

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALBANY INTERNATIONAL CORP.,
Petitioner,

v.

VOITH PATENT GMBH,
Patent Owner.

IPR2025-01116
Patent 11,261,566 B2

Before MITCHELL G. WEATHERLY, CHRISTOPHER M. KAISER, and
KIMBERLY MCGRAW, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314, 37 C.F.R. § 42.4

I. INTRODUCTION

A. *Background and Summary*

Albany International Corp. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–15 (“the challenged claims”) of U.S. Patent No. 11,261,566 B2 (Ex. 1001, “the ’566 patent”). Voith Patent GmbH (“Patent Owner”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”). With our authorization, Petitioner filed a Preliminary Reply (Paper 10, “Prelim. Reply”), and Patent Owner filed a Preliminary Sur-reply (Paper 11, “Prelim. Sur-reply”).

We have authority, acting on the designation of the Director, to determine whether to institute an *inter partes* review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). *Inter partes* review may not be instituted unless “the information presented in the petition filed under [35 U.S.C.] section 311 and any response filed under [35 U.S.C.] section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). “When instituting *inter partes* review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.” 37 C.F.R. § 42.108(a) (2023). In other words, a decision to institute under § 314 may not institute on fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018). In addition, if the Board institutes trial, it will “institute . . . on all grounds in the petition.” PTAB Consolidated Trial Practice Guide, 5–6 (Nov. 2019)¹ (“CTPG”); *see also PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1360 (Fed. Cir. 2018) (interpreting the statute to require “a simple yes-

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

or-no institution choice respecting a petition, embracing all challenges included in the petition”).

For the reasons set forth below, upon considering the briefing and the evidence of record, we determine that the information presented in the Petition establishes a reasonable likelihood that Petitioner will prevail with respect to at least one of the challenged claims. Accordingly, we institute *inter partes* review of all challenged claims on all grounds asserted in the Petition.

B. Real Parties-in-Interest

Petitioner and Patent owner each identify themselves as real parties-in-interest. Pet. 104; Paper 4, 2.

C. Related Matters

Neither party identifies any related matters. *Id.*

D. The '566 Patent

The '566 patent, titled “Clothing for a Machine for Producing a Fibrous Material Web,” “relates to a clothing, in particular a seam felt, for a machine for producing a fibrous material web in particular a paper, board, tissue or pulp web, comprising a base structure which includes or is formed of a two-layer laminate structure formed from one or more flat-woven fabrics.” Ex. 1001, code (54), 1:8–13. The application giving rise to the '566 patent was filed on March 11, 2019, and asserts an earliest priority claim to German application 102018105956, filed on March 15, 2018. *Id.* at codes (21), (22), (30).

According to the '566 patent, “[c]lothings which are used in paper machines usually consist of endless belt loops. These belt loops are guided continuously in circulation over a multiplicity of supporting and guiding

elements during operation of the machine and, in the process, are always under tension.” *Id.* at 1:20–24. “In addition, they are subjected to loadings by presses, suction elements and the like,” and, “[i]n order to be able to withstand these loadings permanently, such clothings frequently have a woven base structure.” *Id.* at 1:24–29. These structures may be “woven in the round,” but “this type of weaving is very time-consuming,” and “the necessary length of the clothing must already be known exactly during weaving.” *Id.* at 1:30–40.

The ’566 patent describes an alternative prior-art method using “flat-woven webs” that “are provided in twice the length of the necessary clothing” that can be folded over at the ends to produce “a two-layer laminate structure.” *Id.* at 1:41–45. “By removing the [cross-direction (CD)] threads at the folds, seam loops are produced. By interengaging the seam loops of both end sides and inserting an insertion element, this base structure can be made endless.” *Id.* at 1:45–49. For various reasons, this structure has the disadvantage of producing markings on the paper made using the resulting clothing. *Id.* at 1:57–2:3.

The ’566 patent describes a different clothing that “can be produced and used quickly and economically and, at the same time, overcomes the quality deficiencies known from the prior art.” *Id.* at 2:7–10. “This object is completely achieved by a clothing in which the diameter (LD) of the seam loops and the diameter (MDYD) of the associated [machine-direction (MD)] threads has a ratio LD/MDYD between 2.5 and 4, in particular between 2.7 and 3.6.” *Id.* at 2:11–15.

