

Filed on behalf of: CMS Cepcor Ltd., and
CMS Cepcor Americas LLC

By: Terry M. Sanks (tsanks@firstiniplaw.com; litigation@firstiniplaw.com)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CMS CEPACOR LTD., and
CMS CEPACOR AMERICAS LLC,
Petitioners,

v.

SANDVIK INTELLECTUAL PROPERTY AB,
Patent Owner.

Case No. IPR2024-01380
Patent No. 9,827,568

**PETITIONERS' RESPONSE TO PATENT OWNER'S OBJECTIONS
TO DEMONSTRATIVES**

In response to Patent Owner's Objection to Petitioners Demonstratives previously submitted Demonstratives (Paper 45, Ex. 1059), Petitioners hereby submit Ex. 1060 to address any deficiencies Patent Owner believes existed with Ex. 1066.

SLIDE 3:

Level of Skill & Field of Endeavor

- A person having ordinary skill in the art would be a person who has a bachelor's degree in mechanical engineering or a related field, and at least 2 years of experience with industrial equipment design and development. A POSITA may also have a combination of more formal education and less work experience or a combination of less/different formal education and more work experience. Ex. 1049, at ¶ 16.
- Patent Owner's Expert does not object to the above level of skill.
- Field of endeavor is main shaft assemblies for rock crushers. See generally Ex. 1044, ¶ 19; Ex 1001 at 1; Ex. 1018 at 1.

SLIDE 6:

Motivation

- Motivation to combine may be found explicitly or implicitly in market forces; design incentives; the 'interrelated teachings of multiple patents'; 'any need or problem known in the field of endeavor at the time of invention and addressed by the patent'; and the background knowledge, creativity, and common sense of the person of ordinary skill. (MPEP 2143.01).
- Trying to increase the life of a main shaft, and/or reduce down time when performing maintenance on a main shaft assembly would be motivated to combine the straight shaft and wear sleeve of Torrence with the preferable tapered shaft and tapered sleeve of Piepho as tapered shafts improve the ease of removal and prevent damage to the shaft, they are able to be used in more locations as they do not require presses and gear pullers, and they make removing components on a tapered shaft particularly easy, particularly when combined with known hydraulic systems for making and breaking the interference fit. (Ex. 1016 1:45-65, Ex. 1033 Behm, 1:13-15, 1:35-42; Ex. 1032 Sillett, 1:15-24; Ex. 1031 Harless, 3:15-22).

For completeness, and even though Petitioner did not object, slide 25 has also been amended to remove an improperly cited exhibit.

SLIDE 25

**EVIDENCE OF COPYING DOES NOT
OVERCOME OBVIOUSNESS**

It is well settled that secondary considerations of non obviousness simply cannot overcome this strong prima facie case of obviousness. [Sundance, Inc. v. Demonte Fabricating Ltd.](#), 550 F.3d 1356, 2008 U.S. App. LEXIS 26082, 89 U.S.P.Q.2D (BNA) 1535, 78 Fed. R. Evid. Serv. (Callaghan) 320 (citing to [Agrizap, Inc. v. Woodstream Corp.](#), 520 F.3d 1337, 1344 (Fed. Cir. 2008)); see also [Anderson's-Black Rock, Inc. v. Pavement Salvage Co.](#), 396 U.S. 57, 61, 90 S. Ct. 305, 24 L. Ed. 2d 258 (1969) (considering argument of secondary considerations but holding that "those matters without invention will not make patentability"); [Leapfrog Enters., Inc. v. Fisher-Price, Inc.](#), 485 F.3d 1157, 1162 (Fed. Cir. 2007) (holding that the objective considerations of nonobviousness presented, including substantial evidence of commercial success, praise, and long-felt need, were inadequate to overcome a strong showing of primary considerations that rendered the claims at issue invalid); [Dystar Textilfarben GMBH & Co. Deutschland KG v. C.H. Patrick Co.](#), 464 F.3d 1356, 1371 (Fed. Cir. 2006) ("The presence of certain secondary considerations of nonobviousness are insufficient as a matter of law to overcome our conclusion that the evidence only supports a legal conclusion that claim 1 would have been obvious.").

This response is submitted and served ahead of the hearing scheduled for January 13, 2026.

Date: January 13, 2026

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CERTIFICATE OF SERVICE

I hereby certify that, on January 13, 2026, a true and correct copy of the foregoing Petition (and accompanying exhibits) was served on the Patent Owner via electronic means (by agreement of the parties) at the addresses listed below:

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