

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STARA S.A.-INDÚSTRIA DE IMPLEMENTOS AGRÍCOLAS,

Petitioner,

v.

AGCO CORPORATION,

Patent Owner.

Case IPR2024-01459

Patent 11,665,989

**PATENT OWNER'S AUTHORIZED RESPONSE TO DIRECTOR
REVIEW REQUEST**

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EXHIBIT LIST

Petitioner's Exhibits

Exhibit	Description
1001	U.S. Patent No. 11,665,989 B2 (the '989 Patent)
1002	Declaration of Dr. Paul R. Weckler, PhD
1003	Curriculum Vitae of Paul R. Weckler, PhD
1004	Excerpts of the File History of the '989 Patent
1005	U.S. Patent Application Publication 2015/0230391 to <i>Houck</i>
1006	U.S. Patent No. 9,031,749 to <i>Hubalek</i>
1007	U.S. Patent No. 8,573,319 to Casper et al. (" <i>Deere I</i> ")
1008	EP 2335465 to <i>Amazonen</i> , English Translation
1009	DE 102006034798 to Poettinger Landtechnik GMBH, English Translation (" <i>Poettinger</i> ")
1010	U.S. Patent Application Publication 2014/0209335 A1 to Casper, et al. (" <i>Deere II</i> ")
1011	EP3192343 to Poettinger Landtechnik GMBH, English Translation (" <i>Poettinger II</i> ")
1012	KR101877062 B1 to LS MTRON (" <i>KR'062</i> ") (English Translation)
1013	U.S. Patent Application Publication No. 2016/0302350 to Kinzenbaw (" <i>the '350 Application</i> ")
1014	U.S. Patent No. 8,567,517 to Friggstad (" <i>the '517 Patent</i> ")
1015	U.S. Patent Application Publication 2014/0069670 to <i>Friesen</i>
1016	EP 2335465 to <i>Amazonen</i> (Original)
1017	DE 102006034798 to Poettinger Landtechnik GMBH (Original)
1018	EP 3192343 to Poettinger Landtechnik GMBH (Original plus Espacenet Translation)
1019	KR101877062 B1 to LS MTRON (" <i>KR'062</i> ") (Original)
1020	Certificate of translation (affidavit) for DE102006034798
1021	Certificate of translation (affidavit) for EP3192343
1022	Certificate of translation (affidavit) for KR101877062 B1
1023	Declaration of Brian A. Tollefson in Support of Motion
1024	KR 10-2014-0058776 (Korean language)

Patent Owner's Exhibits

Exhibit	Description
2001	Declaration of Douglas S. Prairie, P.E., with Appendices
2002	AGCO Press Release
2003	Farm Journal (website)
2004	USPTO Webpage Printout, listing Documents & transaction history for the U.S. Patent No. 11,665,989
2005	File History for the U.S. Patent No. 11,665,989
2006	Cambridge Dictionary of Science and Technology
2007	Antonyms of Transverse (website)
2008	What is the opposite of transverse? (website)

Pursuant to the authorization dated April 24, 2025 (EX3100), Patent Owner AGCO Corporation respectfully submits this response to Petitioner’s Request for Director Review. *See* Paper 13 (“Request”). After considering the evidence and arguments of the parties, the Board correctly denied institution because Petitioner failed to meet its burden to establish a reasonable likelihood that at least one challenged claim is unpatentable.¹ Petitioner’s Request should be denied.

I. THE REQUEST IS REplete WITH NEW ARGUMENTS NOT PART OF THE OFFICIAL RECORD (GROUNDS 1, 2 & 3)

With respect to Ground 1, the Request improperly introduces new arguments based on “mechanical principles.” Request, p. 4 (“In **mechanical principles**, a ‘pivoting joint’ constitutes a pivot point (or rotation point), a fixed point, and a neutral point to enable and transfer motion.” (emphasis added)), p. 6 (“Although Hubalek only mentions ‘lifting and lowering’ movements, both the figures and **mechanical principles** demonstrate that rotation of the toolbar occurs simultaneously.” (emphasis added)). However, neither the original Petition, nor the

¹ Because the Board did not grant Petitioner’s Motion to Substitute (*see* Papers 10 (motion) and 11 (opposition); *see also* Paper 12, Decision, pp. 22–23) and the Request does not seek review of this ruling, it is undisputed that Grounds 1, 3, 4, and 6 rely on KR’062, which is not prior art and has a public notice date of July 11, 2018. EX1012, KR’062 (English Translation), 1; *see* Paper 8, POPR, pp. 22–25.

expert declaration provides an argument based on “mechanical principles.” Paper 1, Petition, *passim*; EX1002, *passim*.²

Also with respect to Ground 1, the Request improperly introduces new arguments based on anticipation of certain elements. Request, p. 5 (“Thus, it only remains to show whether Hubalek’s actuators (80, 82, 174) also **anticipate** the limitation...” (emphasis added)), p. 7 (The “Board overlooked the fact that when KR’062 is combined with the other prior art references – which already **anticipate** the structural elements of the ‘989 patent ...” (emphasis added)). However, neither the original Petition, nor the expert declaration provides an argument based on any variant of anticipation. Paper 1, Petition, *passim*; EX1002, *passim*.³

Further with respect to Ground 1, the Request improperly introduces new arguments based on the “need for articulation.” Request, p. 8 (“Hubalek taught the **need for articulation** of the tool bar relative to the frame member...” (emphasis

² The only reference to “mechanical” in either the Petition or the expert declaration relates to the understanding of a POSITA. Paper 1, (“... a bachelor’s degree in mechanical or agricultural engineering ...”); EX1002, p. 32, ¶¶66 (similar).

