

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALBANY INTERNATIONAL CORP.,
Petitioner,

v.

VOITH PATENT GMBH,
Patent Owner.

Case IPR2025-01367
Patent 9,982,388

**PETITIONER'S OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

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LIST OF EXHIBITS

EX1001	U.S. Patent No. 9,982,388
EX1002	U.S. Patent No. 9,982,388 File History
EX1003	Declaration of Dr. Christopher Pastore
EX1004	U.S. Patent No. 7,473,336 (“Hawes”)
EX1005	U.S. Patent No. 8,043,477 (“Crook”)
EX1006	U.S. Patent No. 6,776,878 (“Yook”)
EX1007	U.S. Patent Application Publication No. 2014/0069549 (“Ryan”)
EX1008	WO International Publication No. 2006/045892 (“Virtanen”)
EX1009	[Reserved]
EX1010	[Reserved]
EX1011	Sabit Adanur, <i>Paper Machine Clothing</i> (1 st ed. 1997) (“Adanur”)
EX1012	DE Patent Application Publication No. 102004044568
EX1013	Certified Translation of EX1012 (“McGill”)
EX1014	International Application Publication WO89/12717 (“Sudre”)
EX1015	U.S. Patent Application Publication No. 2016/0069022 (“Lee”)
EX1016	U.S. Patent No. 5,939,176 (“Yook ’176”)
EX1017	[Reserved]

- EX1018 U.S. Patent No. 7,892,402 (“Hawes ’402”)
- EX1019 EP Patent Application Publication 0099836 (“Sarrazin”)
- EX1020 U.S. Patent No. 5,110,672 (“Zehle”)
- EX1021 Teknisk Information Fran Albany Nordiskafilt, SEAMTECH, Pressfiltar med söm (1996).
- EX1022 U.S. Patent No. 6,797,121 (“Hyvonen”)
- EX1023 Horrocks & Anand, *Handbook of Technical Textiles*, Woodhead Publishing (2000)
- EX1024 “Nylons (Polyamide)” ,
<https://www.bpf.co.uk/plastipedia/polymers/Polyamides.aspx>
(2011), as archived at
<https://web.archive.org/web/20110724053756/https://www.bpf.co.uk/plastipedia/polymers/Polyamides.aspx>
- EX1025 Emery, *The Primary Structures of Fabrics*, The Spiral Press, New York (1966)
- EX1026 U.S. Patent No. 5,360,656
- EX1027 Albany-Voith 2004 Agreement on the Settlement of Intellectual Property Conflicts (“2004 Agreement”)
- EX1028 CONFIDENTIAL-PROTECTIVE ORDER MATERIAL
 (“2017-18 License”)
- EX1029 CONFIDENTIAL-PROTECTIVE ORDER MATERIAL
- EX1030 Email chain from Jenn O’Connell (Albany) to Hans-Georg Keck (Voith), “RE: US8,353,252 – Seam PressPoint,” dating December 4, 2023 through July 29, 2025

EX1031 Declaration of Jim Bell, Director of Applications – Americas
Pressing, Albany International

I. INTRODUCTION

Petitioner Albany and Patent Owner Voith have been direct competitors for decades, with a long history of routinely identifying and addressing potential patent disputes between them. Despite this established practice, Voith waited nearly ten years after Albany's product entered the market before alleging infringement of the '388 patent. And Voith alleged infringement even though Albany began selling that product before the '388 patent's earliest priority date. If any party has settled expectations under the unique circumstances of this case, it is Albany—not Voith—and those settled expectations weigh heavily against discretionary denial here.

Albany and Voith manufacture and sell paper machine clothing—fabrics used in the production of paper and paper goods. Voith is a large conglomerate based in Germany with annual revenues of €5.23 billion, while Albany is a significantly smaller U.S. company headquartered in Rochester, NH, with about 5,400 employees. Albany was founded in 1895 and has a long history of innovation, holding over 175 patents directed to paper machine clothing.

