

Patent Owner's Initial Claim Construction Brief
IPR2025-00167 to -00171

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KUBOTA NORTH AMERICA CORPORATION,
Petitioner,

v.

VERMEER MANUFACTURING COMPANY,
Patent Owner.

IPR2025-00167 to -00169 (Patent 9,321,386 B1)
IPR2025-00170 (Patent 9,975,750 B2)
IPR 2025-00171 (Patent 10,202,266 B2)

Filed: April 18, 2025

PATENT OWNER'S INITIAL CLAIM CONSTRUCTION BRIEF

INTRODUCTION

Vermeer's specification does not evidence a clear and explicit intent to redefine the claim term "mainframe" to require a "single weldment." Unlike the lexicographical language in the *ParkerVision* decision identified by the Board, Vermeer's specification refers to exemplary embodiments that "generally"—*i.e.*, typically, but not always—comprise a single weldment. In addition, the doctrine of claim differentiation removes any doubt regarding Vermeer's intent: dependent claims add the express requirement that the mainframe be a "single weldment." The exacting standard required for lexicography is not satisfied here.

ARGUMENT

I. The Plain and Ordinary Meaning of "Mainframe" Is Not Limited to a Single Weldment.

The word "mainframe" is used unambiguously in the challenged claims and should be given its plain and ordinary meaning: the body of the compact tool carrier that supports the loader. As Vermeer explained in its Patent Owner Preliminary Response ("POPR"), this body is the *primary frame* of the machine (*i.e.*, the core structure of the machine that is always present and not selectively removeable) to which the other components attach. *See, e.g.*, IPR167, POPR at 22–27, 36–43 (distinguishing this "mainframe" requirement from the removable "fixture" component (41) in KR996); Ex. 1001, claims 1 and 5 (describing the mainframe as "supporting the loader," having four sides, "comprising an engine

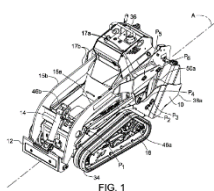
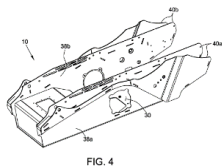
bracket . . . for mounting the engine,” being pivotally attached to the linkages and actuators connecting the loader arms, and being directly attached to the machine’s tracks or wheels). This plain and ordinary meaning of “mainframe” is also apparent from Petitioner’s own evidence. See IPR167, Ex. 1006 at [0002] (“main frames . . . constitute a main part of a chassis in various types of work vehicles”). As Vermeer’s specification notes, this core functionality of the mainframe is “generally” achieved by a single-weldment structure, but not always.

The Federal Circuit has repeatedly cautioned against “reading limitations from the specification into the claim[s]” instead of focusing on “how a person of ordinary skill in the art would understand the claim terms.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc). There is no basis to deviate from the plain meaning of “mainframe” identified in Vermeer’s POPR.

II. The Specification Language Identified by the Board Does Not Meet the Exacting Standard Required for Lexicography.

The lexicography standard is “exacting”: a patentee must “clearly set forth a definition of the disputed term” and “clearly express an intent to define the term.” *Luminara Worldwide, LLC v. Liown Elecs. Co.*, 814 F.3d 1343, 1353 (Fed. Cir. 2016). Here, the specification merely describes the preferred embodiment:

An embodiment of a compact tool carrier is generally referred to as “5” in FIG. 1. The compact tool carrier 5 includes a loader 8 supported by a mainframe 10. The loader 8 includes



The mainframe 10 includes a first side 38a and a second side 38b generally opposite the first side 38a. As used herein, the term “mainframe” generally refers to a single weldment to which the loader 8 is attached, optionally through one or more pivotal linkages. The mainframe 10 includes bracket portions 40a, 40b (FIG. 4) through which various pivot linkages are attached. In the illustrated embodiment, the engine (not shown) and the drive mechanism 18 comprising tracks or wheels are directly connected to the mainframe 10.

See IPR167, Ex. 1001 at 2:44–46, 3:4–12, Figs. 1, 4.