E. Illustrative Claim

Petitioner challenges claims 1–15 of the '566 patent. Claim 1 is independent and illustrative; it is reproduced below.

1. A clothing or a seam felt for a machine for producing a fibrous material, paper, board, tissue or pulp web, comprising:
 - a base structure including a two-layer laminate structure formed of one or a plurality of flat-woven fabrics, said base structure having two end sides;
 - said laminate structure having MD threads being monofilaments with a round cross section forming seam loops at said two end sides of said base structure, said seam loops interconnecting said two layers of said laminate structure, said seam loops having a diameter LD and said associated MD threads having a diameter MDYD;
 - a seam interconnecting said end sides to make the clothing endless, said seam being formed by interengaging said seam loops of said two end sides and an insertion of an insertion element;
 - said seam having a loop density of between 64% and 90%;
and
 - said diameter LD of said seam loops and said diameter MDYD of said associated MD threads having a ratio LD/MDYD of between 2.7 and 3.6.

Ex. 1001, 9:58–10:14.

F. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 2–3, 11–103):

Claim(s) Challenged	35 U.S.C. §²	Reference(s)/Basis
1, 3, 10–13	103	Sudre, ³ Adanur ⁴
2	103	Sudre, Adanur, Shipley ⁵
4–9	103	Sudre, Adanur, Straub ⁶
14	103	Sudre, Adanur, Lidar ⁷
15	103	Sudre, Adanur, Yook ⁸
1, 3, 10–13	103	Sudre, Lee, ⁹ Penven ¹⁰
2	103	Sudre, Lee, Penven, Shipley
4–9	103	Sudre, Lee, Penven, Straub
14	103	Sudre, Lee, Penven, Lidar
15	103	Sudre, Lee, Penven, Yook
1, 3, 12, 13	103	Sudre, Rydin ¹¹
2	103	Sudre, Rydin, Shipley
4, 7–9	103	Sudre, Rydin, Straub
14	103	Sudre, Rydin, Lidar
15	103	Sudre, Rydin, Yook

In support of its unpatentability arguments, Petitioner relies on the declaration of Dr. Christopher M. Pastore (Ex. 1003).

² Amendments to 35 U.S.C. §§ 102 and 103 enacted by the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), took effect in March 2013. The ’566 patent issued from an application claiming priority to an application filed in March 2018. *See* Ex. 1001, codes (22), (30). Therefore, we apply the post-AIA versions of §§ 102 and 103. Neither party, however, argues that the outcome of this case would differ based on applying the pre-AIA or post-AIA versions of these laws.

³ WO 89/12717, published Dec. 28, 1989 (Ex. 1004).

⁴ Sabit Adanur, *Paper Machine Clothing* (2d ed. 2017) (Ex. 1021).

⁵ US 5,887,630, issued Mar. 30, 1999 (Ex. 1010).

⁶ US 2015/0096704 A1, published Apr. 9, 2015 (Ex. 1013).

⁷ US 6,531,418 B1, issued Mar. 11, 2003 (Ex. 1014).

⁸ US 6,712,100 B2, issued Mar. 30, 2004 (Ex. 1009).

⁹ WO 2014/172594 A1, published Oct. 23, 2014 (Ex. 1005).

¹⁰ US 4,806,208, issued Feb. 21, 1989 (Ex. 1006).

¹¹ Björn Rydin, *A new generation of seamed felt*, Swedish paper magazine: *Nordic cellulose* (1992) (Ex. 1027, English translation provided as Ex. 1028).

II. ANALYSIS

A. Legal Standards

A claim may be unpatentable as anticipated if “each and every limitation is found either expressly or inherently in a single prior art reference.” *Sanofi-Synthelabo v. Apotex, Inc.*, 470 F.3d 1368, 1375 (Fed. Cir. 2006). Anticipation under § 102 may be established by showing, as a matter of fact, that all elements arranged as specified in a claim are disclosed within the four corners of a reference, either expressly or inherently, in a manner enabling one skilled in the art to practice an embodiment of the claimed invention without undue experimentation. *See ClearValue, Inc. v. Pearl River Polymers, Inc.*, 668 F.3d 1340, 1344 (Fed. Cir. 2012).

