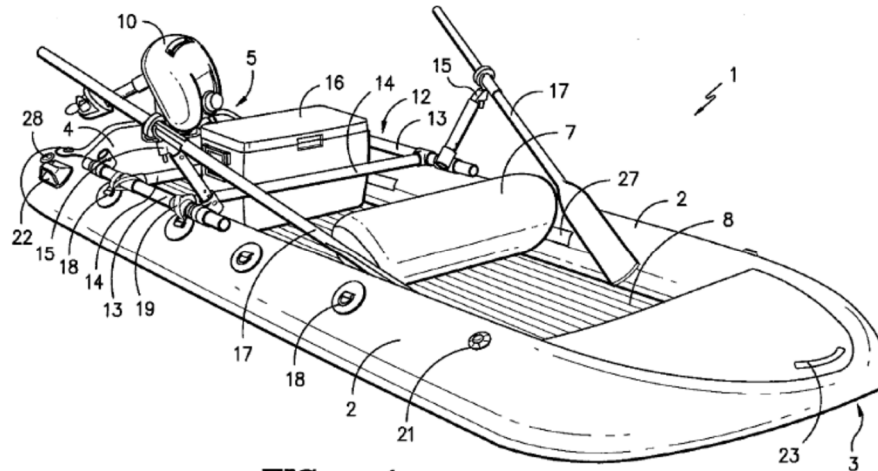


FIG. -1-

Ex. 1010, FIG. 1.

It would be obvious to add the floor tenting (plastic, rubber or latex bottom member 6) of Swan to Hoffmann, to provide additional protection against punctures in such inflatable chambers (paddleboard 8 and side tubes 2). Ex. 1004 ¶142. It would also be obvious to add the bow cover 20 tent covering of Swan to Hoffmann (and Hoge) to provide a storage area with Hoffmann's (and Hoge's) paddle-craft. *Id.* Likewise, modifying Hoffmann (and Hoge) in such a way would be a routine implementation for a POSITA requiring merely adding an additional protective floor tenting (as informed by Swan) and/or adding an additional bow cover (as informed by Swan), rendering predictable results. *Id.*

It would be obvious to incorporate the inflatable thwart 7 tent covering of Swan into the paddle-craft of Hoffmann (and Hoge) to provide additional seating in Hoffmann's (and Hoge's) watercraft. Ex. 1004 ¶144. Likewise, modifying Hoffmann (and Hoge) in such a way would be a routine implementation for a

POSITA requiring merely adding an additional seating component (as informed by Swan), rendering predictable results. *Id.*

2. Dependent Claim 16: The inflatable paddle board of claim 15,

a. wherein the tent forms a separate inflatable air chamber

As shown and discussed in IX.A.1.d, Swan's inflatable thwart 7 that is connected between the first and second inflatable chambers by hook/loop fasteners 27 also provides the claimed tent that forms a separate inflatable chamber.

3. Dependent Claim 17: The inflatable paddle board of claim 15

a. wherein the rail is formed around a front and front-side portion of the lower inflatable chamber

As shown in IX.A.1.c, Hoffmann's rail (provided by inflatable gunwale tubes 4 & 7) is formed around a front and front-side portions of Hoffmann's lower inflatable chamber (inflatable floor 6). As also shown in IX.A.1.c, Swan's rail (provided by side tubes 2) is formed around a front and front-side portion of the lower inflatable chamber (paddleboard 8).

4. Independent Claim 18

a. PREAMBLE A method of constructing an inflatable paddle board, comprising:

As shown and discussed in Section VIII.A-C and below, Hoffmann, Swan and Hoge each respectively disclose a method for constructing an inflatable paddle board.

b. forming a stand-up board area from a lower inflatable chamber; and

As shown and discussed in IX.A.1.b, Hoffmann discloses forming a stand-up board area from a lower inflatable chamber (elongated drop-stitched inflatable floor 6 having a generally surfboard shape with a truncated bow tip). Note that Figs. 2 and 3 reliably show that the stand-up board chamber 6 is lower than the upper inflatable chamber (side tubes 4, 7). Ex. 1004 ¶124.

As shown and discussed in IX.A.1.b, Swan also discloses a forming lower inflatable chamber (paddleboard 8) that is a stand-up paddle board.

As shown and discussed in IX.A.1.b, Hoge also discloses forming a lower inflatable chamber (inflatable floor 12) that is at least obviously a stand-up board area. As discussed in IX.A.1.b, it would be obvious to incorporate the stand-up board chamber (paddleboard 8) of Swan in place of the inflatable stand-up board chambers of Hoffmann or Hoge.

- c. connecting an upper inflatable chamber to the lower inflatable chamber to form a rail around at least a portion of the lower inflatable chamber;**

As shown and discussed in IX.A.1.c, Hoffmann discloses connecting (by gluing for example) an upper inflatable chamber (inflatable gunwale tubes 4) to the lower inflatable chamber (inflatable floor 6) to form a rail around at least a portion of the lower inflatable chamber.

As shown and discussed in IX.A.1.c, Swan also discloses connecting an upper inflatable chamber (inflatable side tubes 2) connected to the lower inflatable chamber 8. The upper inflatable chamber 2 forms a rail around the lower inflatable chamber 8.

As shown and discussed in IX.A.1.c, Hoge also discloses an upper inflatable chamber (inflatable sides 14, 16) that is stacked on the lower inflatable chamber 12 as shown in Figure 3 and connected to the lower inflatable chamber using, for example, glue or welds. The upper inflatable chamber 14/16 forms a rail around the lower inflatable chamber 12. The combination of the lower and upper inflatable chambers form at least a portion of the front hull (bow).

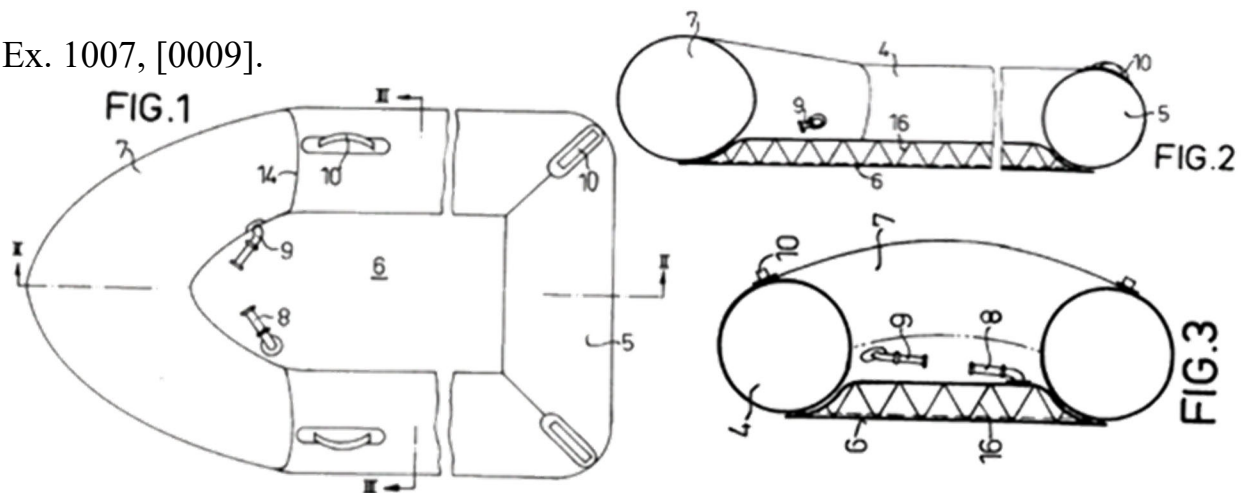
- d. providing a tent covering between the first inflatable chamber and the second inflatable chamber to form a curve-shaped front hull.**

Hoffmann discloses a tent covering (curved pieces 7) between the first inflatable chamber (inflatable floor 6) and the second inflatable chamber (side tubes

4). The curved pieces 7 form a curved front hull of the watercraft along with the inflatable floor 6.

The inflatable boat depicted is constructed from two straight extending side tubes 4, . . . and a continuous floor 6. The side tubes 4 continue towards the front via curved pieces 7 into the bow section, where they converge in a truncated bow tip. . . . **The curved pieces 7 widen on one side upwards to up to 1.1/2 times the original side tube diameter in the area of the bow tip.** This creates a comparatively spacious, highly resilient inflatable boat with a bulbous bow and a basic shape that can be described as a compromise between a teardrop and a pontoon shape.

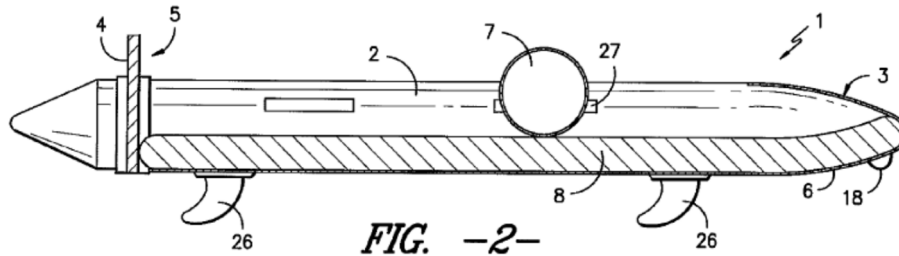
Ex. 1007, [0009].



Ex. 1007, FIGS. 1-3.

As shown and discussed in IX.A.1.d, Swan also discloses a tent covering (bottom member 6) stretched between the first inflatable chamber 8 chamber and the second inflatable chamber 2. Swan's tent covering (bottom member 6), provided between the first and second inflatable chambers (side tubes 2 and paddleboard 8), extends to the bow to form the curve-shaped front hull of the boat 1 (*see, e.g.*, Ex. 1010, Fig. 2 which shows the bottom member 6 curving up and over the bow

portion). Ex. 1004 ¶141. As also shown and discussed in IX.A.1.d, Swan's bow cover 20 tenting also forms the curve-shaped front hull of the boat 1.



Ex. 1010, FIGS. 2, 4-5.

As discussed in IX.A.1.d, it would be obvious to add the floor tenting (bottom member 6) of Swan to Hoffmann; and it would be obvious to add the bow cover tenting 20 of Swan to Hoffmann.

5. Independent Claim 20

a. PREAMBLE. An inflatable paddle board, comprising:

As shown and discussed in Section VIII.A-C, Hoffmann, Swan and Hoge each respectively disclose an inflatable paddle board.

b. a first inflatable chamber forming a stand-up board;

As shown and discussed in IX.A.1.b, Hoffmann discloses a first inflatable chamber forming a stand-up board (elongated drop-stitched, inflatable floor 6 having a generally surfboard shape). As shown and discussed in IX.A.1.b, Swan also discloses a first inflatable chamber forming a stand-up board (paddleboard 8). As shown and discussed in IX.A.1.b, Hoge also discloses a first inflatable chamber (drop-stitched inflatable floor 12) that is at least obviously a stand-up board. As

discussed in IX.A.1.b, it would be obvious to incorporate the stand-up board chamber (paddleboard 8) of Swan in place of the inflatable stand-up board chambers of Hoffmann or Hoge.

c. a second inflatable chamber connected to the first inflatable chamber to form a curve-shaped front hull; and

As shown and discussed in IX.A.1.c and IX.A.3.a, Hoffmann discloses a second inflatable chamber (inflatable gunwale tubes 4 & 7) connected (e.g., by gluing) to the lower first chamber (inflatable floor 6) to form a curve-shaped front hull.

As shown and discussed in IX.A.1.c and IX.A.3.a, Swan discloses connecting a second inflatable chamber (inflatable side tubes 2) to the first inflatable chamber 8 to form a curve-shaped front hull.

As shown and discussed in IX.A.1.c and IX.A.3.a, Hoge also discloses connecting (e.g., via glue or welds) a second inflatable chamber (inflatable sides 14, 16) to the first inflatable chamber (floor 12). The second inflatable chamber 14/16 forms at least a portion of the front hull with the lower inflatable chamber 12.

d. a tent covering between the first inflatable chamber and the second inflatable chamber.

