

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROAMPAC HOLDINGS INC.,
Petitioner,

v.

SIGMA TECHNOLOGIES INT'L, LLC,
Patent Owner.

Case IPR2025-01143
Patent No. 11,072,148

PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE

Patent Owner (“PO”) argues that Grounds 4-6 should be rejected because the Petition “characterized the Voluntary Standard reference as applicant admitted prior art” (“AAPA”) and AAPA “cannot serve as the ‘basis’ of an IPR ground.” PO’s Preliminary Response (“POPR”), 18-19, 38, 40, 43, 45. In support of its argument, PO cites *Qualcomm Inc. v. Apple Inc.*, 134 F.4th 1355 (Fed. Cir. 2025). Because PO misapplies the Federal Circuit’s reasoning in *Qualcomm* regarding prior art publications and mischaracterizes the Voluntary Standard Reference as AAPA, PO’s argument should be rejected.

The AAPA at issue in *Qualcomm* consisted of one “PRIOR ART” figure and its accompanying text. 134 F.4th at 1357-58. The petition expressly identified the “Basis” of its IPR ground as the “Applicants Admitted Prior Art (AAPA) in view of” two prior art references. *Id.* at 1358-59. This identification of the AAPA as “the basis” of the ground was critical. *Id.* at 1366-68 (“It matters that Apple expressly included AAPA in the ‘Basis’ of Ground 2.”). The Federal Circuit concluded that “the basis” of an IPR ground under 35 U.S.C. §311(b) can “only” include “prior art consisting of patents or printed publications,” and the AAPA in that case did not qualify as a prior art patent or printed publication. *Id.* at 1364-65. *Qualcomm* is inapposite.

Here, contrary to PO’s arguments, Petitioner does not identify or use the Voluntary Standard Reference as AAPA as a “basis” for any grounds, including

Grounds 4-6, in its Petition. Indeed, nowhere does the Petition indicate that the Voluntary Standard Reference is relied on as AAPA. The Petition cites nothing from the '148 Patent to show a limitation was obvious based on the discussion of that reference in the patent. *See* Petition, Grounds 4-6. Rather, Petitioner attaches and asserts the *published Voluntary Standard Reference itself* as prior art under §311(b). EX1007 (Voluntary Standard Reference).

For example, Petitioner demonstrates the claims of the '148 Patent are obvious based on the teachings of Gundlach, Yializis/Rebouillat, and the Voluntary Standard Reference in Grounds 4-6. Petition, 65-71. In the Petition, Petitioner identifies specific teachings from the Voluntary Standard Reference (EX1007) that expressly disclose limitations 1[g], 7[e], 9[f], 14[f], and 15[f]. *Id.* at 15-16, 68-69. It does not cite the '148 Patent's discussion of that reference as disclosing those limitations.

Petitioner also explains the Voluntary Standard Reference is “a standard developed and published by the Fibre Box Association and dated ‘August 16, 2013.’” *Id.* at 14. Moreover, Petitioner provides evidence showing that *the reference* was publicly available before the '148 Patent's alleged priority date and is therefore a prior art publication. *Id.* at 14-15; EX1003, ¶¶70-71; EX1007; EX1010; EX1011. PO does not dispute that evidence. Nor does PO dispute that the Voluntary Standard Reference (EX1007) is a prior art publication.

Thus, because Petitioner does not identify or rely on the Voluntary Standard Reference as AAPA in Grounds 4-6, *Qualcomm* is not applicable. Further, the Petition complies with the requirement of 37 C.F.R. §42.104(b)(4) that “[t]he petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon.” It would therefore be improper to reject Grounds 4-6 as “based” on AAPA, when they establish that every claim element was obvious based on prior art patents and printed publications, as required by the statute.

Even if the Voluntary Standard Reference is considered AAPA, that does not foreclose the reference’s status as a prior art publication. *See Juniper Networks, Inc. v. Smart Path Connections, LLC*, IPR2022-00240, Paper 10 at 35-36 n.8 (PTAB May 25, 2022) (“Even assuming that Cohen and Malis are admitted prior art, that does not take away or undermine their status as prior art printed publications. [The Federal Circuit’s *Qualcomm* cases] do[] not indicate otherwise.”). Petitioner should not be precluded from relying on a reference simply because it noted the challenged patent’s admission that the reference is prior art. PO cites no authority to support its contention that such an admission limits a reference in such a way. Nor does PO explain where or how *Qualcomm* indicates that it would.

Thus, the Petition clearly and properly relies on the Voluntary Standard Reference as a prior art publication and not as AAPA. Petitioner requests institution of all grounds, including Grounds 4-6, of its IPR and cancellation of claims 1-15.

Dated: November 18, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), the undersigned certifies that a copy of the foregoing PETITIONER'S REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE is being served on counsel of record by filing the document through the Patent Trial and Appeal Case Tracking System (P-TACTS), with a copy served via electronic mail to the following email address, as authorized in Patent Owner's Mandatory Notices:

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