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and “the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). “While the sequence of these questions might be reordered in any particular case,” *KSR*, 550 U.S. at 407, the U.S. Court of Appeals for the Federal Circuit has repeatedly emphasized that “it is error to reach a conclusion of obviousness until all those factors are considered,” *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1328 (Fed. Cir. 2016). Because Patent

Owner does not address objective evidence of non-obviousness, we focus solely on the first three *Graham* factors.

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with particularity . . . the evidence that supports the grounds for the challenge to each claim”)). This burden of persuasion never shifts to Patent Owner. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (discussing the burden of proof in *inter partes* review).

At this preliminary stage, we determine whether the information presented shows a reasonable likelihood that Petitioner would prevail in establishing that at least one of the challenged claims would have been unpatentable over the proposed prior art. We analyze the asserted grounds with the above-noted principles in mind.

B. Level of Ordinary Skill in the Art

The level of ordinary skill in the pertinent art at the time of the invention is a factor in how we construe patent claims. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). It is also one of the factors we consider when determining whether a patent claim is obvious over the prior art. *See Graham*, 383 U.S. at 17–18.

Factors pertinent to a determination of the level of ordinary skill in the art include “(1) the educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology; and

(6) educational level of active workers in the field.” *Envtl. Designs, Ltd. v. Union Oil Co. of Cal.*, 713 F.2d 693, 696–697 (Fed. Cir. 1983) (citing *Orthopedic Equip. Co. v. All Orthopedic Appliances, Inc.*, 707 F.2d 1376, 1381–82 (Fed. Cir. 1983)). “Not all such factors may be present in every case, and one or more of these or other factors may predominate in a particular case.” *Id.*

Petitioner contends that one of ordinary skill in the art “would have had at least (1) a Bachelor’s Degree (or higher) in material science, materials engineering, mechanical engineering, textile engineering, or a related field, and (2) a minimum of two years of working experience in textiles engineering, fibers and textiles manufacturing, or a related field.” Pet. 4 (citing Ex. 1003 ¶¶ 21–22). Petitioner also argues that “[a]dditional education could substitute for professional experience, and *vice versa*.” *Id.* On the present record, Patent Owner does not contest Petitioner’s proposed level of ordinary skill. Prelim. Resp. 25–26.

For purposes of this Decision, we adopt Petitioner’s assessment of the level of ordinary skill in the art, as it appears consistent with the ’566 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001).

C. Claim Construction

We apply the same claim-construction standard used in the federal courts—in other words, the claim-construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b), which is articulated in *Phillips*. *See* 37 C.F.R. § 42.100(b). Under the *Phillips* standard, the “words of a claim ‘are generally given their ordinary and customary meaning,’” which “is the meaning that the term would have to a

person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” *Phillips*, 415 F.3d at 1312–13.

Both parties argue that no claim terms require express construction at this stage of the proceeding. Pet. 3; Prelim. Resp. 26. On the present record, we agree. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))). To the extent the parties’ arguments regarding unpatentability do address claim construction issues, we address these issues below.

D. Asserted Obviousness Based on the Combination of Sudre, Lee, and Penven

Petitioner argues that claims 1, 3, and 10–13 of the ’566 patent would have been obvious over the combination of Sudre, Lee, and Penven. Pet. 72–90.

1. Overview of Sudre

Sudre, titled “Papermaker’s Fabrics,” relates to “[a] method for the manufacture of a papermaker’s fabric . . . which involves the provision of a multiply fabric having fold regions . . . at its respective ends and the removal of cross-machine direction yarns . . . in such fold regions thereby to create seam-forming loops.” Ex. 1004, codes (54), (57). “The loops . . . may be interdigitated directly to receive a pintle wire into engagement therewith and thus form a seam, or may receive a spiral for seam-forming purposes.” *Id.* at code (57).

