

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KOKI HOLDINGS AMERICA LTD.

Petitioner

v.

KYOCERA Senco INDUSTRIAL TOOLS, INC.

Patent Owner.

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

Case No. IPR2025-00264

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,” “not exhausted to atmosphere,” “removable top cap,” and “safety contact element.”¹

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” of the ’167 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). ’167 patent, 9:36-52, 16:39-53, Fig. 12. The ’167 patent also discloses two-pin variants: lifter members 465 and 480 in Figs. 31 and 33. ’167 patent, 32:21-36, 32:54-33:2.

Petition at 12. 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.

¹ 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.

Id. at 13. The Petition then illustrates both structures side-by-side. *See id.* The Petition does likewise when comparing the corresponding structure to that of the Kondo prior art. *See id.* 69–70.

2. “not exhausted to atmosphere”

Patent Owner contends that the Petition should be denied for supposedly relying on an unstated construction for the claim term “not exhausted to atmosphere.” Paper No. 7 at 25. Specifically, Patent Owner argues that minor leaks in Kondo correspond to gas being “vented.” *Id.* at 26. This construction is mistaken.

During original examination of the ’007 patent, the Examiner held that Kondo met the related “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.”² 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.” ’167 Patent, 27:60–28:3. 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

² The specification never uses “exhausted.” The only support is its discussion of the related term “vented.”

tool.” ’007 Patent, 31:8–11 (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 exhausted to atmosphere.”

3. “removable top cap”

Patent Owner contends that the Petition should be denied for supposedly relying on an unstated construction of the term “removable top cap.” Paper No. 7 at 21. Patent Owner first argues that the Petition’s identification of Haley’s elongate accumulator shell as the “removable top cap” allegedly renders the claim term superfluous. *Id.* at 22. Patent Owner next argues that the Petition’s identification of Saari/Enstrom’s sleeve as the “removable top cap” amounts to a construction of “top cap” that somehow requires it to be an “insert in a top cap.” *Id.* Patent Owner also complains about the coloring used by the Petition to annotate the figures. *Id.* at 24.

None of Patent Owner’s complaints expose any unresolved claim construction issue. The Petition identifies a specific component in Haley as satisfying the “removable top cap” limitation, and thus by definition does not implicitly construe that term to be superfluous. As for Saari/Enstrom, Patent Owner’s complaint appears to be that some other component should have been identified as the “top cap,” but

Patent Owner fails to provide any reasoned basis for this position and certainly does not show that this amounts to a claim construction issue.

In sum, Patent Owner fails to show any unstated claim construction or other deficiency with the Petition's treatment of the "removeable top cap" limitation.

4. "safety contact element"

Patent Owner contends that the Petition should be denied for supposedly relying on an unstated construction of the term "safety contact element." Paper No. 7 at 28. In particular, Patent Owner argues that the Petition reads the "safety contact element" limitation on the same component in Haley that is read on the "guide body" limitation, and thus renders one of those limitations superfluous. *Id.* Patent Owner is mistaken due to an incomplete review of the Petition. Specifically, the Petition explains that:

Haley's safety contact is at a front portion of the tool but is integrated into the guide body, but Dr. Vallee explains that this is a mere matter of design choice and it would have been obvious to have the safety contact be a separate element above the guide body, particularly in the combination in Lai, which eliminates Haley's bulky lifting mechanism taking up space above the guide body.

Petition at 37. The Petition goes on to explain why and how Haley would be modified to have a separate "safety contact element" as claimed. *See id.* The Petition thus does not point to the same component in Haley for two different claim limitations and Patent Owner's complaint is moot.

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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