

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DUKE MANUFACTURING CO.
Petitioner

v.

MARMON FOODSERVICE TECHNOLOGIES, INC.
Patent Owner

Case: IPR2026-00479
Patent No. 10,841,981

DECLARATION OF GLENN VALLEE

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KK. Claim 57: the food holding bin of claim 54, wherein the first and third heating elements provide heat energy through radiation, the second and fourth heating elements provide heat energy through conduction, and the fifth and sixth heating elements provide heat energy through radiation.....	664
LL. Claim 58	667
58.a: the food holding bin of claim 54, further comprising a first bezel attached to the chassis	667
58.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone.....	667
MM. Claim 59: the food holding bin of claim 58, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone.....	668
NN. Claim 60	669
60.a: the food holding bin of claim 54, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis	669
60.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening	670

OO.	Claim 61	671
	61.a.1: the food holding bin of claim 60, further comprising a first bezel attached to the chassis proximate the front face of the chassis	
	671	
	61.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones	671
	61.b: further comprising a second bezel located proximate the opposing rear face of the chassis.....	672
PP.	Claim 62: the food holding bin of claim 54, wherein the substantially planar surface is a continuous surface.....	672
QQ.	Claim 63: the food holding bin of claim 62, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones	673
RR.	Claim 65: the food holding bin of claim 54 further comprising a food holding tray resting on the substantially planar surface.....	674
SS.	Claim 66: the food holding bin of claim 54, the first food holding zone and the second food holding zone being heated to different temperatures	675
XVI.	GROUND 13: Claims 42, 44-50, 52, and 53 Would Have Been Obvious Over Fortmann’748 in View of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, and/or Prince Castle	676
A.	Independent Claim 42	676
	42.P-42.f.2	676
	42.g: wherein the first independently controllable heating element is adapted to output more heat energy than the second heating element	
	676	
B.	Claim 44: the food holding bin of claim 42, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction	684
C.	Claim 45	685
	45.a: the food holding bin of claim 42, further comprising a first bezel attached to the chassis	685

	45.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone.....	685
D.	Claim 46: the food holding bin of claim 45, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone.....	686
NN.	Claim 47	687
	47.a: the food holding bin of claim 42, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis	687
	47.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening	687
OO.	Claim 48	688
	48.a.1: the food holding bin of claim 47, further comprising a first bezel attached to the chassis proximate the front face of the chassis 688	
	48.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones	689
	48.b: further comprising a second bezel located proximate the opposing rear face of the chassis.....	689
PP.	Claim 49: the food holding bin of claim 42, wherein the substantially planar surface is a continuous surface.....	690
QQ.	Claim 50: the food holding bin of claim 49, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones	691
RR.	Claim 52: the food holding bin of claim 42, further comprising a food holding tray resting on the substantially planar surface.....	692
SS.	Claim 53: the food holding bin of claim 42, the first food holding zone and the second food holding zone being heated to different temperatures	692
XVII.	GROUND 14: Claims 3, 11, 16, 24, 31, 39, 56, and 64 Would Have Been Obvious Over Fortmann’748 in View of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, Veltrop and/or Shei’155.	693

A.	Claims 3, 16, 31, and 56: the food holding bin of claim [1/14/27/54], wherein the first, second, third, [and] fourth[, fifth, and sixth] heating elements each comprise resistive wire	693
B.	Claims 11, 24, 39, and 64: The food holding bin of claim [1/14/27/54], wherein the substantially planar surface comprises aluminum.....	697
XVIII.	GROUND 15: Claims 43 and 51 Would Have Been Obvious Over Fortmann’748 in view of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, Prince Castle, Veltrop, and/or Shei’155	707
A.	Claim 43: the food holding bin of claim 42, wherein the first, second, third, and fourth heating elements each comprise resistive wire	707
B.	Claim 51: the food holding bin of claim 42, wherein the substantially planar surface comprises aluminum.....	708
XIX.	GROUND 16: Claim 29 Would Have Been Obvious Over Fortmann’748 in View of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, Shei’821, and/or Shei’155.	709
A.	Claim 29: The food holding bin of claim 27, wherein the lid holding shelf comprises sheet metal.....	709
XX.	Fortmann’197 is Supported by its Provisional Application	716

Emphasis added throughout unless indicated otherwise.

DECLARATION OF GLENN VALLEE

I, Glenn Vallee, hereby declare as follows:

I. INTRODUCTION

1. I am currently the Owner and Principal Engineer of G. Vallee Consulting, LLC and I hold the rank of Professor Emeritus at Western New England University where I was formerly an Associate Professor and Chair of Mechanical Engineering.

2. I have a Ph.D. in Mechanical Engineering from the University of Rhode Island and my Ph.D. dissertation research focused on the use of polymeric materials in pneumatic nailers.

3. I am a member of the American Society of Mechanical Engineers (ASME member no. 1259837), and I am a licensed Professional Engineer (RI Lic. No. 6765).

4. I have substantial expertise in the areas of mechanical engineering, consumer product design and development, quality assurance, mechanical testing, and the design of a wide variety of products. I have an extensive background and understanding of the principles and processes involved with the field of technology of U.S. Patent No. 10,841,981 (“the ’981 Patent”).

5. I am an inventor on nine patents, including an electrical power strip, a water purification system, pneumatic nailers, and surgical devices.

6. As the Owner and Principal Engineer of G. Vallee Consulting, I serve as a consultant in the areas of mechanical engineering design, product development, numerical stress analysis, and mechanical testing, as well as serving as a technical expert in product liability and patent litigation.

7. Amongst the mechanical engineering design and product development projects I have been retained for, in one of my projects I was retained by a local inventor to serve as an advisor to a project involving the design of a two compartment, heated food holding bin aimed at maintaining the temperature of fast food (pizza, burgers, etc.) delivered by motorcycle. The device utilized two ceramic heating elements, programmable temperature control, and an onboard power supply.

8. I have testified before the ITC twice in patent related matters and I have supported over 20 IPR matters before the PTAB.

9. I have also provided testimony related to a wide variety of products, some of which utilize heating elements such as e-cigarettes, and others related to cooking, such as barbecue grills.

10. I have also been retained as a technical expert in several patent cases related to the food industry. Products included salad spinners, water bottles, and grills, such that I am familiar with material selection considerations in this area as well.

11. As an Associate Professor of Mechanical Engineering, I taught courses in Mechanical Design, Materials Science, Kinematics, Vibrations, Mechanics of Materials, and a Product Development and Innovation (PDI) course where students design consumer products having commercial potential. Six utility patents have been filed for student inventions developed in the PDI course, and many of the products that were developed related to kitchen applications and heating elements, including: an automatic cleaning device for microwave ovens, a temperature indicating cooking pan, and an improved efficiency electric oven.

12. I have also served as the faculty advisor to over 100 capstone senior design projects, one of which dealt with maintaining food temperature.

13. Prior to joining Western New England University, I served as the Director of Engineering and Quality Assurance, Worldwide for the Remington Products Company, L.L.C., in Bridgeport, CT, from 1997 until 2002. Remington Products Company is a major manufacturer of consumer products, including electric shavers, beard trimmers, and products utilizing heating elements, such as hair dryers and hair setters. My responsibilities included directing the activities of Design and Product Engineering, Quality Assurance, and Manufacturing departments in the U.S., U.K., and Asia, and I was responsible for the design and development of international consumer products, and for focusing new product engineering toward continuously improving customer satisfaction through

improved product design, performance, and quality.

14. Prior to my employment at Remington Products, I served as the Manager of the Engineering Laboratories at the Stanley Bostitch Company, now a division of Stanley/Black & Decker. Stanley Bostitch is a leading manufacturer of pneumatic nailers and staplers, a variety of hand tools such as hammer tackers and staplers, and a number of other office products. I was employed by Stanley Bostitch from 1985 until 1997, serving first as a Technician, then Test Engineer, then Product Design/Development Engineer, and was promoted to Manager of the Engineering Laboratories in 1995. During my employment at Stanley Bostitch, I acquired extensive experience in the design and testing of a variety of mechanical, pneumatic and electromechanical products, including pneumatic fastening tools, electric trackers and staplers, and electric pencil sharpeners. My work as a Technician and then Test Engineer allowed me to acquire experience in conducting and developing test methodologies for all products. My work as a Product Design/Development Engineer involved designing and developing products from conception through manufacture and quality control, most of which required the design of fluid containment systems and methods of sealing. As the Manager of the Engineering Laboratories, I managed the largest of the Engineering Laboratories in Stanley Works and supervised 18 employees. This position required that I coordinate testing and allocate resources to meet stringent scheduling requirements

of the Product Development, Manufacturing, and Marketing departments.

15. Appendix A to this declaration is a copy of my curriculum vitae, which further expands on my qualifications and expertise and includes a list of my publications and prior testimony over the past five years.

16. I am being compensated at \$450/hour. My compensation is in no way dependent on the outcome of this proceeding, and my compensation in no way affects the substance of my statements and opinions in this Declaration.

17. In providing the testimony set out in this declaration, I have reviewed the figures, specification, and claims of the '981 Patent and the file history of the '981 Patent. I have also reviewed the following documents:

Exhibit No.	Description
1001	U.S. Patent No. 10,841,981 ("the '981 Patent")
1002	Prosecution History of the '981 Patent
1005	Infrared Heatsink Holding Unit Operators Manual ("IRHS Manual")
1006	Infra Red Heat Sink Specifications ("IRHS Specifications")
1007	bk.dukemfg.com ("Duke Website")
1008	Infrared Heatsink Holding Unit Service Manual ("IRHS Service Manual")
1009	Prince Castle Holding Bins ("Prince Castle")
1010	U.S. Patent Publication No. 2010/0288748 ("Fortmann'748")
1011	U.S. Patent Publication No. 2016/0073821 ("Shei'821")

Exhibit No.	Description
1012	U.S. Patent Publication No. 2007/0108178 (“Jones”)
1013	U.S. Patent Publication No. 2009/0126580 (“Hartfelder”)
1014	U.S. Patent No. 10,258,197 (“Fortmann’197”)
1015	U.S. Patent Publication No. 2008/0302778
1016	U.S. Patent Publication No. 2004/0069155 (“Shei’155”)
1017	U.S. Patent No. 6,175,099 (“Shei’099”)
1018	U.S. Patent No. 5,852,967 (“Fortmann’967”)
1019	U.S. Patent No. 6,658,994 (“McMillan”)
1020	U.S. Patent Publication No. 2011/0114618
1021	U.S. Patent Publication No. 2011/0114624
1022	U.S. Patent Publication No. 2011/0252813 (“Veltrop”)
1023	U.S. Provisional Patent Application No. 62/193,992 (“the ‘992 Provisional”)
1024	U.S. Patent No. 6,119,587
1025	U.S. Patent No. 3,461,275 (“Poole”)
1026	U.S. Patent No. 7,258,064 (“Vaseloff”)
1027	U.S. Patent Publication No. 2014/0130684 (“Reese”)
1028	Merco Holding Cabinets
1029	U.S. Patent No. 6,011,243

18. In forming my opinions, I have relied upon various legal principles as explained to me by Duke’s counsel. My understanding of these principles is

summarized below.

19. I understand that in patent law, a patent's claims define the scope of protection for the claimed invention.

20. I understand that the validity of a patent's claims is determined on a claim-by-claim basis.

21. I understand that in this proceeding, Duke has the burden of proving that the challenged claims would have been unpatentable over the prior art by a preponderance of the evidence.

22. Grounds 1-16 assert that the claims of the '981 Patent should be found unpatentable as obvious over one or more combinations of prior art references.

23. I understand that a claim is unpatentable as obvious 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 to a hypothetical person having ordinary skill in the art before the effective filing date and who is presumed to have known the relevant prior art.

24. I understand that the question of obviousness is resolved based on 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) objective evidence of non-obviousness.

25. I further understand that for each of the obviousness grounds, Duke

must demonstrate a person of ordinary skill would have: (1) a motivation to combine the teachings of the relevant references and (2) a reasonable expectation of success in developing the claimed invention.

26. I understand that a motivation to combine the teachings of the relevant references may come from, but is not limited to: teachings, suggestions, or motivations found in the prior art; the nature of the problem; or the knowledge of a person having ordinary skill in the art.

27. I understand that the United States Patent and Trademark Office (“USPTO”) will interpret the claims of the ’981 Patent as they would have been understood by those of ordinary skill in the art as of the filing date of the ’981 Patent in view of the claim language itself, the specification and figures of the ’981 Patent, the prosecution history of the ’981 Patent, and other relevant evidence showing how one of ordinary skill would have understood the language.

28. In forming my opinions, I have applied the understanding of one of ordinary skill in the art working at the time of the invention claimed in the ’981 Patent, *i.e.*, shortly prior to April 19, 2016.

29. The person having ordinary skill in the art (“POSA”) would have an engineering degree and/or 4 years of experience in the design and/or manufacture of food service equipment. The POSA would have been familiar with existing designs of food service equipment in 2016—including food holding cabinets—and

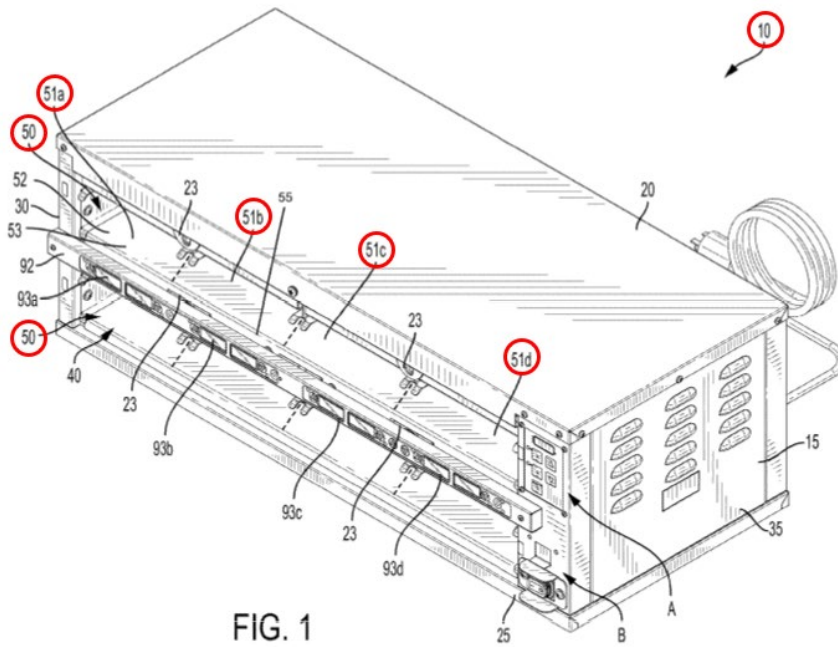
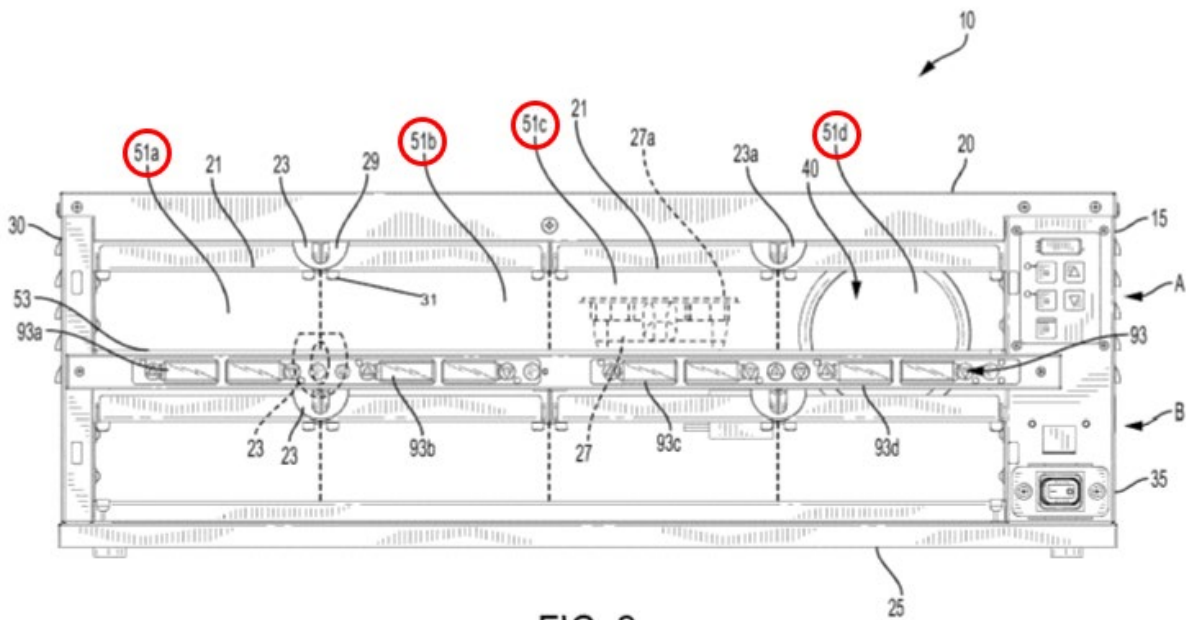
would have known how to modify food service equipment designs and incorporate features based on various design criteria. As the claimed invention contains interdisciplinary aspects—namely appliance design and control systems design—the POSA may have worked as a part of a multi-disciplinary team and drawn upon not only his or her own skills, but also consulted with others on the team, having specialized skills.

30. In my opinion, the level of ordinary skill is not determinative, as those of less or more skill would also find the claims to be unpatentable.

II. BACKGROUND OF THE '981 PATENT

31. The '981 Patent pertains to a multi-zone food holding bin (10) for keeping food warm, as would typically be found in the kitchen of a fast-food restaurant. EX1001: Abstract, 1:64-65.

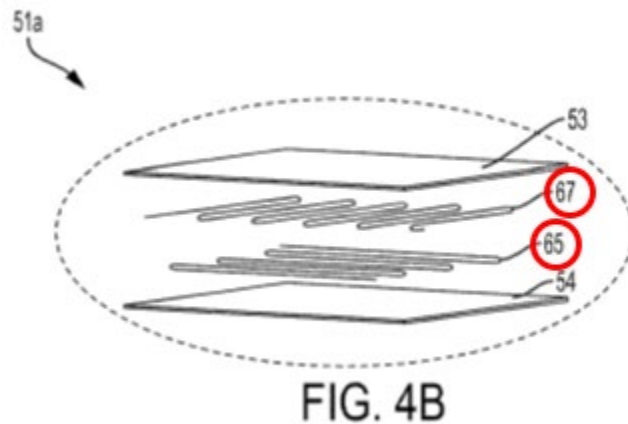
32. As shown in Figures 1 and 2 below, the food holding bin (10) has two food holding compartments (50), with each food holding compartment having two or more food holding zones (57a-57b). EX1001: 1:63-2:6. Each of these food holding bays (51a-51d) is capable of receiving a food tray (27) containing food. EX1001: 3:64-66



EX1001: Figs. 1 and 2 (annotated).

33. The food holding zone (51a-d) can be set at different temperatures.

EX1001: 2:11-13. To this end, the food holding bin (10) includes dedicated independently controllable heating elements (67, 65) for each food holding zone (51a-d). EX1001: 6:37-56. Each food holding zone is heated from below by a dedicated lower heating element (67) and heated from above by a dedicated upper heating element (65). EX1001: 6:37-50.



EX1001: Fig. 4B (annotated).

34. Other features recited by the claims include front and rear bezels (92) that have dedicated displays and controls (93) for each food holding zone (51a-d), shelves (31) for supporting lids (21) that cover the food tray (27) in the food holding zone, and latches (23) for retaining the lids on the shelves. EX1001: 3:29-30, 3:40-41, 3:64-4:5, 4:36-40.

35. In general, and in my opinion, the claims of the '981 Patent mix and match independent features and design choices that were each already well known in the art (*e.g.*, number and configuration of food holding bays, location and configuration of heating elements, location and configuration of the controls, inclusion of shelves and latches to hold and secure lids, and independent temperature control of the food holding bays). These features are combined according to their established functions and yield predictable results.

A. Prosecution History of the '981 Patent

36. I understand that the application that turned into the '981 Patent was filed on May 3, 2019. EX1002: 148. The Examiner issued an Office Action on June 27, 2019. EX1002: 110-117. The Patent Owner responded to the first Office Action on September 27, 2019. EX1002: 83-86. Subsequently, the Examiner issued a final Office Action on January 24, 2020, rejecting certain claims while indicating other claims to be directed to allowable subject matter. EX1002: 44-48. In response to the Final Office Action, the rejected claims were canceled (leaving the allowed claims) and new dependent claims were added. EX1002: 25-42. A Notice of Allowance was issued on July 8, 2020. EX1002: 9.

III. BACKGROUND OF THE ART

37. Multi-zone food holding bins for keeping food warm were well known in the art. Likewise, the individual features of the multi-zone food holding bins as claimed in the '981 Patent were previously available in the art.

38. With the exception of U.S. Patent No. 3,461,275 ("Poole") (EX1025)—the prior art references identified in this declaration each pertain to food holding cabinets and are in the same field of endeavor with each other and with the '981 Patent. EX1001: 1:64-2:18; EX1005: 1; EX1006: 1; EX1007: 8, 21-22, 26; EX1008: 1; EX1009: 7, 19, 36; EX1010: ¶[0002]; EX1011: ¶[0002]; EX1012: ¶[0003]; EX1013: ¶[0002]; EX1014: 1:13-21; EX1016: ¶[0002]; EX1017: 1:13-15; EX1018: 1:5-7; EX1019: 1:9-14; EX1022: ¶[0010]; EX1025: 1:25-26; EX1026: 1:5-7; EX1027: ¶[0001].

39. As discussed below, the food holding cabinets of these prior art references significantly overlap as to their basic design and intended operation, while presenting interchangeable design options and part configurations regarding the various features of the food holding cabinets that could be readily mixed and matched.

40. The lone reference that is not expressly directed to a food holding cabinet—Poole (EX1025)—is instead directed to heater elements of the type that would commonly be used in kitchen appliances such as food holding cabinets and

thus is in the same field of endeavor with the other prior art references and with the '981 Patent.

1. IRHS Documents

41. The Infrared Heatsink Holding Unit Operators Manual (EX1005) (“IRHS Manual”), the Infrar Red Heat Sink Specifications (EX1006) (“IRHS Specifications”), the bk.dukemfg.com (EX1007) (“Duke Website”), Infrared Heatsink Holding Unit Operators Manual (EX1008) (“IRHS Service Manual”) (collectively the “IRHS Documents” and each individually as an “IRHS Document”) each describe the same family of food holding units manufactured by Duke referred to as the Infrared Heatsink (IRHS) Holding Unit.

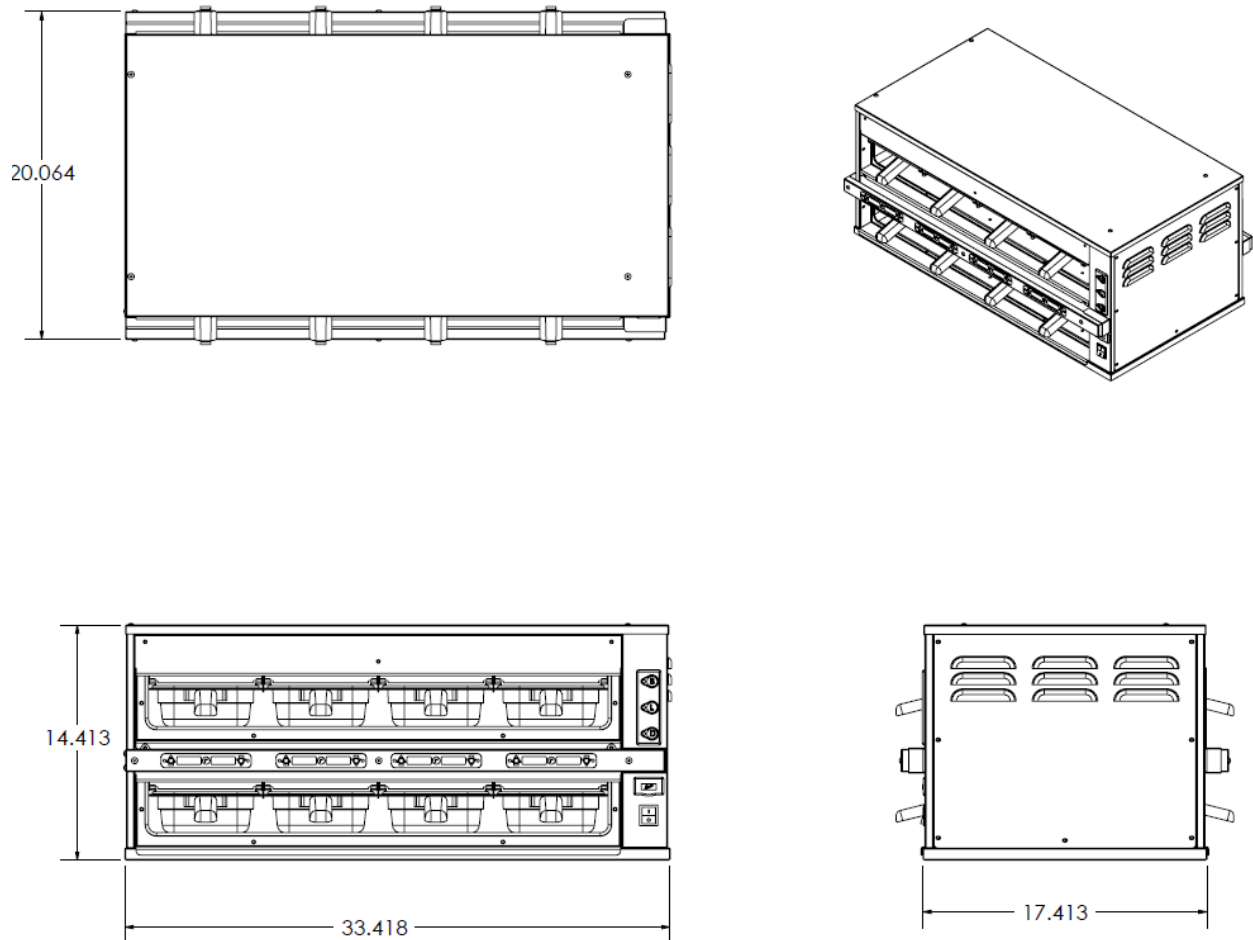
42. I understand that the IRHS Holding Unit was a commercial product that was introduced by Duke to the market in 2013, with sales beginning in 2014. I understand that the IRHS was originally developed for Burger King and was widely purchased by Burger King franchisees, but that the IRHS was not exclusive to Burger King.

i. IRHS Manual (EX1005)

43. The IRHS Manual is a user manual published by Duke for the IRHS Holding Unit. EX1005: 1. I understand that the version of the IRHS Manual present in this proceeding was tailored to Burger King and distributed with approximately hundreds of IRHS units that were sold from February 2014 to

September 2014. I understand that there have been earlier and later revisions, as well as versions of the IRHS Manual that were not tailored to Burger King.

44. The IRHS Manual lists the different configurations of the IRHS Holding Unit, including the 2x4 IRHS Holding Unit shown below:



EX1005: 8.

45. The IRHS Manual lists the IRHS22, IRHS23, IRHS24, IRHS34, and IRHS42 models of the IRHS Holding Unit. The numerical portion of the model number was indicative of the configuration of the IRHS Holding Unit identifying the number of shelves within the IRHS Holding Unit and the number of food

holding locations across the shelves. As an example, the 2x4 IRHS Holding Unit shown above had the model number IRHS24.

46. The IRHS Manual states:

“The IRHS Holding Unit was developed specifically to address the needs of Burger King restaurant operations and profitability. ... This new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product. This gives you the ability to maintain gold standard sensory attributes at drastically extended hold times while delivering hotter food to your customers.” EX1005: 4.