As shown in IX.A.1.d, Swan discloses a tent covering (bottom member 6), provided between the first and second inflatable chambers (side tubes 2 and

paddleboard 8). As discussed in IX.A.1.d, it would be obvious to add the floor tenting (bottom member 6) of Swan to Hoffmann. As also discussed in IX.A.1.d, it would also be obvious to add Swan's tent covering (bow cover 20) to Hoffmann and it would be obvious to add Swan's tent covering (thwart 7) to Hoffmann.

As shown in IX.A.1.d, Hoge discloses a tent covering (fabric floor 28) between the first inflatable chamber (floor 12) and the second inflatable chamber (sides 14/16). As discussed in IX.A.1.d, it would be obvious to add Hoge's tent covering (fabric floor 28) to Hoffmann to provide a layer of protective tenting to the bottom surfaces of the inflatable bottom and inflatable side tubes 4 and curved pieces 7 of Hoffmann.

B. Ground 2: Claims 1–3, 5 and 7–14 are Obvious over Hoffmann in Combination with Airhead, Scadden, Swan and Hoge.

1. Independent Claim 1

a. PREAMBLE. An inflatable paddle board, comprising:

As shown and discussed in Section VIII.A-E, Hoffmann, Swan, Hoge, Scadden and Airhead each respectively disclose an inflatable paddle board.

**b. a first inflatable chamber forming a stand-up board;
and**

As shown and discussed in IX.A.1.b, Hoffmann discloses a first inflatable chamber forming a stand-up board (elongated drop-stitched inflatable floor 6 having a generally surfboard shape with a truncated bow tip). As shown and discussed in

IX.A.1.b, Swan also discloses a first inflatable chamber forming a stand-up board (paddleboard 8). As shown and discussed in IX.A.1.b, Hoge also discloses a first inflatable chamber (inflatable floor 12) that is at least obviously a stand-up board. As discussed in IX.A.1.b, it would be obvious to incorporate the stand-up board chamber (paddleboard 8) of Swan in place of the inflatable stand-up board chambers of Hoffmann or Hoge.

Airhead SS also discloses a first inflatable chamber (main chamber) forming a stand-up board. Ex. 1004 ¶129. “Whereas most inflatable SUP’s have only one main chamber, this one has three...One for the main body and one on each side chamber.” Ex. 1021 at 4. “The main body can be inflated up to 15 PSI.” *Id.*

Airhead SS Camouflage ISUP Review



This is one of the most stable inflatable SUP boards on the market.

It is wide, it is strong and it is ideal for any person who would like a little extra stability while out on the water.

Specs For The Airhead SS Camouflage

- 10'8" long
- 38" wide
- weighs 32 lbs.
- can hold up to 300 lbs.
- air pressure: main chamber 15 PSI, side chambers 7-9 PSI
- includes two small side skegs, one large removable skeg

Material: Extra rugged drop stitch PVC construction



Ex. 1021 at 2-3.

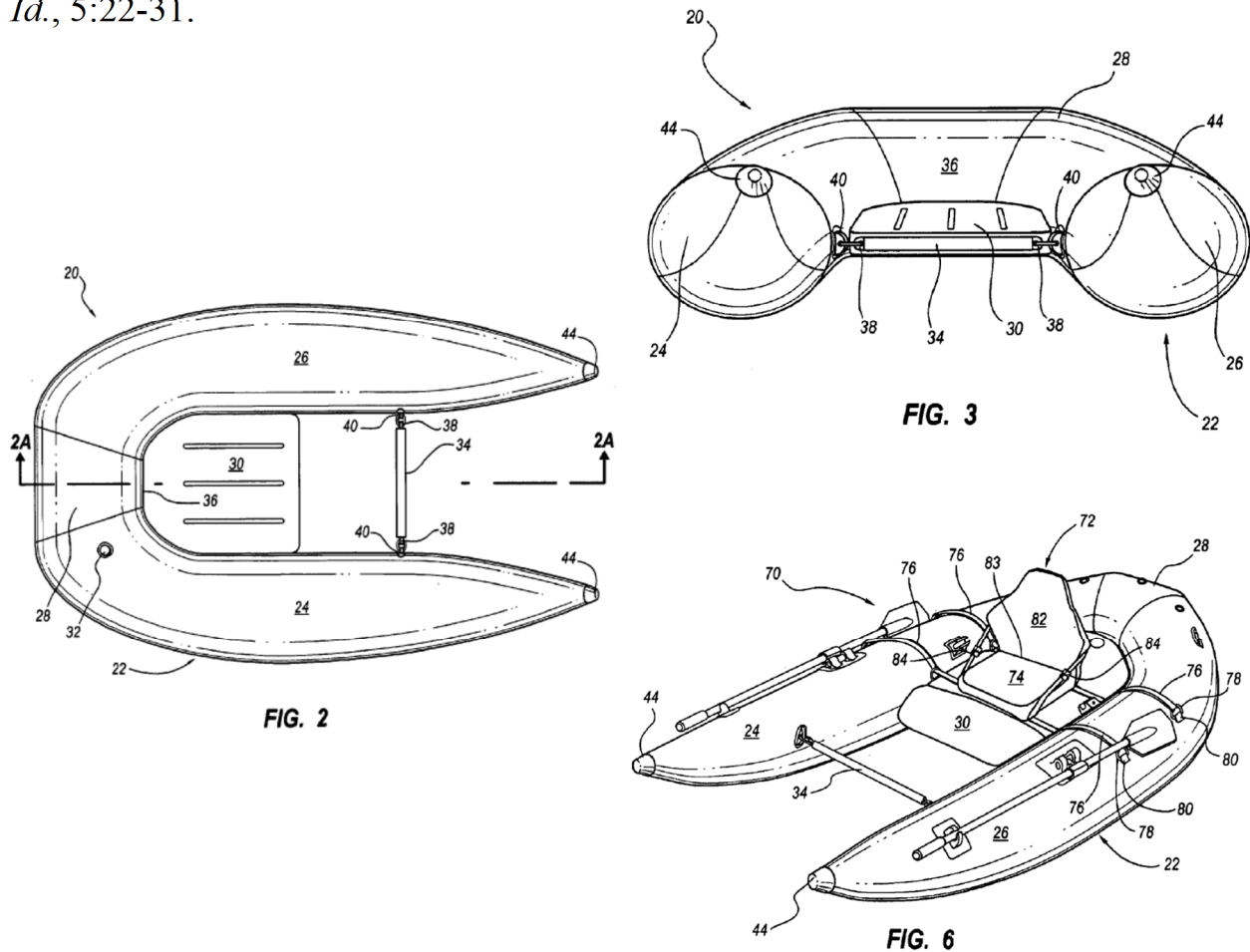
Scadden also discloses an inflatable paddle-craft with an inflatable stand-up board chamber (platform 30). Ex. 1004 ¶128.

Boat 20 further includes an **inflatable platform 30** that extends between the spaced apart inflatable pontoons 24 and 26, intermediate the lengths of the pontoons and adjacent the transom 28 at the stern of the boat....

Ex. 1011, 4:20-26.

A seat 72 having a rigid flat base 74 rests on a leading edge of platform 30 ... With seat back 82 flat against the seat base 74, the rear surface 84 of the seat back becomes a standing platform on which a boat user can stand while fishing, or the like.

Id., 5:22-31.



Ex. 1011, FIGS. 2, 3, 6.

c. a second inflatable chamber connected to the first inflatable chamber to form a curve-shaped front hull;

As shown and discussed in IX.A.1.c and IX.A.3.a, Hoffmann discloses a second inflatable chamber (inflatable gunwale tubes 4 & 7) connected (e.g., by gluing) to the lower first chamber (inflatable floor 6) to form a curve-shaped front hull. As shown and discussed in IX.A.1.c and IX.A.3.a, Swan discloses connecting a second inflatable chamber (inflatable side tubes 2) to the first inflatable chamber 8 to form a curve-shaped front hull. As shown and discussed in IX.A.1.c and IX.A.3.a, Hoge also discloses connecting (e.g., via glue or welds) a second inflatable chamber (inflatable sides 14, 16) to the first inflatable chamber (floor 12), where the second inflatable chamber 14/16 forms at least a portion of the front hull with the first inflatable chamber 12.

Airhead SS also discloses a second inflatable chamber (“side chambers”) connected to the first inflatable chamber (main chamber). “What makes this SUP unique and extra stable is the inflatable side chambers. . . . The side chambers can be inflated up to 9 PSI. The side chambers make this board extra wide. They create extra buoyancy and stability.” Ex. 1021 at 4.

Airhead SS Camouflage ISUP Review



This is one of the most stable inflatable SUP boards on the market.

It is wide, it is strong and it is ideal for any person who would like a little extra stability while out on the water.

Specs For The Airhead SS Camouflage

- 10'8" long
- 38" wide
- weighs 32 lbs.
- can hold up to 300 lbs.
- air pressure: main chamber 15 PSI, side chambers 7-9 PSI
- includes two small side skegs, one large removable skeg

Material: Extra rugged drop stitch PVC construction

Ex. 1021 at 2-3.

Airhead SS Inflatable Side Chambers



What makes this SUP unique and extra stable is the inflatable side chambers.

Whereas most inflatable SUP's have only one main air chamber, this one has three...One for the main body and one on each side chamber.

The main body can be inflated up to 15 PSI. The side chambers can be inflated up to 9 PSI.

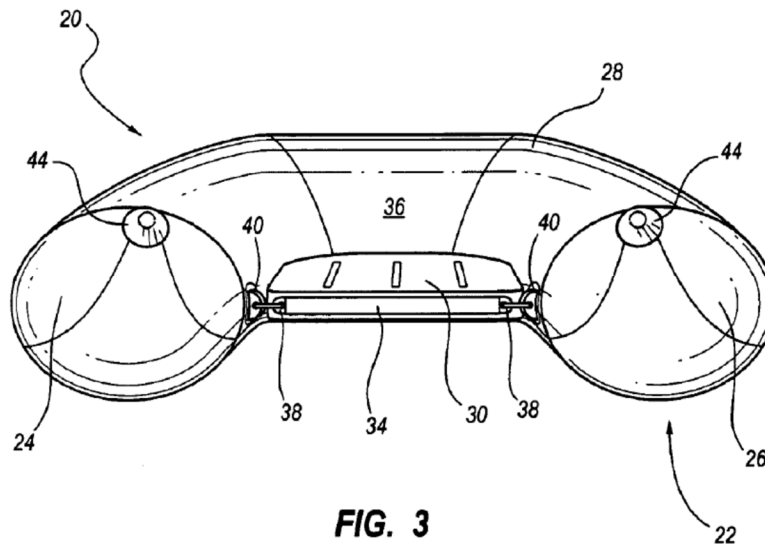
The side chambers make this board extra wide. They create extra buoyancy and stability.

Ex. 1021 at 3-4.

Scadden discloses connecting inflatable side chambers (pontoons 24 and 26) to the stand-up board chamber (inflatable platform 30) to form a rail around the stand-up board chamber 30:

In the illustrated preferred embodiments of FIGS. 1-4, the very lightweight float boat ... 20 includes a unitary twin pontoon hull 22 comprising a pair of spaced apart parallel extending inflatable pontoons 24 and 26, ... Boat 20 further includes an inflatable platform 30 that extends between the spaced apart inflatable pontoons 24 and 26...

Ex. 1011, 4:14-31.



Ex. 1011, FIG. 3.

- d. wherein the first inflatable chamber at least partially overhangs the second inflatable chamber, and**

While Hoffmann's first inflatable chamber (inflatable floor 6) does not overhang the second inflatable chamber (gunwale tubes 4, 7), Airhead SS includes photographs informing a POSITA that the first inflatable chamber (main chamber) overhangs at least the back end of second inflatable chamber (side chambers).

Ex. 1004 ¶154.



Ex. 1021 at 3 (annotated by Dr. Parnell, Ex. 1004 ¶154).



Ex. 1021 at 7 (annotated by Dr. Parnell, Ex. 1004 ¶154).

