

Patent Owner's Responsive 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 25, 2025

**PATENT OWNER'S BRIEF IN RESPONSE TO
PETITIONER'S INITIAL CLAIM CONSTRUCTION BRIEF**

INTRODUCTION

The Board authorized the parties to submit briefing on “whether the ‘mainframe’ sentence in each of the patents at issue is lexicographical” or “merely a description of a preferred embodiment.” *See* IPR167, Paper 7.¹ The parties agree on the answer to that question: Vermeer did not act as lexicographer; therefore, the term “mainframe” is not limited to a single-weldment chassis or body. Kubota’s brief, however, goes further, asking the Board to adopt a broad construction of “mainframe” that Kubota did not identify or apply in its Petition. Kubota’s arguments are both procedurally improper and substantively flawed. The Board should adopt the plain and ordinary meaning of “mainframe” consistent with the intrinsic evidence, as proposed by Vermeer.

ARGUMENT

A person of ordinary skill in the art would understand “mainframe” to mean the “body of the compact tool carrier that supports the loader.” This is the plain and ordinary meaning of “mainframe,” as used in Vermeer’s patents. *See* IPR167, POPR at 22–27, 36–43. Fearing the ramifications of this straightforward construction on its invalidity arguments, Kubota has retreated from the position set forth in its

¹ Vermeer notes that Kubota’s new evidence submitted with its brief violates the Board’s Order authorizing this briefing, which explicitly noted that the parties “are not authorized to file additional evidence with their briefs.” IPR167, Paper 7 at 6.

Petition—where it adopted and applied Vermeer’s proposed construction²—and now asks the Board to broadly construe “mainframe” to encompass *any* “supporting structure of a vehicle.” See IPR167, Paper 10 (“Pet. Br.”) at 5.

Kubota’s new construction ignores the plain meaning of the claim language and contradicts the intrinsic evidence. Kubota’s “any supporting structure” construction effectively eliminates “main” from the term “mainframe.” See IPR167, POPR at 23, Ex. 2007. And Kubota’s attempt to remove “body” from Vermeer’s proposed construction directly contradicts the specification’s use of “mainframe” as the “body” of the vehicle. See IPR167, Ex. 1001 at 3:66–67 (“body (e.g., mainframe) of the carrier”); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (en banc) (specification “is the single best guide to the meaning of a disputed term”).

Further, the specification identifies many structural components of the vehicle that would satisfy Kubota’s overly broad construction, *but which are expressly identified as being separate from the “mainframe.”* See, e.g., IPR167, Ex. 1001 at 2:2–5 and 3:20–24 (“drive mechanism” is not part of the “mainframe”), 3:62–64 (“upper frame” supporting the control station is also separate from the “mainframe”). As Vermeer explained previously, the prosecution history also supports defining

² See IPR167, Pet. at 30–31 n.6 (quoting from Vermeer’s claim construction that was approved by the Iowa court, Ex. 1039 at 14–15); Ex. 1003, ¶ 74 (same).

mainframe as the body of the machine supporting the loader. *See* IPR167, POPR at 24–27; *see also Phillips*, 415 F.3d at 1317 (“[T]he prosecution history provides evidence of how the PTO and the inventor understood the patent.”). Kubota provides no reasonable justification for ignoring this evidence by construing “mainframe” to include any supporting structure that can be connected to the body of the machine.

Kubota argues that Vermeer is “importing limitations” into the construction of mainframe by requiring a “unitary construction” and a “lack of separability.” Pet. Br. at 5. Kubota’s straw-man argument fails. Vermeer’s proposed definition does not require a unitary construction (single weldment) or lack of separability. Instead, as Vermeer has previously explained, the “mainframe” is the *body* of the machine, the *primary frame* supporting the loader—a fundamental component that must be present during operation. *See* IPR167, POPR at 22–27; Paper 12 at 1–2. Vermeer’s definition does not foreclose the mainframe from being dismantled during maintenance or repair, for example. But during all phases of operation, the mainframe remains fully intact.

CONCLUSION

The plain and ordinary meaning of “mainframe” is the body of the compact tool carrier that supports the loader. The Board should apply this meaning in its Institution Decision.

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CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certified that on April 25, 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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