Recognizing that both companies hold intellectual property in the papermaking space, Albany and Voith entered into an Agreement in 2004 (“2004 Agreement”) that set forth a procedure to be followed when IP disputes arose between the parties. EX1027. Under the 2004 Agreement, the parties were to amicably settle any IP-related disputes within certain timeframes to minimize any

public legal conflicts. Both parties agreed that to do so was in the best interest of the parties and their customers. *Id.*, 1.

For the past 20 years, the parties followed the specific, well-defined process outlined in the agreement. As to patent disputes, that process was always the same: one party identified which of its patents the other party allegedly infringed, and the parties negotiated licensing deals based on those patents, in view of any defenses that accused infringer raised. *See id.*, 1–2. Over the years, Albany licensed several of Voith’s patents, including, as just one example, those patents licensed under the parties’ 2017-18 licensing agreement (“2017-18 License”¹). EX1028.

In January 2025, when the patents subject to the 2017-18 License had expired and Voith’s licensing revenue stream from Albany was set to terminate (EX1029), Voith for the first time accused Albany of infringing the ’388 patent by selling a product called “Seam PressPoint III” (EX1030, 9, 4). Once notified, Albany informed Voith that the ’388 patent was invalid (*id.*, 6), and that Albany had “offered for sale, made, and sold Seam PressPoint III products before the ’388 patent’s August 13, 2015 effective filing date” (*id.*, 1). Voith persisted so Albany filed the Petition. Paper 2 (“Pet.”).

¹ The 2017-18 License covers multiple patents and patent applications and was effective as of November 2017. EX1028, 1. The License was executed by all parties between June 2018 and August 2018. *Id.*, 11.

The Director should decline to exercise discretion to deny institution under the unique facts of this case. **First**, Albany's settled expectations that it would not be sued over the '388 patent outweighs any settled expectations Voith may have developed based on the '388 patent's age. Albany began selling the Seam PressPoint III in June 2015, **before** Voith even filed the application that led to the '388 patent. The Declaration of Mr. Jim Bell shows that Albany manufactured and sold Seam PressPoint III in the U.S. before the '388 patent's priority date of August 13, 2015. EX1031, ¶12. And even after the '388 patent issued, Voith **waited almost seven additional years** before notifying Albany that the Seam PressPoint III allegedly infringed. EX1030, 4. Voith's extended delay is especially egregious here, because the parties' 2004 Agreement provided a process for amicably settling IP-related conflicts in a timely manner. EX1027.

Second, Voith's allegations of settled expectations are unreasonable here because no settled expectations can adhere to a patent filed and issued **after an allegedly infringing product was on sale**. On one hand, Voith alleges that it has settled expectations that the '388 patent is valid, but on the other hand, Voith alleges that Albany's sales of the Seam PressPoint III—which **predate** Voith's patent filing—infringes the '388 patent. Both conditions **cannot** be true, and it would be fundamentally unfair for Voith to use settled expectations as a shield to protect the '388 patent from challenge under these circumstances.

Third, an IPR is necessary to correct material errors made during prosecution. The Examiner failed to raise an obviousness rejection even though the '388 claims present a textbook case of obviousness under *KSR*. Instead, the Examiner issued only anticipation rejections. EX1002, 32-43, 56-64. In addition, those rejections were based on a materially deficient prior art search. It is therefore an appropriate and efficient use of the Board's resources to correct these errors by considering the Petition's strong §103 grounds.