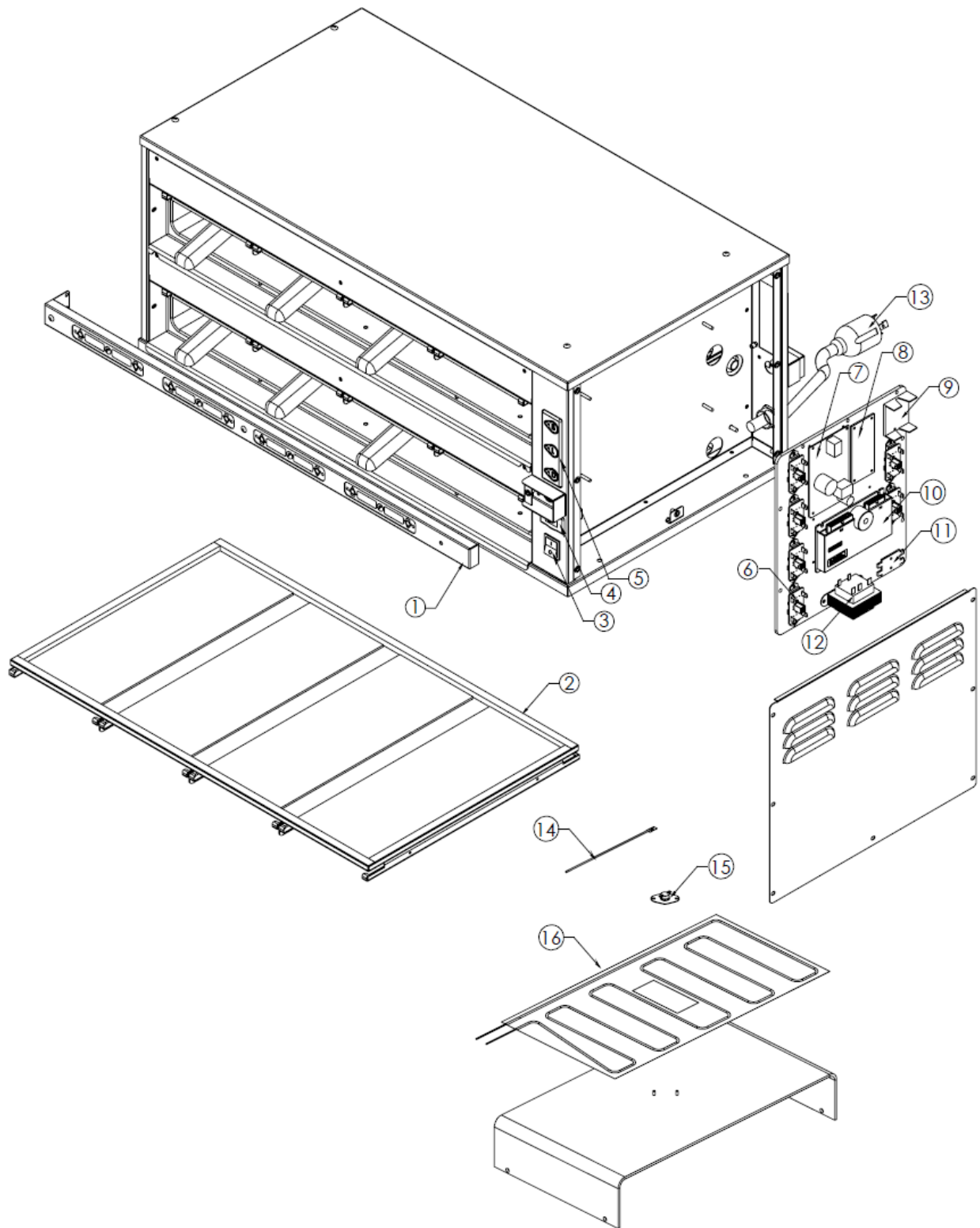
47. The IRHS Manual further states:

“This new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product. This gives you the ability to maintain gold standard sensory attributes at drastically extended hold time while delivering hotter food to your customers. To accomplish this, each food product has a tailored HeatSink temperature and InfraRed pulse rate. To ensure optimal hold quality, it is essential to press the up or down arrow corresponding with the pan location to activate a hold cycle. This starts the appropriate IR pulse rate as well as the timer countdown.” EX1005: 16.

48. The IRHS Manual explains how to switch between breakfast, lunch, and dinner menus using the daypart buttons and how to view product names and temperatures on the displays. EX1005: 16-17.

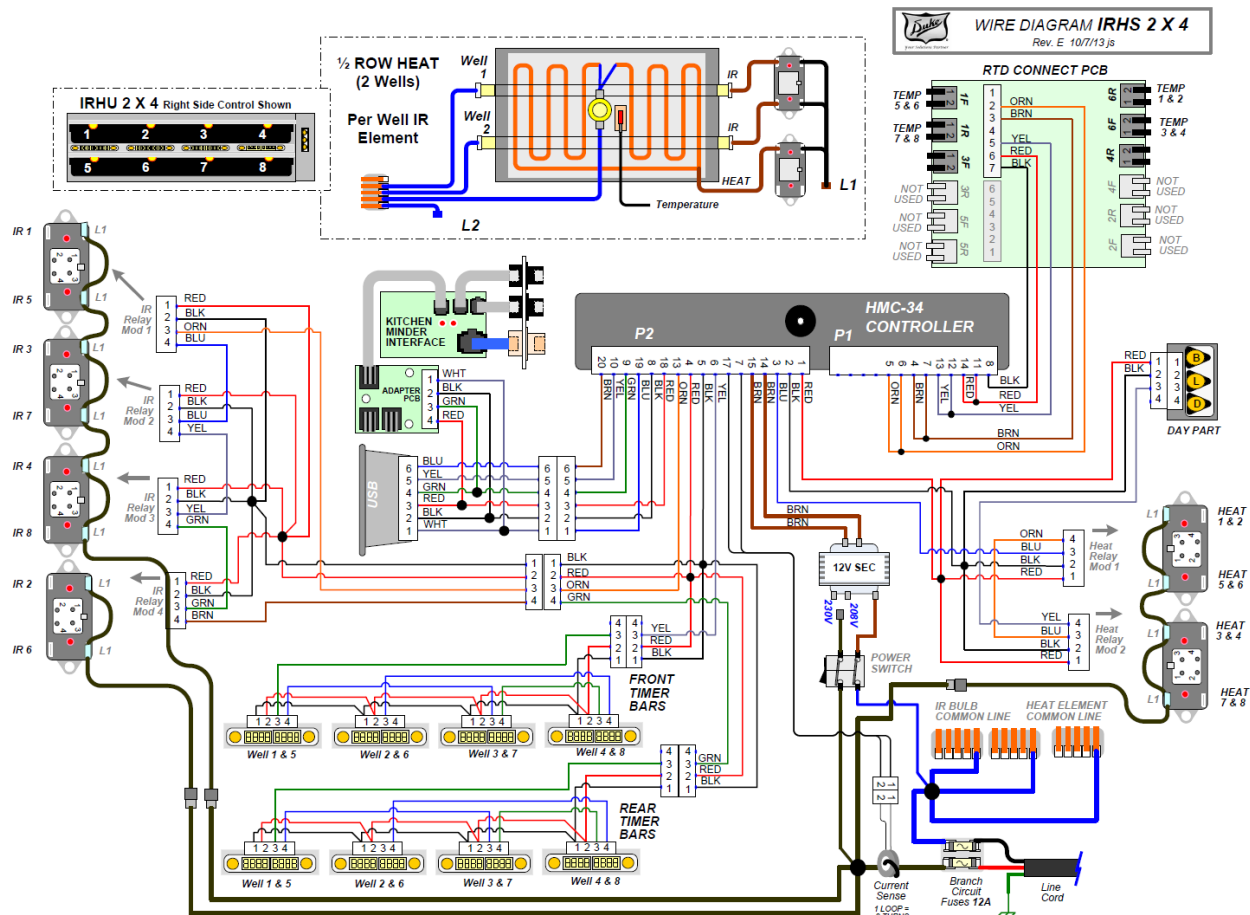
49. The IRHS Manual also provides an exploded view of the 2x4 IRHS Holding Unit and a parts list. EX1005: 19-20.

PARTS LISTS AND ILLUSTRATIONS



EX1005: 19.

50. The IRHS Manual further includes wiring schematics for the different configurations of the IRHS Holding Unit. EX1005: 22-27. The wiring diagram for the 2x4 IRHS Holding Unit is shown below:

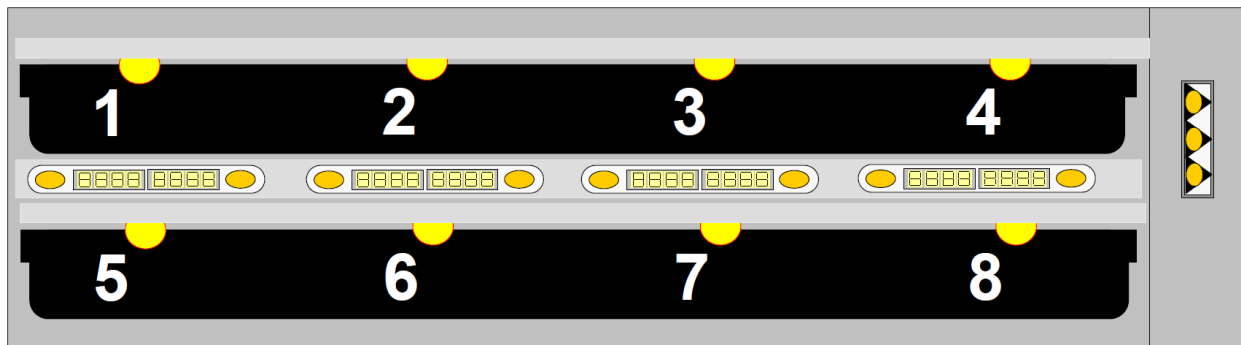


EX1005: 25.

51. The wiring diagram demonstrates the 2x4 IRHS Holding Unit has a controller for controlling operation that is in wired communication with the electronically controlled dual output relays (e.g., IR1-8 and Heat 1&2-7&8) that switch the heating elements on and off. EX1005: 25. The wiring diagram also

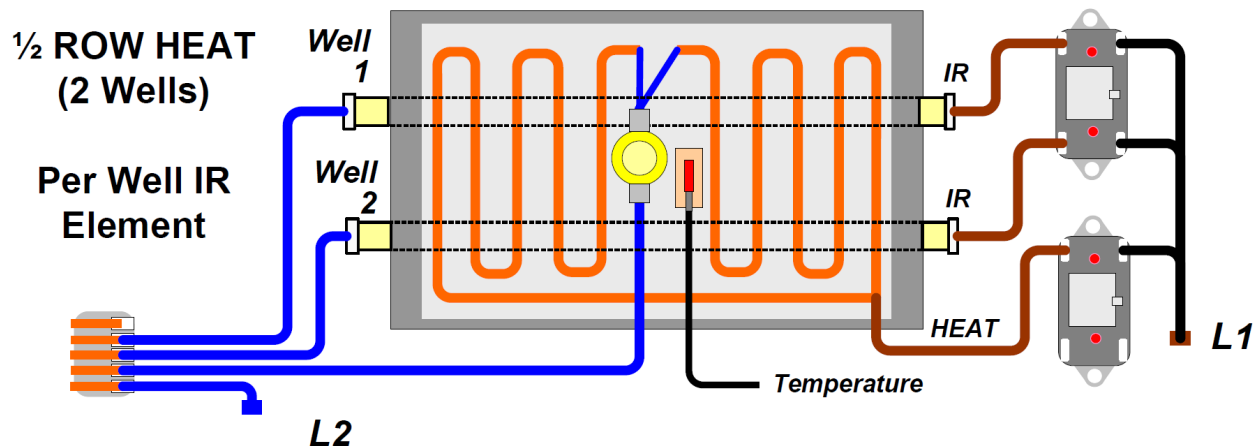
demonstrates that the controller is in communication with the displays and buttons of the timer bars for transmitting and receiving signals therebetween. EX1005: 25.

52. The wiring schematic also includes a diagram showing each pan holding location or well (numbered 1-8) of the 2x4 IRHS Holding Unit having a dedicated IR heating element (yellow bulb) as shown schematically below:



EX1005: 25.

53. Another diagram of the wiring schematic illustrates the general arrangement of the electric heating elements for half of a row of the 2x4 IRHS Holding Unit (*e.g.*, for two adjacent pan locations (wells)). EX1005: 25. For example, this diagram illustrates the heating element arrangement for pan holding locations 1 and 2. Based on this diagram, it is understood that this heating element arrangement is duplicated four times in the 2x4 IRHS Holding Unit, one for pan holding locations 1 and 2, one for pan holding locations 3 and 4, one for pan holding locations 5 and 6, and one for pan holding locations 7 and 8.



EX1005: 25.

54. Thus, the wiring schematic would be understood as disclosing that each pan holding location is heated from above by dedicated IR heating elements (e.g., eight IR heating elements total). EX1005: 25. The wiring schematic further would be understood as disclosing that each compartment or row is heated from below by two electric heating elements (e.g., four electric heating elements total) arranged side-by-side, such that each electric heating element heats two adjacent pan holding locations. EX1005: 25.

ii. IRHS Specifications (EX1006)

55. The IRHS Specifications is a 2013 two-page document from Duke summarizing the different models of the IRHS Holding Unit and their features. EX1006. The IRHS Specifications disclose a number of features of the IRHS Holding Unit, including:

- A model with a 2x4 (two rows of pan holding locations by four columns of pan holding locations) configuration (the IRHS24 model);
- “Anodized aluminum HeatSink”;
- “Individually controlled IR emitters pulse on and off for controlling optimum amount of energy being applied to the food”;
- “Zoned bottom heat to provide additional holding environment customization”;
- “IR Turbo Boost for instant shot of IR energy”;
- “Custom heat settings for food product”;
- “Each compartment individually controlled”;
- “Alphanumeric displays to indicate product description, temp and hold time remaining”;
- “Web based programming via USB”;
- “Day part switch for global recipe changes (B, L, D)”;
- “Upper IR emitters provide optimum environment”;
- “Bottom zoned heat element provides gentle heat to minimize temperature distribution from top to bottom of pan”;
- “Programmable via website & USB with daypart switch to facilitate global recipe changes.”

EX1006: 1.

iii. Duke Website (EX1007)

56. The Duke Website is an archived collection of URLs from the Wayback Machine as they existed in January 2015 from a Duke website tailored for Burger King restaurants—but that I understand was publicly available and accessible—for marketing a variety of commercial kitchen equipment. The Duke Website included a landing webpage with indexed links to additional information

for a number of Duke products and to a literature webpage (EX1007: 5-6), a webpage (“IRHS Webpage”) about the IRHS Holding Unit (EX1007: 8-13); a webpage (“Expedite Webpage”) about an Expedite Station that includes an IRHS Holding Unit (EX1007: 20-23); a literature webpage (EX1007: 15), and a 2014 Burger King Catalog (“IRHS Catalog”) available from the literature webpage which includes details about the IRHS Holding Unit (EX1007: 26-73).

57. The IRHS Webpage discloses various illustrations, details, and information about the IRHS Holding Unit:

Menu Item	Hold Time Increase with New IRHS (%)	Hold Time Increase with New IRHS (min)
EXPEDITE - FRIED		
Chicken Strips	200%	40 min
Nuggets	100%	30 min
MAIN BOARD - FRIED		
Chick'n Crisp	100%	30 min
OCS	500%	30 min
Tendercrisp	150%	45 min
Fish	50%	15 min
MAIN BOARD - BROILED		
Whopper Jr.	78%	45 min
Tendergrill	25%	30 min
1.7 burger	100%	45 min
Whopper	100%	45 min
Turkey Burger	100%	45 min
Stuffed Burger	100%	45 min
Rib Patty	100%	45 min
BKFST		
Eggs	100%	45 min
Sausage Patty	50%	30 min
French Toast Sticks	33%	15 min

Significantly extend all hold times across the menu, including fried foods



EX1007: 9.



EX1007: 10.

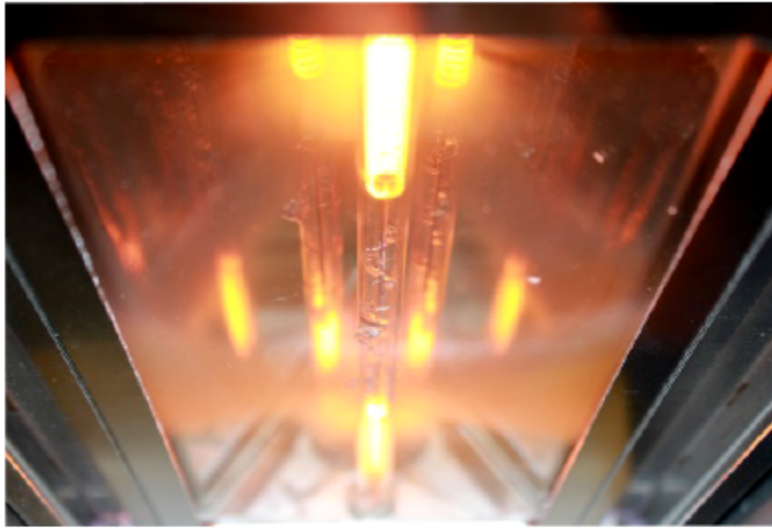


More Product Information at Each Well

(Product, Hold Time Remaining, Temperature)

EX1007: 10.

Duke Sealed IR



- Long lasting, proven emitters have been used in Duke holding equipment for 10 years.
- The IR energy is pulsed on only when needed to control energy usage and extend the life of the emitters.
- There are no moving parts or openings for grease to compromise the components.
- IR emitter is securely housed in a sealed compartment behind tempered glass.
- Idle mode creates Serv-Safe environment if operator forgets to start hold cycle

EX1007: 11.



EX1007: 12.

58. The Expedite Webpage likewise includes additional illustrations, details, and information about the IRHS:

Duke's IRHS includes advanced holding technologies to produce a consistently hot product, while doubling hold times across the board. The improved design, flexibility, consistency and kitchen integration will position your operation for continued growth.

- Dual holding technologies for hot, consistent product temperatures
- Solid-state, fanless, design and fully sealed cavity prevent grease migration
- Heavy, robust aluminum covers for individual control
- Utilize "Turbo Boost" for a quick shot of heat to the product
- Unlimited flexibility for current and future menus
- Hold any food item in any well, knowing it is optimized for that product
- Energy efficient technology that utilizes idle mode, preventing forced hot air into the kitchen
- Web programming to quickly and easily update menus
- Connect to your kitchen management system
- Reduced footprint



[Learn more about the InfraRed HeatSink™ Holding Unit](#)

EX1007: 21-22.

59. The IRHS Catalog is a 2014 catalog from Duke containing a variety of commercial kitchen equipment for Burger King restaurants. Included in this catalog was a section for the IRHS Holding Unit. EX1007: 51-58. The IRHS Catalog listed different IRHS Holding Unit configurations, including the 2x4 configuration shown below:

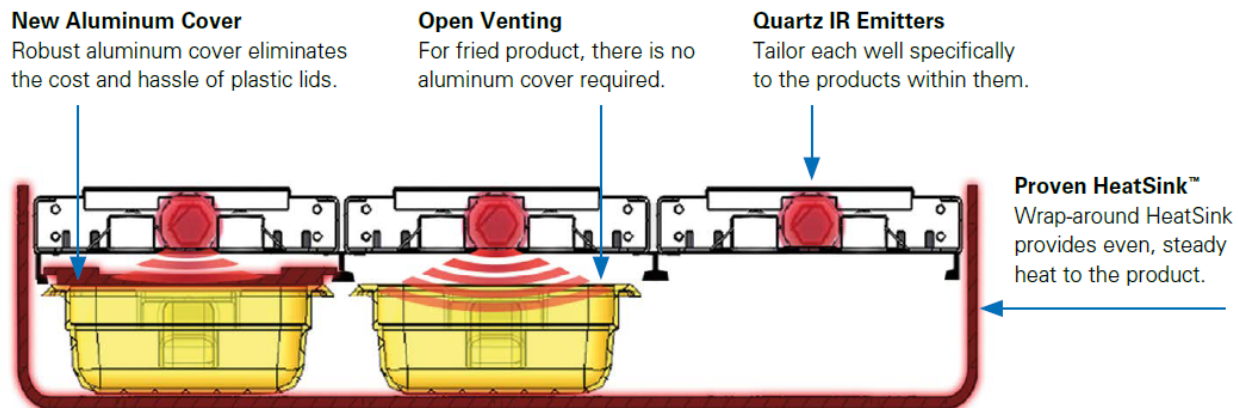


Part #'s	Controls	Stand-Alone/ Master/Satellite	Electrical Requirements			
			Voltage	Hz	Amps	NEMA
IRHS24-XXX4T1R	Single	Stand-Alone	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T2R	Double	Stand-Alone	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T1S	Single	Satellite	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T1M	Single	Master	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T2S	Double	Satellite	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T2M	Double	Master	208 / 230 / 240	50/60	12	6-15P (208V/240V)
Notes			WARRANTY:			
1. Replace "XXX" in the part # with the respective power supply			3 year parts and 1 year labor for timer bar IRHS			
2. 230V Unit Electrical Requirements: IEC 60309 PIN & SLEEVE PLUG, 16 AMP			3 year parts and 2 year labor for VISORenabled IRHS -- no timer bar unit			

EX1007: 56.

60. The IRHS Catalog explains the IRHS Holding Unit heats each food pan from the bottom with a HeatSink and from the top with InfraRed heat.

EX1007: 51.



EX1007: 53.

61. The IRHS Catalog further disclosed the IRHS Holding Unit as having the following features and benefits:

- “Improved temperature consistency throughout the pan through the unique use of dual holding technologies, InfraRed and HeatSink” (EX1007: 53);
- “IR is pulsed only when needed, leading to drastic energy savings” (EX1007: 53);
- “Robust Duke timer bars” (EX1007: 53);
- “Precise holding for each product in an optimized environment tailored to that product” (EX1007: 53);
- “Total well independence allows freedom in product placement in the IRHS” (EX1007: 53);
- “Smaller footprint allows IRHS to fit into smaller space” (EX1007: 53); and
- “USB Drive: Allows for web programming updates for your [] IRHS holding unit[]” (EX1007: 58).

iv. IRHS Service Manual (EX1008)

62. The IRHS Service Manual is a sixty-eight page document from Duke explaining technical and service information about the IRHS Holding

Unit. EX1008. The IRHS Service Manual includes various views of the IRHS Holding Unit and disclosures of the features of the products.



INFRARED HEATSINK™ HOLDING UNIT

Includes Standalone,
Kitchen Minder and
VISOR models

MODELS

IRHS22
IRHS23
IRHS24
IRHS34
IRHS42

Service Manual



EX1008: 1.

2. Fortmann'748 (EX1010)

63. U.S. Patent Publication No. 2010/0288748 ("Fortmann'748") teaches a warming cabinet (10) for keeping food in trays (100) warm before serving.

EX1010: ¶¶[0002], [0014], Fig. 1. The cabinet (10) has a plurality of shelves (21) dividing the warming volume (18) into separate compartments that receive multiple trays (100) of food. EX1010: ¶¶[0014]-[0015], Figs. 1 and 6.

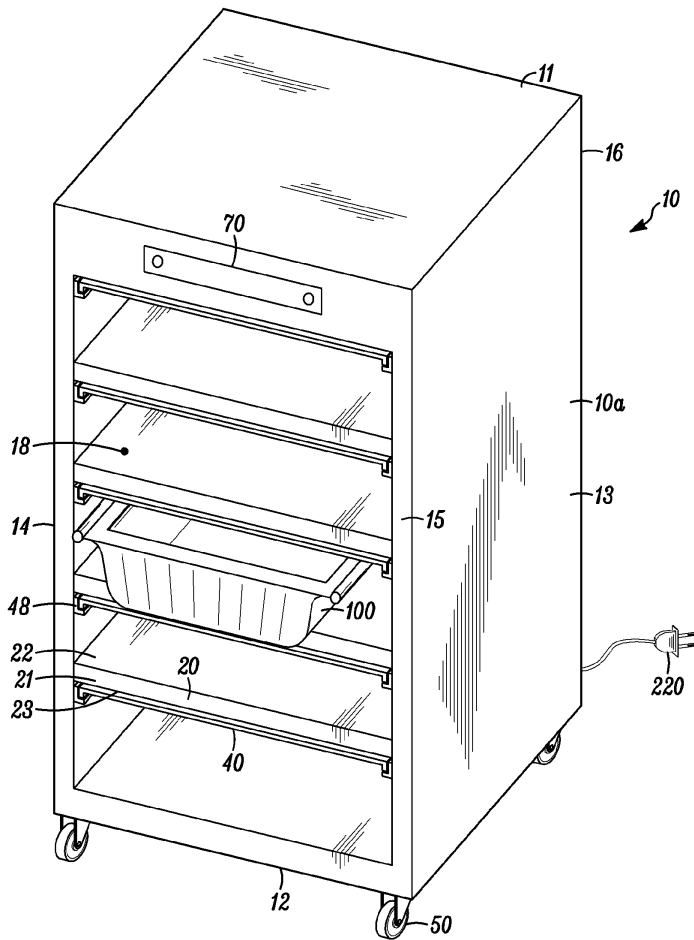


FIG. 1

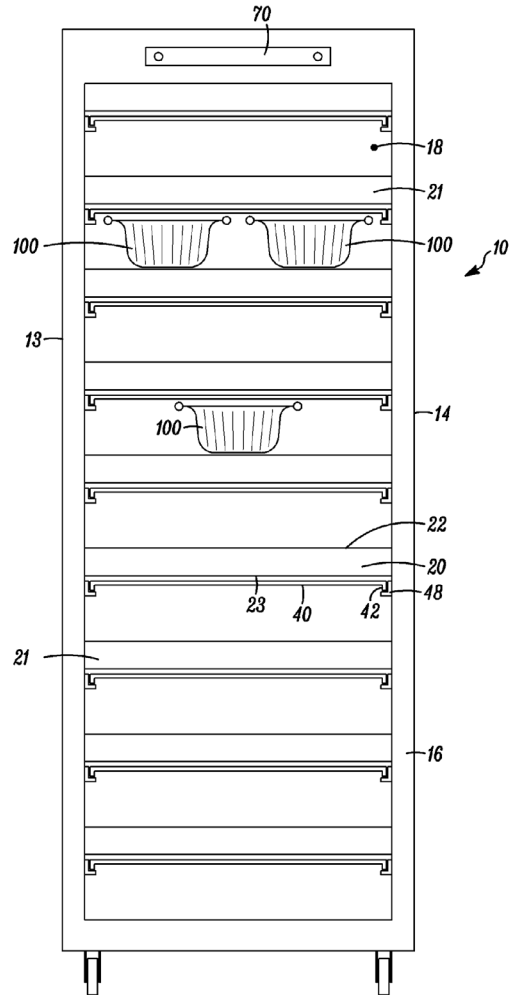


FIG. 6

EX1010: Figs. 1 and 6.

64. Each shelf (21) of Fortmann’748’s cabinet (10) includes “one or more heaters 60 ... that are disposed within the internal volume [of the] shelf 21.”

EX1010: ¶[0019], Fig. 2. The heaters (60) associated with each shelf (21) are disclosed as being independently controllable relative to the heaters of other shelves “to establish two or more heat zones of differing temperatures within the warming volume [18].” EX1010: ¶¶[0021], [0024].

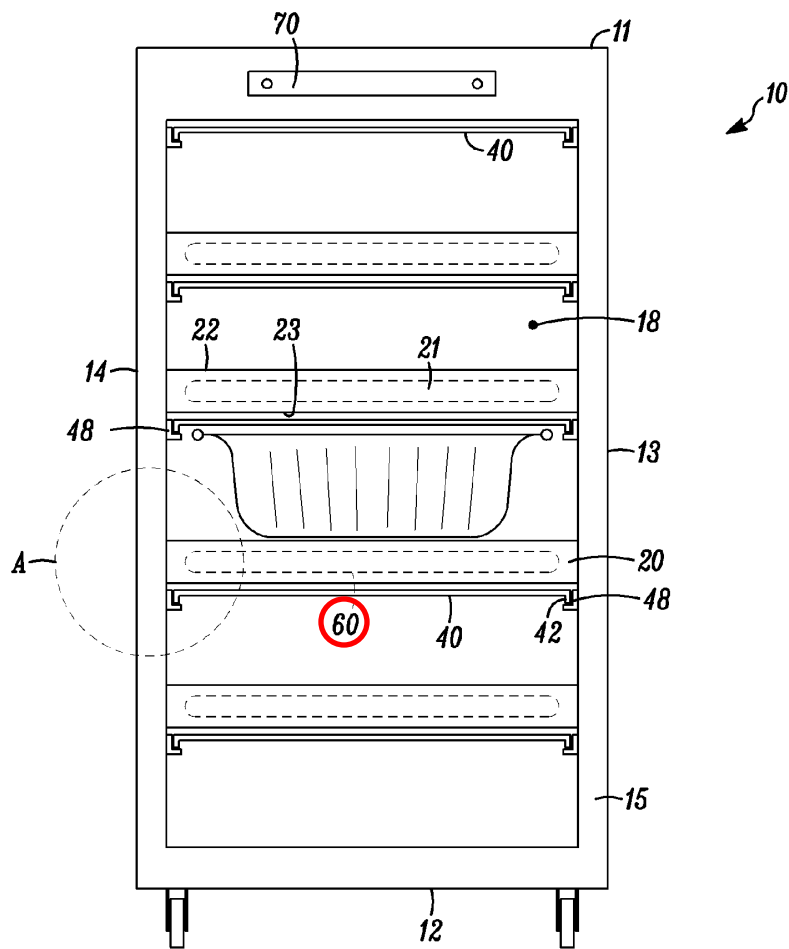


FIG. 2

EX1010: Fig. 2 (annotated).

