

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KOKI HOLDINGS AMERICA LTD.

Petitioner

v.

KYOCERA SENCO INDUSTRIAL TOOLS, INC.

Patent Owner.

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PETITIONER'S PRELIMINARY REPLY TO  
PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION

Case No. IPR2025-00261

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Mail Stop Patent Board  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Pursuant to the Board’s March 28, 2025 authorization, Koki Holdings America Ltd. (“Petitioner”) hereby files this Reply to address Kyocera Senco Industrial Tools Inc. (“Patent Owner”)’s arguments regarding the constructions of the claim terms “lifter,” “gas pressure system,” and “not vented to the atmosphere.”<sup>1</sup>

## 1. “lifter”

Patent Owner contends that the petition fails identify any corresponding structure from the specification associated with the claimed “lifter” under the means-plus-function claim interpretation. Paper No. 7 at 10. This is incorrect. The Petition identifies the portions of the specification that describe the corresponding structure for the “lifter” when comparing its structure to that of the Lai prior art:

The “lifter member” of the ’776 patent includes a rotatable cam lifter 100 (yellow below left), with pin 104, 106, and 108 (green) on its face surface that engage protrusions 92 (blue) on the driver member 90 (orange). ’776 patent, 9:30–46, 16:34–48, Fig. 12. The ’776 patent also discloses two-pin variants: lifter members 465 and 480 in Figs. 31, 33. ’776 patent, 32:15–30, 32:48–63.

Petition at 13. The Petition explains how Lai’s prior art lifter has the same structure:

Lai discloses a rotatable cam 5 (yellow below right), with pins 52A and 52B (green) on its face surface that engage two protrusions 64 and 65 (blue) from a U-shaped member 61 on the driver member 6 (“hammer,” orange). Lai, 1:62–63, 2:14–25, Figs. 4A–D. Lai’s lifter member is moved by a prime mover (“motor 3”). Lai, 2:14–16, Fig. 2.

*Id.* The Petition then illustrates both structures side-by-side. *See id.* at 14. The

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<sup>1</sup> Patent Owner also disputes the construction of “storage chamber,” but this issue does not warrant a reply because the Preliminary Response does not make any arguments not already addressed in the Petition.

Petition does likewise when comparing the corresponding structure to that of the Kondo prior art. *See id.* 69–70.

## **2. “gas pressure system”**

Patent Owner contends that the Petition should be denied for supposedly relying on an unstated construction for the claimed “gas pressure system.” Paper No. 7 at 22. Patent Owner’s construction is mistaken.

First, Patent Owner erroneously asserts that “the ‘gas pressure system’ element is found in every independent claim.” *Id.* at 26. This term is not present in independent claims 9 or 14, or any of their dependent claims. Accordingly, this issue is not a basis on which to deny institution. *See* 37 CFR § 42.107 (“response is limited to setting forth the reasons why no *inter partes* review should be instituted”).

Second, Patent Owner’s claim construction argument relates to whether or not Haley’s other piston is “in the gas pressure system,” but that issue is irrelevant to Petitioner’s separate position that “Haley’s other piston would be eliminated in the combination with Lai.” *See* Petition at 15.

Third, Patent Owner’s claim construction is wrong. It is based on the wrong standard. *See* Paper No. 7 at 23 (“broadest reasonable construction”). It assumes that the preamble instance of the term is limiting without providing the requisite analysis. *See* MPEP § 2111.02. And it imports structures from dependent claims into an

independent claim term, including the “lifter” from claim 2 and the “motor” and “power source” from claim 5. *See* Paper No. 7 at 24–25.

Accordingly, the Board should disregard this issue.

### 3. “not vented to the atmosphere”

Patent Owner contends that the Petition should be denied for supposedly relying on an unstated construction for the claim term “not vented to the atmosphere.” Paper No. 7 at 26. Specifically, Patent Owner argues that minor leaks in Kondo correspond to gas being “vented.” *Id.* at 27. This construction is mistaken.

During original examination of the ’007 patent, the Examiner held that Kondo met the “not vented” limitation. Ex. 1018 at 2–3. The Patent Owner did not traverse that rejection. Ex. 1019 at 2. Patent Owner now seeks to retroactively challenge the Examiner’s conclusion by saying that Kondo’s minor leaks amount to venting.

The specification distinguishes air being “vented” from a mere “leak.” In particular, the second embodiment describes air below the piston being “moved through a vent to atmosphere” whereas the air above the piston is “not vented to atmosphere.” ’007 Patent, 27:62–28:5. The specification then states, when still describing the second embodiment, that “[t]he design of the preferred mode of the present invention is such that the charge gas should **not significantly leak** from the tool.” ’007 Patent, 31:10–12 (emphasis added). The specification thus acknowledges

that a storage chamber may have *insignificant* leaks without being considered to have “vented” its pressurized gas to the atmosphere.

Accordingly, the Board should disregard Patent Owner’s unexpected and unsupported construction for “not vented to the atmosphere.”

Date: March 28, 2025

/Amol A. Parikh/  
Amol A. Parikh

*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

Pursuant to 37 CFR § 42.6(e), I certify that on March 28, 2025, Petitioner's Preliminary Reply to Patent Owner's Preliminary Response was served by email on the following counsel for Patent Owner:

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