

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUXOTTICA OF AMERICA INC.,

Petitioner

v.

E-VISION OPTICS, LLC

Patent Owner

Case No. IPR2024-01071

Patent No. 8,905,541

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
DEMONSTRATIVE EXHIBIT 1020**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Board's Order Setting Oral Argument (Paper 29), Patent Owner submits the following objections to Petitioner's demonstratives. The parties met and conferred on October 3, 2025, but did not resolve Patent Owner's objections.

Slide 14:

Slide 14 asserts a new obviousness argument—based on the '541 patent's written description and supported by two new cases (*Abbott Labs* and *In re Epstein*)—that Petitioner did not make in either its petition or its reply, as evidenced by Slide 14's citation only to Patent Owner's papers.

A POSA Would Have Known How To Apply The Insulating Layer

PO does not identify anything in the '541 patent teaching application of the claimed insulating layer. Thus, one skilled in the art would have known how to apply the insulating layer.



explaining that the patent demonstrates that alleged invention was within scope of the ordinary skill in the art, "and it does so not by what [the patent] discloses but by what it **does not** disclose."

Abbott Labs. v. Andrx Pharms., Inc., 452 F.3d 1331, 1341 (Fed. Cir. 2006)
(emphasis in original)

"[T]he Board's observation that appellant did not provide the type of detail in his specification that he now argues is necessary in prior art references supports the Board's finding that one skilled in the art would have known how to implement the features of the references and would have concluded that the reference disclosures would have been enabling."

In re Epstein, 32 F.3d 1559, 1568 (Fed. Cir. 1994)

Sur-Reply, 2-4; POR, 15-22

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Slide 39:

Similar to Slide 14, in Slide 39 Petitioner again appears to rely on *In re Epstein* to support a new obviousness argument based on the '541 patent's written description that Petitioner did not make in its papers.

Discovering Workable Ranges Is Not Inventive



"[I]t is not inventive to discover the optimum or workable ranges by routine experimentation."

In re Aller, 220 F.2d 454, 456 (C.C.P.A. 1955).

"[D]iscovery of an optimum value of a result effective variable ... is ordinarily within the skill of the art."

In re Applied Materials, Inc., 692 F.3d 1289, 1295 (Fed. Cir. 2012) (citing *In re Boesch*, 617 F.2d 272, 276 (CCPA 1980)).

"[T]he Board's observation that appellant did not provide the type of detail in his specification that he now argues is necessary in prior art references supports the Board's finding that one skilled in the art would have known how to implement the features of the references and would have concluded that the reference disclosures would have been enabling."

In re Epstein, 32 F.3d 1559, 1568 (Fed. Cir. 1994).

Reply, 15

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

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Date: October 3, 2025

Respectfully submitted,

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e-Vision Optics, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S OBJECTIONS TO PETITIONER'S DEMONSTRATIVE EXHIBIT 1020** was served by filing the documents through the Patent Trial and Appeal Case Tracking System (P-TACTS) on October 3, 2025 and courtesy copies were also served via electronic mail, in their entirety on the following:

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