It would be obvious to modify Hoffmann so that Hoffmann's first inflatable chamber (inflatable floor 6) overhangs the second inflatable chamber (gunwale tubes 4, 7) as taught by Airhead SS. Ex. 1004 ¶157. The extended (over-hanging) main chamber provides increased performance as a stand-up paddle board that "paddled nicely, tracked well and had no problem cutting through choppy waves." Ex. 1021 at 6; Ex. 1004 ¶157. Additionally extending Hoffmann's first inflatable chamber (inflatable floor 6) rearward so that it overhangs the second inflatable chamber

(gunwale tubes 4, 7) as informed by Airhead SS would be a routine implementation for a POSITA (possibly requiring removal of Hoffmann's stern tube 5), rendering predictable results. Ex. 1004 ¶157.

e. the first and second inflatable chambers are interconnected with only one fill valve.

While Hoffmann's first and second inflatable chambers are not disclosed as interconnected with only one fill valve (inflation valve 35), Scadden discloses that its first and second chambers (platform 30 and pontoons 24, 26) are interconnected with only a single fill valve 32.

The pontoons 24 and 26, transom 28 and platform 30 are all made from durable flexible materials, such as reinforced neoprene rubber, that can inflate to the required shapes. **Preferably the pontoons and transom and the platform are interconnected to be air filled through a single conventional air valve 32.**

Ex. 1011, 4:26-28.

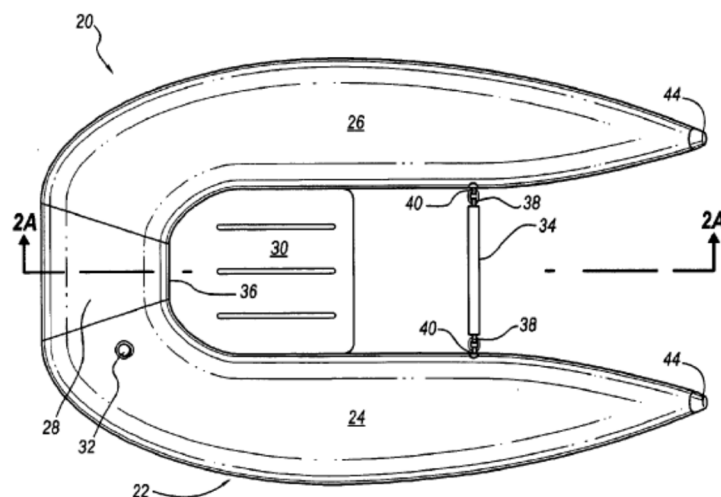


FIG. 2

Ex. 1011, FIG. 2.

It would have been obvious to fluidly connect Hoffmann's first and second inflatable chambers so that they could be filled with a single air valve as disclosed by Scadden to reduce the time and steps for inflating Hoffmann's paddle-craft. Ex. 1004 ¶¶158-159. Additionally, interconnecting Hoffmann's first and second inflatable chambers so that they could be filled with a single air valve would be a routine implementation for a POSITA as informed by Scadden (simply providing fluid communication between the chambers), rendering predictable results. *Id.*

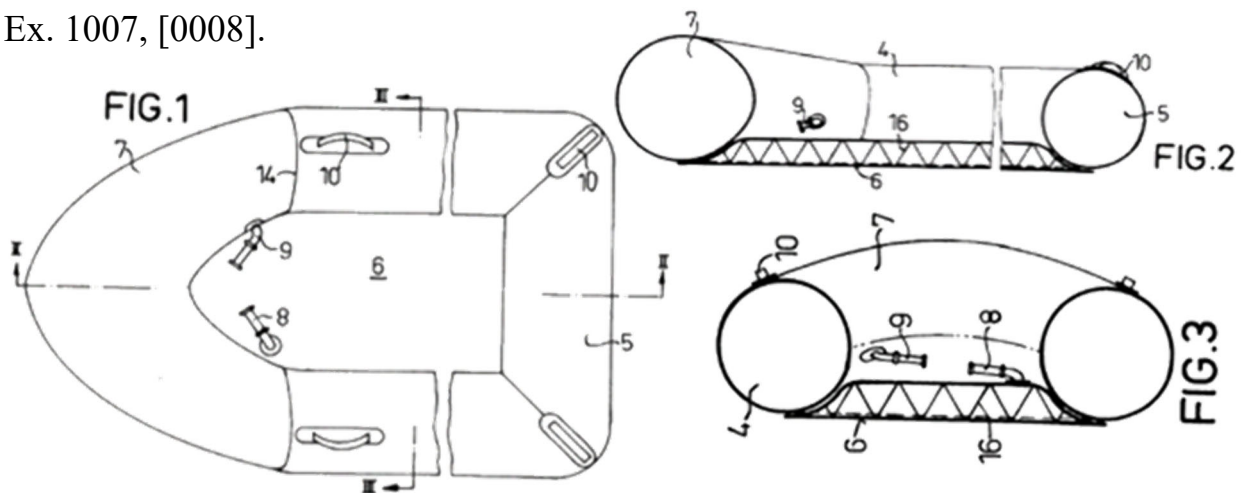
2. Dependent Claim 2 The inflatable paddle board of claim 1,

- a. wherein the second inflatable chamber at least partially overhangs the first inflatable chamber.**

As reliably shown in Figs. 2 and 3, Hoffmann's second inflatable chamber (tubes 4 & 7) overhang the first inflatable chamber (floor 6). Ex. 1004 ¶132.

In the drawing: Fig. 1 is a plan view of an inflatable boat in an inflated state ready for use; Fig. 2 is a sectional view along line II-II and Fig. 3 is a sectional view along line III-III in Fig. 1.

Ex. 1007, [0008].



Ex. 1007, FIGS. 1-3.

As reliably shown in Figures 3-4, Hoge's second inflatable chamber (sides 14/16) at least partially overhangs the first inflatable chamber (inflatable floor 12).

Ex. 1004 ¶162.

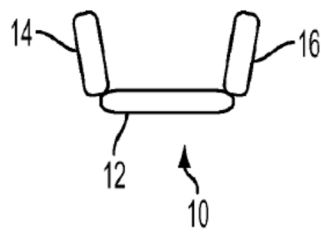


FIG. 3

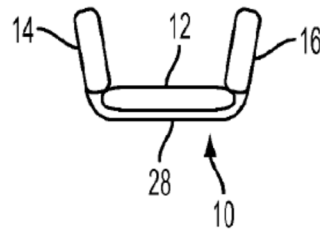


FIG. 4

Ex. 1009, FIGS. 3-4.

This overhang of Hoge is also consistently shown in the Cited NPL.



Ex. 1017 at 9.

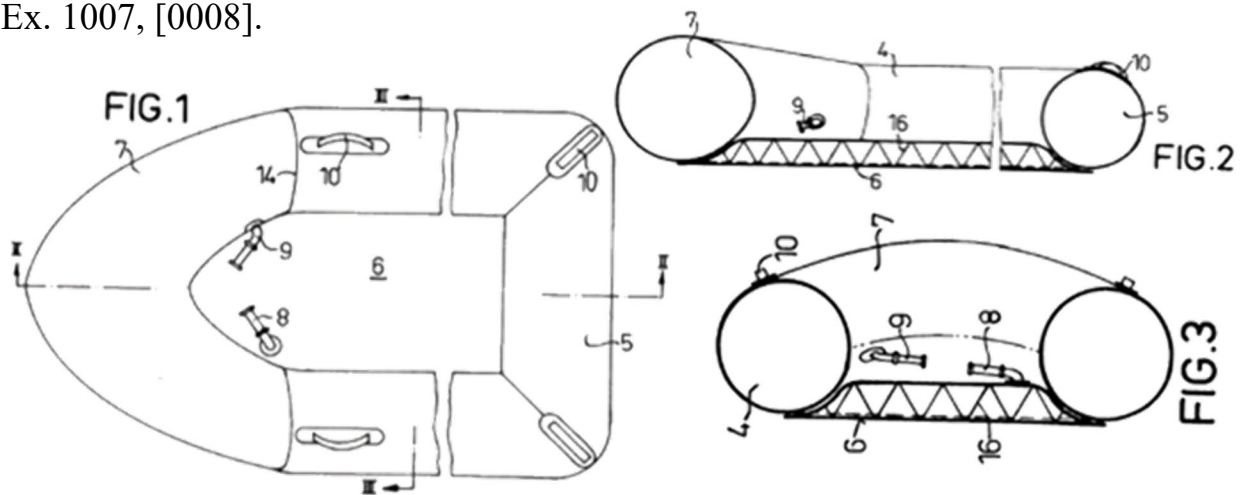
3. Dependent Claim 3 The Inflatable paddle board of claim 2,

- a. wherein the second inflatable chamber overhangs a front portion of the first inflatable chamber**

As reliably shown in Fig. 2, Hoffmann's second inflatable chamber (tube section 7) overhangs the front portion of first inflatable chamber (floor 6). Ex. 1004 ¶132.

In the drawing: Fig. 1 is a plan view of an inflatable boat in an inflated state ready for use; Fig. 2 is a sectional view along line II-II and Fig. 3 is a sectional view along line III-III in Fig. 1.

Ex. 1007, [0008].



Ex. 1007, FIGS. 1-3.

Hoffmann explains that it's bow design as disclosed above has specific advantages. Ex. 1004 ¶131.

As a result of the consistently flat course of the floor surface in all parts, the conical thickening of the curved tube pieces continuing from the side tubes that increases towards the front, leads to a bulge-like elevation of the bow tip in relation to the water surface. In comparison to the frequently used bending down of the bow section, this design of

the tubes results in a larger contact surface, higher buoyancy and improved floating stability.

Ex. 1007, [0006].

- 4. Dependent Claim 5 The inflatable paddle board of claim 1,**
- a. wherein the first inflatable chamber overhangs a rear portion of the second inflatable chamber.**

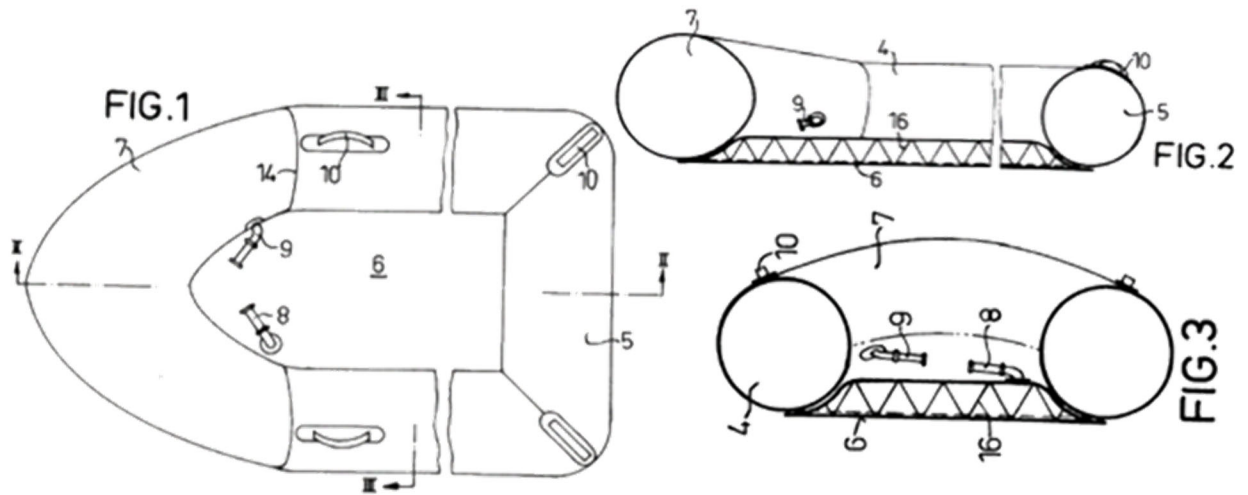
As shown and discussed in IX.B.1.d, it would be obvious to modify Hoffmann (as instructed by Airhead), so that Hoffmann's first inflatable chamber (floor 6) overhangs a rear portion of Hoffmann's second inflatable chamber (side tubes 4), rendering predictable results.