65. Each compartment of Fortmann'748's cabinet is disclosed as including a removable lid or cover (40) to prevent the heat in the pans from escaping and to retain moisture within the pan. EX1010: ¶[0017], Fig. 4.

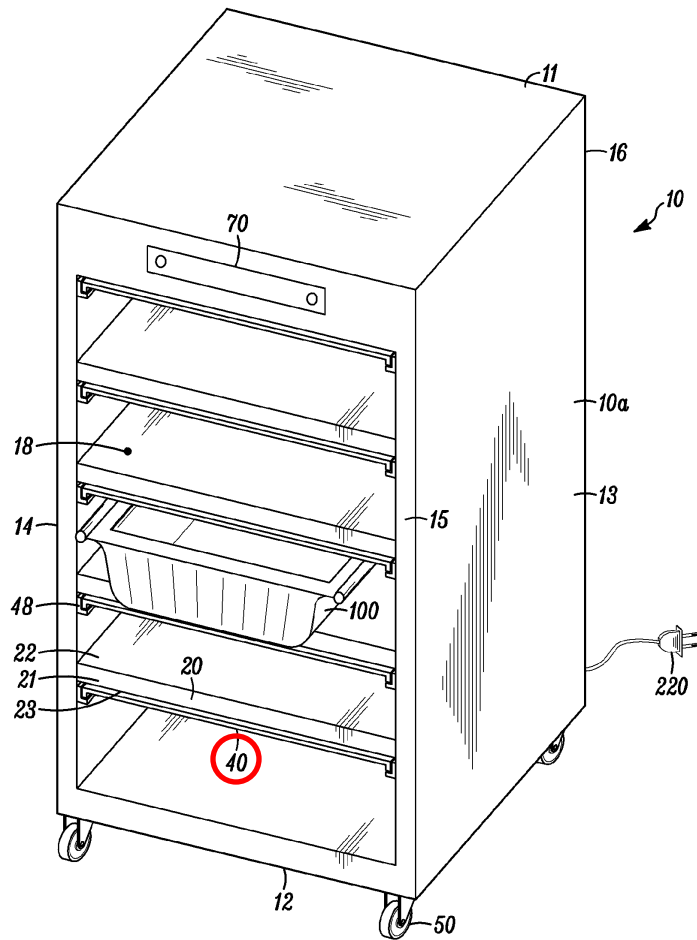


FIG. 1

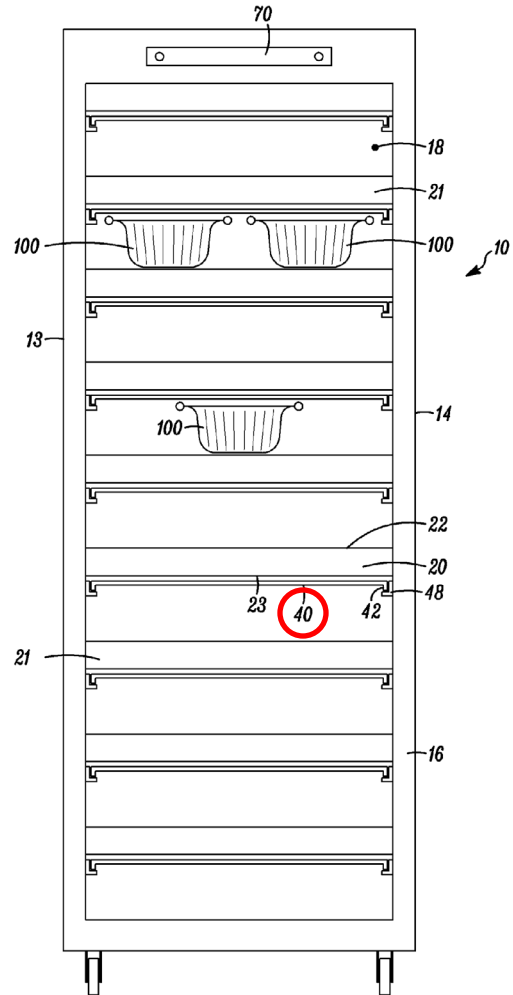


FIG. 6

EX1010: Figs. 1 and 6 (annotated).

66. Fortmann'748 further teaches one embodiment of a control system having “one [or] more sensors disposed in each heating zone,” “an input device for the user to select the desired temperature [] within the heating zone” and a “controller [that] selectively provide[s] or secure[s] current to the one or more heaters 60 disposed within each zone to control the temperature of the zone.”

EX1010: ¶[0027]. The control system is described as “adjust[ing] the heat output within each zone to achieve the desired temperature.” EX1010: ¶[0027].

3. Jones (EX1012)

67. U.S. Patent Publication No. 2007/0108178 (“Jones”) teaches a food holding cabinet (12b) with an upper heating compartment (UHC) and a lower heating compartment (LHC), each for receiving food trays (14). EX1012: ¶¶[0069], [0072], Fig. 1B. The upper and lower heating compartments (UHC, LHC) are separated by a shelf (36). EX1012: ¶[0072], Fig. 1B.

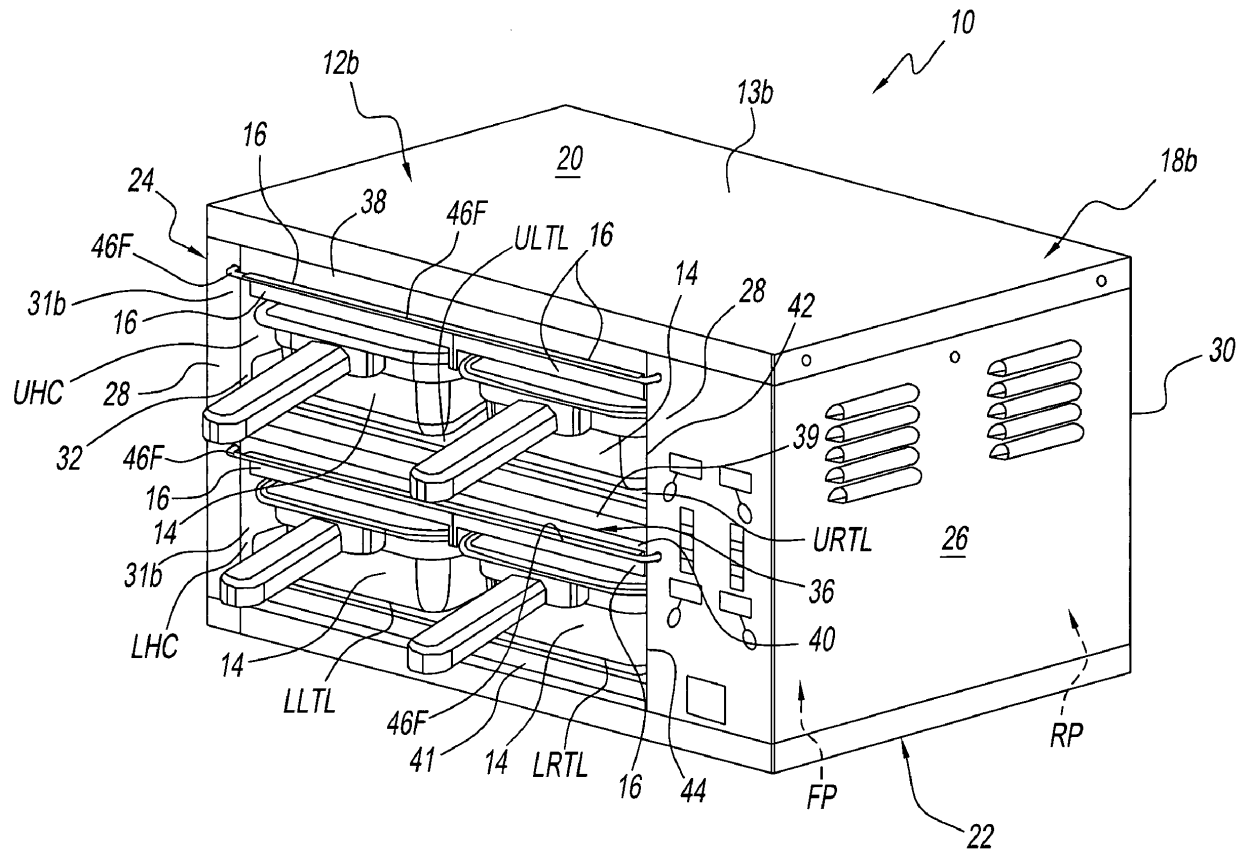


Fig. 1B

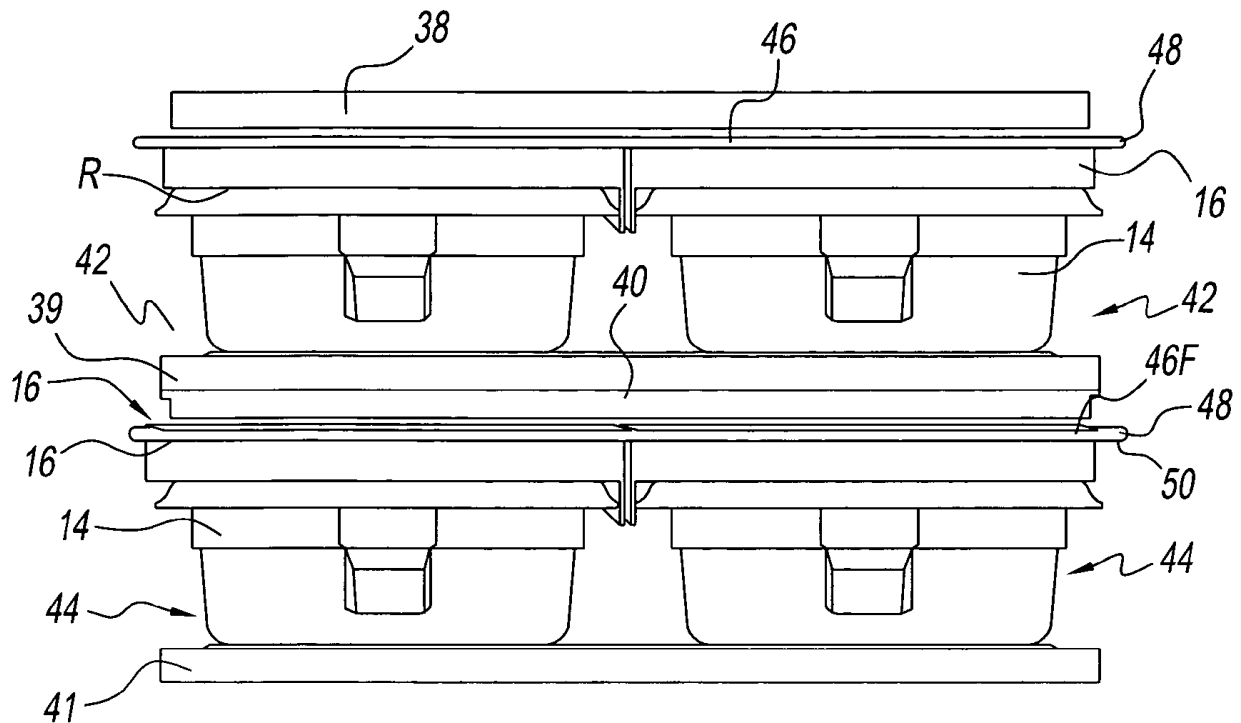
EX1012: Fig. 1B.

68. The food holding cabinet (12b) receives four food trays (14).

EX1012: ¶[0072], Fig. 1B. Specifically, the upper heating compartment (UHC)

has an upper left tray location (ULTL) and an upper right tray location (URTL), while the lower heating compartment (LHC) similarly has a lower left tray location (LLTL) and a lower right tray location (LRTL). EX1012: ¶[0072], Fig. 1B.

69. As illustrated in Figure 1G, Jones's food holding cabinet (12b) has one set of an upper heater (38, 40) and lower heater (39, 41) for each heating compartment (UHC, LHC). EX1012: ¶[0073], Fig. 1G.



EX1012: Fig. 1G.

70. Jones further explains that instead of having only one set of an upper heater and lower heater for each heating compartment (UHC, LHC), each tray location (ULTL, URTL, LLTL, LRTL) may include its own dedicated upper and lower heaters. Jones identifies this configuration as a preferred embodiment.

“In preferred embodiments, for example, in food holding cabinet 12b of FIG. 1B, there are eight heaters, one mounted above and another mounted below each of the upper left and right tray locations, and one mounted above and another mounted below each of the lower left and right tray locations.”

EX1012: ¶[0096].

71. Jones explains that in this preferred configuration the respective temperature settings for the top and bottom heating elements for each of its tray locations/zones can be set and associated with a specific food product type, regardless of the other food product types being held in the other zones. EX1012: ¶[0098] (“unique control features of the invention provide control over ... upper and lower heat settings [] that are programmed into the software for each product name. Thus, the product holding parameters are tied to the product name and not a specific location in the cabinet, no matter at which locations the product name is displayed” and “temperature settings for the top and bottom heater that are set to the product name and no matter how many locations have the same product name displayed”). Furthermore, the control panel operations of the embodiment are disclosed as providing the ability to individually set the temperature of the upper and lower heating elements for each food product type:

Set Temperatures

Press and Hold ‘Program’ Button

Use ‘Up’ and ‘Down’ Arrows to *Select Product*

Press ‘Temperature’ Button

Use ‘Up’ and ‘Down’ Arrows to Set *Upper Heater Temperature*

Press 'Temperature' Button
 Use 'Up' and 'Down' Arrows to Set ***Lower Heater Temperature***
 Press and Hold 'Program' Button to Finish.

EX1012: ¶[0130].

72. Jones also teaches the inclusion of a discrete lid for each pan/pan holding location. EX1012: ¶[0072] ("a food tray cover 16 above each respective upper left tray location ULTL and upper right food tray location URTL, and ... a food tray cover above each respective lower left and lower right food tray locations, LLTL and LRTL"), Fig. 1B.

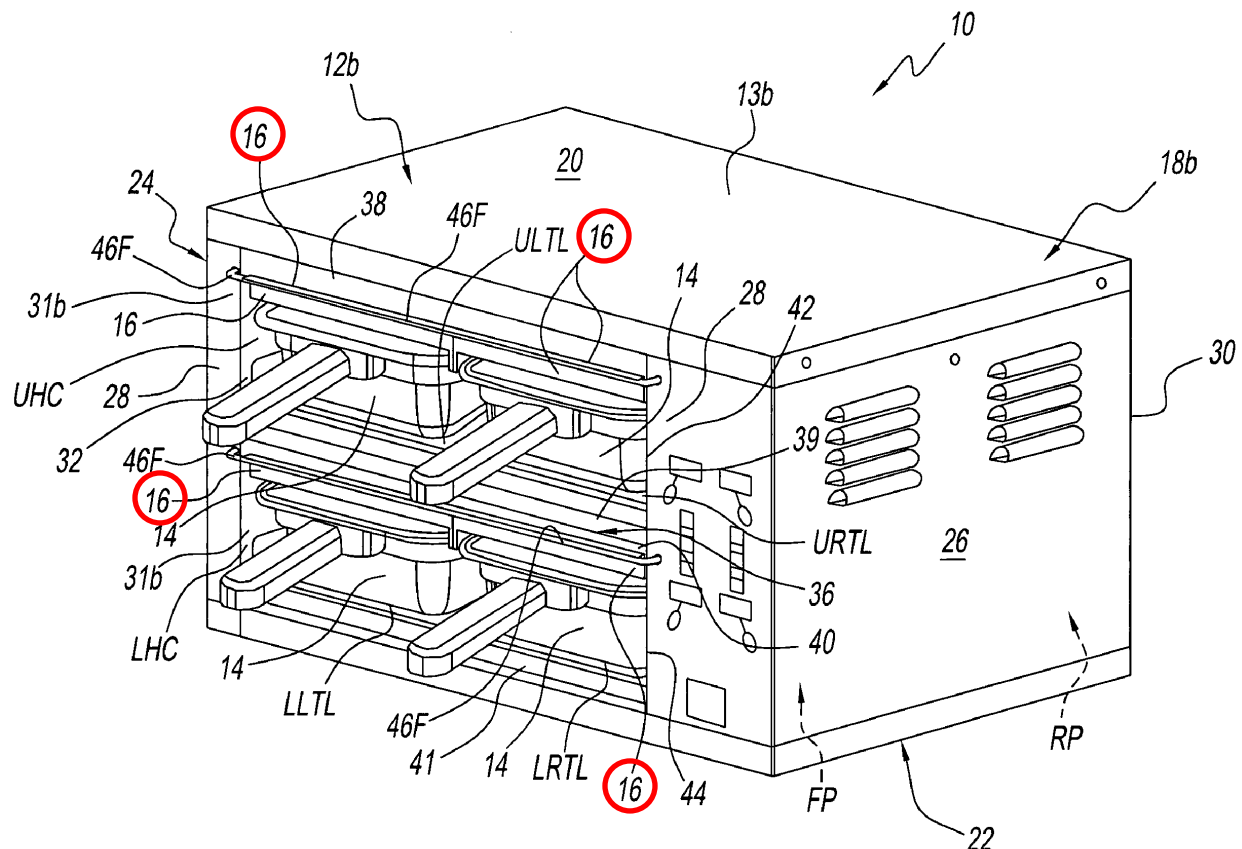
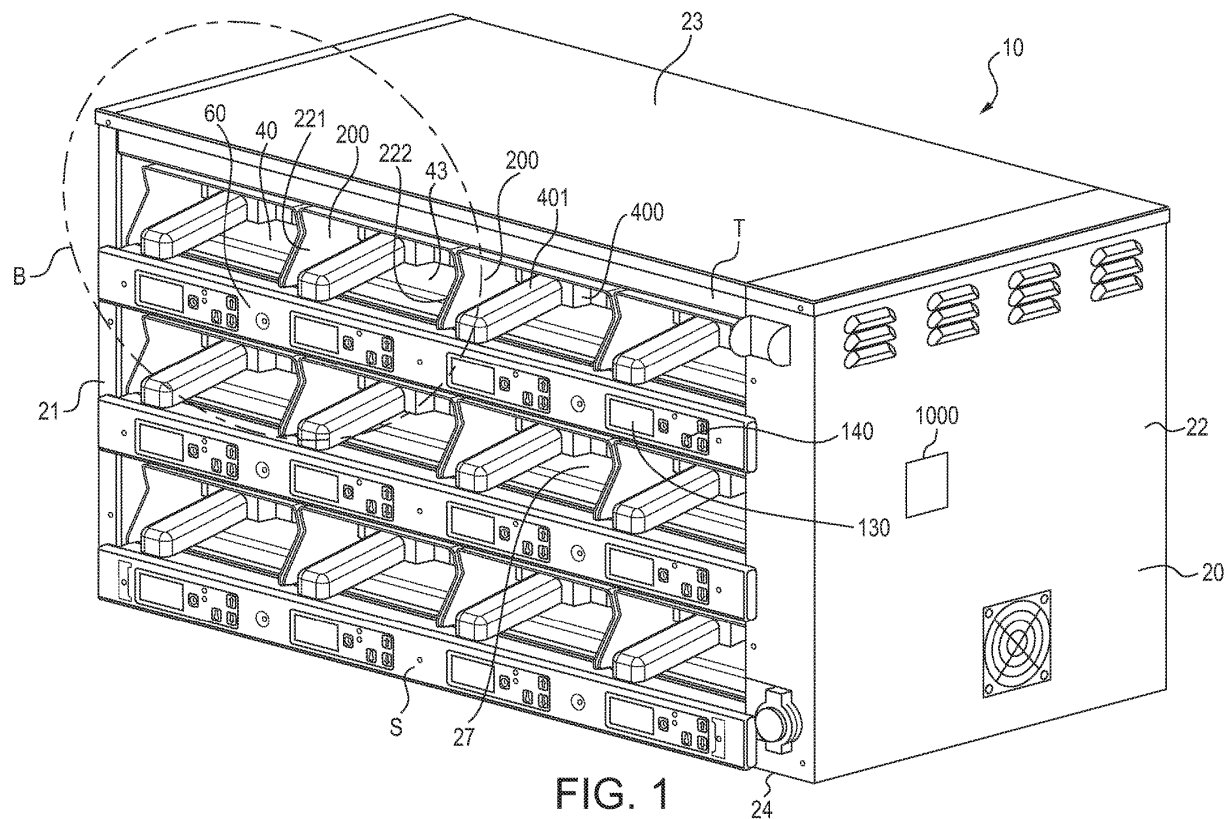


Fig. 1B

EX1012: Fig. 1B (annotated).

4. Fortmann'197 (EX1014)

73. U.S. Patent No. 10,258,197 ("Fortmann'197") teaches a holding cabinet (10) with an internal volume (27) divided by "one or more plates 40 that serve as shelves." EX1014: 2:30, 2:50-51, 2:58-59, Fig. 1.



EX1014: Fig. 1.

74. Each shelf (40) is described as establishing a plurality of discrete heating zones (100) within the internal volume (27), with each heating zone receiving a food pan (400). EX1014: 3:6-19.

75. Each heating zone (100) includes a discrete upper heater (521)-(524) above the food pan (400) and discrete lower heater (501) below the food pan.

EX1014: 3:19-27, 8:63-67 (“the plate 40 may include multiple heaters 501, such as one heater 501 per discrete heating zone 100”), 9:1-19.

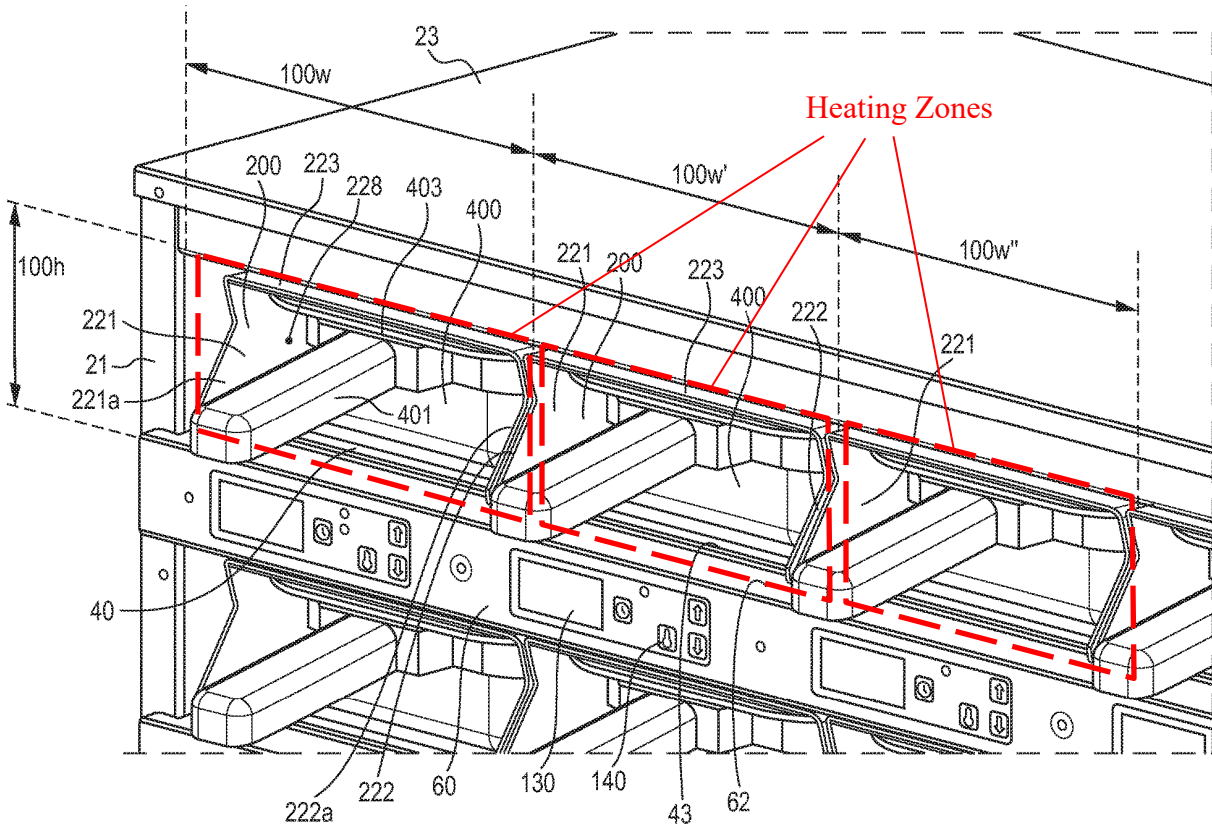


FIG. 2

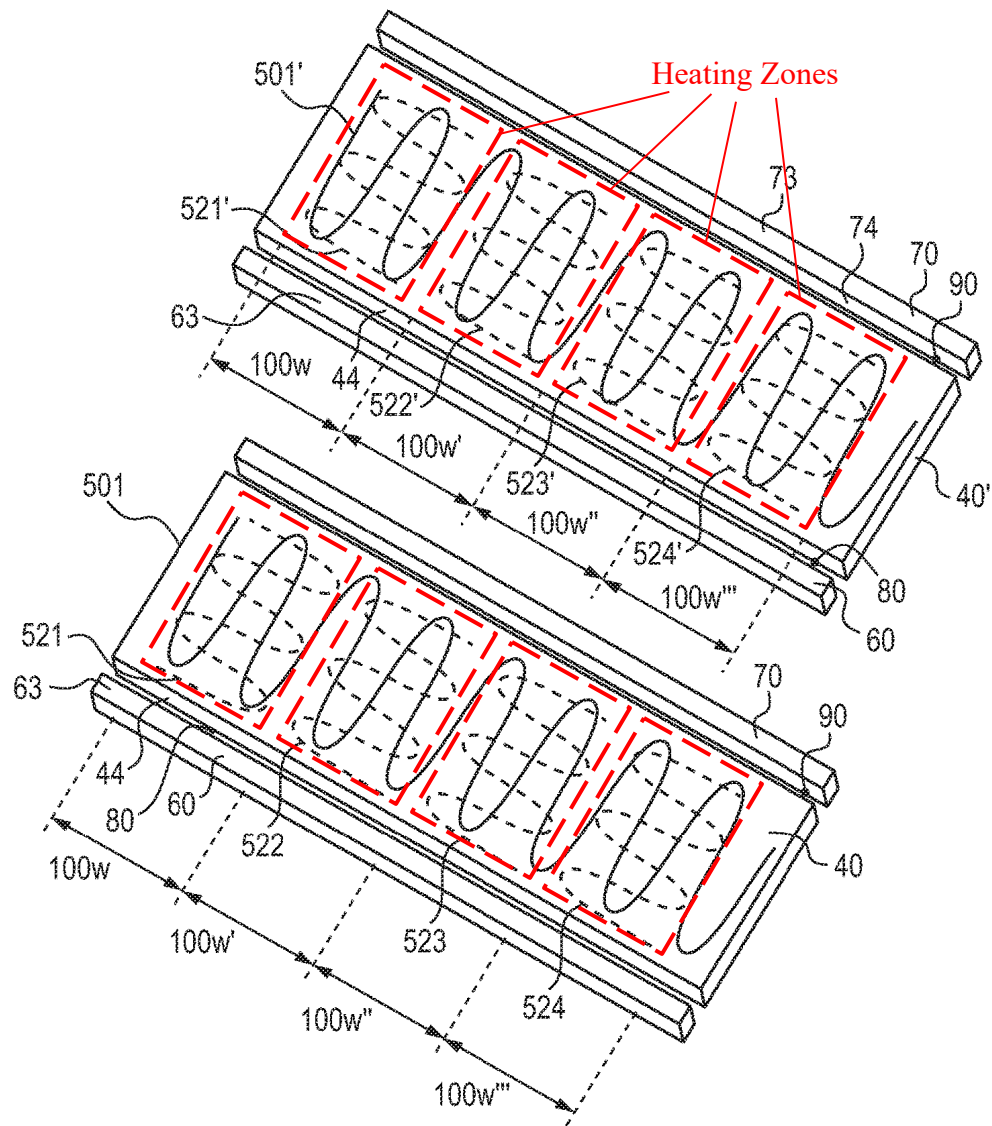


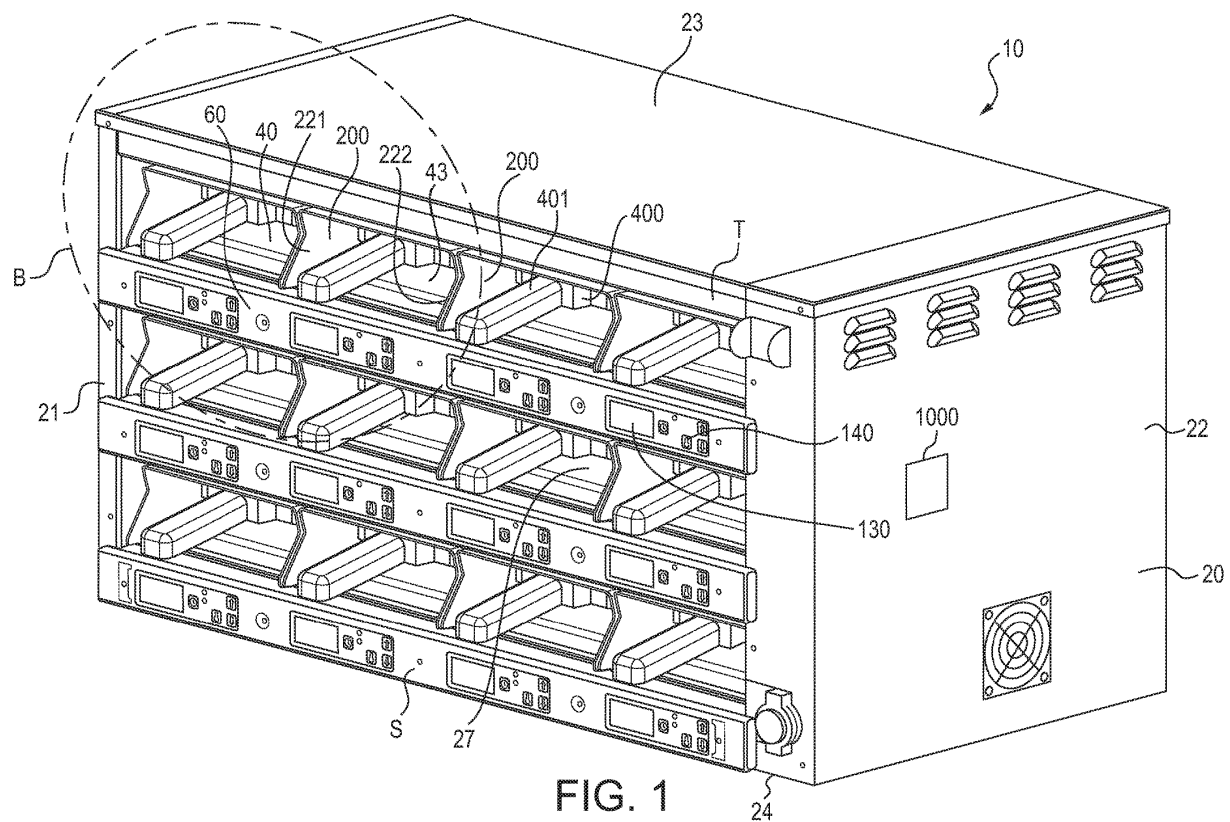
FIG. 10

EX1014: Figs. 2 and 10 (annotated).