³ The only reference to any variant of “anticipation” in either the Petition or the expert declaration relates to the file history. Paper 1, p. 20 (Noting “that the rejections were over Hubalek and Houck were based on anticipation, not obviousness”); EX1002, pp. 24–31, ¶¶51, 55, 58, 59, 60.

added)). However, neither the original Petition, nor the expert declaration provides an argument based on any “need.” Paper 1, Petition, *passim*; EX1002, *passim*.⁴

With respect to Ground 2, the Request improperly introduces a new argument—*i.e.*, “Importantly, the toolbar ROTATES relative to the frame member while **simultaneously** revolves the row units relative to the toolbar, achieving the same **ground-contouring** purpose.” Request, p. 10. However, the original Petition does not even mention “simultaneously” or a “ground-contouring” purpose. Paper 1, Petition, *passim* (no mention of “simultaneous” or “ground-contouring”).⁵

With respect to Grounds 1, 2, and 3, the Request improperly introduces new arguments related to the “terrain.” Request, p. 6 (“for different terrain conditions”), p. 7 (“raising or lowering the row unit in response to terrain”), p. 8 (“on uneven terrain” and “to traverse uneven terrain” and “terrain contouring”), p. 10 (“providing effective contouring on sloped terrain.”), p. 11 (“equivalent terrain-contouring sensing as ’989 patent.”), p. 13 (“... Poëttinger solves the same problems

⁴ The only reference to “need” in the expert declaration relates to qualifications. EX1002, p. 6, ¶3 (“I was a USDA National Needs Graduate Fellow.”).

⁵ The only references to “contouring” in the Petition are to the ’989 Patent itself. Petition, p. 7 (quoting the ’989 patent), p. 13 (quoting the title of the ’989 Patent), p. 17 (discussing the ’989 Patent disclosure).

of obtaining more uniform movement over irregular terrain ...”). But the original Petition does not provide any arguments regarding “terrain.” Paper 1, *passim*.

Because these new arguments are not in the record, the Board’s Decision denying institution does not address them or rely on these arguments. Paper 12, Decision (no argument regarding “mechanical principles,” no argument regarding any variant of “anticipation,” no argument regarding “need for articulation,” no argument regarding “simultaneously,” no argument regarding “ground-contouring,” no argument regarding “terrain”). That is, the Request’s new arguments do not address the Decision or the legal or factual determinations therein. Therefore, the Request should be denied.

II. THE REQUEST DOES NOT ADDRESS THE BASES IN THE BOARD’S DECISION (GROUNDS 3, 4, 5 & 6)

For Grounds 3, 4 & 5, the Decision denying institution expressly relied on 37 C.F.R. § 42.104(b)(4). Paper 12, Decision, pp. 32–33 (discussing Ground 3), pp. 38–39 (discussing Ground 4), pp. 42–33 (discussing Ground 5). For Ground 4, the Decision denying institution also expressly relied on *Metalcraft of Mayville, Inc. v. Toro Co.*, 848 F.3d 1358, 1366 (Fed. Cir. 2017), to show that Petitioner failed to meet its burden. Paper 12, Decision, pp. 38–39 (discussing Ground 4). However, the Request fails to address the Board’s (proper) applications of 37 C.F.R. § 42.104(b)(4) and *Metalcraft*. Request, *passim*.

Similarly, the Request ignores the Board's findings that Petitioner's arguments are conclusory. Paper 12, Decision, pp. 32–33 (“these portions of the expert’s declaration merely *conclude* ... but don’t *explain*” (discussing Ground 3)), p. 42 (“We agree with Patent Owner in that Petitioner relies heavily on conclusory statements...” (discussing Ground 5)), p. 45 (“Petitioner does not persuasively explain ..., merely concluding...” (discussing Ground 6)).

Instead, the Request makes unfounded allegations that the Board did not perform its duties. *Compare, e.g.*, Request, pp. 2–3 (“The Board failed to: ... (5) Separately analyze claim 17, which has different limitations than claim 1.”) *with* Paper 12, Decision, pp. 6–7 (“Claim 1 and claim 17, however, are substantially similar in scope.”); *see also* Paper 12, Decision, p. 25 (“Likewise, claim 17 suffers the same defects as claim 1 with respect to Hubalek and KR’062.”), p. 28 (“as required by independent claims 1 and 17”), p. 33 (“We apply similar reasoning to claim 17.”), p. 38 (“But what’s missing is *how* the features of Deere I and Deere II satisfy each and every element of claim 1 (and claim 17).”), p. 42 (“Petitioner indicates the analysis of independent claim 1 applies to independent claim 17 as well. Pet. 73.”). Clearly, the Board expressly (and repeatedly) analyzed claim 17.

Accordingly, the Request should be denied.

III. CONCLUSION

For the reasons stated herein, the Director should deny the Request.

Dated: April 29, 2025

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2025, I caused a true and correct copy of the foregoing to be served upon counsel of record via email:

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CERTIFICATE OF COMPLIANCE

Pursuant to the Board's April 24, 2025 authorization, the undersigned certifies that Patent Owner's Authorized Response to Petitioner's Director Review Request complies with the page limit set forth in the Board's order. The response is limited to five (5) pages and addresses only the issues raised in the Director Review Request, in accordance with the Board's instructions.

Dated: April 29, 2025

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