- 5. Dependent claim 7 The Inflatable paddle board of claim 1,**
- a. wherein the second inflatable chamber overhangs the first inflatable chamber for at least 5% of the length of the first inflatable chamber.**

As shown in Fig. 3, Hoffmann's second inflatable chamber (tubes 4) overhangs the first inflatable chamber (floor 6) for at least 5% of the length of the first inflatable chamber. Ex. 1004 ¶132.

In the drawing: Fig. 1 is a plan view of an inflatable boat in an inflated state ready for use; Fig. 2 is a sectional view along line II-II and Fig. 3 is a sectional view along line III-III in Fig. 1.

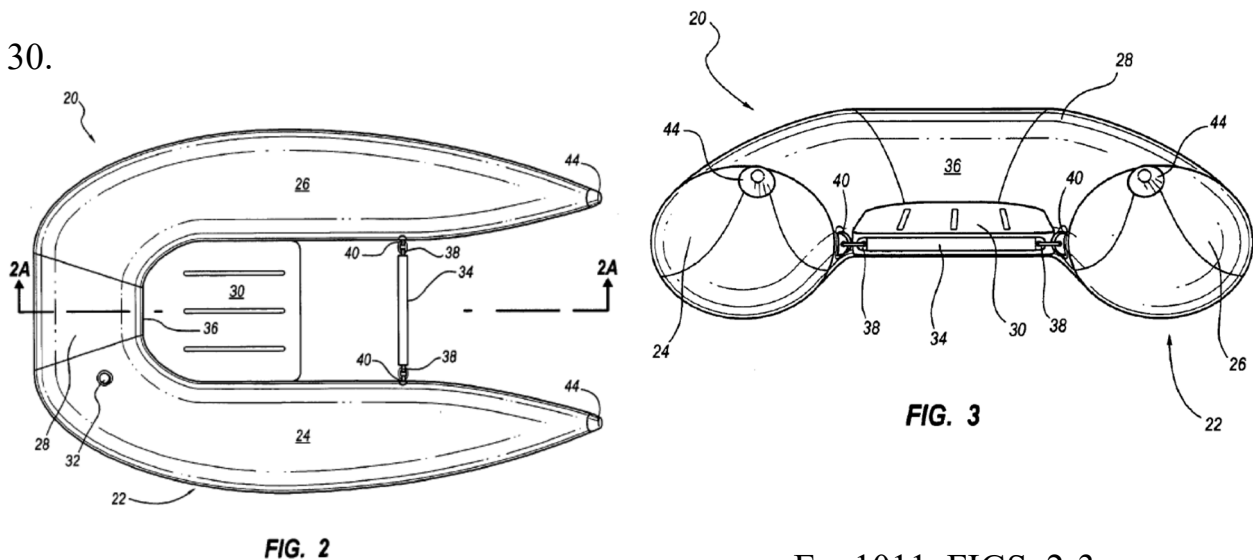
Ex. 1007, [0008].



Ex. 1007, FIGS. 1-3.

6. **Dependent Claim 8** The inflatable paddle board of claim 1,
- a. wherein the second inflatable chamber under-hangs the first inflatable chamber for at least 5% of the length of the first inflatable chamber.

As shown in IX.B.1.c, Scadden discloses connecting inflatable side chambers (pontoons 24 and 26) to the stand-up board chamber (inflatable platform 30) where such inflatable side chambers 24, 26 form a rail around the stand-up board chamber 30.



Ex. 1011, FIGS. 2-3.

As shown in Fig. 3, Scadden's rail (inflatable side chambers 24, 26) under-hang the inflatable stand-up board chamber (platform 30) along the entire side (more than 5%) of the platform. Ex. 1004 ¶170. It would be obvious to have Hoffmann's inflatable side tubes be modified to under-hang the respective floors as informed by Scadden to provide a higher elevation of the stand-up board (which would benefit fishing applications, for example). Ex. 1004 ¶171. Likewise, modifying Hoffmann in such a way would be a routine implementation for a POSITA requiring moderate redesign of Hoffmann (as informed by Scadden), rendering predictable results. *Id.*

7. Dependent Claim 9 The inflatable paddle board of claim 1,
a. wherein the first inflatable chamber is wider than the
second inflatable chamber.

Hoffmann's first inflatable chamber (floor 6) is at least as wide as (if not wider) than the second inflatable chamber (tube 4). Specifically, Hoffmann discloses that the side tubes 4 can have a diameter of no more than 1/3 the entire width of the boat, which would mean that the floor 6 would thus have a width of at least 1/3 the entire width of the boat.

The diameter of the cylindrical side tubes 4 as well as the transverse tube 5 is selected so that it corresponds to **no more than about 1/3 of the total width of the boat** - measured across the outer walls of the tubes....

Ex. 1007, [0009].

Swan's first inflatable chamber (paddleboard 8) is wider than the second inflatable chamber (side tubes 2). Swan's tubes are 11 inches wide, while the entire boat is about 4 feet wide. Thus, subtracting 22 inches (the width provided by two tubes 2) from the width of the boat results in the paddleboard 8 being at least 26 inches wide. Ex. 1004 ¶164.

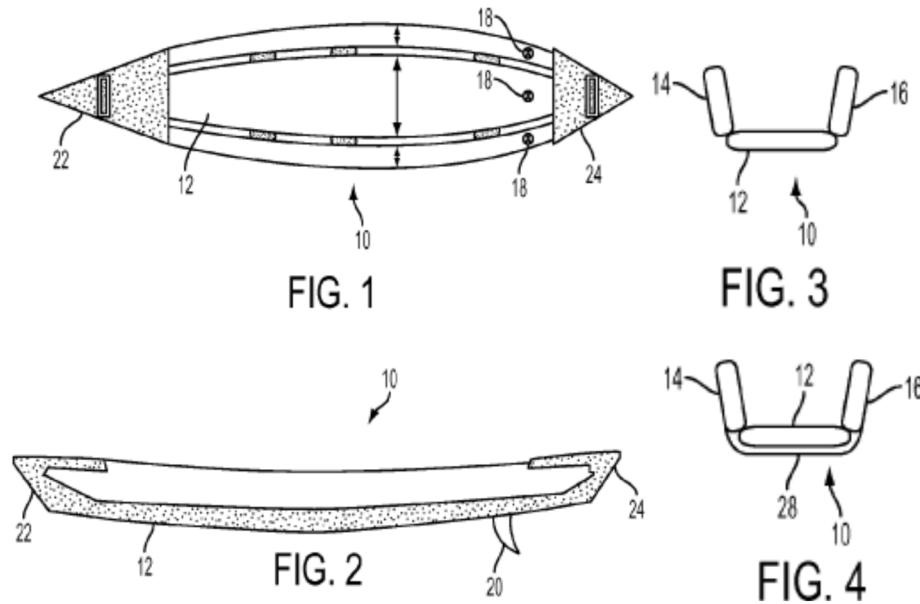
In one embodiment, the sides of an inflatable boat 1 are defined by two elongated tubes 2 preferably about 12.5 feet long, **forming a boat about 4 feet wide**. The two side tubes 2 come together in the front to form a bow 3 and may further curve up near the bow 3 about 12 inches to help prevent waves from breaking over the bow 3 and into the boat 1 when underway. **The two side tubes 2, preferably about 11 inches in diameter**, connect to a transom 4 on the stern end.

Ex. 1010, [0027].

Hoge's stand-up board chamber (inflatable floor 12) is also wider in the arrowed section than the rails (inflatable sides 14, 16). Hoge discloses that the beam of kayak is 22–32 inches wide, while the thickness of the rails is 3–6 inches. Ex. 1004 ¶163. Consistent dimensions are reliably shown in Figs. 3 and 4. Ex. 1004 ¶162, 163.

The inflatable kayak 10 may have a length of between 9–21 feet, **a beam may be 22–32 inches**, and a **thickness of the drop stitch material used for the inflatable floor 12 and the inflatable sides 14, 16 may be between 3–6 inches**.

Id., [0034].



Ex. 1009, FIGS. 1-4.

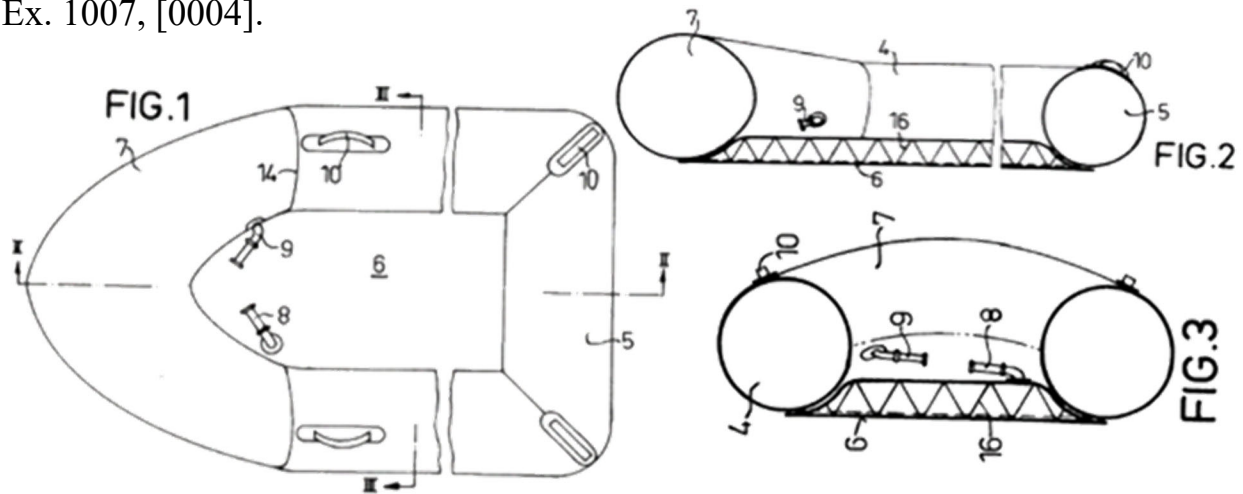
It would be obvious to design Hoffmann's floor 6 to be wider than the side tubes 4 as instructed by Swan and Hoge to provide an even more spacious interior area for passengers. Ex. 1004 ¶165. Modifying Hoffmann in such a way would be routine narrowing of the side tubes 4 and/or widening of the floor 6 for a POSITA rendering predictable results. *Id.*

- 8. Dependent Claim 10 The Inflatable paddle board of claim 1,**
- a. wherein the second inflatable chamber has sidewalls to form a rail around at least a portion of the first inflatable chamber**

As shown and discussed in IX.A.1.c and IX.A.3.a, Hoffmann's second inflatable chamber (tubes 4 & 7) have sidewalls to form a rail around the entirety of the first inflatable chamber (floor 6) providing a usable interior area.

The specific coordination of the **side gunwale tubes** with the basic dimensions of the boat body and their all-round connection with the insertion of a stern side transverse tube ... result in ... fully inflated boat with a relatively large usable interior area...

Ex. 1007, [0004].



Ex. 1007, FIGS. 1-3.

As shown and discussed in IX.A.1.c and IX.A.3.a, Swan's second inflatable chamber (tube 2) are side walls that form a rail around at least a portion of the first inflatable chamber (paddleboard 8).

In one embodiment, the sides of an inflatable boat 1 are defined by **two elongated tubes 2 preferably about 12.5 feet long**, forming a boat about 4 feet wide.