76. Fortmann'197 explains that “insulation may be provided between the upper heaters 521, 522, 523, 524 in a plate 40 and the lower heater 501 in the same plate, so that the heat generated by the respective heater travels generally through

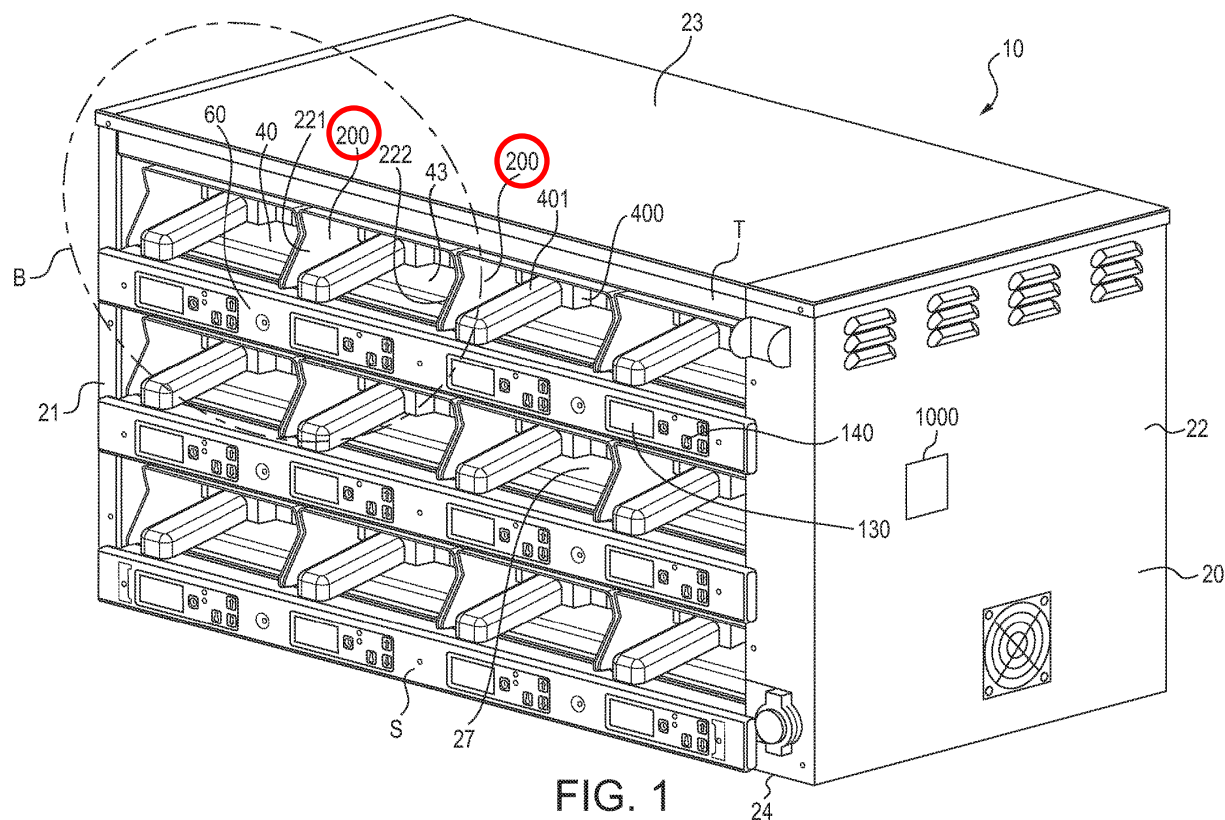
the surface of the plate 40 proximate to the plate and not in the direction of the other heater within the plate 40.” EX1014: 9:32-37, Fig. 10.

77. Fortmann’197 also discloses a controller (1000) for independently controlling the upper and lower heating elements (501, 521-524) for each discrete heating zone (100). EX1014: 8:63-67 (“the plate 40 may include multiple heaters 501, such as one heater 501 per discrete heating zone 100, with the controller 1000 controlling the heat to each heater 501 to maintain the desired temperature in the specific discrete heating zone 100”), 9:50-10:2 (“[t]he upper heaters 521, 522, 523, 524 may be individually controlled to maintain the temperature within the respective discrete heating zone 100 associated with the heater” and “the instructions inputted by the user (such as a timer, or controls to set a desired temperature or temperature range) may be used by the controller 1000 to operate the respective upper heater (and lower heater 501 in embodiments where the lower heater (or a portion of the lower heater may be controlled) as necessary to maintain the desired temperature within the zone)”).



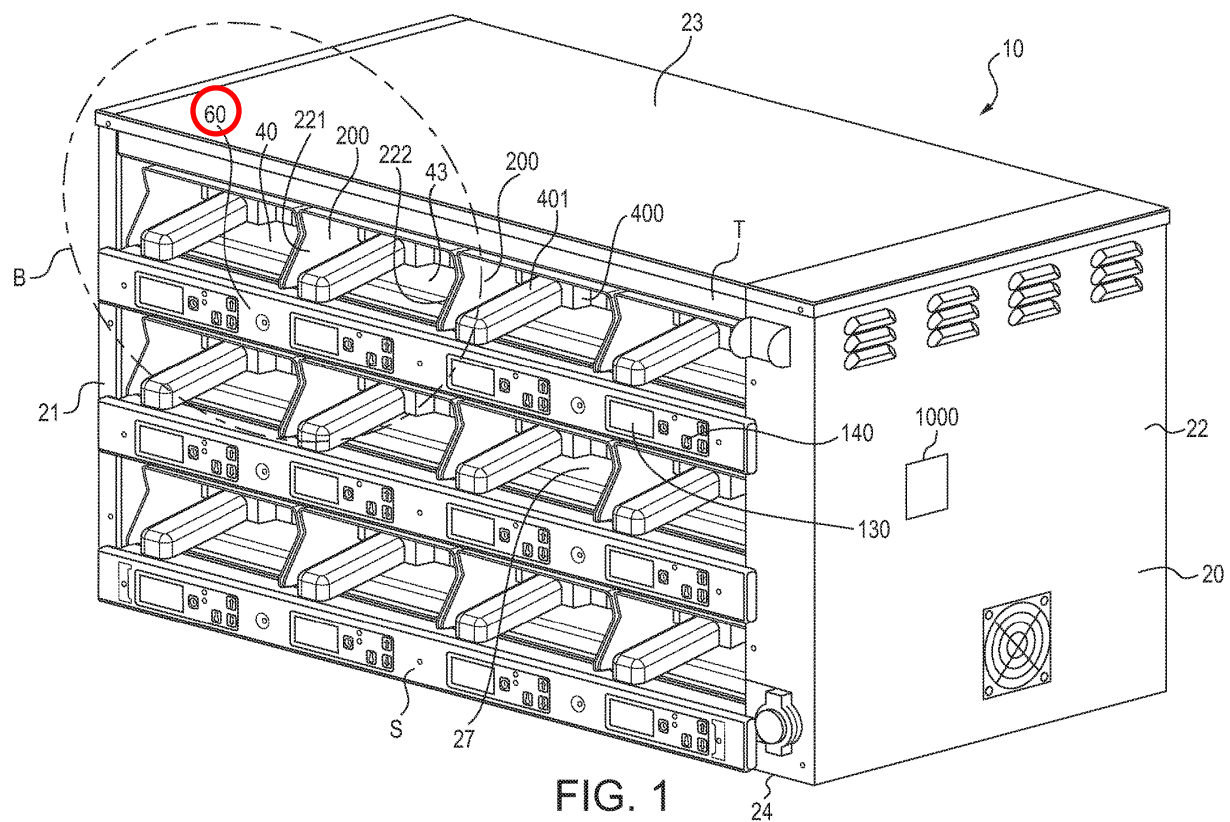
EX1014: Fig. 1.

78. Fortmann'197 further discloses a discrete lid for each pan /pan holding location. EX1014: 4:50-53, Figs. 1-4.



EX1014: Fig. 1 (annotated).

79. Fortmann'197's holding cabinet (10) is described as having control bars (60) positioned in front of the shelves (40) and control bars (70) positioned rear of the shelves. EX1014: 2:58-59, 3:28-30, 3:55-56, 4:18-37, Figs. 1-3 and 5. As shown below, each control bar (60, 70) includes "a display 130 and input 140 that is associated with each discrete heating zone 100." EX1014: 3:51-55, 4:25-32, Figs. 1-3.



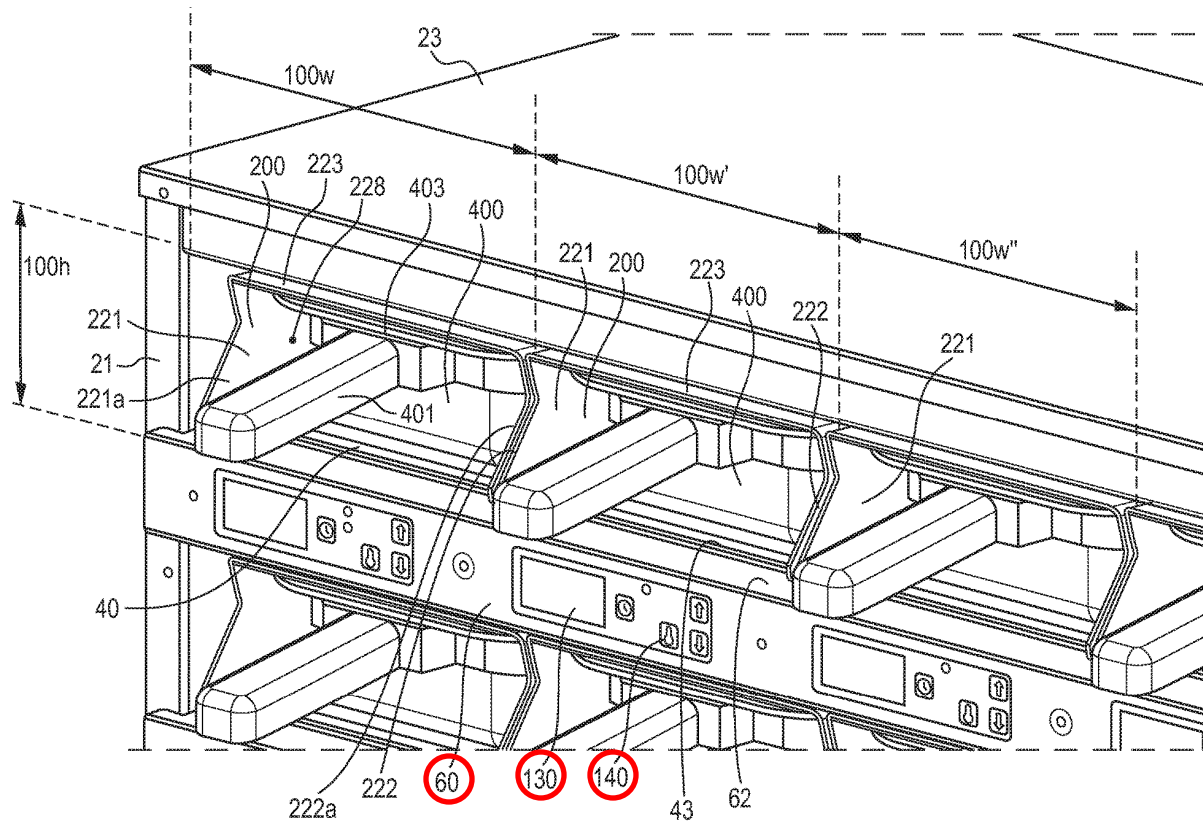


FIG. 2

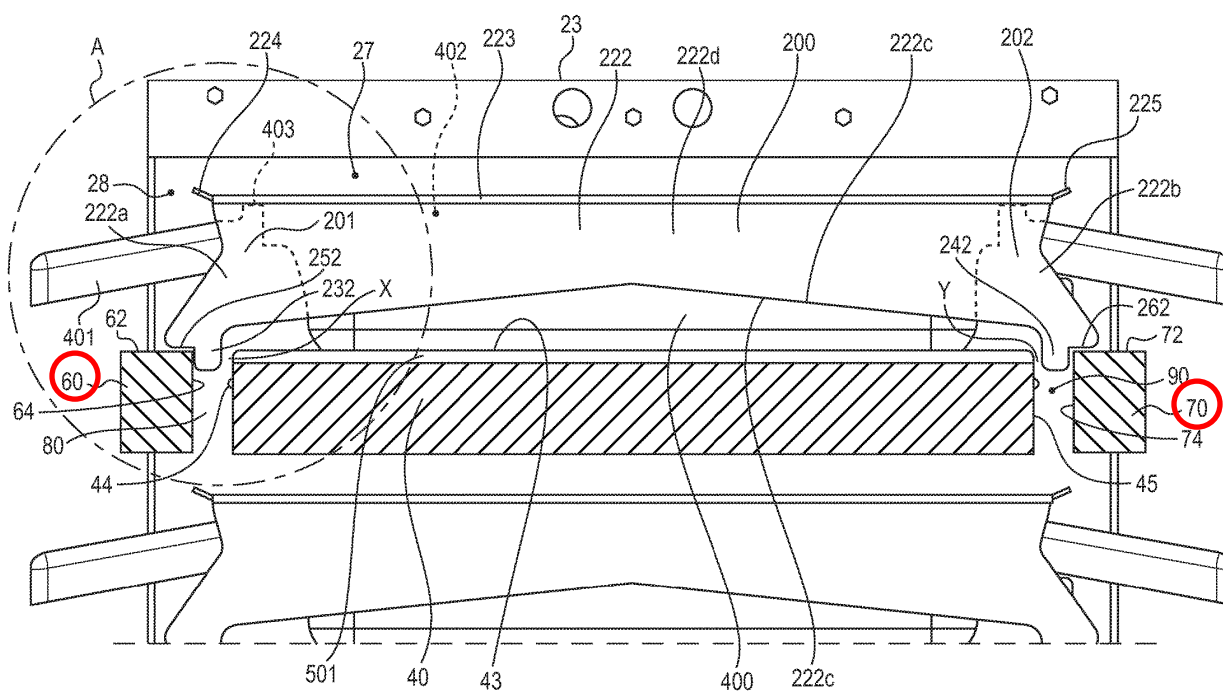


FIG. 5

EX1014: Figs. 1, 2, and 5 (annotated).

80. Fortmann'197's holding cabinet thus permits the user to interact with the displays (130) and inputs (140) to control each respective heating zone.

EX1014: 4:32-37, 9:56-65.

5. Fortmann'967 (EX1018)

81. U.S. Patent No. 5,852,967 ("Fortmann'967") teaches a food holding system or cabinet (10) for keeping food warm. EX1018: 1:5-7 ("[t]his invention relates to a system that defines a conditioned environment, as for treating and/or maintaining the treated state of food items"), 4:19-26, Fig. 1.

82. The system (10) has a plurality of vertically stacked food treatment spaces (16, 18, 20, 22) that receive a receptacle or tray (32) of food. EX1018: 3:64-65, 4:4-11, Fig. 2.

83. Each food treatment space (16, 18, 20, 22) has two heaters (44, 48) which heat the top and bottoms of the receptacle (32). EX1018: 4:22-26 ("a heater 44, which conducts heat through a heat sink 46 to the bottom wall 24, and a separate heater 48 which conducts heat through a heat sink 50 to the top wall 26"), Fig. 2.

Fig. 1

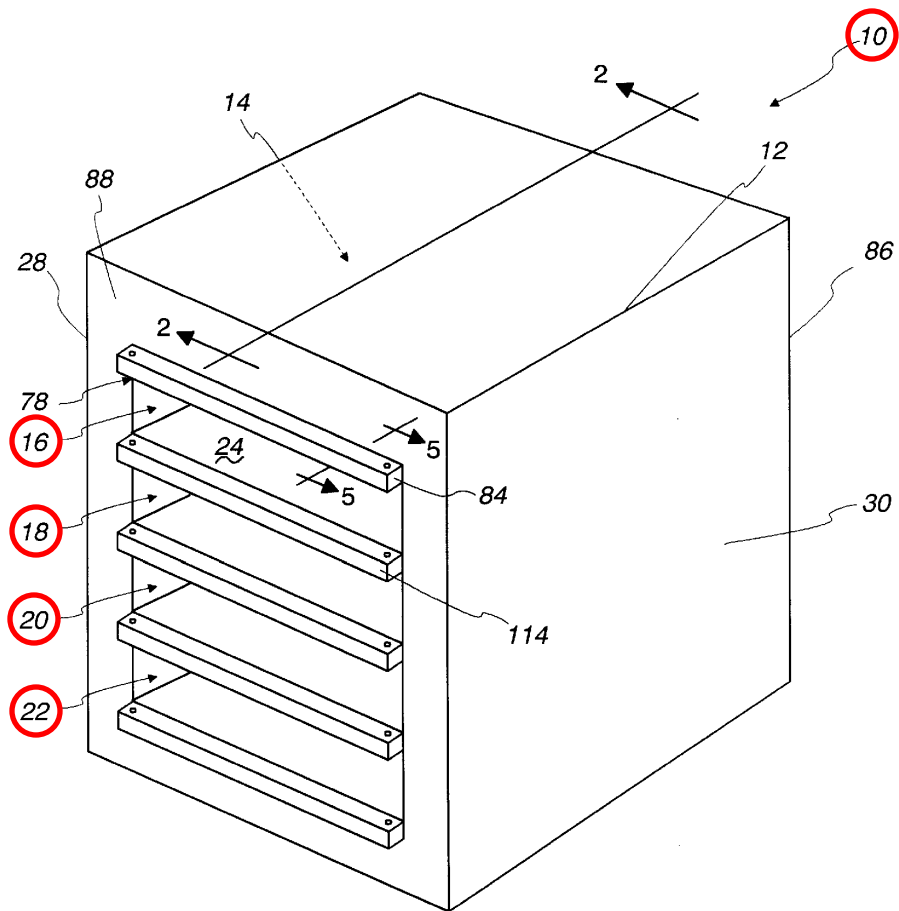
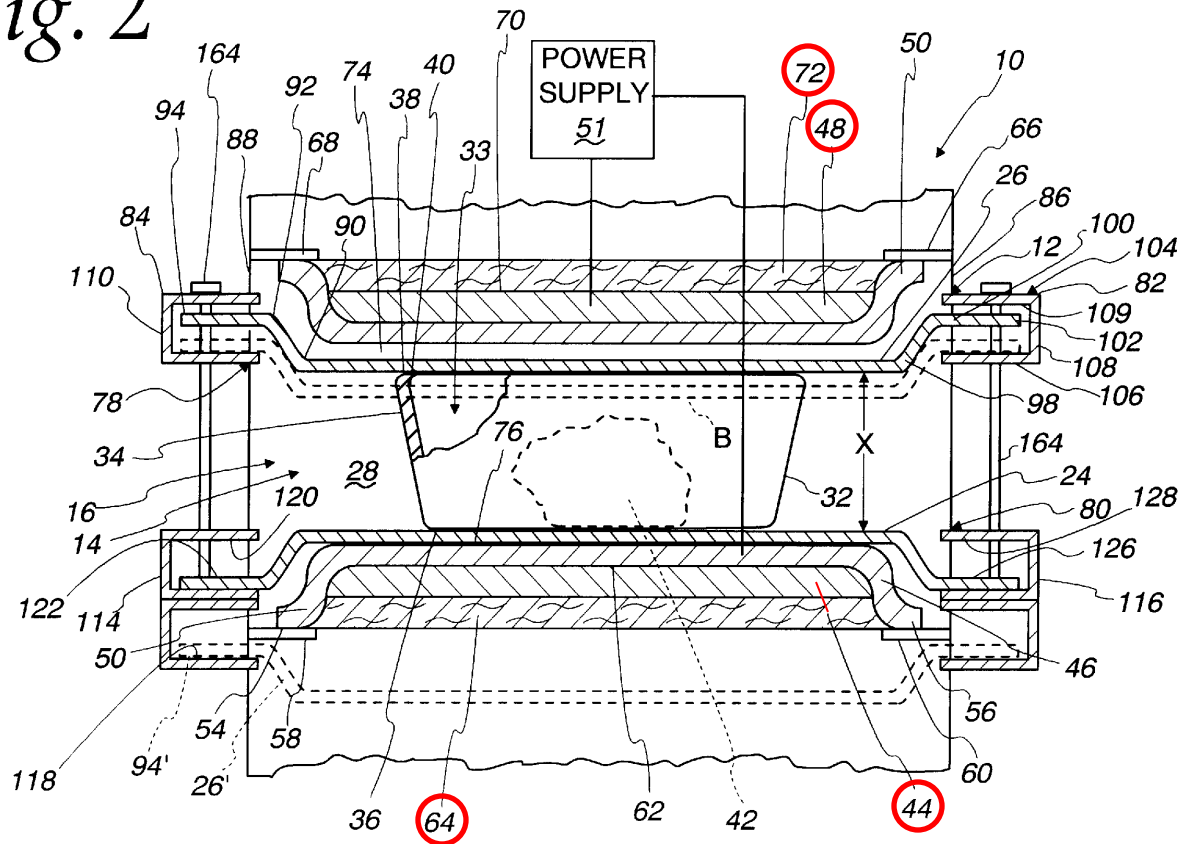


Fig. 2



EX1018: Figs. 1 and 2 (annotated).

84. Each heater (44, 48) is backed by insulation (64, 72), which directs the heat from the heaters into the food treatment space (16, 18, 20, 22). EX1018: 4:33-38 (“An insulation layer 64 fills the space 62 beneath the heater 44.... The heater 48 is nested in a space 70 defined by the heat sink 50 and covered by an insulation layer 72.”), Fig. 2.

6. Hartfelder (EX1013)

85. U.S. Patent Publication No. 2009/0126580 (“Hartfelder”) teaches a food warming apparatus (10) that receives trays (40) in heating compartments (24,

26) with covers or lids (44, 46). EX1013: ¶¶[0028] (“food warming apparatus 10”), ¶[0030] (“[e]ach of heating compartments 24 and 26 is sized to accommodate a plurality of trays, as exemplified in FIG. 1 by trays 40 and 42 in heating compartment 24. Each of trays 40 and 42 are covered by covers 44 and 46, respectively.”).

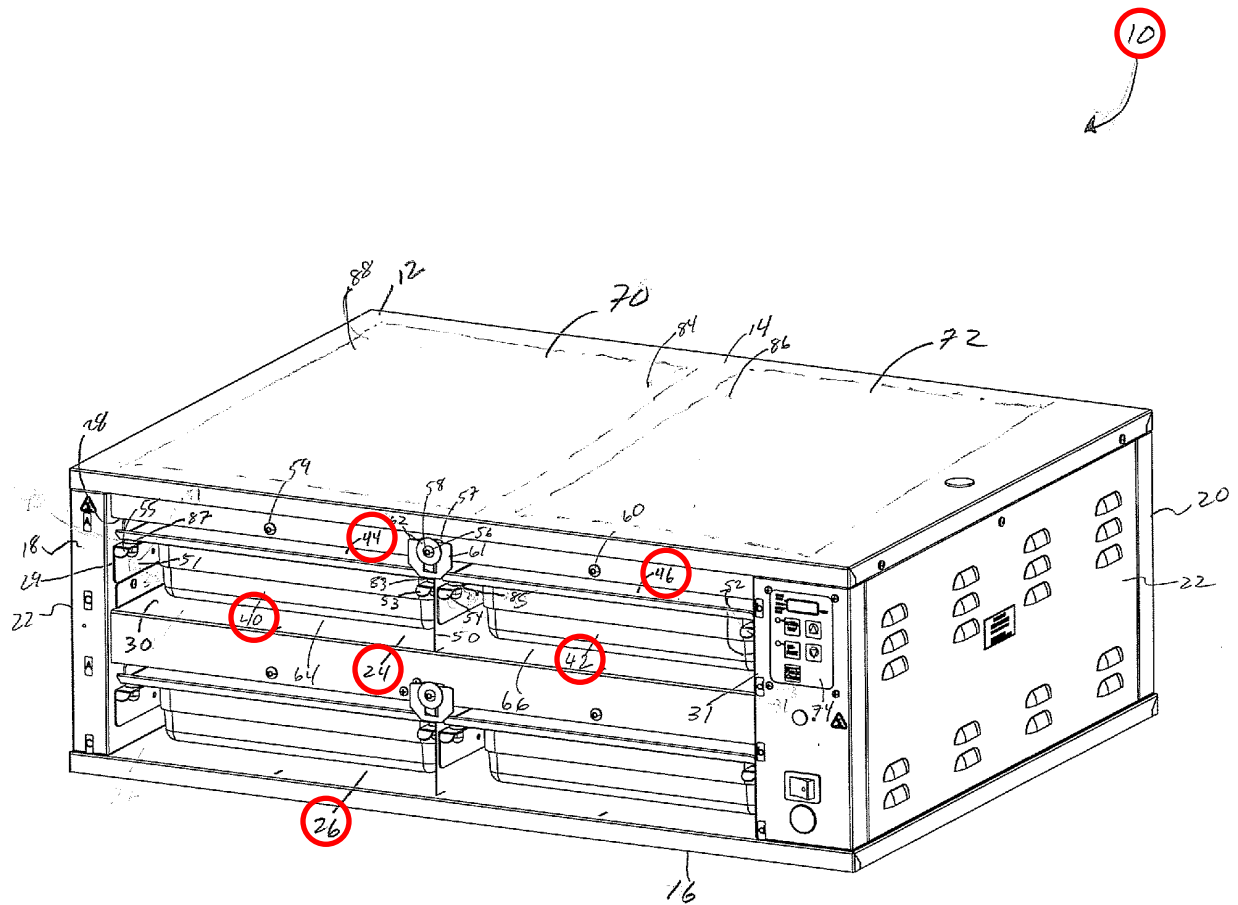


FIGURE 1

EX1013: Fig. 1 (annotated).

86. To prevent the lids (44, 46) from moving with the trays (40, 42) when the trays are removed from the heating compartment (24, 26), the apparatus (10) includes stop members (61) which retain the lids. EX1013: ¶[0058] (“[a]s best shown in FIG. 9, when tray 40 is withdrawn from sub-compartment 64 of heating compartment 24, front turned-up edge 90 of cover 44, acting as an engagement edge, engages stop member 61. The engagement of engagement edge 90 with stop member 61 arrests the movement of cover 44. As the movement of cover 44 is arrested, cover 44 is retained upon within sub-compartment 64 while tray 40 is withdrawn”), Fig. 9.