2. *Overview of Lee*

Lee, titled “Seamed Press Felt Including an Elastic Carrier Layer and Method of Making,” relates to “[a] seamed press felt formed from a base fabric material including MD yarns arranged in two superimposed layers joined by the MD yarns at CD folds.” Ex. 1005, codes (54), (57). “The MD yarns form loops at the folds to define a pintle channel.” *Id.* at code (57). “A pintle extends through the channel defined by intermeshing the loops from the opposing ends.” *Id.*

3. *Overview of Penven*

Penven, titled “Method of Seaming a Seamed Felt on a Papermaking Machine with Oppositely Tapered Pintle Elements,” relates to “[a] pintle unit and method of closing a seam in a papermakers felt which provides a tight closure along the full length of the seam.” Ex. 1006, codes (54), (57). “The seam is closed with a pintle unit made up of a plurality of pintle elements which are tapered and pulled into the seam to interact in a wedging fashion.” *Id.* at code (57).

4. *Analysis of Claim 1*

- a) *Disputed Limitation: “said diameter LD of said seam loops and said diameter MDYD of said associated MD threads having a ratio LD/MDYD of between 2.7 and 3.6”*

Claim 1 recites that the “said diameter LD of said seam loops and said diameter MDYD of said associated MD threads ha[s] a ratio LD/MDYD of between 2.7 and 3.6.” Ex. 1001, 10:12–14. According to Petitioner, “Penven teaches the diameter LD of the seam loops, . . . such that the ‘seam . . . [has] an internal void diameter of about 50 mils,’ *i.e.*, about 1.27mm,” and Lee teaches an “MD thread diameter (*MDYD*) [of] ‘about

0.4mm,” as well as “from about 0.3mm to about 0.6mm.” Pet. 86–87 (quoting Ex. 1005, 12, 27, 28, claim 28; Ex. 1006, 3:64–66; citing Ex. 1003 ¶¶ 300–301, 303–305). Accordingly, Petitioner argues that “[t]he combination fabric thus has a *ratio LD/MDYD* of 1.27mm/0.4mm, *i.e.*, 3.175,” or, for the range of diameters taught by Lee, “a *ratio LD/MDYD* that ranges from 2.1 (1.27mm/0.6mm) to 4.2 (1.27mm/0.3mm).” *Id.* (citing Ex. 1003 ¶¶ 301–305). In addition, Petitioner argues that a person of ordinary skill in the art “would have been motivated to look to . . . Lee and Penven[] to identify parameters that enable satisfaction of [Sudre’s] ‘particular requirements’ for the fabric” because “Sudre teaches a method for manufacturing PMC [but] does not provide specific parameters, such as warp thread size and spacing,” because “Lee’s warp thread diameters and densities were conventional,” and because “Penven’s loop size was conventional.” *Id.* at 79–80 (citing Ex. 1003 ¶¶ 248, 251–261, 264; Ex. 1004, 6:14–17; Ex. 1006, 3:64–66; Ex. 1016, 6:59–64; Ex. 1022; Ex. 1024, 2:1–2).

According to Patent Owner, Petitioner is incorrect that Lee teaches “MD thread yarn diameter of about 0.4mm,” which would lead to an LD/MDYD ratio of 3.175. Prelim. Resp. 53–57. Patent Owner notes that, contrary to this alleged teaching, Lee actually teaches that the relevant yarns, those of its first fabric structure, “are arranged with a larger diameter than the yarns of the second fabric structure,” leading to a preferred diameter of 0.5 millimeters and an LD/MDYD ratio of 2.54. *Id.* (citing Ex. 1005, 11, 26–27). On the present record, we are persuaded that Petitioner has shown sufficiently for purposes of institution that Lee teaches the use of yarn in its first fabric structure with a diameter of 0.4 millimeters. First, Lee teaches

that “the yarns of the first array are single circular cross-sectional shaped monofilaments having a diameter of from about 0.3mm to 0.6mm,” which encompasses the value of 0.4 millimeters. Ex. 1005, 12. Second, although Lee teaches that “the size or diameter of the yarns 210 in the second array 215 is smaller than that of the yarns 110 in the first array 115” and that “monofilaments having a circular cross-sectional shape and a diameter of about 0.4mm are presently preferred for this purpose,” it also teaches that “certain applications may dictate that the yarn density and size in the second array 215 be equal to that in the first array 115.” *Id.* at 28–29. Even if this second disclosure should be interpreted as teaching increasing the diameter of the yarn in the second array to 0.5 millimeters to match the diameter of the yarn in the first array rather than, as Petitioner suggests, as teaching decreasing the diameter of the yarn in the first array to 0.4 millimeters to match the diameter of the yarn in the second array, Lee’s teaching of a range of diameters for the yarn in the first array results in an overlap with the range of values recited in challenged claim 1.