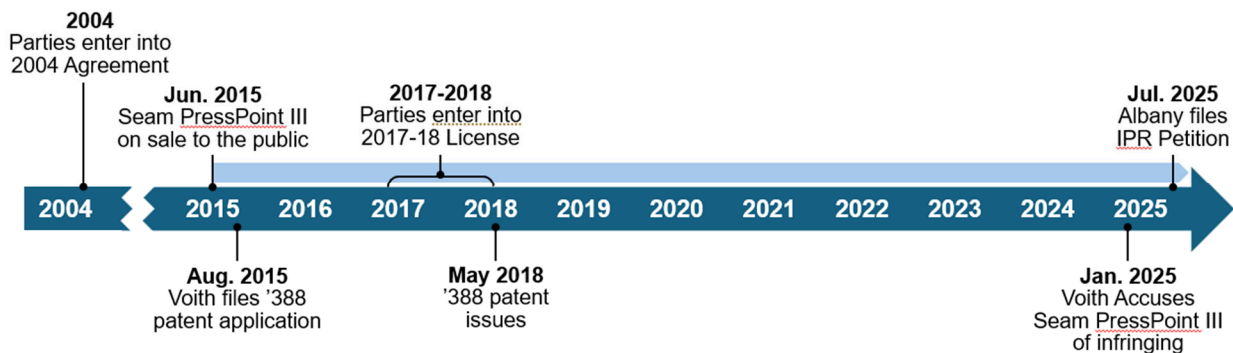
Fourth, contrary to Voith's arguments, the Petition presents non-cumulative art and arguments. The non-cumulative nature of these arguments is not surprising, given that the Petition asserts combinations of references while the prosecution history included only anticipation rejections. Further, the art is presented in well-defined grounds free of the "particularity" concerns Voith baselessly asserts.

Finally, Albany filed an IPR to resolve the parties' impasse about the '388 patent's patentability, making appropriate use of the PTAB as Congress intended. Voith cannot credibly claim surprise or imply any wrongdoing by Albany, particularly as Voith has availed itself of a second look by the Office under other circumstances and recognizes the value of Office review.

II. ALBANY'S SETTLED EXPECTATIONS OUTWEIGH ANY SETTLED EXPECTATIONS VOITH HAD IN THE '388 PATENT

Albany is the party here with settled expectations. As shown in the timeline below, Albany and Voith entered into the 2004 Agreement more than 20 years ago.

EX1027. Albany began selling the Seam PressPoint III in June 2015. EX1031, ¶12. Two months later, in August 2015, Voith filed the application leading to the '388 patent, and the patent issued in May 2018. EX1001, codes [22], [45]. In January 2025—just as the patents subject to the 2017-18 License neared expiration and Voith's licensing revenue stream from Albany was set to terminate—Voith first accused Albany of infringing the '388 patent. *See* EX1030, 9. Following unsuccessful negotiations, Albany filed its Petition for IPR in July 2025.



A. Voith's prolonged delay in asserting infringement of the '388 patent weighs heavily against discretionary denial

Voith did not approach Albany about the '388 patent until January 2025—almost *seven years after* the patent issued and *nearly a full decade after* Albany began publicly selling the Seam PressPoint III. EX1030, 9; EX1031, ¶12. And even then, Voith raised its infringement allegation only in the context of negotiations over a different patent (U.S. 8,353,252), rather than addressing the '388 patent directly. EX1030, 8–28.

Mr. Bell's Declaration provides evidence that Albany had manufactured and

sold Seam PressPoint III by June 2015. EX1031, ¶12. This date is before the earliest priority date of the '388 patent. EX1001, code [22]. Albany continued to sell the Seam PressPoint III for *nearly a decade* before Voith alleged infringement. EX1031, ¶13; *see also* EX1030, 9, 4. During this time—from 2015 to 2025—Albany's total revenues from selling Seam PressPoint III were over \$60 million. EX1031, ¶13.

Voith offers no justification for its extended inaction even though—as Voith itself admits—Voith and Albany “are well-known to each other, have been operating in the same industry for several decades and have a longstanding history of competing in similar markets.” Req., 18. As a direct and long-standing competitor of Albany, Voith was well-positioned to identify and raise concerns about Albany's sales of the Seam PressPoint III many years earlier. Voith's delay is particularly unreasonable in light of the parties' formal 2004 Agreement to amicably resolve intellectual property disputes. EX1027. That Agreement set forth clear procedures for timely addressing IP-related issues, with the express purpose of minimizing public legal conflicts and serving the best interests of both parties and their customers. *Id.*, 1.

