UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Kubota North America Corporation,

Petitioner

v.

Vermeer Manufacturing Company,

Patent Owner

IPR2025-00381
U.S. Patent No. 11,465,891

PETITIONER'S REPLY BRIEF ON CLAIM CONSTRUCTION

I. THERE IS NO DISPUTE THAT "MAINFRAME" DOES NOT HAVE A LEXICOGRAPHICAL DEFINITION

Patent Owner (PO) and Petitioner both agree that "mainframe" has **no** lexicographical definition. They also agree that the **plain and ordinary meaning** of "mainframe," without any limitation of a "single weldment," should apply. 167IPR, Paper 12, 2-5 (167IPR is cited herein, corresponding references in each above proceeding also apply). Thus, the Board should give "mainframe" its plain and ordinary meaning—and in doing so—reject PO's attempt to import *other* limitations from the specification under the guise of expounding on that ordinary meaning. It is black letter law that claim construction must not import limitations from the specification into the claims and must be from the perspective of POSITA. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1313, 1323 (Fed. Cir. 2005). PO's attorney arguments fail both requirements.

II. PATENT OWNER'S CONSTRUCTION OF "MAINFRAME" SHOULD NOT BE ADOPTED

PO argues that the ordinary meaning of mainframe is "the body of the compact tool carrier that supports the loader." *See* Paper 12, 5. This is incorrect.

First, claim terms need only be construed to the extent necessary to resolve the controversy, and PO's proposed construction does not do so. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368 (Fed. Cir. 2019). The Petition shows KR996 provides a "mainframe for supporting a loader;" this same KR996 teaching also provides a "body of the compact tool carrier that supports the loader." *See* Paper 3, 30-32,

EX1003, ¶¶73-75, EX1005, Figs. 8-10, [0042]-[0043] (illustrating a "mainframe" (a body) including bracket/fixture portion (41), where the loader is connected by way of linkages/actuator, affixed with other frame portions (11, 12) for loader operation).

Further, both PO's demands for a "body" and "that supports the loader" are misplaced. Claim 1 recites "a mainframe for supporting the loader…." Using PO's construction, claim 1 would recite "a [body of the compact tool carrier that supports the loader] for supporting the loader…." making claim's recitation of "supporting the loader" superfluous. *See* Paper 10, 4-5. Also, the specification uses the term "body" only when describing a remote operation embodiment where the control unit is separate from the carrier. *See* EX1001, 3:62-67. PO's purported construction narrowing "mainframe" to this particular embodiment improperly ignores other embodiments, including with on-board control. *See*, *e.g.*, EX1001, Fig. 2. And in its use, "body" includes, but does not define, "mainframe." EX1001, 3:66-67.

III. PLAIN AND ORDINARY MEANING OF "MAINFRAME" SHOULD BE ADOPTED; "MAINFRAME" IS DEFINED BY THE CLAIMS

The specification describes multiple potential portions and functionalities for its mainframe. And the claims identify certain portions and/or functionalities that are required, without precluding other portions and/or functionalities described in the specification. For example, the specification states that a "mainframe" can include "bracket portions" where the loader connects, an "engine bracket," "a reservoir [for] hydraulic fluid," drive mechanism attachment, and control station support. EX1001,

4:9-12, 5:54-55, 58-59, 3:20-21, 34-37; FIG. 7. Not all claims require each different portion and/or functionality, but neither do they preclude them. *See also*, EX1001, 6:17-26 suggesting no limitation as to additional elements. Thus, the plain and ordinary meaning of "mainframe" (without PO's improper carve-outs) suffices. If an explicit construction is needed, Petitioner proposes "a supporting structure," based on the ordinary definition of "frame." *See* POPR, Paper 6, 23, EX2007, 3.

IV. PO'S DEMANDS ARE CONTRADICTORY AND UNSUPPORTED

When previously asserting these patents, PO stressed that portions "bolted" together (a fastening means meant for separability) provide a "mainframe." EX1039, 11. Now faced with an invalidity challenge, PO flips its position stating that "mainframe" means "the core structure of the machine that is always present and not selectively removeable." Paper 12, 1. The primary reference of the IPR (KR996) includes portions installed/attached together while allowing separability when the loader function is not desired. EX1005, Figs. 8-10, [0041]-[0043]. PO now argues this is not a "mainframe." Paper 12, 1. PO's inconsistency must be soundly rejected.

Finally, all PO's proposed interpretations are mere attorney argument. Petitioner's expert Dr. Velinsky explained: "[w]hile KR996 describes embodiments of its frame in two portions, when in operation the mainframe of the vehicle is in one piece providing support for the loader." EX1003, ¶74; Paper 3, 31-32.

Respectfully submitted,

/David M. O'Dell/

Dated: May 7, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e), service was made on Patent Owner as detailed below.

Date of service May 7, 2025

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