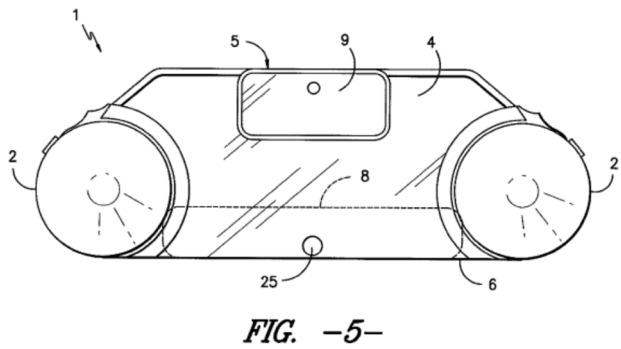
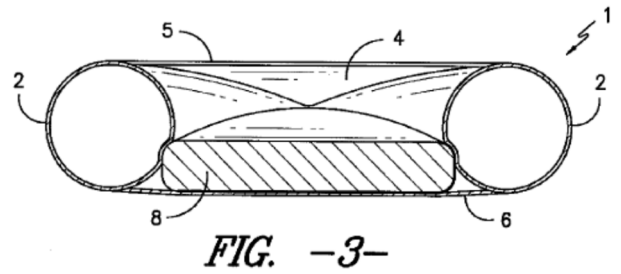
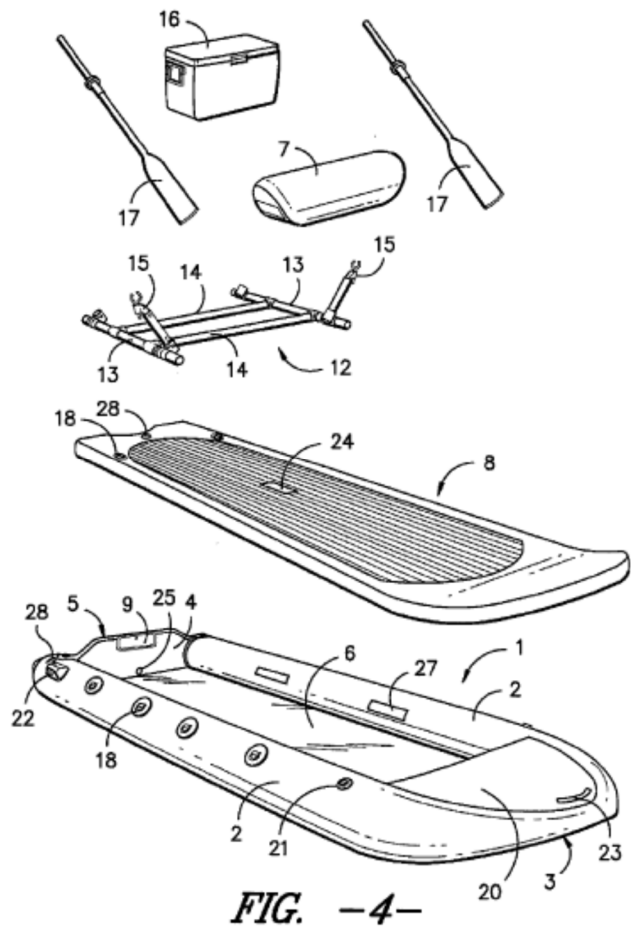
Ex. 1010, [0027].

The paddleboard 8 is held securely in place directly above the bottom member 6 of the boat 1 by a tight fit that may be accomplished through static friction resulting from air pressure between the side tubes 2 of the boat 1 and the sides of the paddleboard 8.... In a preferred embodiment, the bow end of the paddleboard 8 may end about 9 inches from the bow 3 of the boat 1, resulting in a paddleboard 8 with a length of about 10.5 feet.

Id., [0036].

In a second embodiment, the sides of the paddleboard 8 may extend at a downwardly angle to **fit in a space existing between the bottom member 6 of the boat 1 and the inflated side tubes 2 of the boat 1.**

Id., [0037].



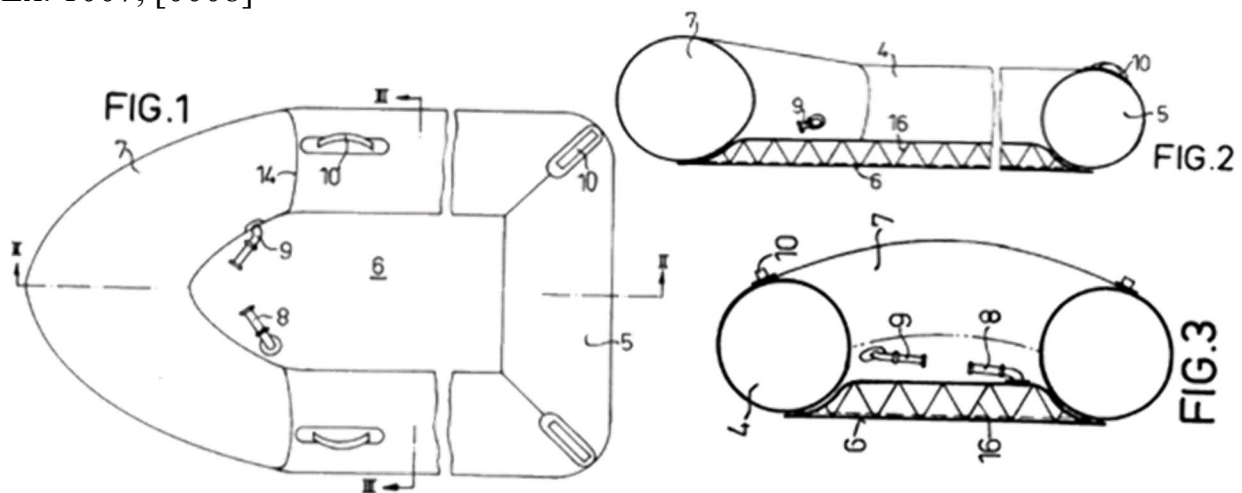
Ex. 1010, FIGS. 3-5.

9. **Dependent Claim 11 The inflatable paddle board of claim 10,**
- a. **wherein the rail slopes inward towards a center of the first inflatable chamber.**

As reliably shown in Fig. 3, Hoffmann's rail formed by tubes 4 slopes inward from the bottom towards a center of the first inflatable chamber (floor 6). Ex. 1004 ¶166.

In the drawing: Fig. 1 is a plan view of an inflatable boat in an inflated state ready for use; Fig. 2 is a sectional view along line II-II and Fig. 3 is a sectional view along line III-III in Fig. 1.

Ex. 1007, [0008]



Ex. 1007, FIGS. 1-3.

Additionally, as shown in Figures 3 and 5, Swan's rail (tubes 2) slope inward from the bottom towards a center of the first inflatable chamber (paddleboard 8), which provides for the friction fit. Ex. 1004 ¶167.

The paddleboard 8 is held securely in place directly above the bottom member 6 of the boat 1 by a tight fit that may be accomplished through static friction resulting from air pressure between the side tubes 2 of the

boat 1 and the sides of the paddleboard 8. The paddleboard 8 may be shaped to contact the inside edges of the side tubes 2 and transom 4 of the boat 1,...

Ex. 1010, [0036].

The design of the inflatable boat 1 with inflatable paddleboard 8 floor is such that the paddleboard 8 may be removed and used as an independent watercraft. When at least one side tube 2 of the boat 1 is deflated, the air pressure drops, thereby loosening the frictional engagement between the side tubes 2 and the paddleboard 8. This loosening allows the paddleboard 8 to be separated and easily removed from the boat 1.

Id., [0039]

In a second embodiment, the sides of the paddleboard 8 may extend at a downwardly angle to **fit in a space existing between the bottom member 6 of the boat 1 and the inflated side tubes 2 of the boat 1.**

Id., [0037].

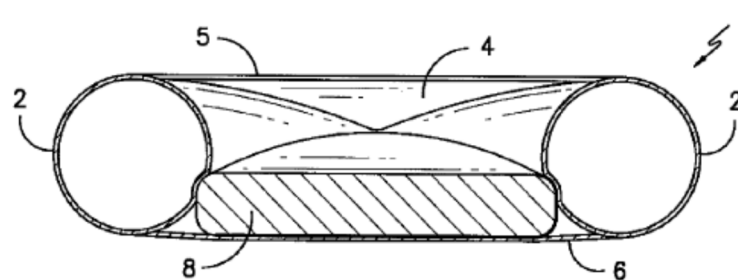


FIG. -3-

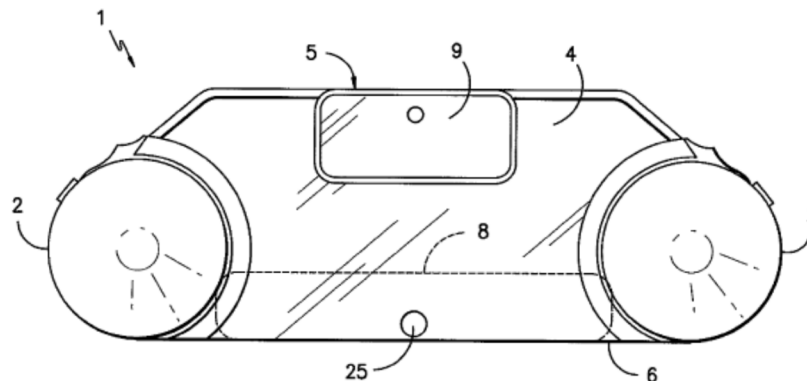


FIG. -5-

Ex. 1010, FIGS. 3, 5.

10. Dependent claim 12 the inflatable paddle board of claim 1,

- a. wherein at least one of the first inflatable chamber and the second inflatable chamber are drop-stitch chambers.**

As shown and discussed in IX.A.1.b, Hoffmann's first inflatable chamber (floor 6) is a drop-stitch chamber. As shown in IX.A.1.b, Swans first inflatable chamber (paddleboard 8) is a drop-stitch chamber.

Also, each of Hoge's inflatable stand-up board (floor 12) and rail (inflatable sides 14/16) are drop-stitch chambers.

As shown in FIGS. 1 and 2, the inflatable kayak 10 includes an **inflatable floor 12 made of high-pressure drop stitch material.**

Ex. 1009, [0030].

Glued or welded directly to the inflatable floor 12 are **inflatable sides 14, 16 which are also made of high-pressure drop stitch material....**

Id., [0031].

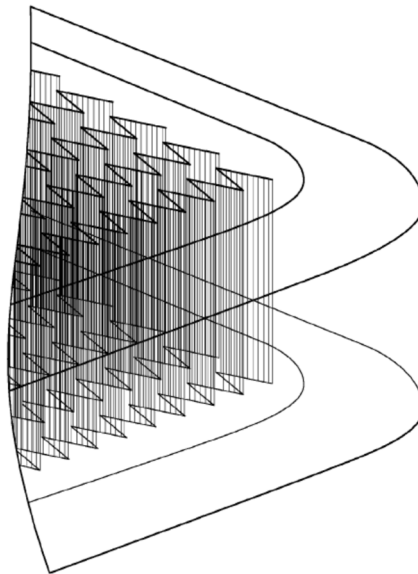


FIG. 5

Ex. 1009, FIG. 5.

Airhead SS also discloses at least one of the chambers is an “[e]xtra rugged drop stitch PVC construction.” Ex. 1021 at 2.

Specs For The Airhead SS Camouflage

- 10'8" long
- 38" wide
- weighs 32 lbs.
- can hold up to 300 lbs.
- air pressure: main chamber 15 PSI, side chambers 7-9 PSI
- includes two small side skegs, one large removable skeg

Material: Extra rugged drop stitch PVC construction

Ex. 1021 at 2.

11. Dependent claim 13 the inflatable paddle board of claim 1,

- a. further comprising a tent covering between the first inflatable chamber and the second inflatable chamber.**

As shown and discussed in IX.A.1.d, it would be obvious to add Hoge’s tent covering (fabric floor 28) to Hoffmann to provide a layer of protective tenting to the bottom surfaces of the inflatable bottom and inflatable side tubes 4 and curved pieces 7 of Hoffmann, for example, to protect against punctures in such inflatable chambers. Ex. 1004 ¶140. Likewise, modifying Hoffmann in such a way would be a routine implementation for a POSITA requiring merely adding an additional protective fabric floor (as informed by Hoge), rendering predictable results. *Id.*

As also shown and discussed in IX.A.1.d, it would be obvious to add the floor tenting (bottom member 6) of Swan to Hoffmann, to provide additional protection

against punctures in such inflatable chambers (paddleboard 8 and side tubes 2). *Id.*

¶142. It would also be obvious to add the bow cover 20 tent covering of Swan to Hoffmann to provide a storage area with Hoffmann's paddle-craft. *Id.* Likewise, modifying Hoffmann in such a way would be a routine implementation for a POSITA requiring merely adding an additional protective fabric floor (as informed by Swan) and/or adding an additional bow cover (as informed by Swan), rendering predictable results. *Id.*

As also shown and discussed in IX.A.1.d, it would also be obvious to incorporate the inflatable thwart 7 tent covering of Swan into the paddle-craft of Hoffmann to provide additional seating in Hoffmann's watercraft. Ex. 1004 ¶¶143-144. Likewise, modifying Hoffmann in such a way would be a routine implementation for a POSITA requiring merely adding an additional seating component (as informed by Swan), rendering predictable results. Ex. 1004 ¶144.