For almost seven years—the time period from the issuance of the '388 patent to earlier this year—Voith *could have* raised the '388 patent to Albany under the 2004 Agreement *but didn't*. Voith had ample opportunity to identify the '388 patent during this time, because the parties negotiated and settled other disputes, as

evidenced by the 2017-18 License. EX1028. Indeed, Voith executed the 2017-18 License in July 2018, *after* the '388 patent had already issued. *Id.*, 11; EX1001, code [45]. Albany had a reasonable expectation that Voith would have promptly raised the '388 patent to Albany's attention. That's what the parties had done for 20 years under the 2004 Agreement. But Voith waited until its royalty stream from the 2017-18 License was set to run out before alleging infringement. EX1029; EX1030, 9, 4. Yet, by that time, Albany had already developed strong settled expectations that it would not be accused of infringing the '388 patent. Albany therefore continued to directly compete with Voith in the marketplace for paper machine clothing by continuing to sell the Seam PressPoint III. EX1031, ¶13.

The Office has explained that a patent owner's delay in asserting infringement of the challenged patent counsels against discretionary denial. *Apple Inc. v. Ferid Allani*, IPR2025-00856, Paper 11 at 3 (Stewart Sept. 5, 2025). Here, Voith's substantial and unexplained delay in the face of the parties' 2004 Agreement and direct competition in the marketplace strongly counsels against discretionary denial. Voith's failure to invoke the 2004 Agreement's process until nearly seven years after the '388 patent issued—*despite direct competition and ongoing interactions*—undermines any claim that Voith acted diligently or in good faith.

B. Voith's assertion of settled expectations is unreasonable because the allegedly infringing product was sold before Voith even filed the application resulting in the '388 patent

In addition, Voith's attempt to use settled expectations as a shield against institution is fundamentally unfair because Albany sold the Seam PressPoint III—the product Voith alleges infringes the '388 patent—before Voith even filed the '388 patent. EX1031, ¶12. The Director should not allow Voith to have it both ways: to assert infringement of the '388 patent based on a product that *predates* the patent but then claim settled expectations to shield that patent from review. Indeed, if the Seam PressPoint III infringes the '388 patent, then it also anticipates because Albany sold the Seam PressPoint III before the '388 patent's earliest effective date. The Federal Circuit has explained that “it is axiomatic that that which would literally infringe if later anticipates if earlier.” *Bristol-Myers Squibb Co. v. Ben Venue Lab 'ys, Inc.*, 246 F.3d 1368, 1378 (Fed. Cir. 2001). Under these circumstances, Voith *cannot* credibly assert that it developed any settled expectations as to the validity of the '388 patent. The very product Voith now accuses of infringing the '388 patent would, *by Voith's own logic*, render the '388 patent invalid.

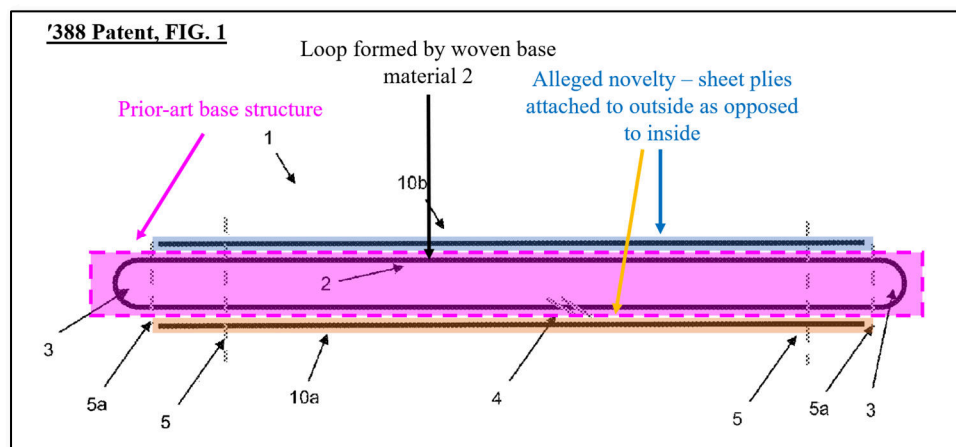
Thus, it is Albany—not Voith—that holds any reasonable settled expectations. Albany had every reason to believe that its public sales of Seam PressPoint III, which predated the '388 patent application, would shield it from future infringement claims based on a later-filed patent. It would have been unreasonable for Albany to expect that it could be accused of infringing a patent when its product was already on sale before the patent's existence. This fact also

weighs heavily against discretionary denial.