Next, Patent Owner argues that “the technical relationship between the optimal loop density and the optimal $\frac{LD}{MDYD}$ ratio recited in claim 1 of the ’566 Patent is central to assessment of the invention recited in this claim.” Prelim. Resp. 57–60. For this reason, Patent Owner argues that it is inappropriate to “cherry-pick[] features from each reference to arrive at the limitations of claim 1,” as Patent Owner contends Petitioner has done. *Id.* On the present record, we disagree with this argument. Here, Patent Owner directs us to language in the written description of the ’566 patent that suggests there may be some functional relationship between the chosen loop density and the chosen LD/MDYD ratio, but Patent Owner does not direct us

to any language in the claim requiring such a relationship. *Id.* at 57–58 (citing Ex. 1001, 6:58–7:22). Nor could Patent Owner do so. Claim 1 merely recites a range of loop densities and a range of LD/MDYD ratios; it does not further recite choosing a value from one of these ranges based on the value chosen from the other range. Ex. 1001, 9:58–10:14. Thus, Patent Owner asks us to import a limitation into claim 1 from the written description of the ’566 patent. We decline the invitation. “Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim.” *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004). The parties are invited to address this issue during trial if they so choose.

Additionally, Patent Owner argues that Petitioner has not adequately articulated a reason why a person of ordinary skill in the art would have combined the teachings of Sudre, Lee, and Penven. Prelim. Resp. 60–63. In particular, Patent Owner argues that a person of ordinary skill in the art “would not have been motivated to look into *Penven* to modify the teachings of *Lee* because *Lee* and *Penven* disclose substantially different structures.” *Id.* at 60–61. This argument does not address Petitioner’s proposed reason to combine, which looks to Lee and Penven each to modify Sudre, not to Penven to modify Lee. *See* Pet. 79–81. In addition, “[c]ombining the teachings of references does not involve an ability to combine their specific structures.” *In re Nievelt*, 482 F.2d 965, 968 (CCPA 1973). In other words, “[t]he test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference Rather, the test is what the combined teachings of the

references would have suggested to those of ordinary skill in the art.” *In re Keller*, 642 F.2d 413, 425–26 (CCPA 1981). Petitioner provides “some articulated reasoning with some rational underpinning” to combine the teachings of Sudre with those of Lee and Penven. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). In particular, Petitioner directs us to Sudre’s teaching of “a method for manufacturing PMC,” to Sudre’s lack of teaching of “specific parameters, such as warp thread size and spacing” to satisfy the “particular requirements” of its fabric. Pet. 79 (citing Ex. 1003 ¶¶ 248–250; Ex. 1004, 1:2–5, 6:14–17). As Petitioner points out, *id.* at 79–80, Lee and Penven provided yarn diameters and loop diameters that were conventional, and there is evidence of record that a person of ordinary skill in the art would have used these conventional diameters in constructing Sudre’s paper machine clothing. Ex. 1003 ¶¶ 258–261, 263–266; Ex. 1006, 3:64–66.

Next, Patent Owner argues that Petitioner has not shown sufficiently that a person of ordinary skill in the art would have had a reasonable expectation of success in combining Sudre, Lee, and Penven. Prelim. Resp. 62–63. On the present record, we disagree. Petitioner argues that a person of ordinary skill in the art

would have reasonably expected success in dimensioning a press fabric such as Sudre’s based on dimensions from Lee and Penven because Lee and Penven, like Sudre, pertain to PMC, and specifically to press fabrics made ‘endless’ from flat-woven base fabrics, and because Sudre imposes no specific requirements that would provide any reason to deviate from the usage of these conventional dimensions.

Pet. 79 (citing Ex. 1003 ¶¶ 248–250; Ex. 1004, 1:2–5, 6:14–17). This argument is sufficiently supported by evidence of record at this stage of the proceeding. In particular, Sudre teaches that “a papermaker’s fabric meeting

the particular requirements of its intended end use as regards performance characteristics can be produced from th[e] base fabric in a simple and ready manner.” Ex. 1004, 6:14–17. In addition, Dr. Pastore testifies that, “[b]ecause warp[] threads in [Lee’s] size range were conventional,” a person of ordinary skill in the art “would have expected success in incorporating [Lee’s] warp threads into the Sudre-Lee-Penven combination fabric.” Ex. 1003 ¶ 256.