12. Dependent claim 14 the inflatable paddle board of claim 13,

a. wherein the tent forms a separate inflatable air chamber.

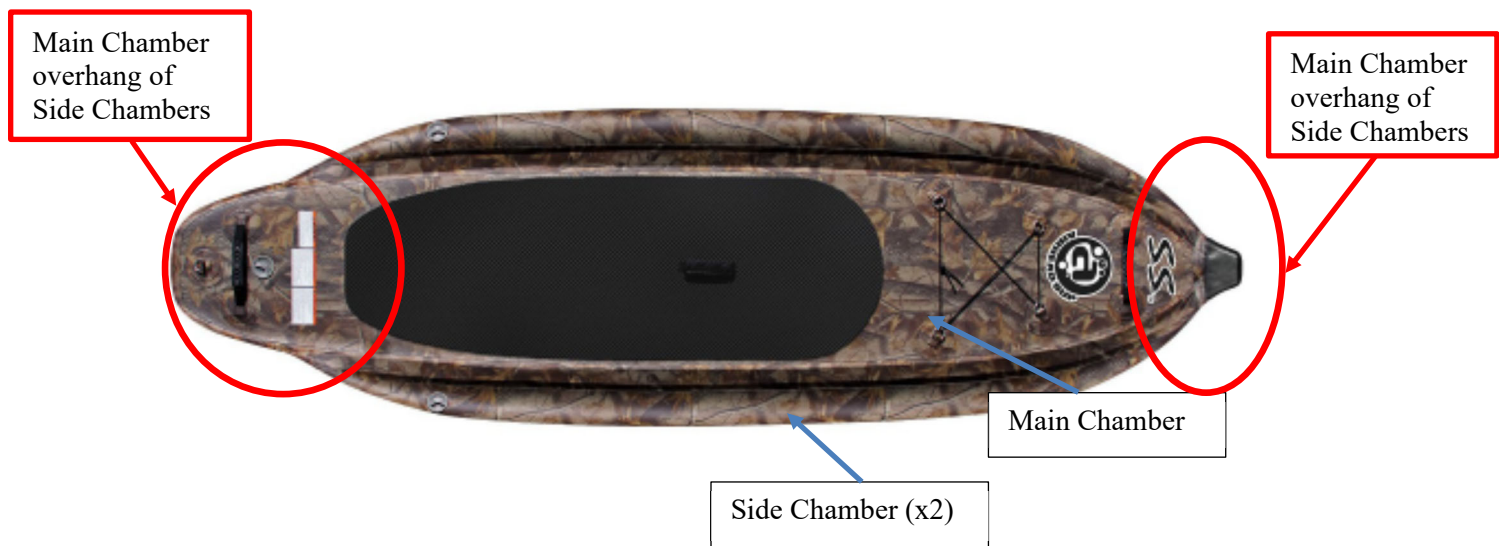
As shown and discussed in IX.A.2.a, Swan's thwart 7 tent covering is a separate inflatable air chamber.

C. Ground 3: Claims 4 and 6 are obvious over Hoffmann in combination with Airhead, Larochelle, Swan, Hoge and Hobie iSeries

1. Dependent Claim 4 the Inflatable paddle board of claim 1,

a. wherein the first inflatable chamber overhangs a front portion of the second inflatable chamber.

While Hoffmann's first inflatable chamber (inflatable floor 6) does not overhang the front portion of the second inflatable chamber (gunwale tubes 4, 7), Airhead SS includes photographs informing a POSITA that the first inflatable chamber (main chamber) at least partially overhangs the front end of second inflatable chamber (side chambers). Ex. 1004 ¶155.



Ex. 1021 at 3 (annotated by Dr. Parnell, Ex. 1004 ¶155).

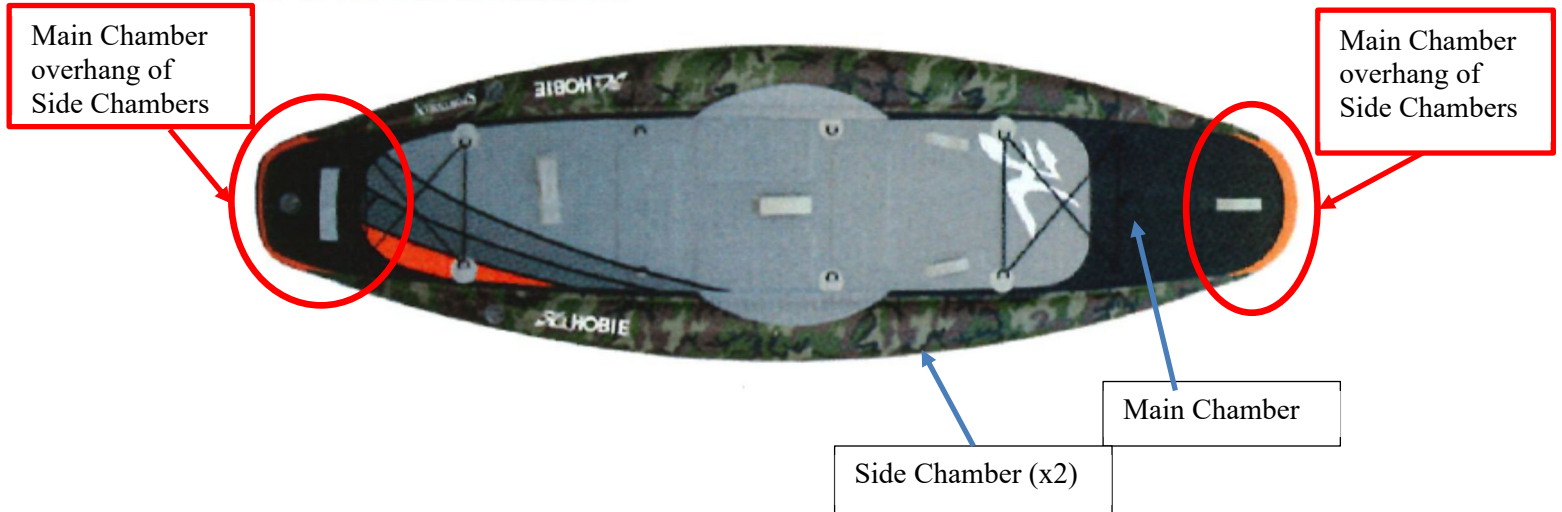


Ex. 1021 at 7 (annotated by Dr. Parnell, Ex. 1004 ¶155).

Hobie iSeries also includes a photograph informing a POSITA that the first main inflatable chamber (middle paddleboard chamber) at least partially overhangs the both the front and rear ends of second inflatable chamber (side chambers).

Ex. 1004 ¶156.

10'9" SPORTSMAN



Ex. 1022 at 2 (annotated by Dr. Parnell, Ex. 1004 ¶156).

It would be obvious to modify Hoffmann so that Hoffmann's first inflatable chamber (inflatable floor 6) overhangs the front end of the second inflatable chamber

(gunwale tubes 4, 7) as taught by Airhead SS and/or Hobie iSeries. Ex. 1004 ¶157. The extended (over-hanging) main chamber provides increased performance as a stand-up paddle board that “paddled nicely, tracked well and had no problem cutting through choppy waves.” Ex. 1021 at 6; Ex. 1004 ¶157. Additionally extending Hoffmann’s first inflatable chamber (inflatable floor 6) forward so that it overhangs the second inflatable chamber (gunwale tubes 4, 7) as informed by Airhead SS would be a routine implementation for a POSITA (possibly requiring removal of Hoffmann’s bow tubes 7), rendering predictable results. Ex. 1004 ¶157.

2. Dependent claim 6 the inflatable paddle board of claim 1,

- a. wherein the first inflatable chamber overhangs both a front portion and a rear portion of the second inflatable chamber.**

As discussed in IX.B.1.d and IX.C.1.a, it would be obvious to modify Hoffmann so that the inflatable floor 6 overhangs both a front portion and a rear portion of the side tubes 4 as instructed by Airhead SS and/or Hobie iSeries, rendering predictable results. Ex. 1004 ¶157.

D. Ground 4: Claim 19 is obvious over Hoffmann in combination with Swan and Scadden

1. Independent Claim 19

- a. PREAMBLE. An inflatable paddle board, comprising:**

As shown and discussed in VIII.A, VIII.C and VIII.D, Hoffmann, Swan and Scadden respectively disclose an inflatable paddle board.

**b. a first inflatable chamber forming a stand-up board;
and**

As shown and discussed in IX.A.1.b, Hoffmann discloses forming a first inflatable chamber forming a stand-up board (elongated drop-stitched inflatable floor 6 having a generally surfboard shape with a truncated bow tip). As shown and discussed in IX.A.1.b, Swan also discloses a first inflatable chamber forming a stand-up board (paddleboard 8) and it would be obvious to incorporate the stand-up board chamber (paddleboard 8) of Swan in place of the inflatable stand-up board chambers of Hoffmann.

As also shown in IX.B.1.b, Scadden also discloses an inflatable paddle-craft with a first inflatable stand-up board chamber (platform 30).

**c. a second inflatable chamber connected to the first
inflatable chamber to form a curve-shaped front hull;**

As shown and discussed in IX.A.1.c, Hoffmann discloses a second inflatable chamber (inflatable gunwale tubes 4 & 7) connected (e.g., by gluing) to the lower first chamber (inflatable floor 6) to form a curve-shaped front hull.

As shown and discussed in IX.A.1.c, Swan discloses connecting a second inflatable chamber (inflatable side tubes 2) to the first inflatable chamber 8 to form a curve-shaped front hull.

As shown and discussed in IX.B.1.c, Scadden discloses second inflatable chambers (pontoons 24 and 26) connected to the first inflatable stand-up board chamber (inflatable platform 30).

- d. herein the second inflatable chamber under-hangs the first inflatable chamber for at least 5% of the length of the first inflatable chamber.**

As shown and discussed in IX.B.6.a, Scadden's second inflatable chambers (inflatable side chambers 24, 26) under-hang the first inflatable stand-up board chamber (platform 30) over the entire length of the first inflatable stand-up board chamber 30. Ex. 1004 ¶170. It would be obvious to have Hoffmann's inflatable side tubes be modified to under-hang its inflatable floor as informed by Hoffmann to provide a higher elevation of the stand-up board (which would benefit fishing applications, for example). Ex. 1004 ¶171. Likewise, modifying Hoffmann in such a way would be a routine implementation for a POSITA requiring moderate redesign of Hoffmann (as informed by Scadden), rendering predictable results. *Id.*

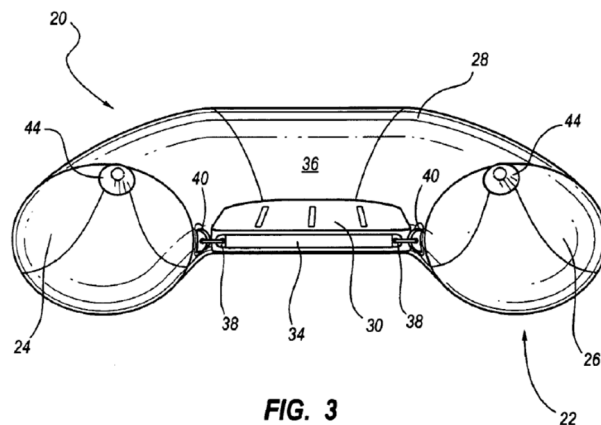


FIG. 3

Ex. 1011, FIG. 3.

E. Ground 5: Claims 15–18 and 20 are Anticipated by Swan.

1. Independent Claim 15

a. PREAMBLE “An inflatable paddle board, comprising:”

As shown and discussed in Section VIII.C, Swan discloses an inflatable paddle board.

b. a lower inflatable chamber forming a stand-up board;

As shown and disclosed in IX.A.1.b, Swan discloses a lower, drop-stitch inflatable chamber (paddleboard 8) forming a stand-up paddleboard.