III. INSTITUTION IS WARRANTED DUE TO THE EXAMINER'S MATERIAL ERRORS

A. The Examiner Failed to Raise a §103 Rejection Even Though the Claims Present a Textbook Case of Obviousness Under *KSR*

Claim 1 of the '388 patent is directed to the placement of a sheet on top of a folded, looped fabric. The claim recites “one or more sheet plies” that are “all” on the outside of a two-layer base fabric. None of the constituent parts of this claim were new. The base fabric was well-known, as the '388 patent admits. EX1001, 1:40-52. The addition of sheet plies (e.g., layers of fabrics) was equally well known. EX1002, 34-36; EX1005; EX1015. According to the Examiner, the only novel element of claim 1 was that the sheet plies (blue and yellow) are attached to only the *outside*—not the *inside*—of the base fabric structure (pink), as shown below. EX1002, 38 (Examiner stating “*all* of the sheet plies are disposed on the outside” is novel (emphasis added)).



The simplicity of this structure, and its similarity to the prior art, falls squarely

within *KSR*'s prohibition against patentability for obvious modifications. But the Examiner never issued an obviousness rejection even though Crook (EX1005, applied during prosecution) teaches a sheet ply on the *inside*, and Lee (EX1015, also applied during prosecution) teaches sheet plies on *both* the inside and the outside. The Examiner should have assessed these simple modifications in the record.

But instead, the Examiner issued only anticipation rejections that failed to consider what the art's combined teachings would have suggested to a POSA. EX1002, 34-37, 58-62. The Examiner's failure to apply an obviousness framework represents material error that strongly favors institution.

In one example, the Examiner applied Lee, which discloses one sheet ply on the inside and another sheet ply on the outside, as anticipatory. *Id.*, 34-36. Because claim 1 recites that "***all*** of said sheet plies are disposed outside," however, the Examiner allowed the claim, stating that "[i]n Lee above, one sheet ply is always disposed inside." *Id.*, 38. But the Examiner *overlooked* Lee's disclosure that a specific advantage (void volume increase) is provided by the presence of a sheet ply "***either inside or outside***," i.e., independent of the presence of the inner ply. EX1015, [0141] (emphasis added). A simple and obvious modification, consistent with this advantage, would have been to simply omit that inner sheet ply, thereby obtaining an arrangement matching that of claim 1. Indeed, Lee shows prior art structures that *lack* the inner ply. *Id.*, FIGS. 1-6. The Examiner should have assessed whether it

would have been obvious to a POSA to leave out the inner ply, in line with the “expansive and flexible” approach set forth in *KSR*.

The Examiner similarly failed to apply an obviousness framework to Crook. The Examiner cited Crook’s disclosure that one type of sheet ply (a “batt layer”) “may be attached to the outside of the fabric.” EX1002, 36; EX1005, FIG. 5. This outer location of the batt layer “prevent[s] disadvantageous marking.” EX1005, 6:3-5. The Examiner also cited Crook’s disclosure that another type of sheet ply “may be placed within the inside of the folded fabric.” EX1002, 36; EX1005, FIG. 6, [0048]. Given this description, the Examiner should have assessed whether it would have been obvious to a POSA to simply move Crook’s inner sheet ply to the same outside position as the batt layer, to obtain the “prevent...marking” improvement Crook discloses for the outer batt layer. Instead, the anticipation rejection over Crook was withdrawn without consideration of obviousness. EX1002, 38.

In short, the examined claims were a textbook candidate for *KSR* obviousness and should have been assessed as such. But the current record includes no evidence that the Office performed an obviousness evaluation at all. This absence reflects material error that merits institution.

B. The Examiner’s Prior Art Search Overlooked a Key Area of the Prior Art

The Examiner’s failure to assess obviousness is further exacerbated by an overly narrow search strategy that neglected a key area of prior art—laminated

fabrics. As indicated by a leading industry textbook, *Paper Machine Clothing*, (EX1011, “Adanur”), published in 1997, it has long been well understood that a “laminated” fabric is simply a multilayer structure. EX1011, 49; EX1003, ¶89. The Examiner should have recognized that the ’388 patent is directed to laminated fabrics because claim 1 of the ’388 patent recites a sheet ply layer (one layer) attached to the outside of a two-layer base fabric.