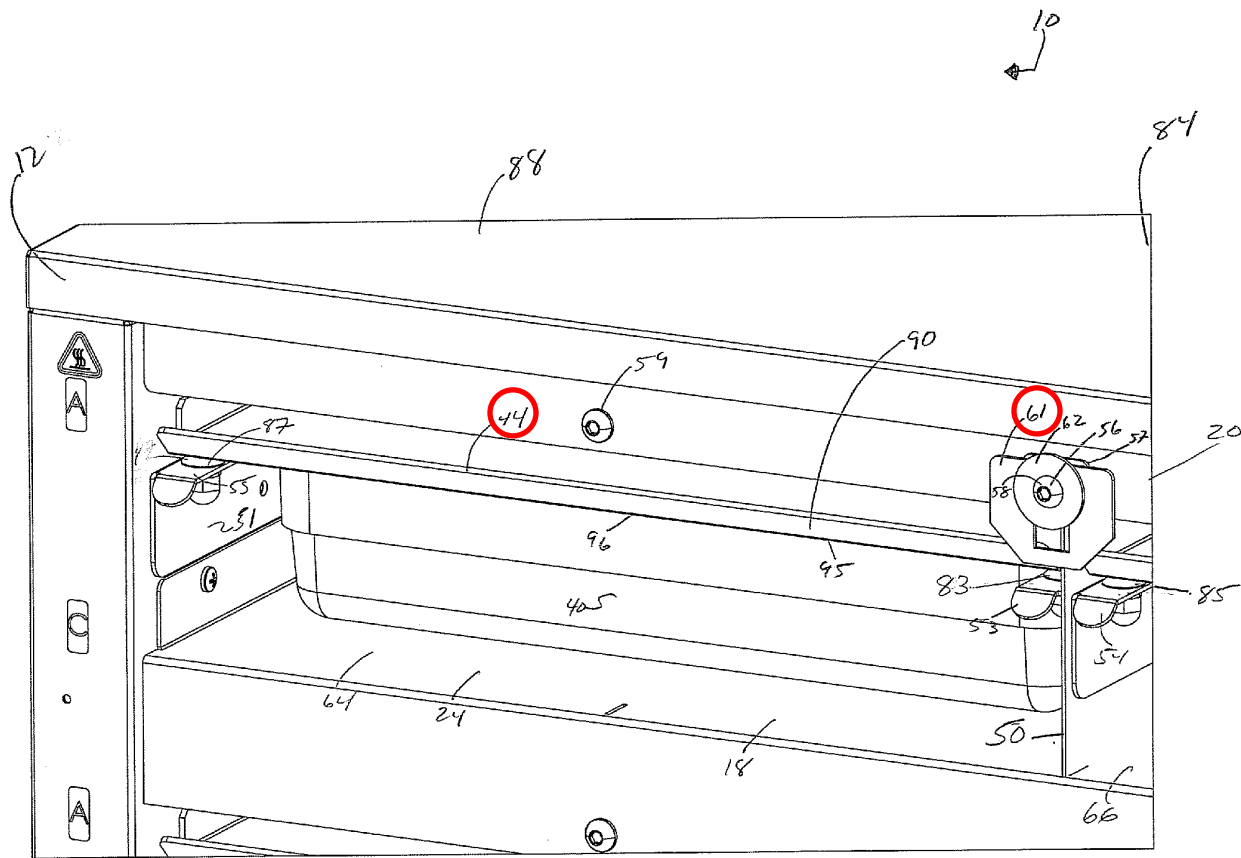


FIGURE 9

EX1013: Fig. 9 (annotated).

7. Veltrop (EX1022)

87. U.S. Patent Publication No. 2011/0252813 (“Veltrop”) teaches a food holding cabinet (10) with shelves (52) having heaters in the form of an electrically-resistive heater wire (67). EX1022: ¶¶[0010], [0025] (“[i]n another embodiment of the shelf 52, an electrically-insulated, electrically-resistive heater wire 67 is also sandwiched between the plates 51 and 53”), Fig. 2.

88. The upper plates (51) of its shelves (52) are made of aluminum.

EX1022: ¶[0023] (“thermally-conductive plates 51 and 53 are preferably made of aluminum,”), Fig. 2.

89. The heater wire (67) is conductively coupled to the upper plate (52) via mechanical attachment, such as by thermally conductive adhesive or clamps.

EX1022: ¶[0050] (“The heat transfer devices disclosed herein are thermally coupled to the shelf 52, preferably by way of mechanical attachment to at least one of the plates 51 and 53. Mechanical attachment and the resultant thermal coupling is preferably accomplished by a thermally-conductive adhesive, however, clamps that are attached to a plate by screws driven into a plate can also be used.”).

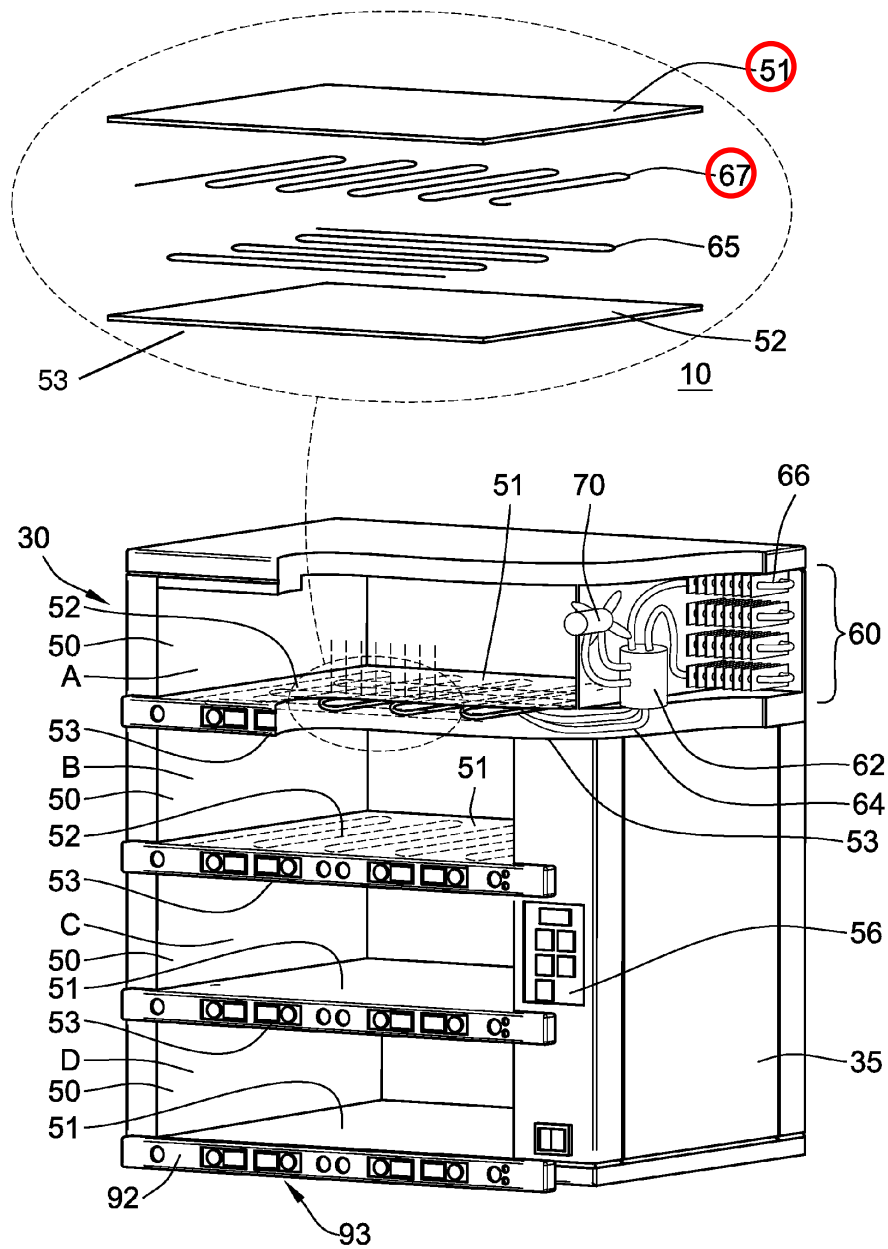


FIG. 2

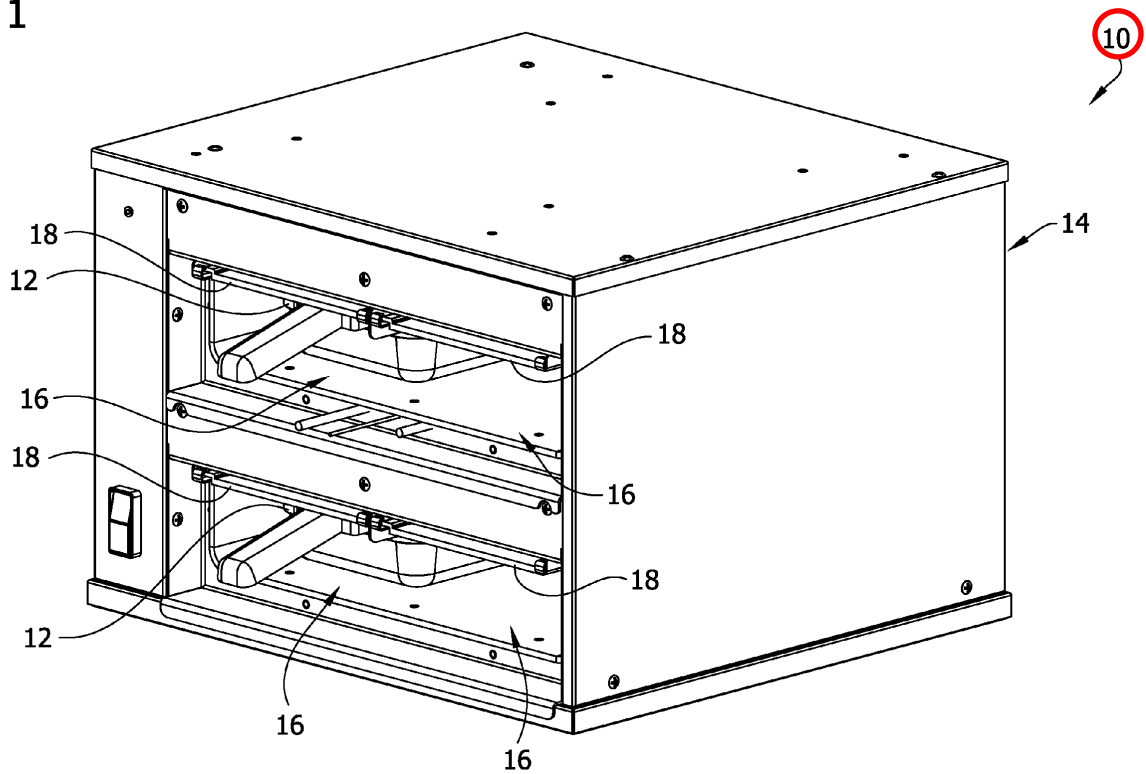
EX1022: Fig. 2 (annotated).

8. Shei'821 (EX1011)

90. U.S. Patent Publication No. 2016/0073821 (“Shei’821”) teaches a pan storage apparatus (10) with lid supports (36A) for supporting lids (18) made out of sheet metal. EX1011: ¶¶[0024], [0035], [0039] (“the cover supports 36A and the cover retainers 36B, including the keepers 36E, are formed as one piece of metal”).

91. The lid supports (36A) are shown as thin bent sheets of material, and Shei’821 discloses the material as being metal. EX1011: ¶[0039], Figs. 1, 7, and 8.

FIG. 1



This cross-sectional view shows a container assembly with a lid (12) and a base (16). The lid (12) includes a top surface (12A), a side wall (12B), and a bottom surface (12C). The base (16) includes a top surface (16A) and a side wall (16B). The container is formed by a side wall (18) and a bottom (20). The side wall (18) includes a top edge (18A), a side edge (18B), and a bottom edge (18C). The bottom (20) includes a top surface (20A), a side wall (20B), and a bottom surface (20C). The lid (12) is secured to the base (16) by a fastener (36) and a gasket (36A). The gasket (36A) is located between the lid (12) and the base (16). The fastener (36) is located on the side wall (18) of the lid (12). The gasket (36A) is located on the side wall (18) of the base (16). The fastener (36) is located on the side wall (18) of the lid (12). The gasket (36A) is located on the side wall (18) of the base (16).

75

9. Shei'155 (EX1016)

92. U.S. Patent Publication No. 2004/0069155 (“Shei’155”) teaches a holding cabinet (102) entirely fabricated by sheet metal. EX1016: ¶[0046] (“the entire cabinet 102 is fabricated of sheet metal”).

93. Specifically, Shei’155 explains the heat sinks (29) in the cabinet (102) are made out of aluminum. EX1016: ¶[0039] (“heat sink 29, which is made of aluminum”).

94. Shei’155 further teaches conductively coupling an electrical resistance heating element (39) to the heat sink (29) via contact with the bottom of the heat sink. EX1016: ¶[0039] (“An electrical resistance heating element generally designated 39 having a bottom component 41 contacting the bottom of the heat sink”).

FIG. 5

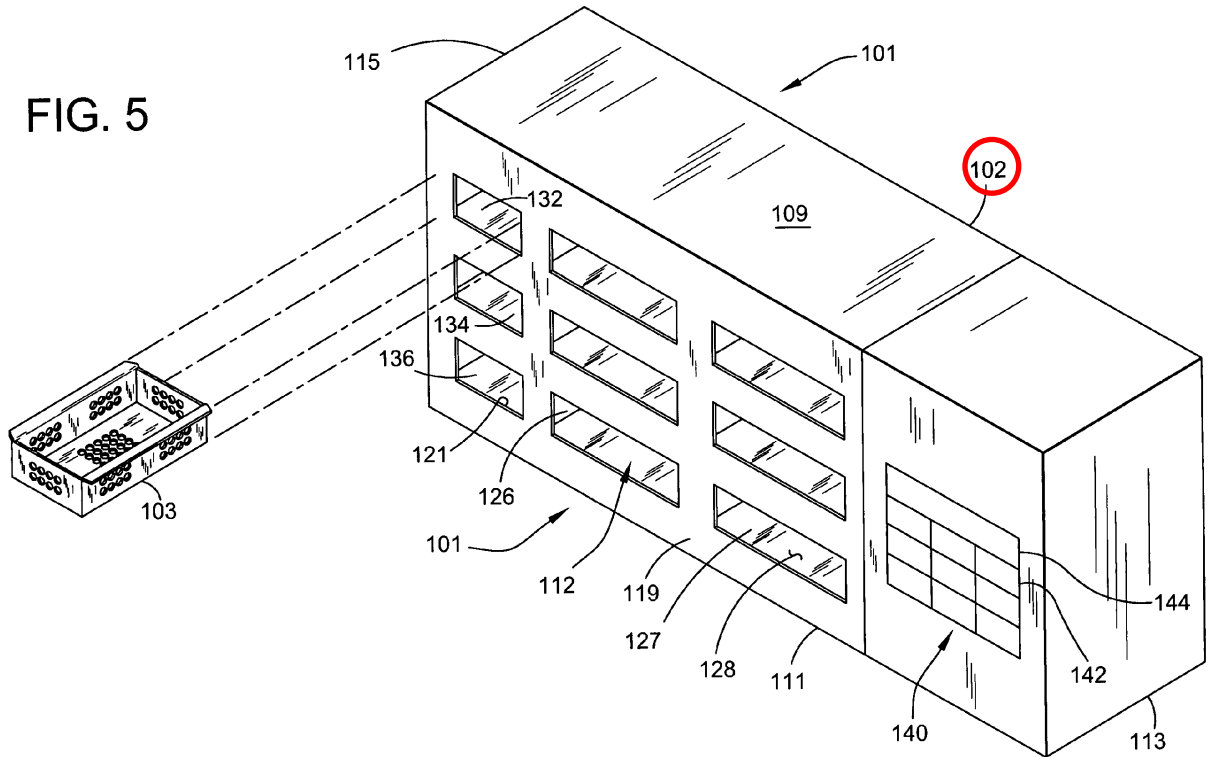
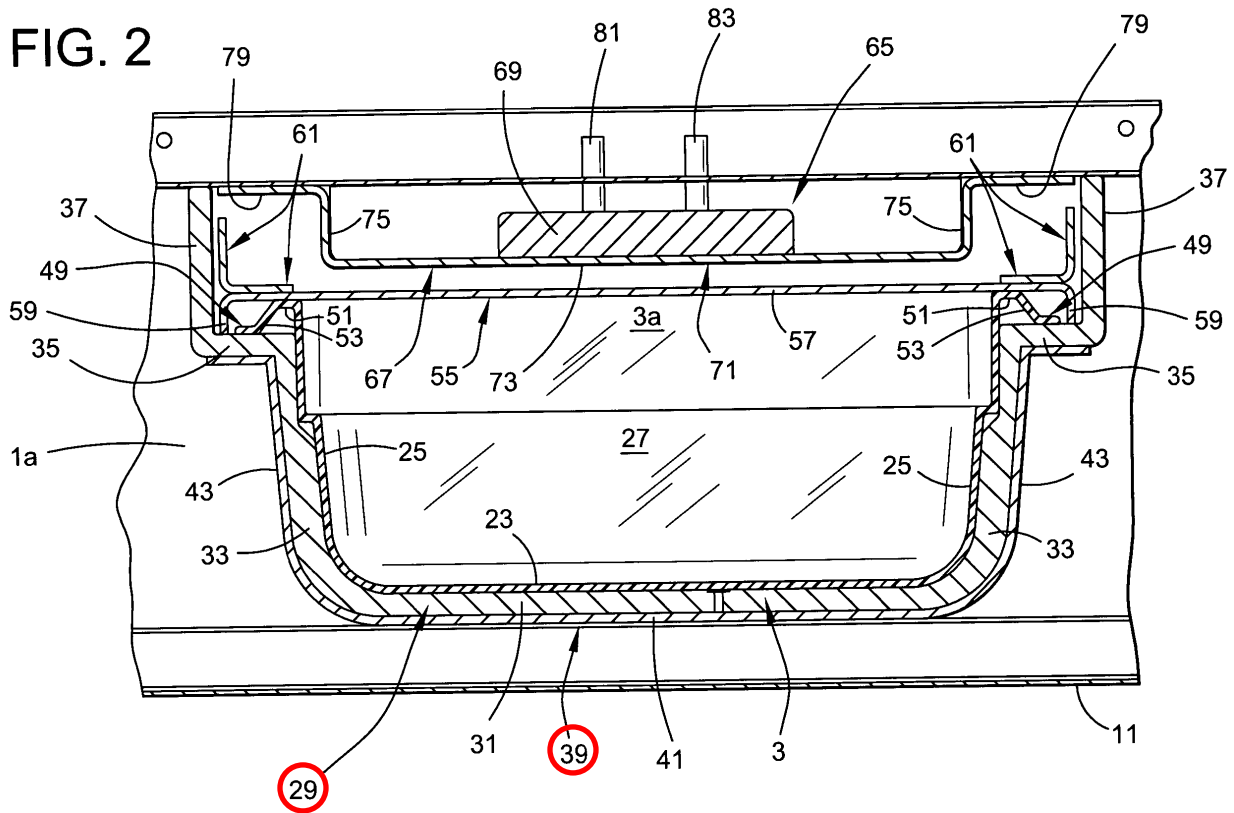


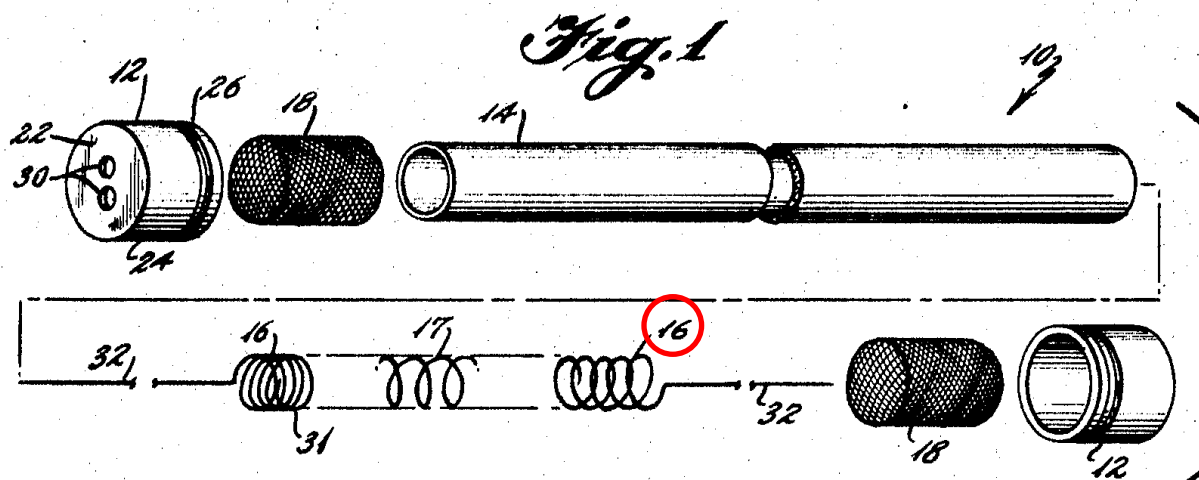
FIG. 2



EX1016: Figs. 2 and 5 (annotated).

10. Poole (EX1025)

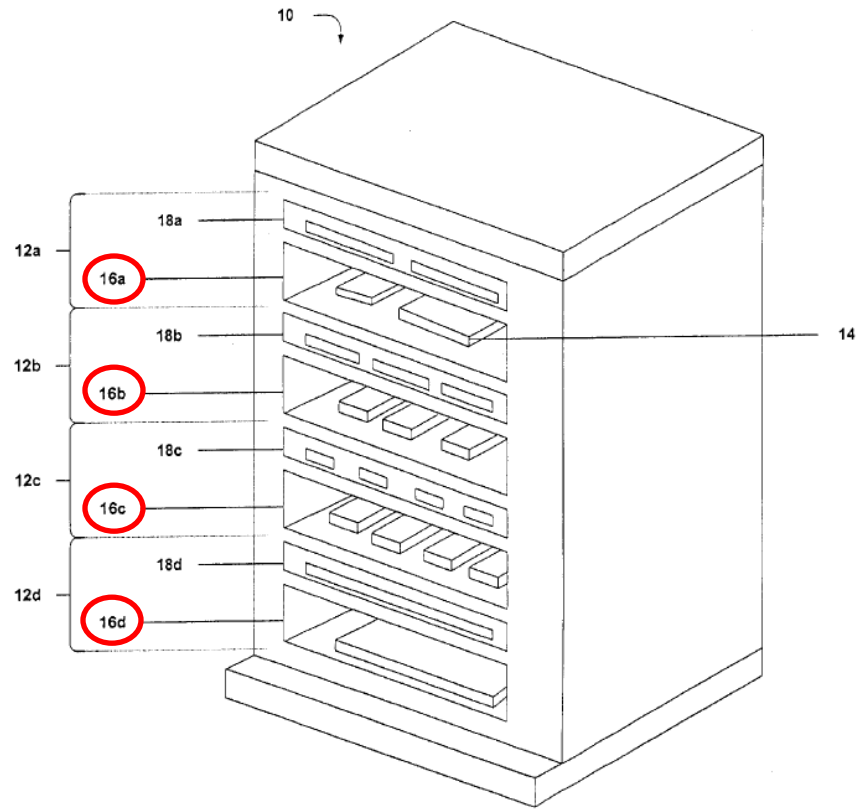
95. U.S. Patent No. 3,461,275 (“Poole”) discloses an “infrared quartz heater” with a resistance wire (16) for generating heat. EX1025: Title (“Infrared Quartz Heater”), 1:29-30 (“[t]he usual quartz infrared heater consists essentially of a resistance wire heating element”), 2:6-7 (“a heater element 16 in the form of a coiled resistance wire”).



EX1025: Fig. 1 (annotated).

11. McMillan (EX1019)

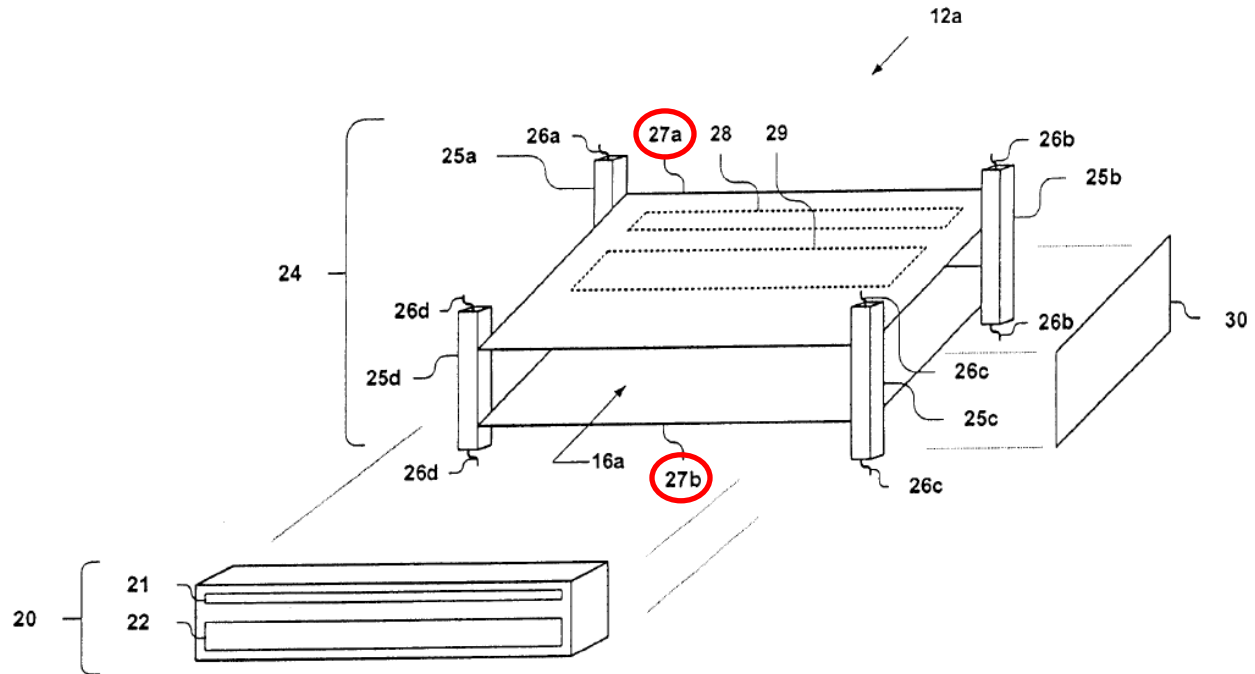
96. U.S. Patent No. 6,658,994 (“McMillan”) teaches a food holding cabinet (10) including several food passageways (16a-16d). EX1019: 2:49-52, 2:65-67.



EX1019: Fig. 1 (annotated).

97. Each passageway includes upper and lower heater plates (27a, 27b).

EX1019: 4:36-52.



EX1019: Fig. 2 (annotated).

98. McMillan teaches that the upper and lower heater plates (27a, 27b) “may be individually controlled to maintain a certain temperature set by an operator” and that the upper and lower heater plates may include heating elements configured for zoned heating across the width of the compartment “such that different portions of the passageway 16a may be set to different temperatures.”

EX1019: 4:36-52.

99. Each food passageway has a display panel (18a-d) having a food product display (180a-d) for each food holding location. EX1019: 9:58-61, 10:5-10. Each food product display (180a-d) is further described as including a message area (183a-d) for displaying information to the user, such as name of the food products and the holding temperature (actual holding temperature and/or set

holding temperature). EX1019: 10:10-33 (“message areas 183a-d may display alpha-numeric messages to an operator regarding the stored food products 14.... For example, when a food product is selected, the message display areas 183a-d may present a description (*e.g.*, name, category) of the selected food product.... When the temperature is set, the message display areas 183a-d may present a numeric value indicating the current and/or set temperature.”).

100. The display panel (18a-d) includes arrow keys (184, 185), a temperature key (187) for the user to display temperature information and/or enter operational changes, and a program key (188) for the user to set the holding temperatures. EX1019: 10:43-58 (“The up and down arrow keys 184, 185 allow an operator to increase and decrease displayed values (*e.g.*, temperature, time) or change selections.... The temperature/enter/page key 187 may respond to user input and allow an operator to display temperature information, enter operational changes, and/or scroll to different pages. The program key 188 may respond to user input and may allow an operator to change or select food products, meals, product positions, and/or holding temperatures.”).