For these reasons, we determine that Petitioner has shown sufficiently, for purposes of institution, that a person of ordinary skill in the art would have had reason to combine the teachings of Sudre, Lee, and Penven and that the combination of these references taught or suggested that the “said diameter LD of said seam loops and said diameter MDYD of said associated MD threads ha[s] a ratio LD/MDYD of between 2.7 and 3.6.”

b) Undisputed Limitations

Claim 1 also recites

1. A clothing or a seam felt for a machine for producing a fibrous material, paper, board, tissue or pulp web, comprising:
 - a base structure including a two-layer laminate structure formed of one or a plurality of flat-woven fabrics, said base structure having two end sides;
 - said laminate structure having MD threads being monofilaments with a round cross section forming seam loops at said two end sides of said base structure, said seam loops interconnecting said two layers of said laminate structure, said seam loops having a diameter LD and said associated MD threads having a diameter MDYD;
 - a seam interconnecting said end sides to make the clothing endless, said seam being formed by interengaging said

seam loops of said two end sides and an insertion of an insertion element;

said seam having a loop density of between 64% and 90%;
and

Ex. 1001, 9:58–10:14. Petitioner argues that the combination of Sudre, Lee, and Penven teaches these limitations and that a person of ordinary skill in the art would have had reason to combine the teachings of these references. Pet. 81–85.

After reviewing Petitioner’s arguments and information regarding the limitations identified immediately above, including the Pastore Declaration, which are not addressed by Patent Owner at this stage (*see* Prelim. Resp. 53–63), we are persuaded that Petitioner sufficiently demonstrates, for purposes of deciding whether to institute trial, that these limitations would have been obvious over the combination of Sudre, Lee, and Penven.

c) Conclusion Regarding Claim 1

Based on the current record, we determine that there is a reasonable likelihood that Petitioner will prevail in demonstrating that claim 1 is unpatentable as obvious over the combination of Sudre, Lee, and Penven. Accordingly, we institute *inter partes* review with respect to all claims and all grounds asserted in the Petition.

5. Claims 3 and 10–13

Because Petitioner demonstrates a reasonable likelihood of success in proving that at least one claim of the ’566 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R. § 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every challenge raised by Petitioner, especially, as in this case, when Patent Owner does not separately argue

those claims. *See* Prelim. Resp. 63–64. Those challenges, in our view, are best left for trial after full development of the record.

E. Remaining Challenges

Petitioner argues that claims 1–15 would have been obvious over various combinations of prior art, each including Sudre and Adanur. Pet. 11–72. Petitioner also argues that claims 1–15 would have been obvious over various combinations of prior art, each including Sudre and Rydin. *Id.* at 97–103. Patent Owner opposes these challenges on several grounds, including arguing that Petitioner has failed to demonstrate that either Adanur or Rydin was a printed publication and that Petitioner’s reliance on photographic evidence in Adanur and Rydin is inappropriate. Prelim. Resp. 28–53, 64–68; Prelim. Sur-reply 1–7; *see* Prelim. Reply 1–7.

Because Petitioner demonstrates a reasonable likelihood of success in proving that at least one claim of the ’566 patent is unpatentable, we institute on all grounds and all claims raised in the Petition. *See* 37 C.F.R.

§ 42.108(a). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of every challenge raised by Petitioner. The challenges based on the combinations of Sudre and Adanur or Sudre and Rydin, including the arguments regarding printed-publication status and the use of photographic evidence, in our view, are best left for trial after full development of the record.

III. CONCLUSION

For the reasons set forth above, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing with respect to at least one challenged claim of the ’566 patent. Accordingly, we institute *inter partes* review of all challenged claims on all grounds asserted in the Petition.

Our factual findings, conclusions of law, and determinations at this stage of the proceeding are preliminary, and based on the evidentiary record developed thus far. This is not a final decision as to the patentability of claims for which *inter partes* review is instituted. Our final decision will be based on the record as fully developed during trial.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted for claims 1–15 of the '566 patent on the grounds asserted in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which shall commence on the entry date of this decision.

IPR2025-01116
Patent 11,261,566 B2

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