

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAFE ARC TECH., LLC
Petitioner,

v.

AL-AZEM,
Patent Owner.

IPR2025-01214
Patent 9,545,775

**PATENT OWNER'S SUR-REPLY TO PRELIMINARY RESPONSE TO
PETITION FOR INTER PARTES REVIEW
OF US PATENT NO. 9,545,775**

Patent Owner provides this short sur-reply to the arguments advanced by Petitioner in its Reply, Paper #9. *See* Board email dated 10/4/2025.

I. Claim Construction. All claims in the 775 Patent require at least two panels with a “*fastening medium*” comprising two “*portions*,” the “*first portion*” disposed on both sides of a male end and the “*second portion*” disposed on both inner surfaces of the flaps on a female end so that the “*second portion*” is “*adapted for engagement with the first portion*”. **Exh. 1001** at col. 12, lns. 16-33.

In its POPR, Patent Owner argued that, as structured and organized by each claim, the “*first portion*” of the fastening medium is always the same “*first portion*,” and the “*second portion*” of the fastening medium is always the same “*second portion*.” For illustration and using a “hook and loop” fastening medium described in the 775 Patent, either the hook portion or the loop portion can be the claimed “*first portion*,” but that “*first portion*” must be consistently and properly identified within the claim and claim set. The “*second portion*” would be the remaining portion of the fastening medium. Paper #8 at 7-9. For further example, a male end having a hook portion on its front side side and a loop portion on its rear side (or *vice versa*) **would not** meet the requirements of claim 1 or claim 5.

Petitioner argues that “[t]his [claim construction] is wrong. Paper #9 at 2. Petition either misunderstands or misrepresents Patent Owner’s arguments.

While Petitioner correctly notes that the 775 Patent specification teaches the

hook portions and loop portions of a fastening medium could be interchanged in any manner or combination, it misapplies that teaching. Paper #9 at 1-2. To Petitioner, this teaching apparently means that the “*first portion*” and “*second portion*” can be “interchanged in any manner or combination” *within a claim or claim set*. That claim construction is wrong.

To be clear, independent claims 1 and 5 require a two-portion fastener in which the first portion and the second portion engage to create the fastener. It is irrelevant what portion (or type) of the fastener is the first portion or the second portion so long as those portions are consistent within the claim, as organized, to form the fastener by engagement.

II. Proposed Combinations. Petitioner complains that Patent Owner's arguments “attacks the art *individually rather than in combination*.” Paper # 9 at 2. This is a curious argument considering *Graham v John Deere*'s requirement that “[u]nder § 103, the *scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained ...*” 338 US 1, 18 (1966). Clearly, every obviousness analysis requires that the “*content*” of each prior art reference be determined so that the differences between the prior art, including legally proper combinations, and the claims can be known. That Petitioner dismisses the necessity of understanding the *content* of each prior art reference highlights its use of hindsight to reach its conclusion of obviousness.

As for the “*scope*” of the prior art, *Ferrante*'s quilt-panel-joinery disclosure is not analogous to the pressurized welding enclosures problem that Patent Owner was looking to solve. Indeed, for quilts, *Ferrante* teaches the best panel attachment security is achieved ***not*** by the structure of claims 1 and 5 (*i.e.*, a first fastener part on opposite sides of a panel end and the second fastener part on opposite sides of a corresponding panel end) but by alternating the first and second parts on the opposite sides of an end. *Ferrante*'s teaching about attachment security would steer a POSITA away from Patent Owner's claimed solution.

Petitioner's “evidence” of motivation to combine the selected references are limited to conclusory arguments working backwards from the claimed solution. Even if a POSITA would have been motivated to combine the ***content*** of the selected references (which they would not have been) the resulting combination still would not have all the claim features of claims 1 and 5. Patent Owner described these failings of the proposed combinations in detail on pages 22 and 23 of the POPR, Paper #8.

Thus, Petitioner has failed to make a *prima facie* case of obviousness, and the Petition should be denied.

Patent Owner's Preliminary Response Sur-Reply

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Respectfully submitted,

/s/ Robert McAughan
Robert J McAughan Jr
Lead Counsel
Reg. # 36,599
McAughan Deaver PLLC
550 Westcott St
Suite 375
Houston, TX 77007
bmcaughan@md-iplaw.com
(713) 829-3851

Albert B Deaver Jr
Backup Counsel
Reg. # 34, 318
McAughan Deaver PLLC
550 Westcott St
Suite 375
Houston, TX 77007
adeaver@md-iplaw.com
(281) 460-2315

Attorneys for Patent Owner

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The undersigned hereby certifies that the above document was served on November 5, 2025, by filing this document through P-TACTS as well as by delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

Lead Counsel	Back-up Counsel
Wayne M. Helge (Reg. No. 56,905) whelge@bdiplaw.com Bunsow De Mory LLP 277 S. Washington St., Suite 210, #1088 Alexandria, VA 22314 Telephone: 571-208-0186 Facsimile: 415-426-4744	James T. Wilson (Reg. No. 41,439) jwilson@bdiplaw.com Bunsow De Mory LLP 277 S. Washington St., Suite 210, #1088 Alexandria, VA 22314 Telephone: 571-222-1022 Facsimile: 415-426-4744

/s/ Al Deaver
Albert B Deaver Jr