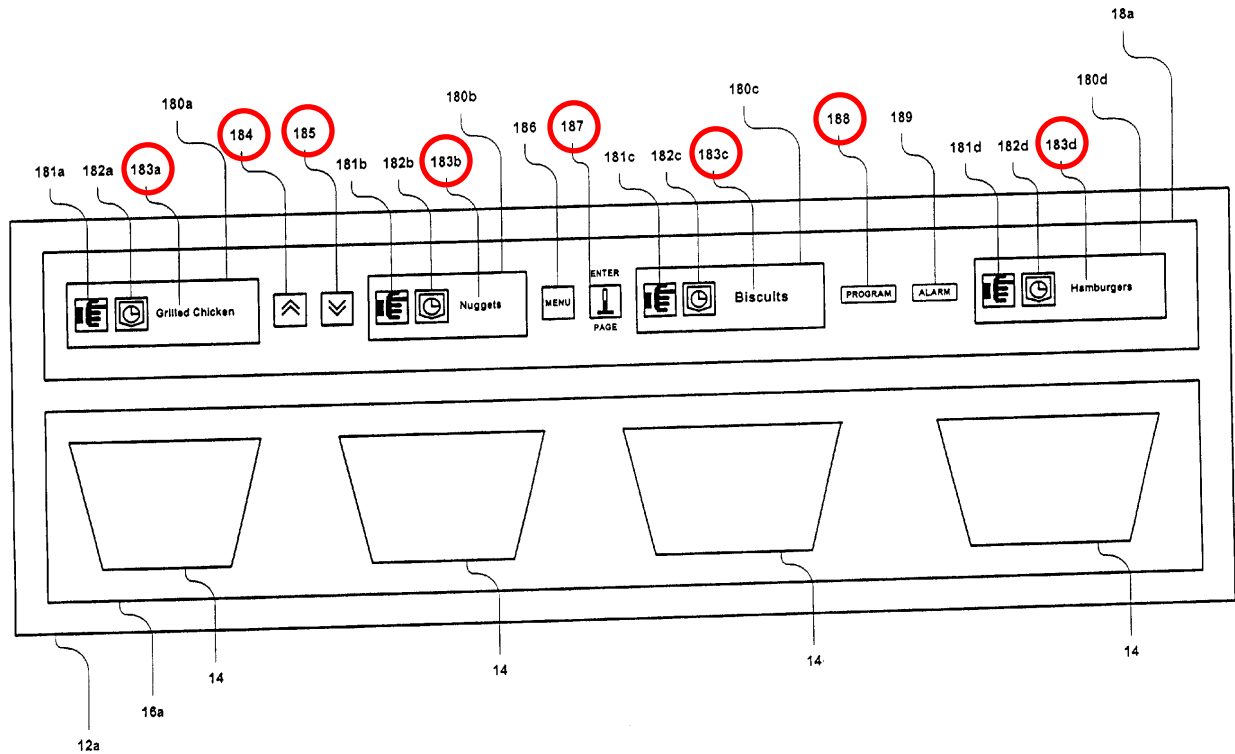


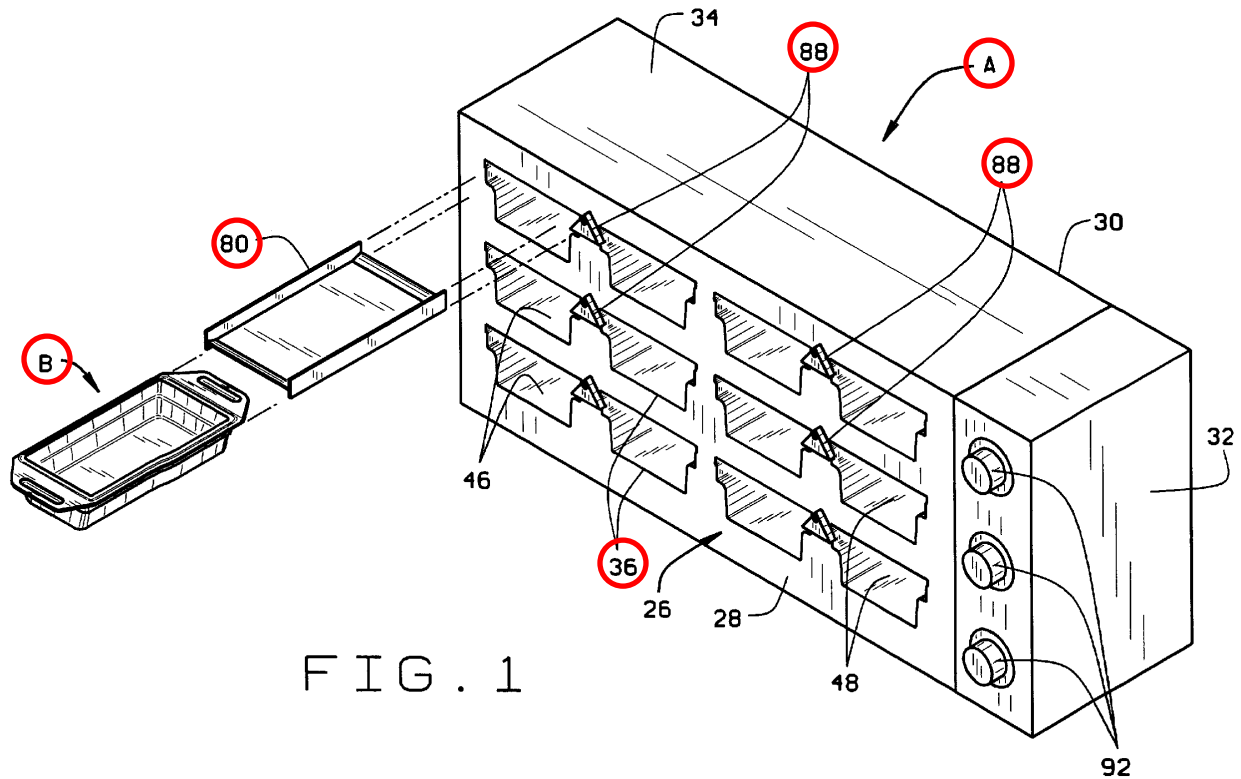
Fig. 5a

EX1019: Fig. 5a (annotated).

12. Shei'099 (EX1017)

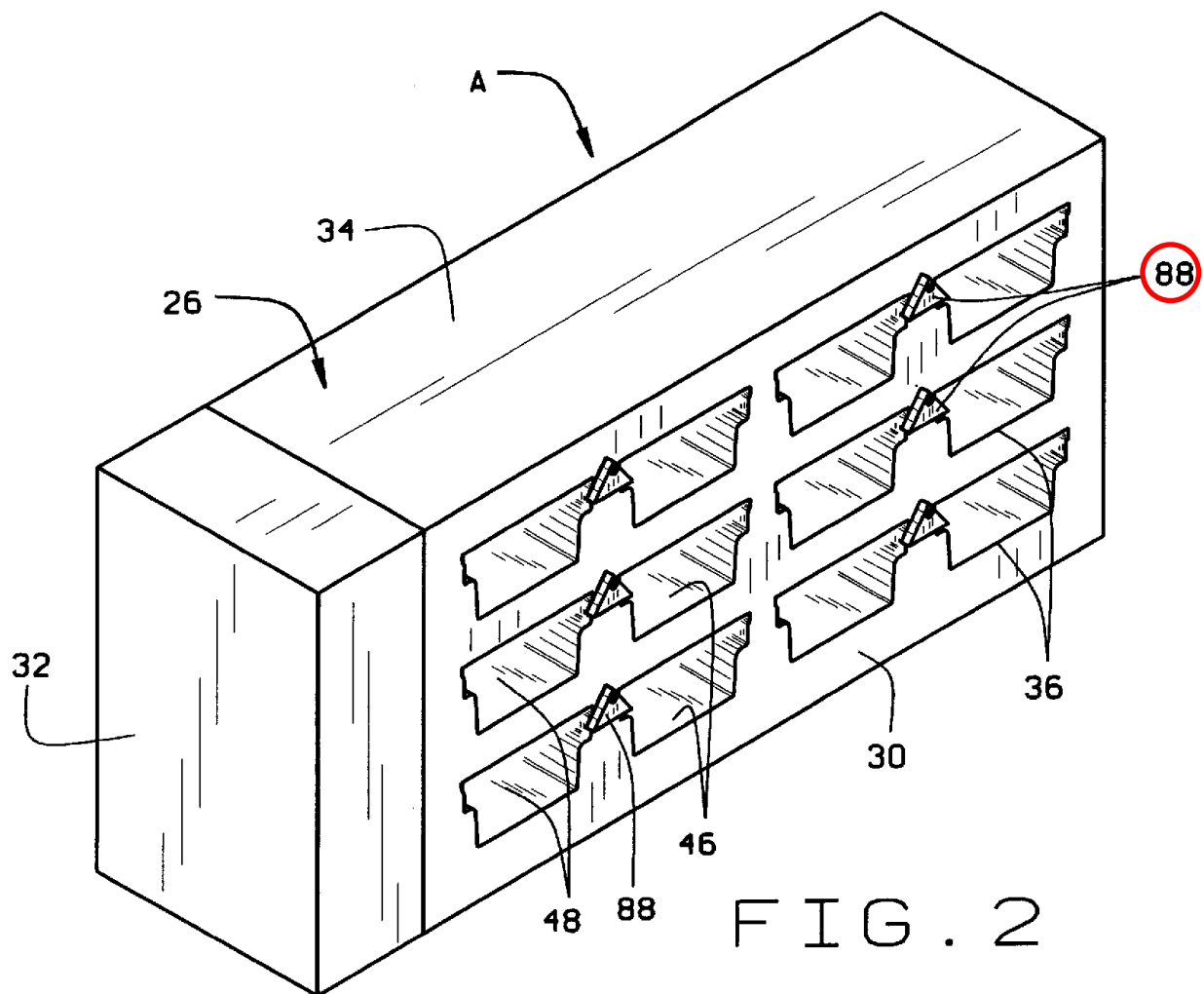
101. U.S. Patent No. 6,175,099 ("Shei'099) teaches an oven (A) that receives trays (B) "in which precooked food is placed and held for limited times."

EX1017: 2:45-47. The trays (B) are placed in heated openings (36) with covers or lids (80). EX1017: 2:53-54, 3:10-13, 3:28-31, 4:51-53.



EX1017: Fig. 1 (annotated).

102. To retain the lids (80) in the openings (36), the oven (A) includes stops (88). EX1017: 6:19-31. The stops (88) are disclosed as being configured to pivot to allow a user to insert and remove the lids (80) from the openings (36). EX1017: 6:22-26 (“the stop 88 at the heat sink 46 in which the cover 80 fits, is pivoted away from the opening 36 at that heat sink 46 so as to no longer block the opening 36. While the stop 88 is held away from the opening 36, the cover 80 is removed”).



EX1017: Fig. 2 (annotated).

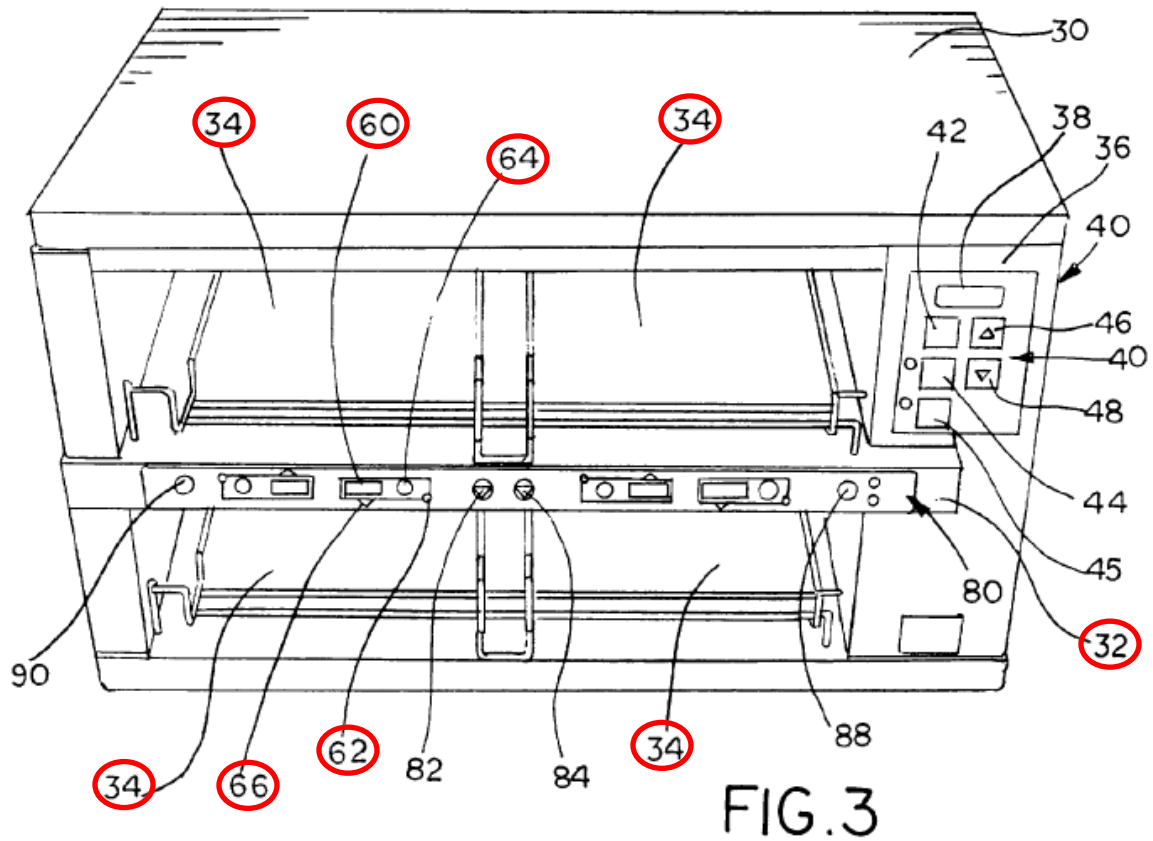
13. Vaseloff (EX1026)

103. U.S. Patent No. 7,258,064 (“Vaseloff”) teaches a food holding device (30) having a timer module (32). EX1026: 2:60-63, 3:48-49, Figs. 3, 4, 10.

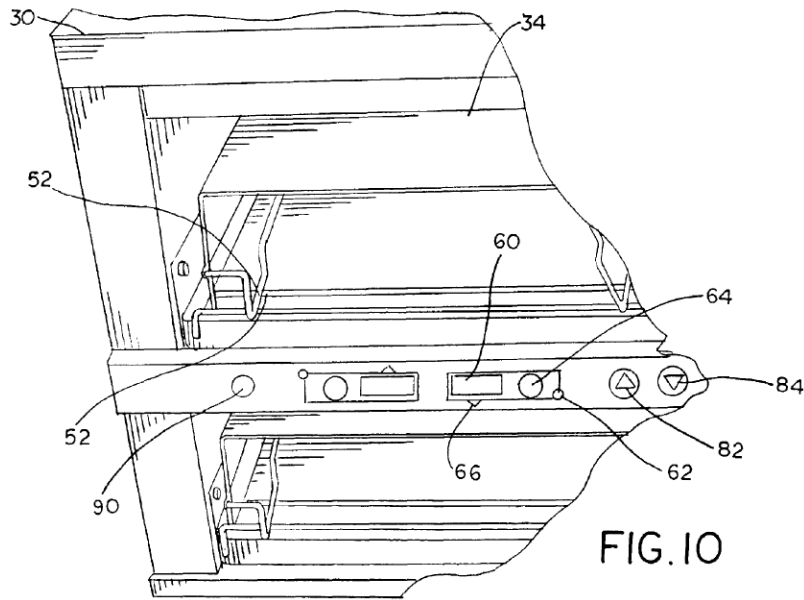
104. The food holding device (30) includes upper and lower rows each having two temperature-controlled pan locations (34). EX1026: 2:60-63.

105. The timer module (32) includes display devices (60), timer status indicators (62), and timer buttons (64). EX1026: 3:48-51. Each display device

(60) is grouped with a corresponding timer status indicator (62) and timer button (64), and these are positioned near and associated with a particular pan location (34) as confirmed by a visual indicator arrow (66) that points up or down to the pan location. EX1026: 4:5-6, 4:20-22, 4:26-33, 4:48-49, 6:51-52.



EX1026: FIG. 3 (annotated).



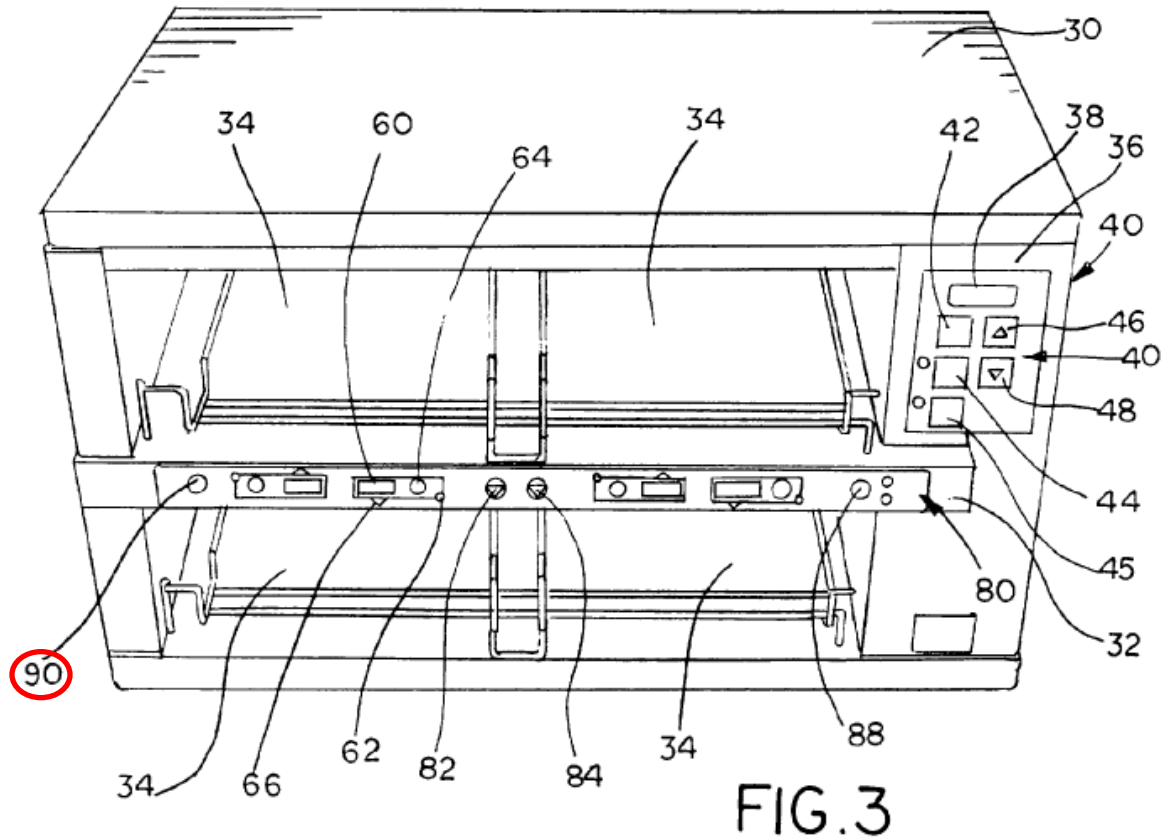
EX1026: Fig. 10.

106. The display device (60) displays the identity of the food (*e.g.*, “EGGS”) held at each pan location (34) and “can display or indicate a variety of information about the food.” EX1026: 4:5-15.

107. The timer button (64) activates/deactivates a hold timer, and the timer status indicator (62) includes an LED capable of flashing and emitting any color for indicating statuses such as “standby”, “food product has expired”, “timing in progress”, and “near expiration and oldest food product of its kind”. EX1026: 6:51-52, 4:50-59; 6:1-25.

108. A transfer button (90) facilitates a transfer process in which a user transfers a food pan from one pan location (34) to another and the timer module (32) transfers information associated with the food pan (*e.g.*, hold time,

temperature settings) to the new pan location for updating the temperature settings and displayed information. EX1026: 6:51-7:20, 9:27-64; 10:26-33.

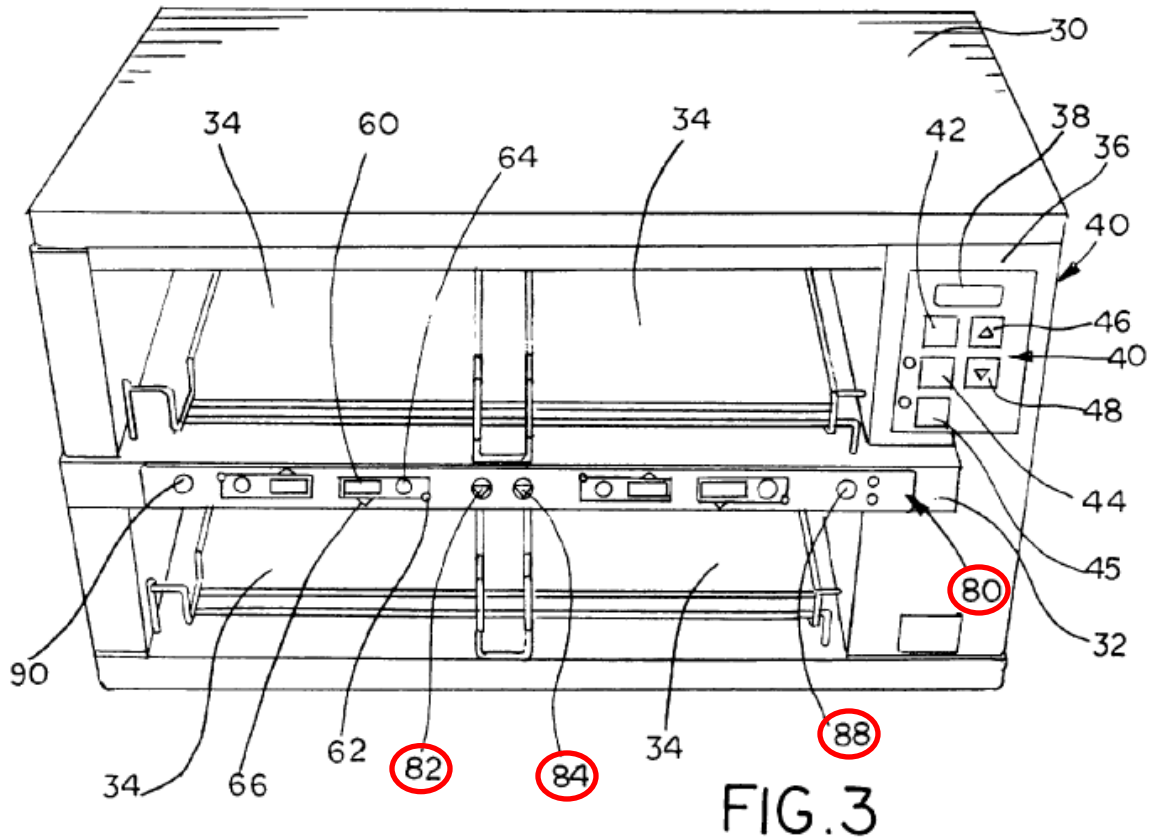


EX1026: FIG. 3 (annotated).

109. Each timer module (32) includes a programming system including an input system (80). EX1026: 7:21-25.

110. The programming system may use the display devices (60) for the pan locations. EX1026: 7:26-28. The input system (80) includes up-arrow and down-arrow buttons (82, 84) “for increasing and decreasing the value of a parameter, or scrolling up and down through a list of parameters.” EX1026: 7:29-32. The programming system likewise permits the selection of a pre-programmed “activity

menu” (e.g., breakfast) via use of an activity button (88) to assign an arrangement of food types to the plurality of pan locations. EX1026: 7:46-8:50.



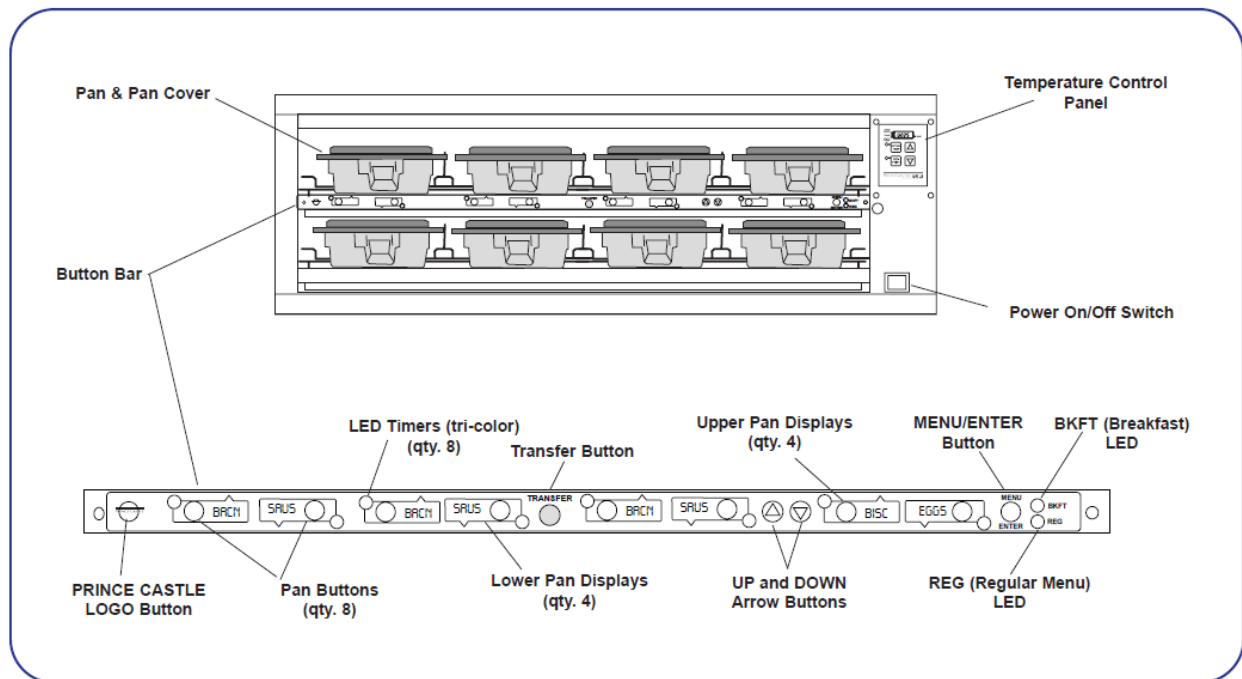
EX1026: FIG. 3 (annotated).

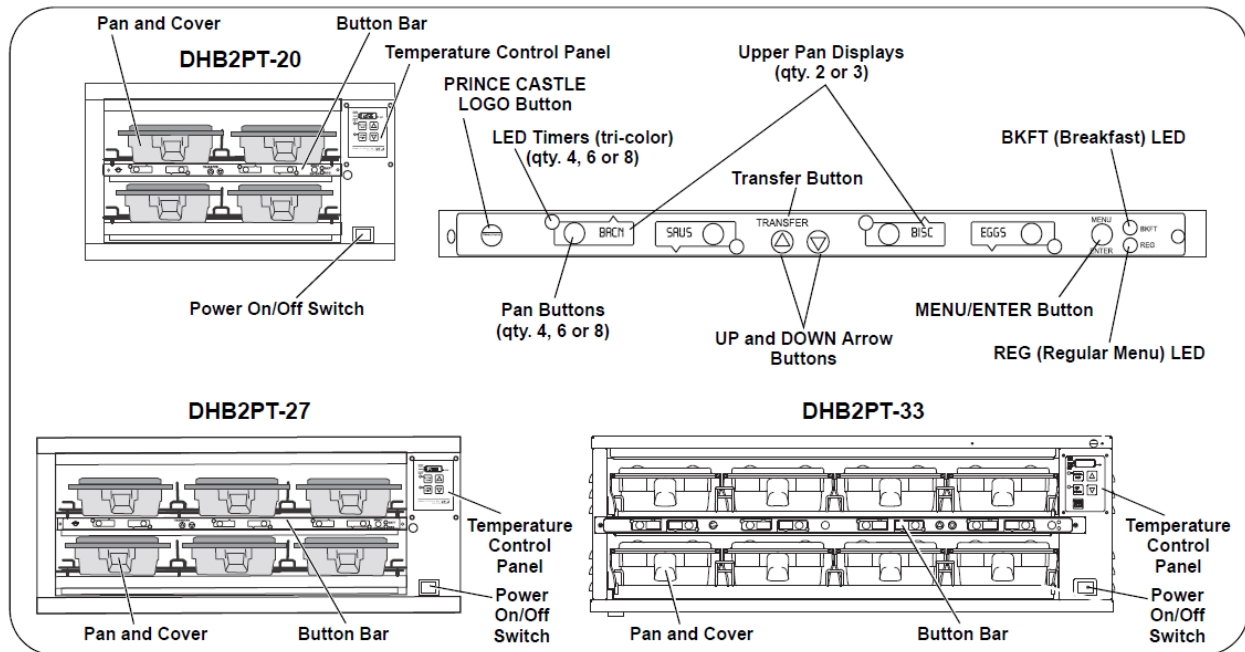
14. Prince Castle (EX1009)

111. The Prince Castle Holding Bins Website (“Prince Castle”) is an archived collection of URLs from the Wayback Machine as they existed in March-May 2014 from a public website that was operated by Petitioner Marmon to advertise its commercial kitchen equipment, including Product Holding Bins (also called Holding Bins or Dedicated Holding Bins).