The overly narrow scope of the Examiner’s search is further evidenced by the fact that the prior art *repeatedly* references laminated fabrics. Notably, most of the unique citations listed on the face of the ’388 patent—including three of the four references applied in rejections—explicitly discuss lamination. For example, Crook states that “the folded fabric belt...can be coupled to, e.g., *laminated with*, another belt, such as a single ply fabric belt or belt base.” EX1005, 6:58-64; *see also* EX1018, 3:36-37 (Hawes describing “laminated” fabrics as “two separate base fabrics, *[one] on top of the other*”). But the Examiner overlooked this point, instead restricting his search to keywords drawn narrowly from claim 1 (e.g., “ply” and “seam”). EX1002, 21-22. Had the Examiner appropriately broadened the search to include terms such as “laminated” fabrics, relevant prior art—such as Hawes (EX1004) and Yook (EX1006)—would have surfaced. These references disclose laminated fabric structures consistent with those recited in claim 1 and directly address the claim element the Examiner deemed absent. EX1002, 38. This limited

and incomplete search strategy constitutes a material error that favors referral.

Voith argues that “Petitioner and Dr. Pastore merely recycle the same ‘laminated fabrics’ arguments the Examiner already extended, and the Patent Owner overcame, during prosecution.” Req., 11. But Voith provides no evidence for this, and the ’388 patent’s file history reveals *no arguments* directed to “laminated” fabrics. The sole mention of “laminated” by either Voith or the Examiner is in a brief quotation from Crook, to which Voith did not specifically respond. EX1002, 61.

C. Voith Mischaracterizes the Petition and its Grounds

1. *The Applied References are Not Cumulative*

Voith argues that the art applied in the Petition does “nothing but repackage prior art already considered by the Office.” Req., 5. Not so. Ground 1 (Pet. 3) relies on FIG. 12 of Yook,² which shows a one-layer base fabric attached on the outside of a two-layer base fabric and therefore teaches the key feature the Examiner said was missing from the prior art (“*all of said sheet plies are disposed outside*”). See, e.g., Pet., 19-20, 31-32, 42, 86-87, 98. Yook’s FIG. 12 fabric has no analogue in the art

² Voith states that “Petitioner [] provides an annotated and seemingly enhanced version of Yook’s FIG. 12 (which it describes as a ‘substitute’ but does not explain where this substitute drawing comes from).” Req., 14. To remove all doubt: the Yook FIG. 12 used in the Petition is drawn from a *Certificate of Correction* in Yook that replaced Yook’s original, informal drawings with formal versions. EX1006, 21, 32; see also Pet. 20 n.2 (explaining citation to Yook’s substitute figures).

considered during prosecution. Grounds 2A-2B and 3A-3B (Pet. 3) rely on FIG. 15B of Hawes, which illustrates a “laminate material” attached “to the outside of [a] base fabric.” EX1004, 11:40-42. Like Yook FIG. 12, Hawes FIG. 15B provides a key teaching, missing from the considered art, that demonstrates the obviousness of the challenged claims.

Voith mischaracterizes the Petition to incorrectly portray Hawes and Yook’s teachings as cumulative. For example, citing page 89 of the Petition, Voith argues that “Petitioner admits that *Yook*, similar to *Crook*, describes that multiple laminated base fabrics can be attached to one another by needling. These admissions amount to a concession by Petitioner that its Ground 1 references, *Ryan* and *Yook* are merely cumulative of *Crook*.” Req., 5 (citing Pet. 89). But page 89 of the Petition does ***not even mention*** Yook, and, in any case, the fact that both Yook and Crook disclose some common subject matter would not render Yook’s ***entire disclosure***—including FIG. 12 noted above—cumulative of Crook.

Voith fares no better with its statement that “Petitioner goes even further, expressly acknowledging that *Crook* is superior to its own references.” Req., 6. There is no such “express acknowledgment” in the Petition. Instead, Albany explained in the Petition that, although Crook and Hawes have similar ***base fabrics***, (Pet. 61), Hawes’ FIG. 15B fabric also includes ***a further “laminate material [attached on] the outside of [the] base fabric”*** (Pet. 52-53; EX1004, 11:39-42; FIG.