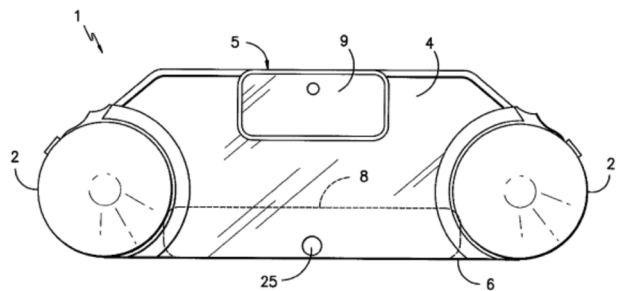
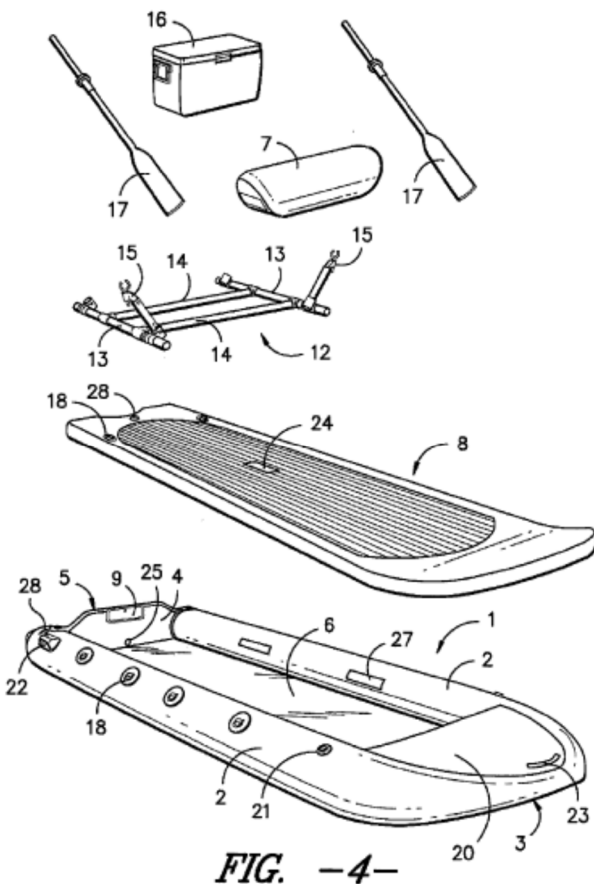
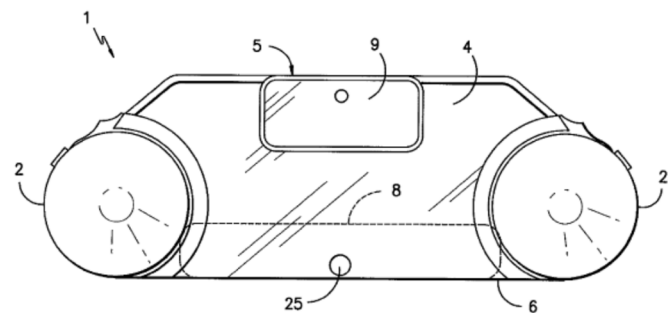
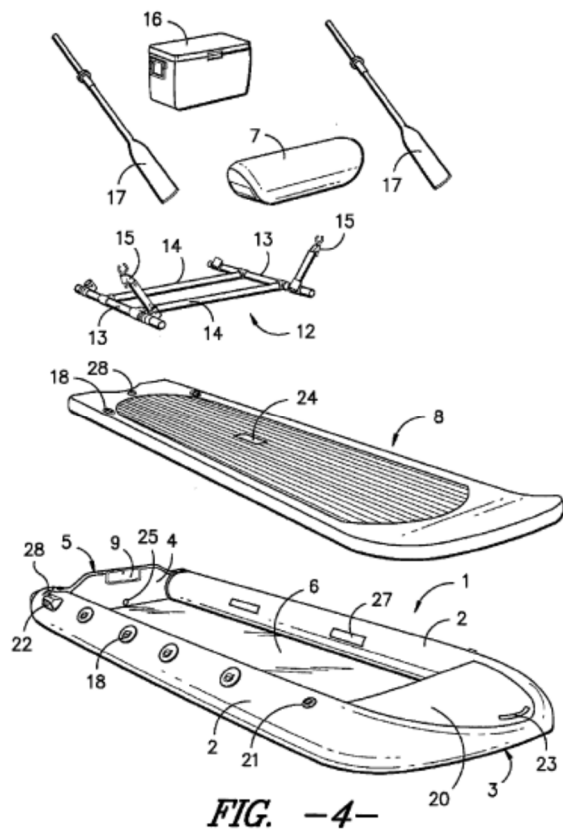


FIG. -5-

Ex. 1010, FIGS. 4-5.

- c. an upper inflatable chamber connected to the lower inflatable chamber, the upper inflatable chamber forming a rail around at least a portion of the lower inflatable chamber, and the combination of the lower and upper inflatable chambers forming a curve-shaped front hull; and

As shown and disclosed in IX.A.1.c, Swan discloses an upper inflatable chamber (side tubes 2) connected to the lower inflatable chamber 8. The upper inflatable chamber 2 forms a rail around the lower inflatable chamber 8. The combination of the lower inflatable chamber 8 and upper inflatable chamber forms a curve-shaped front hull (bow 3). Ex. 1004 ¶135.



Ex. 1010, FIGS. 4-5.

- d. a tent covering between the lower inflatable chamber and the upper inflatable chamber.**

As shown and disclosed in IX.A.1.d, Swan discloses a tent covering (plastic, rubber or latex bottom member 6) between the first inflatable chamber 8 chamber and the second inflatable chamber 2. Swan also discloses another tent covering (bow cover 20) between the first inflatable chamber 8 and second inflatable chamber 2.

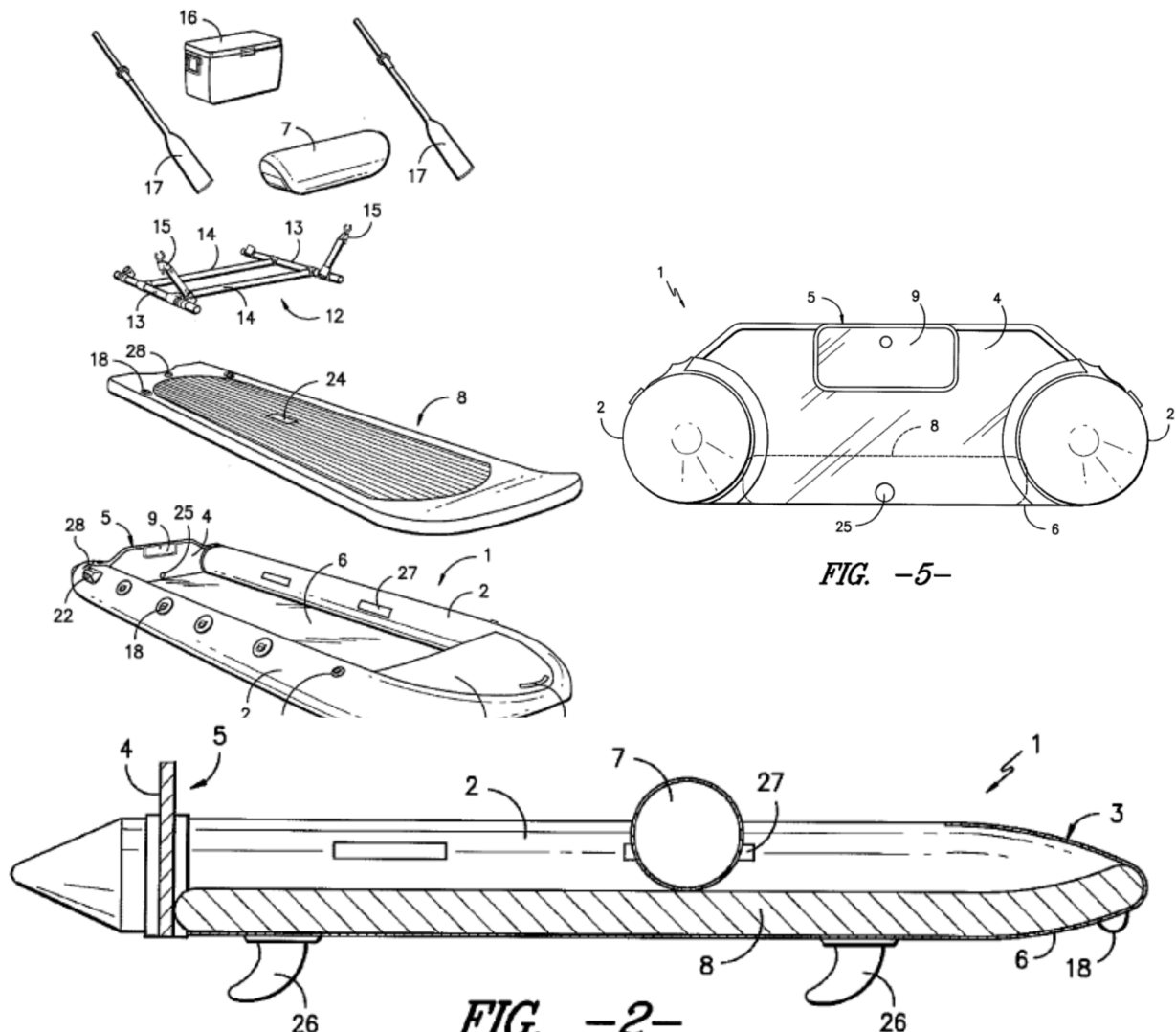


FIG. -2-
Ex. 1010, FIGS. 2, 4-5.

As also discussed in IX.A.1.d, Swan's inflatable thwart 7 that is connected between the first and second inflatable chambers by hook/loop fasteners 27 also provides the claimed tent covering.

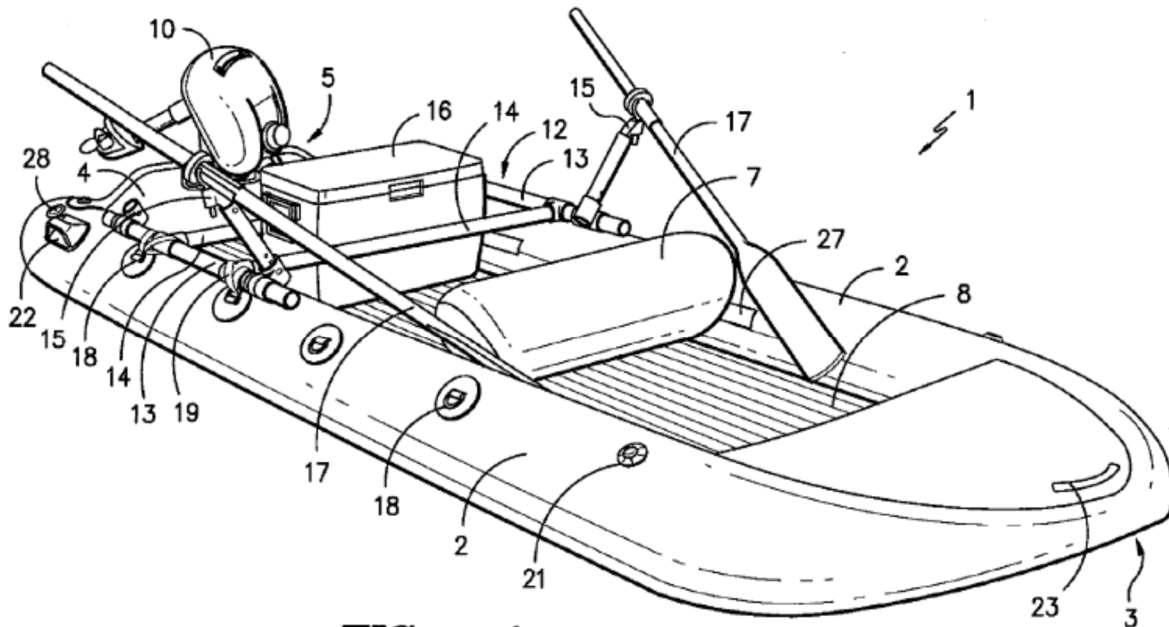


FIG. -1-

Ex. 1010, FIG. 1.