This language is merely exemplary, using reference numerals to refer to the embodiment's features and qualifying “single weldment” as referring “generally” to specific embodiments. The word “generally” “suggests that exceptions are allowed to the assertion of what occurs most (perhaps even almost all) of the time.” See *Scriptpro, LLC v. Innovation Assocs., Inc.*, 762 F.3d 1355, 1359–60 (Fed. Cir. 2014); cf. *Anchor Wall Sys., Inc. v. Rockwood Retaining Walls, Inc.*, 340 F.3d 1298, 1311 (Fed. Cir. 2003) (“‘generally parallel’ envisions some amount of deviation from exactly parallel.”); *Vermeer Mfg. Co. v. Toro Co.*, PGR2020-00081, Paper 11 at 23–24 (PTAB Mar. 15, 2021) (invention not “clearly limit[ed]” to “front-mounted linkage mechanism” where specification described mechanism “as being generally at the front of frame 4, thus suggesting that other locations on the frame are possible” (emphasis omitted)).

Vermeer's specification language is distinguishable from the language in *ParkerVision* that the Federal Circuit found to be lexicographic. There, the Court held that the sentence “[s]torage modules and storage capacitances . . . refer to systems that store non-negligible amounts of energy from an input EM signal” evidenced an intent to define the terms “storage modules” and “storage capacitances.” *ParkerVision, Inc. v. Vidal*, 88 F.4th 969, 976–77 (Fed. Cir. 2023). The *ParkerVision* Court distinguished that language from other language in the

specification, which specifically noted it was describing an “exemplary” system identified by reference numerals, and therefore were not definitional. *Id.* The exemplary language in Vermeer’s specification is more like this language in *ParkerVision* that was found to *not* meet the exacting standard for lexicography—by using reference numerals to refer to the preferred-embodiment mainframe’s features, which “generally” apply.

III. Claim Differentiation Precludes Lexicography Here.

The doctrine of claim differentiation precludes a finding that Vermeer intended to act as a lexicographer and limit “mainframe” to mean only embodiments constituting a single weldment. Where, as here, “the limitation in dispute is the only meaningful difference between an independent and dependent claim,” the “doctrine of claim differentiation is at its strongest.” *InterDigital Commc’ns, LLC v. Int’l Trade Comm’n*, 690 F.3d 1318, 1324–26 (Fed. Cir. 2012).

Here, independent claims that contain the term “mainframe” also have dependent claims with only one meaningful difference: an additional limitation that the mainframe constitutes a “single weldment.” IPR167, Ex. 1001, at cls. 2, 63; IPR168, Ex. 1001, at cls. 33, 42, 49, 76, 77, 79, 87; IPR169, Ex. 1001, at cls. 52, 63, 82, 85; IPR170, Ex. 1001, at cls. 2, 23; IPR171, Ex. 1001, at cls. 24, 26. These dependent claims give rise to a “strong presumption” of claim differentiation. This presumption is not rebutted by the language in the

specification noting that the mainframe “*generally* refers to a single weldment.”

The presence of these dependent claims further distinguishes this case from *ParkerVision* and forecloses a conclusion that Vermeer intended to narrowly redefine “mainframe.”

IV. The Prosecution History Supports Vermeer's Proposed Construction.

The fact that “mainframe” does not require a single weldment is also clear from the prosecution history of the challenged patents. When addressing the dependent claims having the “single weldment” requirement, the examiner proffered a rationale for alleging that it would have been obvious to “form[] the mainframe or loader as a one-piece construction.” IPR167, Ex. 1002, at 53; IPR170, Ex. 1002, at 166. The examiner did *not* express the same reasoning, however, when analyzing claims that did not include the “single weldment” limitation—demonstrating that the examiner did not understand “mainframe” to require a single weldment. *See* IPR167, Ex. 1002, at 51–53; IPR170, Ex. 1002, at 91–92, 164–66.

CONCLUSION

One skilled in the art would understand “mainframe” to mean the body of the compact tool carrier that supports the loader. Vermeer has expressed no intent to eschew that meaning here, so the word's plain and ordinary meaning applies.

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Date: April 18, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certified that on April 18, 2025, a copy of Patent Owner's Initial Claim Construction Brief was served via electronic mail on the following attorneys of record:

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Dated: April 18, 2025

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