15B). The presence of Hawes' laminate material, attached on the outside, supports Ground 2A of the Petition. Patent Owner's attempt to tout an "express acknowledgment" that Albany *never made* is misleading at best. Petitioner's other arguments in this vein are similarly faulty. The "concession[s]" and "admissions" Voith asserts cannot be found in the Petition, and do not detract from the fact that both FIG. 15B of Hawes and FIG. 12 of Yook provide non-cumulative disclosures rendering the challenged claims obvious.

The non-cumulativeness of the Petition's grounds are further clarified by the fact that the Examiner never considered references in combination, instead issuing only anticipation rejections. EX1002, 32-43, 56-64. Given that the record does not include an analysis of obviousness, and that the Petition applies only obviousness grounds, Voith's statement that "Petitioner merely recycles the same or inferior prior art, applies a similar line of reasoning, and presents arguments that closely mirror those already extended and addressed by the Examiner" is facially incorrect. Req., 9. Arguments underlying the Petition—for example, the obviousness of applying a laminated, multi-base-fabric configuration to a flat-woven, folded fabric as in the Ryan-Yook combination, or the obviousness of substituting a flat-woven fabric, with terminal ends, for a spiral-wound fabric as in the Hawes-Crook combination—are entirely absent from the record and can be considered only through institution.

In this context, Voith's arguments (Req., 9-11) cannot be correct. The fact that

“Patent Owner directly addressed and overcame” a Crook-only rejection during prosecution (in relation to a batt layer attached to the outside of Crook’s fabric) has no bearing on the reasonable likelihood that the Ryan-Yook combination, which proposes attaching Yook’s *non-batt* fabric to the outside of Ryan’s base fabric, renders the claims obvious. Pet., 22-23, 29-35. Similarly, the fact that Voith overcame Crook does not mean that the ’388 patent is non-obvious over Crook *in combination with Hawes*. Voith states that “[i]f, as Petitioner now alleges, *Crook* teaches every limitation of claim 1, then there should be no need to bring in *Hawes*.” Req., 10. But Petitioner *nowhere* alleges that Crook “teaches every limitation of claim 1”—that is the entire point of relying on Hawes’ FIG. 15B fabric in combination with Crook.

Finally, Voith needlessly denigrates Dr. Pastore’s testimony as “vague,” “non-committal,” and “halfhearted” with respect to “identifying any error in the Examiner’s reasoning.” Req., 11-12. But Dr. Pastore was asked to provide his technical analysis on the obviousness challenges presented in Albany’s Petition, not opine on the legal question of examiner error. Voith’s distractions cannot compensate for the basic errors in Voith’s analysis.

2. The Petition Presents Particular, Well-Defined Grounds

Contrary to Voith’s allegation of “cherry-picked” combinations of unrelated references (Req., 13), the Petition’s arguments are supported by the state of the art,

as represented by a broad consensus of background patent filings, textbooks, and other documents from the field of papermaking fabrics. Pet., 4-13. Voith attempts to reframe the Petition’s strength as a weakness, arguing, for example, that “Ground 1 is, in reality, a six-reference amalgamation.” Req., 15. On this basis, Voith asserts that institution should be denied because it “lacks particularity.” *Id.*, 12-16.

But the Petition’s grounds are well-defined and particular. For example, Ground 1 proposes a combination of only two references—Ryan and Yook—that results in a “Ryan-Yook fabric” rendering obvious claim 1. Pet., 22-23, 29-35. Similarly, Ground 2A proposes a combination of Hawes and Crook that results in a “Hawes-Crook fabric.” *Id.*, 58-69. That additional references are cited to ***corroborate the state of the prior art*** does not detract from these clear, articulated, and limited combinations.