2. **Dependent Claim 16: The inflatable paddle board of claim 15,**
 - a. **wherein the tent forms a separate inflatable air chamber**

As shown and discussed in IX.A.1.d, Swan's inflatable thwart 7 provides the claimed tent that forms a separate inflatable chamber.

3. Dependent Claim 17: The inflatable paddle board of claim 15

- a. wherein the rail is formed around a front and front-side portion of the lower inflatable chamber**

As shown in IX.A.1.c, Swan's rail (provided by side tubes 2) is formed around a front and front-side portion of the lower inflatable chamber (paddleboard 8).

4. Independent Claim 18

- a. PREAMBLE A method of constructing an inflatable paddle board, comprising:**

As shown and discussed in Section VIII.C and below, Swan discloses a method for constructing an inflatable paddle board.

- b. forming a stand-up board area from a lower inflatable chamber; and**

As shown and discussed in IX.A.1.b, Swan discloses forming a drop-stitched, stand-up board area from a lower inflatable chamber (paddleboard 8).

- c. connecting an upper inflatable chamber to the lower inflatable chamber to form a rail around at least a portion of the lower inflatable chamber;**

As shown and discussed in IX.A.1.c, Swan discloses connecting an upper inflatable chamber (inflatable side tubes 2) connected to the lower inflatable chamber 8. The upper inflatable chamber 2 forms a rail around the lower inflatable chamber 8.

b. a first inflatable chamber forming a stand-up board;

As shown and discussed in IX.A.1.b, Swan discloses a first inflatable chamber forming a stand-up board (paddleboard 8).

c. a second inflatable chamber connected to the first inflatable chamber to form a curve-shaped front hull; and

As shown and discussed in IX.A.1.c and IX.A.3.a, Swan discloses connecting a second inflatable chamber (inflatable side tubes 2) to the first inflatable chamber 8 to form a curve-shaped front hull.

d. a tent covering between the first inflatable chamber and the second inflatable chamber.

As shown in IX.A.1.d, Swan discloses a tent covering (bottom member 6), provided between the first and second inflatable chambers (side tubes 2 and paddleboard 8).

X. Grounds 1, 2, 3 and 4, Motivation to Combine and Expectations of Success

A. Motivation to Combine

A POSITA is a skilled and experienced artisan, one who would commonly look to multiple solutions, such as those disclosed in Hoffmann, Hoge, Swan and Scadden to improve upon and/or modify inflatable watercraft and such watercraft that include inflatable stand-up boards. Ex. 1004 ¶181. In addition to any specific motivations to combine provided above in Section IX, a POSITA would have been

further motivated to combine the teachings from Hoffmann, Hoge, Swan, Scadden, Airhead SS, and Hobie iSeries for several reasons.

Hoffmann, Hoge, Swan, Scadden, Airhead SS and Hobie iSeries are all in the same field of endeavor, inflatable watercraft. Ex. 1004 ¶173. Hoffmann discloses the “invention relates to inflatable boats,” and further, “the manufacture of the floor from so-called spacer fabric is also of importance.... the inflatable boat has almost flat floor surfaces inside and out, which offer occupants comfortable, tip-proof seating or standing options....” Ex. 1007, [0001], [0005]. Hoge discloses “[e]mbodiments relate[d] to watercraft, and more particularly, to an inflatable kayak having drop stitch construction throughout....” Ex. 1009, [0002]. Swan discloses “an inflatable boat including a stand up paddleboard functioning as the floor of the boat....” Ex. 1010, [0007]. Scadden discloses “[o]ther objects are to provide ... a lightweight float boat including an inflatable load platform and/or to a float boat, including a standing deck....” Ex. 1011, 1:63-67. Airhead SS discloses, “[t]his is one of the most stable inflatable SUP boards on the market.” Ex. 1021 at 2. Hobie iSeries discloses “Stand Up Paddleboards – Inflatable Series.” Ex. 1022 at 2. As such, a POSITA would be motivated to combine the teachings of Hoffmann, Hoge, Swan and Scadden as they all pertain to inflatable watercraft. Ex. 1004 ¶173.

More particularly, a POSITA would be further motivated to combine the teachings of Hoffmann, Hoge, Swan, Airhead SS and Hobie iSeries as they all

pertain to such inflatable watercraft having 1) drop-stitched inflatable floor chambers; and 2) inflatable stand-up board chambers. Ex. 1004 ¶¶173-174.

As discussed above in IX.A1.b, while Hoge does not expressly state that its inflatable floor is a stand-up board; a POSITA would understand (or at least find it obvious) that Hoge's floor chamber 12 is (or can obviously be used as) a stand-up board. Ex. 1004 ¶¶126, 175.

A POSITA would be further motivated to include the teachings of Hoffmann in such combinations at least because Hoffmann discloses that its inflatable boat:

meets all the requirements for equipping and mobilizing individuals as well as for use as a buoyancy and swimming device in the broadest possible context, for example, as a working aid for engineer units or in disaster control. The specific coordination of the side gunwale tubes with the basic dimensions of the boat body and their all-round connection with the insertion of a stern side transverse tube that is preferably in open connection with the side tubes and is inflatable together with them via a single filling valve, result in an unexpectedly favourable ratio of the dead weight to the holding and load-bearing capacity of the fully inflated boat with a relatively large usable interior area, wherein the ratio can be further positively shifted by possibly dispensing with otherwise necessary stiffening and reinforcing elements.

Ex. 1007, [0004]. A POSITA would thus be motivated to include such designs of Hoffmann at least due to these additional stated advantages. Ex. 1004 ¶176.

A POSITA would be further motivated to include the teachings of Hoge in such combinations at least because Hoge discloses that its disclosure meets the stated need and advantages of a “rigid kayak ... with economy and portability of an

inflatable kayak.” Ex. 1009, [0008]. Further, Hoge discloses that it’s disclosed design “improves speed and ease of paddling.” *Id.*, [0009]. A POSITA would thus be motivated to include such designs of Hoge at least due to these additional stated advantages. Ex. 1004 ¶177.

A POSITA would be further motivated to include the teaching of Swan in such combinations at least because Swan discloses that it’s design “makes it possible for two people to stand up and cast fishing lines, ... stand up to search for fish, or use the resulting stable platform to dive or step into the water.” Ex. 1010, [0005]. Swan also discloses that its design allows that the paddle board floor can be removed, re-inflated and used as an inflatable stand-up paddle board. *Id.* And further, Swan discloses that its design “is portable in the trunk of a medium sized automobile or SUV and can be owned and operated at a fraction of the cost of larger, heavier, flats craft which are made out of rigid materials such as wood, fiber glass, or metal.” *Id.* *See also, id.*, [0007]-[0017]. A POSITA would thus be motivated to include such designs of Swan at least due to these additional stated advantages. Ex. 1004 ¶178.

A POSITA would be further motivated to include the teaching of Scadden in such combinations at least because Scadden discloses that its design is “very lightweight, easily compacted for carrying and storage, while opening and inflating to become a full sized operable float boat.” Ex. 1011, 1:59-62. Additionally, Scadden discloses that its design “will provide a float boat with ... standing deck

that will slide from a storage position beneath the seat to a user position forward of the seat....” *Id.*, 2:24-32. And further, “[s]uch a float boat is readily transported while deflated and compacted by back-pack, ground vehicle....” *Id.*, 3:14-19. And “[e]ven when fully inflated the very light-weight boat is readily carried manually or by vehicle....” *Id.* And further, “the boat hull also readily accommodates additional components to make a lightweight float boat that will allow a fisherman to safely sit or stand, while using the boat.” *Id.*, 3:20-23. A POSITA would thus be motivated to include such designs of Scadden at least due to these additional stated advantages. Ex. 1004 ¶179.

A POSITA would be further motivated to include the teaching of Airhead SS in such combinations at least because Airhead SS discloses that its inflatable SUP is “[s]uper stable, rigid and strong” and that “[t]he side chambers make this board extra wide. They create extra buoyancy and stability.” Ex. 1021 at 1, 4. “[I]f I fished or wanted to do SUP yoga, this would be great choice.” *Id.* at 11. A POSITA would thus be motivated to include such designs of Airhead SS at least due to these additional stated advantages. Ex. 1004 ¶180.

B. Reasonable expectations of Success & Predictability.

In addition to any specific reasonable expectations of success to combine provided above in Sections IX(A-E), a POSITA would have a further reasonable

expectation of success and predictability to combine the teachings from Hoffmann, Hoge, Swan, Scadden, Airhead SS and Hobie iSeries for several reasons.

A POSITA would have a reasonable expectation of success combining Hoffmann, Hoge, Swan, Scadden, Airhead SS and Hobie iSeries at least because each discloses similar and related technologies as discussed above in Section X(A). Ex. 1004 ¶183. Any combination of these similar and related technologies would not require undue experimentation and would render predictable results. *Id.*

Additionally, the disclosures of Hoffmann, Hoge, Swan and Scadden are of significant detail, including drawings, that readily show a POSITA how to incorporate such uncomplicated mechanical components into various designs rendering predictable results without undue experimentation. *Id.* ¶184.

Petitioner is unaware of any secondary considerations of non-obviousness as of the filing of this Petition.

XI. The Board Should Institute Despite Parallel Litigation

BOTE stipulates that, if the Board institutes IPR, it will not pursue in its parallel district court proceeding on the grounds raised, or which reasonably could have been raised, in this petition. When a petitioner presents such a stipulation, “the PTAB will not discretionarily deny institution in view of parallel district court litigation.” USPTO Memorandum, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation at 3, 7 (June 21,

2022). Moreover, the complaint (Ex. 1016) in the parallel district court proceeding was filed on May 3, 2024, a case schedule has not been entered, the case has not progressed beyond the filing of the complaint, the parties' expenditures are virtually nil, and there is no trial date.

XII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board institute IPR and cancel all Challenged Claims.

Respectfully submitted,

Date: June 18, 2024

/David A. Mancino/
David A. Mancino (Reg. No. 39,289)
dmancino@bakerlaw.com
Telephone: (513) 929-3495
Kevin P. Flynn (Reg. No. 71,906)
kflynn@bakerlaw.com
Telephone: (513) 852-2627
BAKER & HOSTETLER LLP
312 Walnut Street, Suite 3200
Cincinnati, OH 45202-4074
Telephone: (513) 929-3495

Douglas A. Grady
(*pro hac vice* forthcoming)
dgrady@bakerlaw.com
Telephone: (206) 566-7120
BAKER & HOSTETLER LLP
999 Third Avenue, Suite 3900
Seattle, WA 98104-4040

Counsel for Petitioner
BOTE, LLC

CERTIFICATE OF COMPLIANCE

This Petition complies with the word count limitation of 37 C.F.R. §42.24(a)(1) because, according to the word processing system used to prepare this document, the Petition contains 13,914 words, excluding the cover page, signature block, the exhibit list, and the parts of the Petition exempted by 37 C.F.R. §42.24(a)(1).

Date: June 18, 2024

/David A. Mancino/
David A. Mancino, Reg. No. 39,289

CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. §§ 42.105 and 42.6(e), the undersigned certifies that a copy of this Petition, Exhibits 1001-1023, and Petitioner's Power of Attorney and Designation of Lead and Backup Counsel were served on the 18th day of June 2024, by Priority Mail Express® directed to the Patent Owner at the correspondence address of record:

46317 - Trenner Law Firm, LLC
Mark D. Trenner
14143 Denver West Pkwy, #100-94
Golden, CO 80401
UNITED STATES

A courtesy copy was served on June 18, 2024 by electronic mail on Patent Owner's counsel of record in the district court litigation:

Alaina Pak, apak@bannerwitcoff.com
Michael L. Krashin, mkrashin@bannerwitcoff.com

Date: June 18, 2024

/David A. Mancino/
David A. Mancino, Reg. No. 39,289