112. Prince Castle includes a landing page with links for different product categories including Holding Solutions (*i.e.*, product holding bins) (EX1009: 5), several webpages about the Holding Solutions/Product Holding Bins (EX1009: 6-13), a specification sheet for the DHB2PT-33 model Product Holding Bins (EX1009: 14-17), a 2006 Operation Manual for the DHB2PT-33 model Product Holding Bins (EX1009: 18-34), and a 2010 Operation Manual for the DHB2PT Series Product Holding Bins (EX1009: 35-52).

113. The 2006 and 2010 Operation Manuals provide the following views of the Product Holding Bins:





EX1009: 19, 36.

114. The 2006 and 2010 Operation Manuals explain various operations and settings of the Product Holding Bins. The two Operation Manuals teach that each compartment of the Product Holding Bin has “an upper and lower heater.”

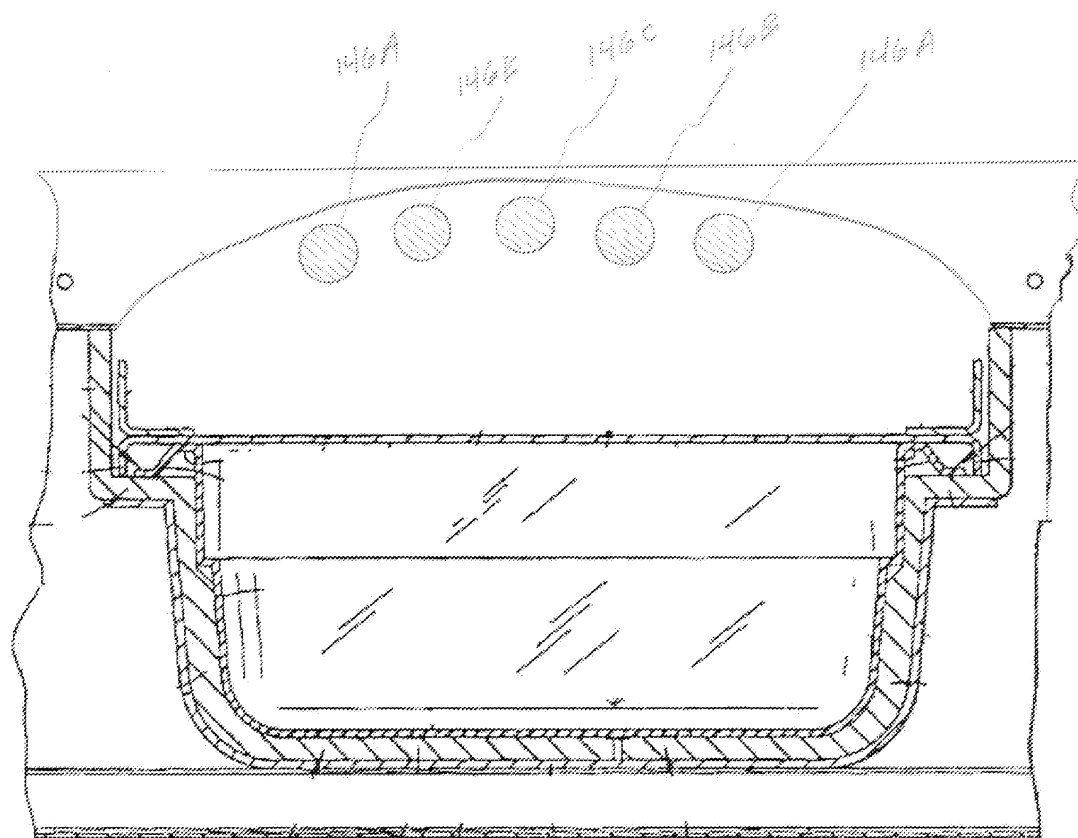
EX1009: 22, 40. Both Operation Manuals state that “[t]he factory pre-set for the upper heaters is 225°F” and “[t]he factory pre-set for the lower heaters is 195°F.”

EX1009: 22, 40.

15. Reese (EX1027)

115. U.S. Patent Publication No. 2014/0130684 (“Reese”) teaches a product holding unit for holding pre-cooked food before it is served having upper heating elements in the form of infrared emitters. EX1027: ¶¶[0001], [0025].

FIG. 13



EX1027: Fig. 13.

116. Reese further explains its product holding unit has a “Turbo Boost” actuator which, when pressed, increases the heat from the heating elements.

EX1027: ¶[0019] (“deliver an increased amount of heat to the food”). Reese explains the turbo boost function can be used “to re-crisp breaded (fried) food, to melt cheese on fries, to melt cheese on burger patties, to brown grilled food products, and/or to brown burger patties.” EX1027: ¶[0021]. For example, Reese states “[t]he turbo boost could be used before it is anticipated to remove food from a respective heating compartment to increase heat delivered to breaded food to re-

crisp it such as by drying potentially soggy breadings or to increase heat delivered to food on which cheese has been positioned for melting it.” EX1027: ¶[0021].

IV. GROUND 1: CLAIMS 1, 3-13, 27, 29, 31-54, and 56-66 WOULD HAVE BEEN OBVIOUS OVER THE IRHS DOCUMENTS

A. Combination of the IRHS Documents

117. While I understand that for the purposes of this IPR proceeding, each of the IRHS Documents must be treated as a separate prior art reference, it would have been obvious to the POSA to combine the teachings and disclosures of the IRHS Documents as it would have been apparent that each of the IRHS Documents was describing the same family of IRHS Holding Units. EX1005: 6-10; EX1006: 1-2; EX1007: 55-57; EX1008: 1, 5-9.

118. As described in Paragraphs 41-62 above, the IRHS Documents (the IRHS Manual (EX1005), IRHS Specifications (EX1006), the Duke Website (EX1007), and the IRHS Service Manual (EX1008)) each describe the same family of food holding units manufactured by Duke referred to as the Infrared Heatsink (IRHS) Holding Units.



Your Solutions Partner

OPERATORS MANUAL

INFRARED HEATSINK™ HOLDING UNIT



MODELS

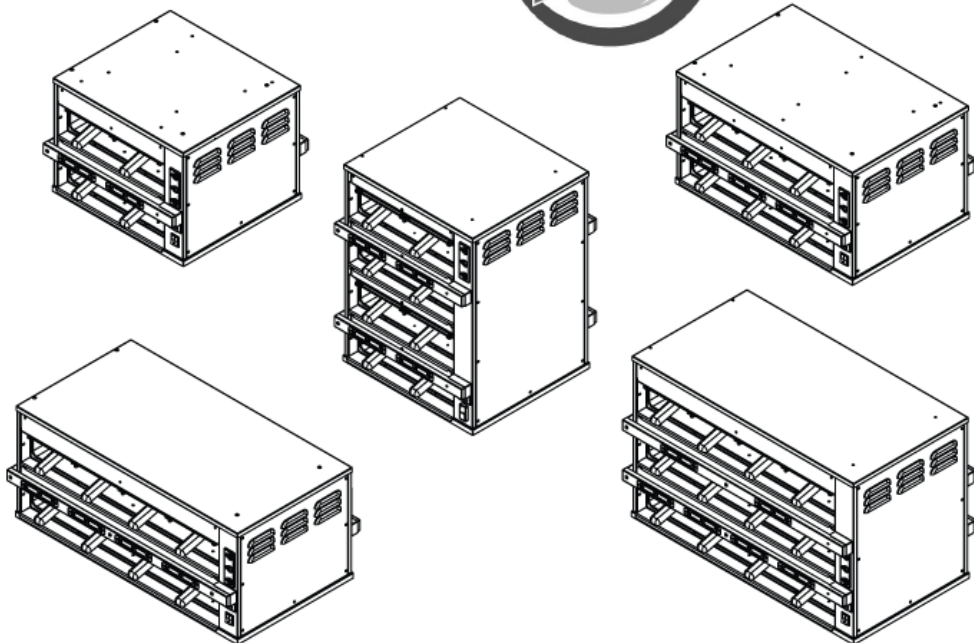
IRHS22

IRHS23

IRHS24

IRHS34

IRHS42



**IMPORTANT INFORMATION, READ BEFORE USE.
PLEASE SAVE THESE INSTRUCTIONS.**

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trademark of the Duke Manufacturing Company.*

Duke Manufacturing Company

2305 N. Broadway
St. Louis, MO 63102
Phone: 314-231-1130
Toll Free: 1-800-735-3853
Fax: 314-231-5074
www.dukemfg.com

**P/N 229945D
02/18/14**

EX1005: 1.



Specifications

F.O.B Sedalia, Missouri 65302



IRHS - 23

OPTIONS:

- ☐ Metal trivet for fried/dry product
- ☐ Kitchen Minder master unit
- ☐ Kitchen Minder slave unit
- ☐ Single side control

AGENCY LISTING:



DUKE MANUFACTURING CO.
2305 N. Broadway
St. Louis, MO 63102

800.735.3853 Toll Free
314.231.5074 Fax
www.dukemfg.com

Approval Stamp(s):

PRODUCT INFORMATION:

PROJECT: _____
ITEM: _____
QUANTITY: _____

MODEL:

Product Holding Unit - Infra Red Heat Sink

IRHS-22	2 down, 2 across
IRHS-23	2 down, 3 across
IRHS-24	2 down, 4 across
IRHS-34	3 down, 4 across

BODY:

- Stainless steel exterior
- Anodized aluminum HeatSink™ with fully radiused curved corners that are easily cleaned
- Only removable part for cleaning is aluminum cover for broiled product
- Modular and scaleable design

HEATING:

- Dual technology heating to reduce temperature variance from top to bottom
- Individually controlled IR emitters pulse on and off for controlling optimum amount of energy being applied to the food
- Zoned bottom heat to provide additional holding environment customization
- IR Turbo Boost for instant shot of IR energy

CONTROLS

- Automatic pan linking to ensure FIFO
- Custom heat settings for food product
- Each compartment individually controlled
- Alphanumeric displays to indicate product description, temp and hold time remaining
- Web based programming via USB
- Day part switch for global recipe changes (B, L, D)
- Firmware updates via USB

SHORT FORM SPECIFICATIONS:

Duke Product Holding Units - Upper IR emitters provide optimum environment for holding of all fried foods resulting in extended hold time, moist protein and crispy breading. Bottom zoned heat element provides gentle heat to minimize temperature distribution from top to bottom of pan. Alphanumeric control with independent well flexibility. Programmable via website & USB with daypart switch to facilitate global recipe changes.

PRODUCT HOLDING UNIT - IRHS

EX1006: 1.

Internet Archive Wayback Machine
http://bk.dukemfg.com/products/infrared-heat-sink/
4 captures
24 Jan 2015 - 2 Jul 2016

DEC JAN APR
24
2014 2015 2016 About this capture

Duke
Your Solutions Partner

Twitter Facebook LinkedIn
Phone: 800.735.3853 **BURGER KING**

Home About Us Products Services Testimonials Search our site

IRHS (InfraRed Heat Sink™)

Speed vs. Quality?
You can have both!

- Consistently hot, gold standard food always available
- Lowest total cost of ownership
- Built with the future in mind

Hot & consistent food

Watch the IRHS Video

Get a Quote

Features Literature Video Get a Quote

✓ Hot, Gold Standard Food \$ Lowest Cost of Ownership ⚡ Built for the Future

EX1007: 8.



IRHS InfaRed HeatSink® Product Holding Units



- Consistently hot, gold standard food is always available
- Lowest cost of ownership solution
- Built with the future in mind

- 1 Metal HeatSink cover to eliminate plastic lids. Cover only required for broiled foods.
- 2 No more plastic faceplates! Stainless steel faceplate protects internal components.
- 3 Rolled edges and completely sealed construction prevent grease seepage to internal components.
- 4 Ensure quick and accurate fixes with more advanced diagnostics and a more robust Duke timer bar.

By combining the technologies of InfaRed and HeatSink, we are able to hold food with superior flavor and temperature consistency. Previous generations of the Duke holding units contained only HeatSink, heating from below and wrapping around the sides of each pan. By adding the top-down InfaRed heat, we have been able to deliver a consistently hot pan of product, from top to bottom. This also allows unlimited menu flexibility as each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold.





Service Manual

INFRARED HEATSINK™ HOLDING UNIT

Includes Standalone,
Kitchen Minder and
VISOR models

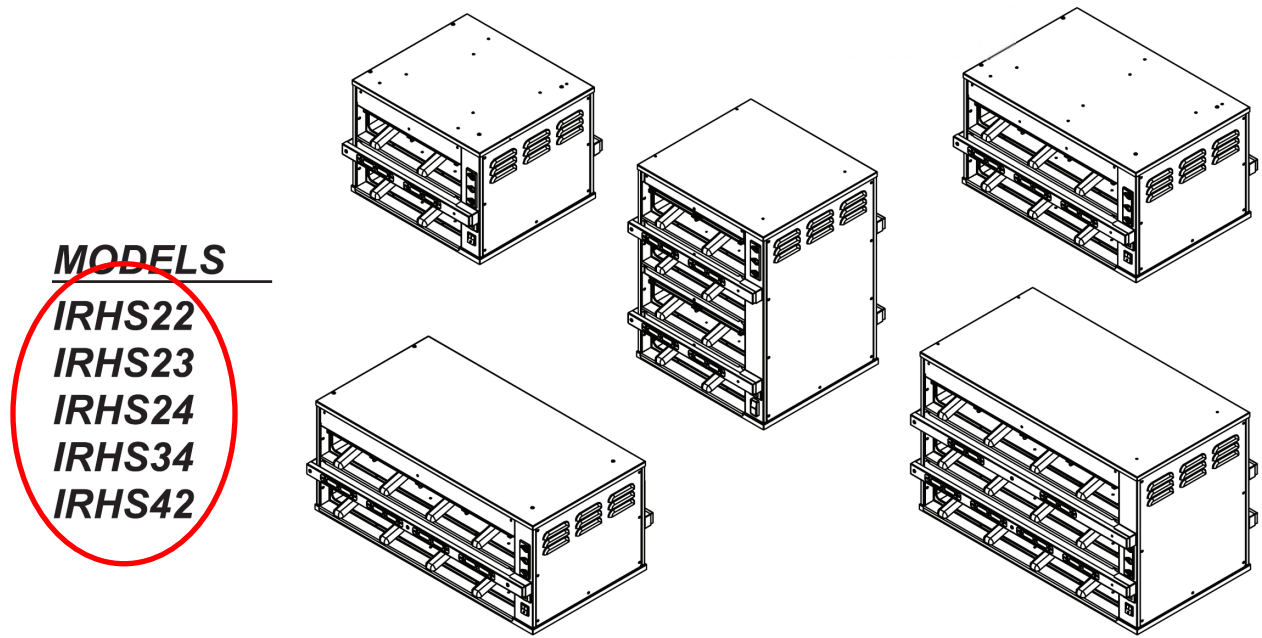
MODELS

IRHS22
IRHS23
IRHS24
IRHS34
IRHS42



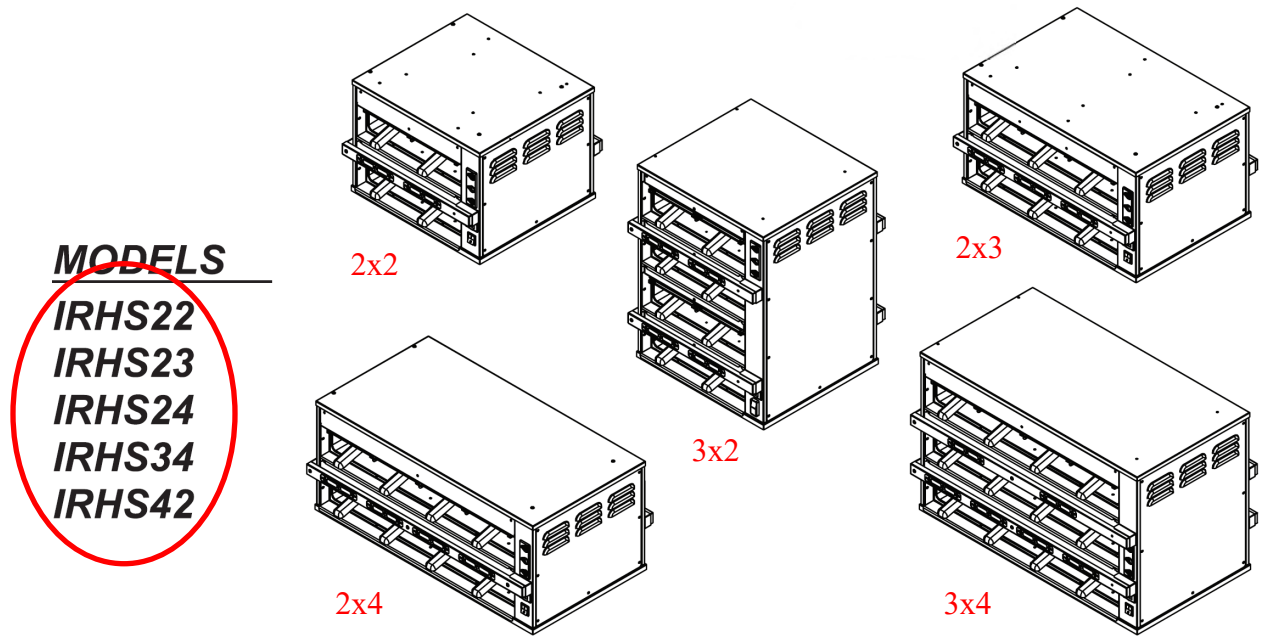
EX1008: 1.

119. Beyond being directed to the same family of food holding units, the IRHS Documents more specifically describe the same model of IRHS Holding Units: IRHS22, IRHS23, IRHS24, IRHS34, and IRHS42. EX1005: 1, 6-10; EX1006: 1, 2; EX1007: 54-57; EX1008: 1, 5-9.



EX1005: 1 (annotated).

120. The numerical suffixes of the model numbers indicate the configuration of the pan holding locations/bays. For example, IRHS22 has four pan holding locations arranged in a 2x2 grid; IRHS23 has six pan holding locations arranged in a 3x2 grid; IRHS24 has eight pan holding locations arranged in a 2x4 grid; IRHS34 has twelve pan holding locations arranged in a 3x4 grid; and IRHS42 has eight pan holding locations arranged in a 4x2 grid. EX1005: 6-10; EX1006: 1; EX1007: 54-57; EX1008: 1.



EX1005: 1 (annotated).

MODEL:
Product Holding Unit - Infra Red Heat Sink

IRHS-22	2 down, 2 across
IRHS-23	2 down, 3 across
IRHS-24	2 down, 4 across
IRHS-34	3 down, 4 across
IRHS-42	4 down, 2 across

EX1006: 1 (annotated).

Part #s	Controls	Stand-Alone/ Master/Satellite	Electrical Requirements			
			Voltage	Hz	Amps	NEMA
IRHS24-XXX4T1	Single	Stand-Alone	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T2R	Double	Stand-Alone	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T1S	Single	Satellite	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T1M	Single	Master	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T2S	Double	Satellite	208 / 230 / 240	50/60	12	6-15P (208V/240V)
IRHS24-XXX4T2M	Double	Master	208 / 230 / 240	50/60	12	6-15P (208V/240V)

Notes

1. Replace "XXX" in the part # with the respective power supply
2. 230V Unit Electrical Requirements: IEC 60309 PIN & SLEEVE PLUG, 16 AMP

WARRANTY:

3 year parts and 1 year labor for timer bar IRHS

3 year parts and 2 year labor for VISOR-enabled IRHS – no timer bar unit

EX1007: 56 (annotated).

121. The IRHS Documents were all published by Duke, which manufactured the IRHS products, and feature Duke's trademarks. EX1005: 1; EX1006: 1; EX1007: 54, 57; EX1008: 1.

122. The IRHS Documents all refer to and describe the same product line (IRHS Holding Units), using many of the same images, specifications, and descriptions. For instance, in addition to using the same model numbers and name ("InfraRed HeatSink"), the IRHS Documents further list essentially the same dimensions for each model of IRHS Holding Unit. EX1005: 6-10; EX1006: 1-2; EX1007: 55-57; EX1008: 5-9.

123. A POSA that was interested in learning about the IRHS products would have recognized that information on the products would have been available via its product literature. The POSA likewise would have understood the types of product literature that would typically be available for such products, namely: marketing materials in the form of web site and catalog product descriptions, specification sheets, user/operator manuals, and service manuals.

124. It would have been obvious for the POSA to combine the teachings of the IRHS Documents because the IRHS Documents describe the same IRHS products. Understanding the IRHS Documents describe the same product line, the POSA would readily combine the teachings of the IRHS Documents to form a full comprehension and complete understanding of the IRHS products as having all the

capabilities and features the IRHS Documents collectively describe Duke's IRHS products to have. The POSA would have done this to meet customer demands, increase holding capacity for diverse foods, and provide customized/improved holding environments for each food. EX1007: 17 ("[Duke] recognize[s] your Pain Points: fried food holding quality, waste, menu proliferation, labor and training, speed of service (organization, specialty board, fry cook times), kitchen image, merchandising. We work to minimize the pain through a flexible approach to manufacturing that emphasizes customization, responsiveness and speed to market"); EX1019: 1:35-49 ("different foods may require different storage temperatures and may have different shelf lives. ... As the number of offered food products increases, so does the complexity of a system capable of maintaining all the different types of food products. Accordingly, there exists a need for a holding cabinet and control system structured and arranged to maintain multiple categories of food products and to convey information regarding food products stored in the holding cabinet").

125. Because the POSA would have viewed the IRHS Documents together as describing capabilities and features of Duke's IRHS products, the POSA would have readily applied or supplemented any capability or feature of the IRHS products taught by one IRHS Document into the IRHS products taught by another IRHS Document. For example, if one IRHS Document is silent, ambiguous, or

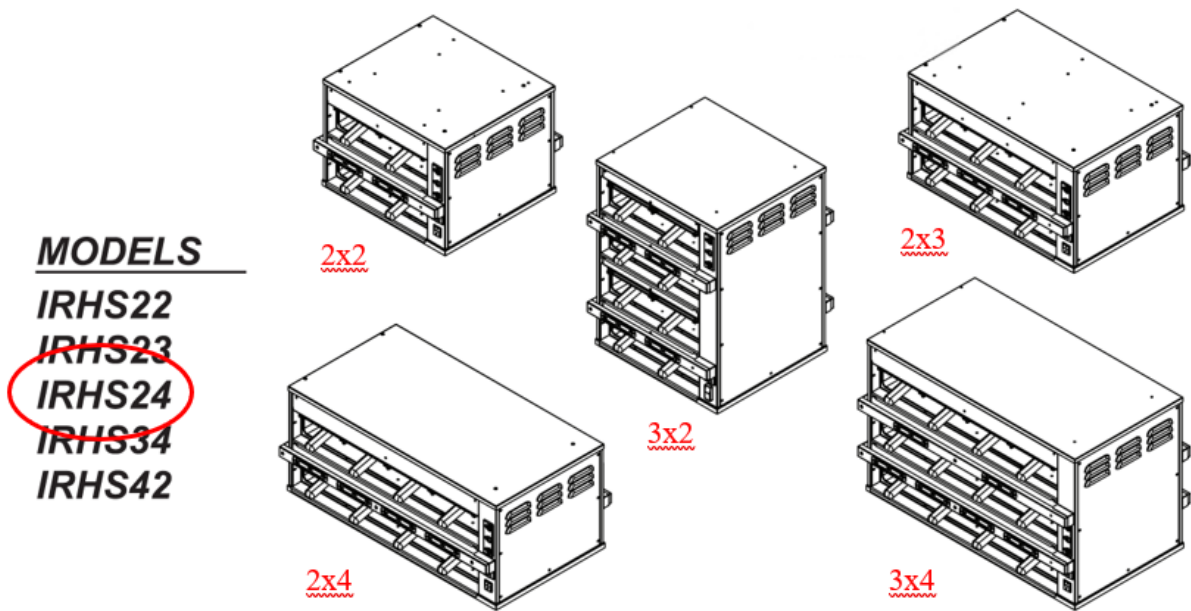
lacks details as to a feature or capability of the IRHS products, the POSA would look to another IRHS Document to supplement his or her understanding of the IRHS products.

126. Further, because the IRHS Documents would have been recognized as describing the same/related IRHS products, the POSA would have expected that the teachings of the IRHS Documents could have been readily combined.

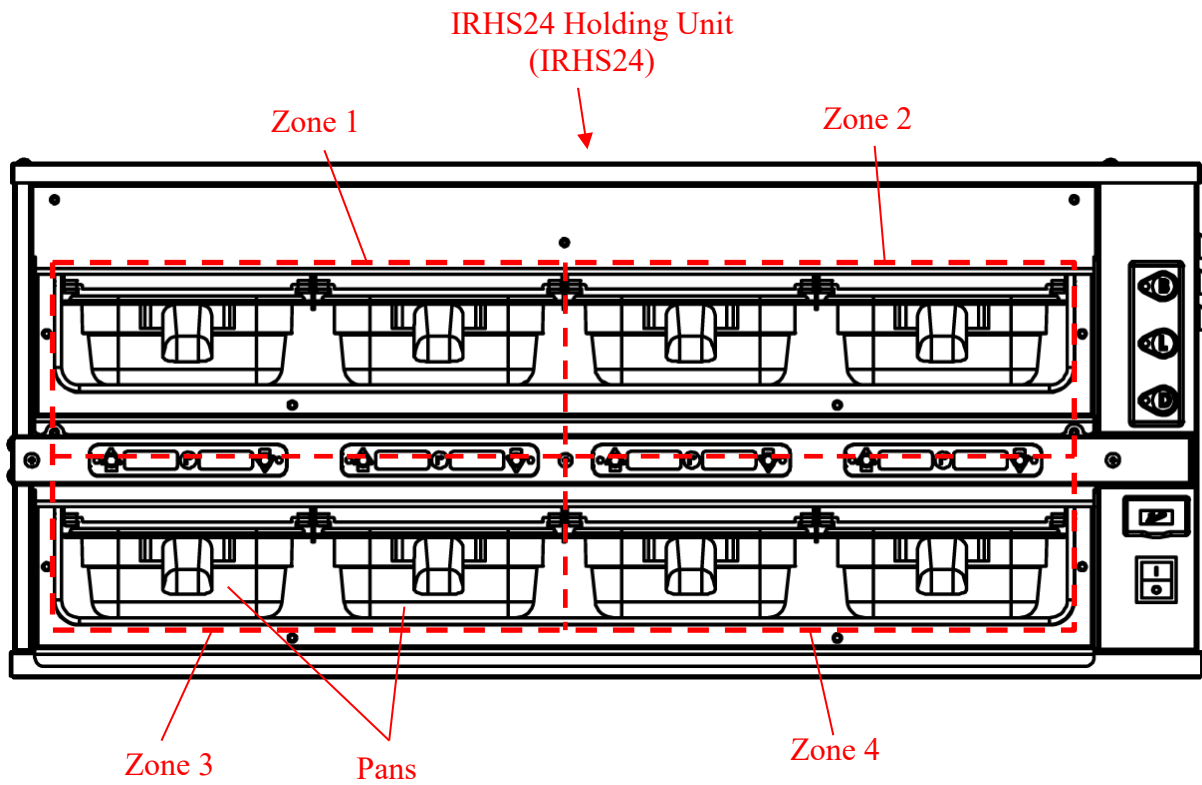
B. Independent Claim 1

1.P: A multi-zone food holding bin comprising

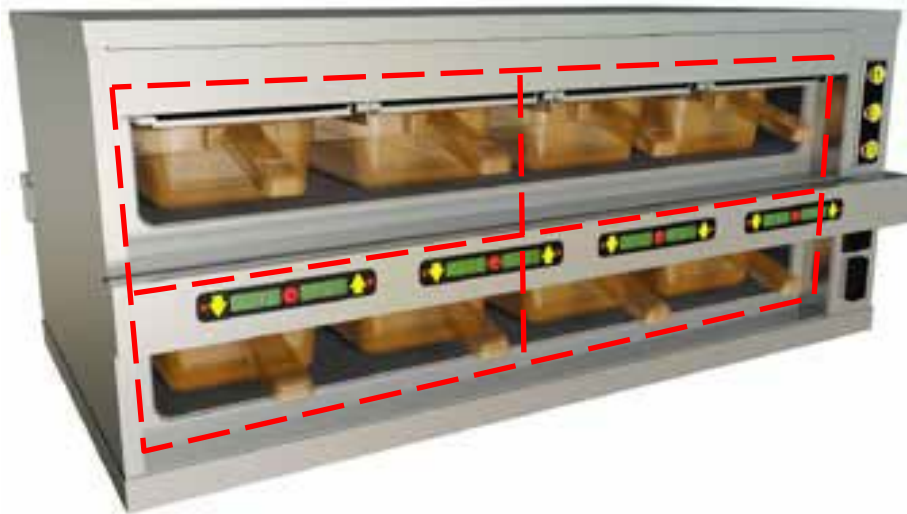
127. The IRHS Documents disclose a multi-zone food holding bin. With respect to the claim limitations below, I will primarily focus on the 2x4 configuration of the IRHS Holding Unit, model number IRHS24, (the “IRHS24 Holding Unit” or “IRHS24”) which has multiple zones for receiving and heating a plurality of food pans. EX1005: 4, 8; EX1006: 1; EX1007: 51, 56; EX1008: 1; Sections IV(B)(1.d.1) and (1.e.1). As used herein, “IRHS” and “IRHS24” refer to IRHS Documents’ disclosure not a commercial IRHS product itself.