Contrary to Voith’s argument otherwise (Req. 15), this case is not like *Adaptics*. In that case, the Board denied institution after the petitioner asserted an obviousness ground with ten references connected by “and/or,” leading to ambiguity and an excessive number of possible grounds. *Adaptics Ltd. v. Perfect Co.*, IPR2018-01596, Paper 20 at 18-20 (PTAB March 6, 2019). The Petition here clearly identifies each ground. Pet. 3. Regardless, *Adaptics* did not address the use of corroborating evidence alongside well-defined grounds and particular proposed modifications.

Voith’s related argument that “Petitioner has chosen to backfill missing

support by randomly bringing in arbitrary references (e.g., *Adanur*, *Virtanen*, *Hyvonen*, etc.)” mischaracterizes the Petition. Req., 13. First, the Federal Circuit has held that citing pertinent references from the same field as the challenged patent provides useful background on the state of the art. *Genzyme Therapeutic Prods. Ltd. P’ship v. Biomarin Pharm. Inc.*, 825 F.3d 1360, 1369 (Fed. Cir. 2016). Second, these references are not “arbitrary.” *Adanur* is a papermaking textbook with an entire chapter about press fabrics, while *Virtanen* and *Hyvonen* are filings by Tamfelt Oyj ABP, a leading papermaking fabrics company in the 2000s. EX1011; EX1008; EX1022.

3. *The Petition Presents Articulated Rationale for Combination*

The Petition provides detailed rationale for the Ryan-Yook, Hawes-Crook, and Hawes-Zehle combinations. For example, the Petition explains in detail why “the addition of Yook’s woven base fabric to Ryan’s woven base fabric would have been obvious as ‘the mere application of a known technique to a piece of prior art ready for the improvement,’” for example, to obtain “the increased void volume and other advantages that the art widely recognized as being provided by laminated fabrics.” Pet., 33-35 (quoting *KSR*, 550 U.S. 398, 417 (2007)). Similarly, the Petition explains why “[s]ubstituting Crook’s fabric for Hawes’ would have involved nothing more than the simple substitution of one known element for another to obtain a predictable result,” for example, to realize improvements in manufacturing

simplicity. Pet., 60-68. These and other discussions in the Petition set forth clear reasons why the proposed combinations would have been obvious.

IV. ALBANY IS NOT MISUSING THE IPR PROCESS

Congress intended for AIA proceedings to be “quick and cost effective alternatives to litigation.” H.R. Rep. No. 112-98, pt. 1, at 48 (2011). Albany chose the PTAB for exactly this reason. Voith criticizes Albany’s “tactical use of the IPR process,” claiming that Albany’s Petition “undermines the purpose of the IPR system and prejudices Patent Owner’s settled expectations.” Req., 19. Yet Voith’s criticism is fundamentally inconsistent with its own prior conduct. Voith itself turned to the Office for review, recognizing the value and appropriateness of Office proceedings.

In the context of a separate patent dispute between the parties, Voith’s Head of Corporate Intellectual Property, Hans-Georg Keck, told Albany that it was “necessary and desirable” for the Office to provide “an *independent evaluation*” of Albany’s invalidity arguments. EX1030, 24. He also emphasized that “[w]e believe it is in the interest of both parties to obtain a *complete, independent review* by the USPTO, *leaving no stones unturned.*” *Id.*, 26. In the same vein, Voith’s assertion that “there was no dispute over validity of the ’388 Patent” during negotiations (Req., 18) is false. Albany made its position clear in its response to Voith’s allegations that the ’388 patent was invalid. EX1030, 6 (“Albany believes the claims of the US 252 *and 388 patents are invalid*”); *see also id.*, 1. Albany also promptly

filed its Petition in July—just four months later.

Far from “undermin[ing] the purpose of the IPR system,” Albany expeditiously sought independent review by the Office that Voith previously endorsed and utilized. Fairness dictates that Albany be permitted to avail itself of the procedural mechanisms available in the Office, especially when Voith has recognized the value of the Office’s independent review in resolving the parties’ patent disputes. Voith’s attempt to characterize Albany’s actions as misuse of the IPR process should be rejected.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Director not exercise his discretion to deny institution.

Respectfully submitted,

Dated: November 12, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §42.6(e)(4), the undersigned certifies that on November 12, 2025, a complete and entire copy of this Petitioner's Opposition and its supporting exhibits were provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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