UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAFE ARC TECH., LLC,
Petitioner,

v.

AL-AZEM,
Patent Owner.

Case IPR2025-01214
U.S. Patent No. 9,545,775

PETITIONER'S PRE-INSTITUTION REPLY IN SUPPORT OF THE PETITION FOR *INTER PARTES REVIEW* OF U.S. PATENT NO. 9,545,775 [1]

[1] Authorization for this 3-page Reply was granted by the Board via email on October 29, 2025.

This Reply is being submitted to briefly address four topics raised in the POPR: claim construction, non-analogous art, attacking the references individually rather than the combination, and the overall merits addressed in the POPR.

First, PO newly imposes an unclaimed type requirement on the "first portion" and "second portion" in the challenged claims. Specifically, PO argues that every "first portion" must be the same type of fastener, "*e.g.*, hooks," and every "second portion" must be the same type as well, "*e.g.*, loops." POPR, 15-16. Per the POPR, this comes from the claims themselves. POPR, 5 (relying on the "literal, unambiguous wording of claims 1 and 5" for its constructions). This is wrong. The claims do not recite which portions must be hooks and which must be loops. Moreover, PO's argument is directly contradicted by the '775 patent's specification. PO alleges that the "specification clearly identifies two distinct and complimentary fastening medium portions—analogous to the hook and loop parts of Velcro—which cooperate to form a fastening engagement." POPR, 8. But this is not the whole story. The '775 patent also discloses that "[i]t should be readily understood that the hook portions and loop portions of the fastening medium ***could be interchanged in any manner or combination*** without affecting the functionality of the connection." '775 patent, 2:65-3:1 (emphasis added). Thus, the claims were intentionally vague about which portions needed to be hooks and which needed to be loops in the claims because the '775 patent taught that the hook

portions and loop portions could be interchanged in ***any manner or combination*** and still work. Given this broad disclosure of interchangeability, the '775 patent does not compel PO's narrow claim construction. Regardless, the Petition includes alternate grounds to address PO's narrow construction as well. *See* POPR, 2 ("the construction used for Grounds 1A and 2A is the proper construction").

Second, PO takes a hyper-critical view of the applicability of the asserted art. For example, PO argues that Ferrante, which is directed to hook-and-loop fasteners, "has no application to modular pressurized welding enclosures and no recognition of the joinery problems associated with forming a pressurized enclosure." POPR, 16. PO alleges that Ferrante "is not, therefore, analogous art citable against the 775 Patent." POPR, 19. But this argument overlooks that Wardlaw discloses a modular pressurized welding enclosure with the modular panels being connected together via hook-and-loop fasteners (*i.e*., Velcro®), and Ferrante provides connection details for hook-and-loop fasteners. The art is clearly analogous and expressly supports the motivation for combining the references.

Third, PO attacks the art individually, rather than in combination. In addressing Wardlaw, PO argues that "Wardlaw fails to disclose a panel with the same fastener portion on both sides of a panel end." POPR, 2, 13. But Ballinger does, by disclosing alternating male-female connections surrounding a perimeter of a modular panel used to form a fire-resistant enclosure. Then, in addressing

Ballinger, Patent Owner contends that Ballinger "provides no teaching on how to structure the panels using only Velcro-type fasteners and instead focuses on enabling the use of zippers." POPR, 21.[2] This is also wrong. Ballinger expressly discloses Velcro as an alternative to zippers for its invention (Ballinger, 23:19-31) and also provides reasons for alternating male-female connections on the four perimeter edges of its panels. Patent Owner argues other unpersuasive "defects" related to Ballinger, including that "zippers are inherently unidirectional, whereas the fastening medium of claims 1 and 5 are not limited by directionality." POPR, 22. This does not render the Petition defective.

Finally, PO argues that the "resulting combination would not have the claimed configuration," but never identifies what claim elements are allegedly missing. POPR, 25. Even addressing Grounds 2 and 2A, Patent Owner argues that "Nothing in *Ballinger* supplies what is missing from the *Wardlaw/Ferrante* combination," but without noting which claim element(s) it believes is missing. *Id*. The POPR therefore fails to establish any defects in the Petition's challenges.

[2] PO's discretionary denial request concedes that the "technology of the '775 Patent … [does] not involve rocket science." Paper 6, 13. But the POPR now suggests that a POSITA would be incapable of knowing how to replace a zippered connection with Velcro®. POPR, 21.

Dated: October 30, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing document was served via email, by consent, to Patent Owner by serving the correspondence email addresses of record as follows:

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