EX1005: 1 (annotated).



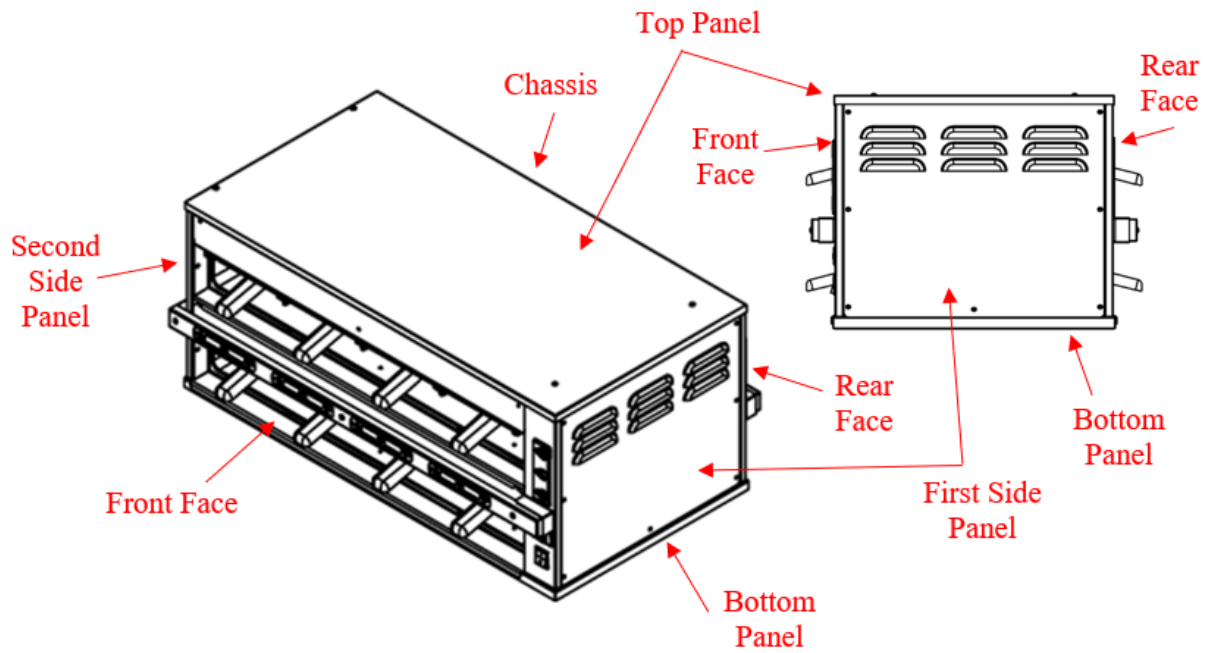
EX1005: 1, 8 (annotated).



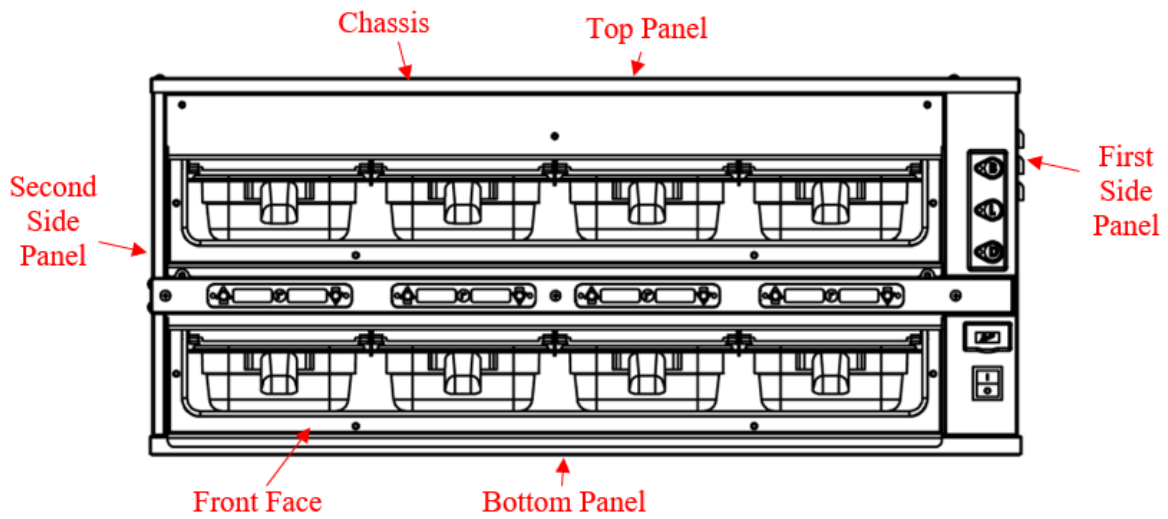
EX1007: 56 (annotated).

1.a: a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face

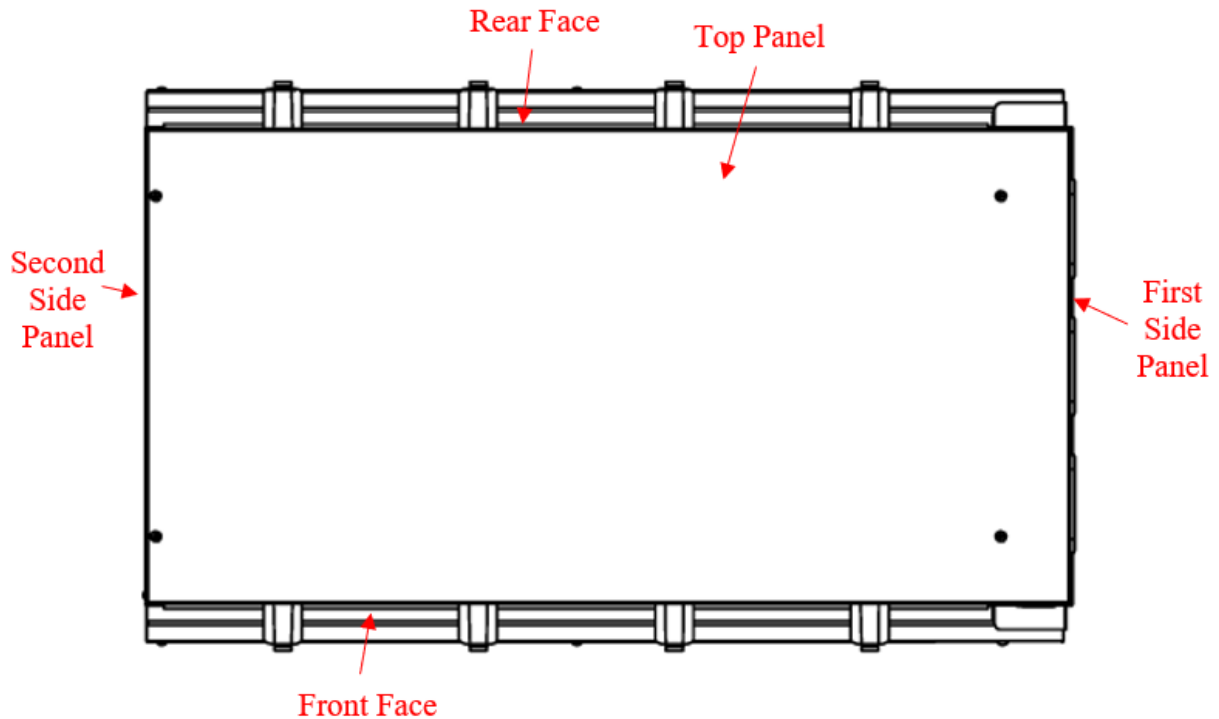
128. As disclosed in the images and figures of the IRHS Documents, the IRHS24 Holding Unit has a chassis. The chassis of the IRHS24 Holding Unit has a top structure (*i.e.*, a top panel), side structures (*i.e.*, a first side panel and a second side panel), and a bottom structure (*i.e.*, a bottom panel) that surrounds the food holding volume. The chassis of the IRHS24 Holding Unit further defines a front side (*i.e.*, a front face) and a rear side (*i.e.*, an opposing rear face) opposite the front face.



EX1005: 8 (annotated).



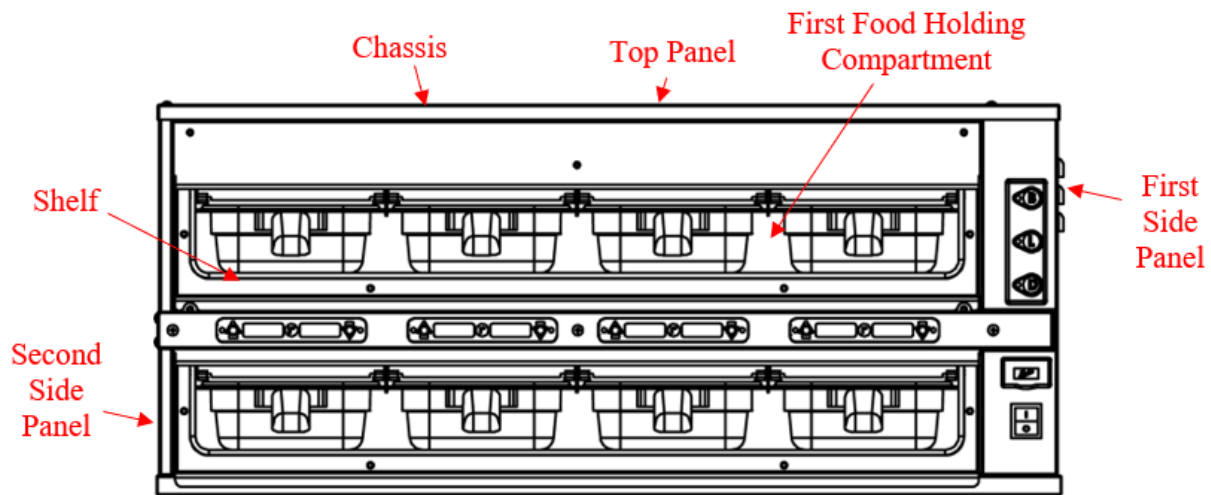
EX1005: 8 (annotated).



EX1005: 8 (annotated).

1.b.1: a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, the top panel, and a shelf

129. The chassis has a shelf extending between the first and second side panels. A first food holding compartment is located above the shelf within the chassis. The first food holding compartment is defined by the first side panel, the second side panel, the top panel, and the shelf.

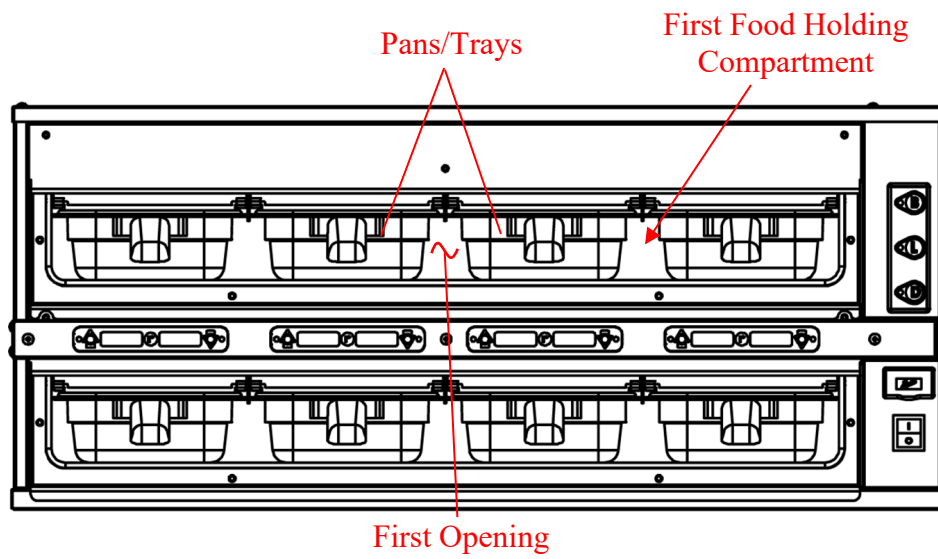


EX1005: 8 (annotated).

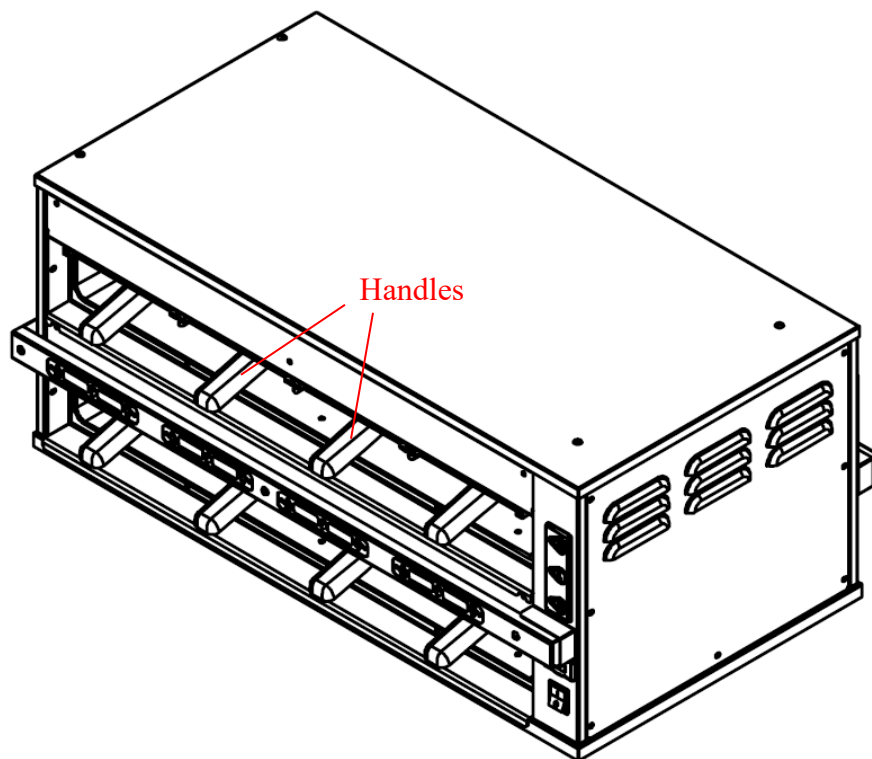
1.b.2: the first food holding compartment having a first opening, the first opening of the first food holding compartment being configured to allow food items to be placed into and removed from the first food holding compartment

130. The POSA would recognize that IRHS Documents discloses the first food holding compartment as having “a first opening” and that this “first opening” is “configured to allow food items to be placed into and removed from the first food holding compartment.” The first opening is larger than the food pans and allows the food pans, and thus food contained therein, to pass therethrough to be placed into and removed from the first food holding compartment. As shown below, handles of the food pans project out of the first opening to allow the operator to insert and remove pans through the first opening of the first food holding compartment.

EX1007: 52 (upper image).



EX1005: 8 (annotated).



EX1005: 8 (annotated).



Pan: #156634

EX1007: 58 (annotated).

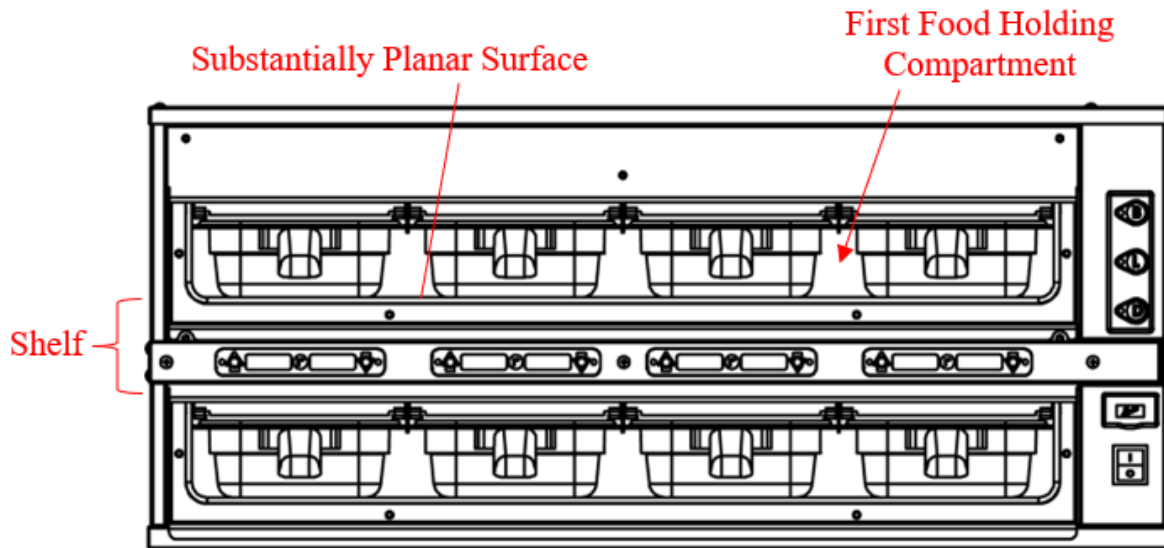


EX1007: 52.

1.c.1: a substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment

131. The POSA would recognize that the IRHS Documents disclose that the top surface of the shelf defines “substantially planar surface” and that this substantially planar surface acts as the bottom surface of the first food holding compartment. This claim limitation is demonstrated in the annotated figure below

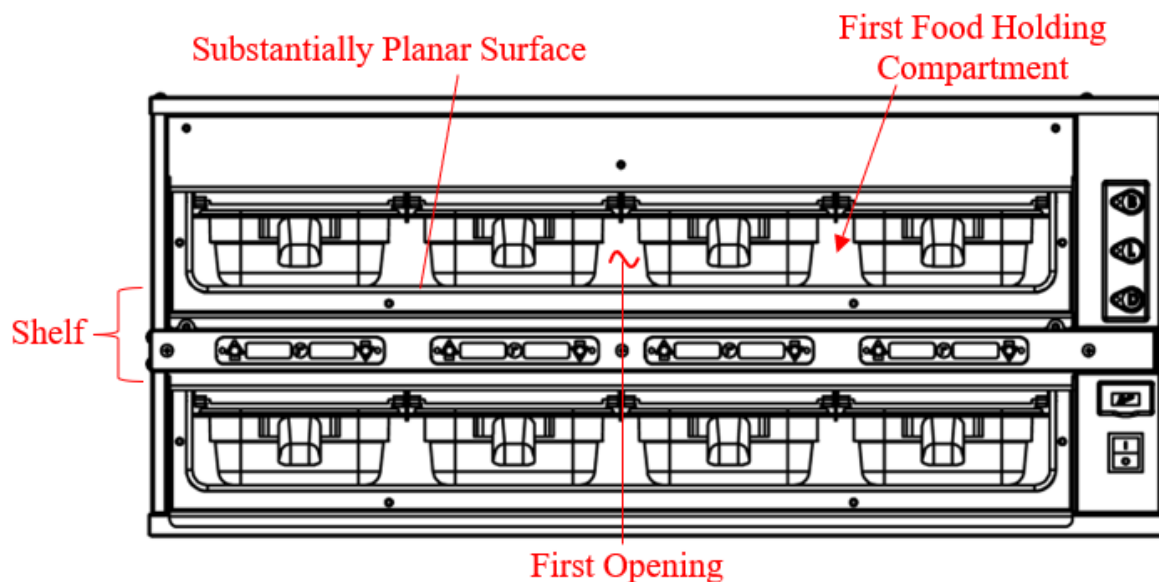
in which the top surface of the shelf includes a substantially planar surface that forms the bottom surface of the first food holding compartment.



EX1005: 8 (annotated).

1.c.2: the substantially planar surface extending completely to the first opening of the first food holding compartment

132. The POSA would recognize that the IRHS Documents disclose that the substantially planar surface extends completely to the first opening of the first food holding compartment.



EX1005: 8 (annotated).

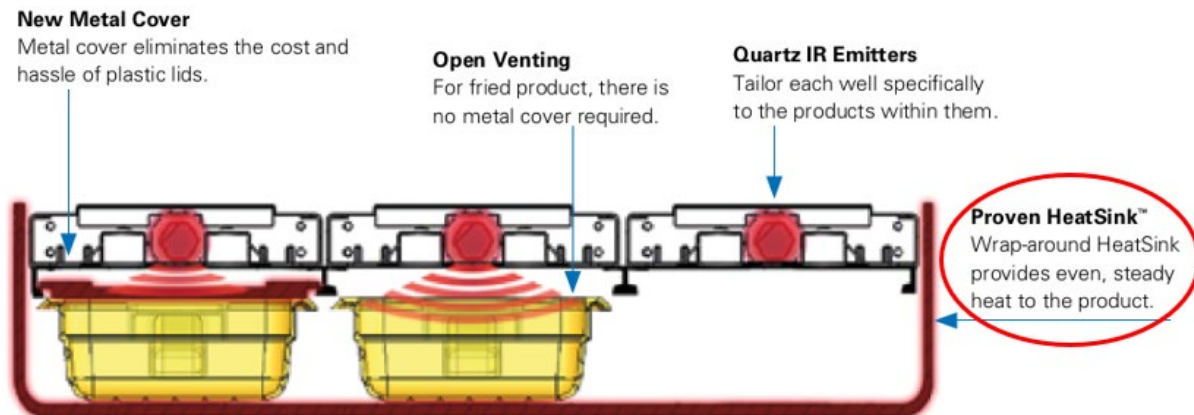
1.c.3: and the substantially planar surface comprising a thermally conductive material

133. The IRHS Documents suggest the substantially planar surface forming the top surface of the shelf—which is identified as being part of the Heatsink—is composed of anodized aluminum. EX1006: 1 (“[a]nodized aluminum HeatSink”).

134. Anodized aluminum is recognized a thermally conductive material and thus meets the claim limitation requiring the planar surface to comprise a thermally conductive material.

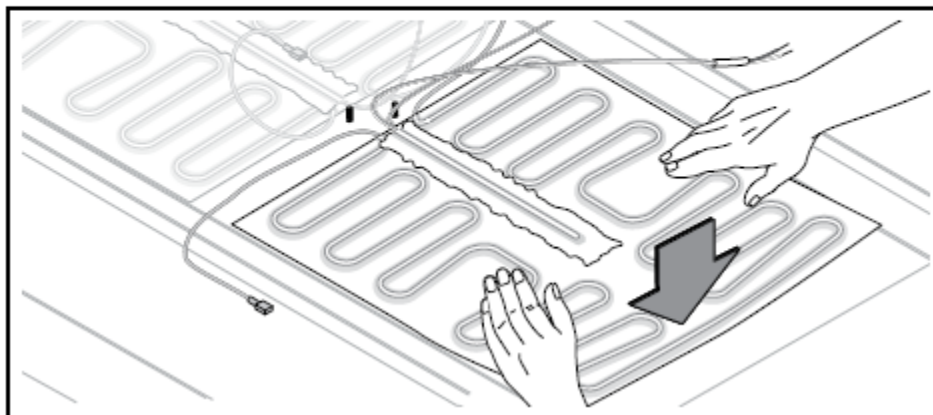
135. Specifically, the POSA would recognize that because the substantially planar surface forming the top surface of the shelf is intended to act as the HeatSink, it would necessarily comprise a thermally conductive material so as to allow the HeatSink to provide heat to the pans in the first food holding compartment from underneath the pans. EX1007: 51 (“[p]revious generations of

the Duke holding units contained only HeatSink, heating from below”); EX1005: 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”).



EX1007: 53 (annotated).

14. Peel the adhesive tape cover off the replacement Heat Element and press in place on the heat sink, ensuring all air bubbles are smoothed out.



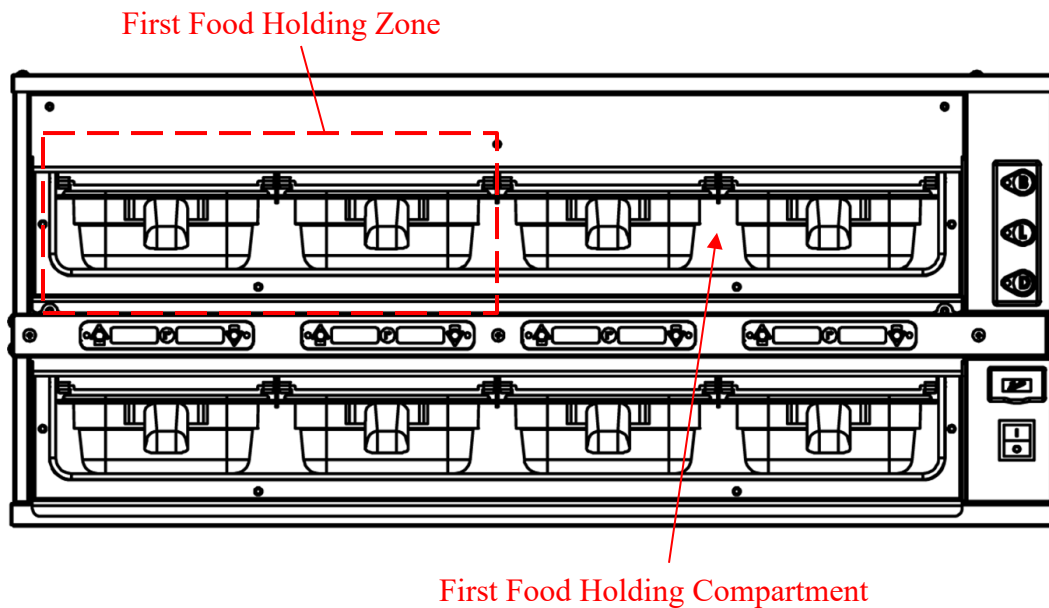
EX1008: 23.

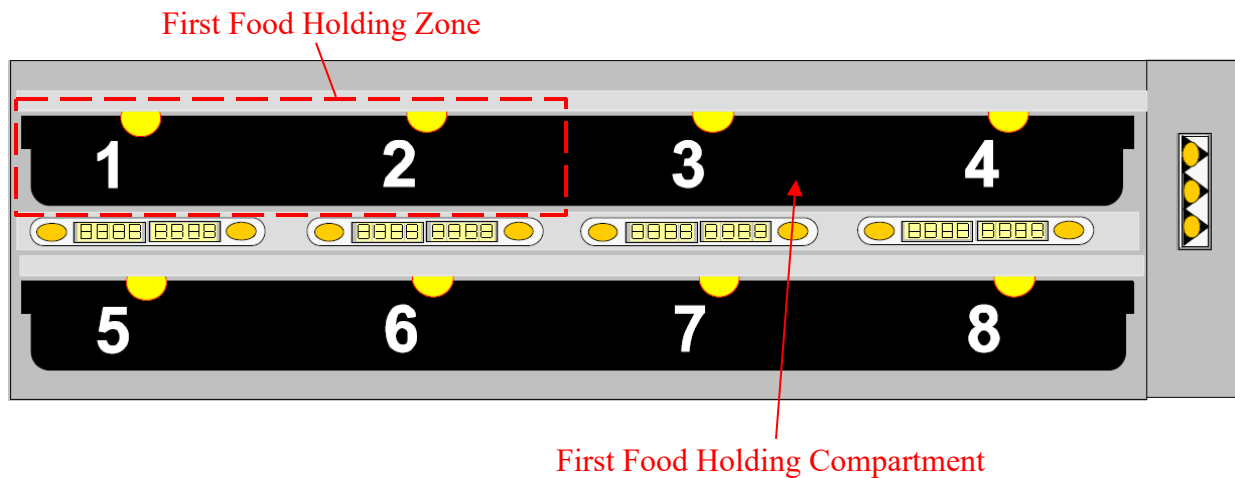
136. Even without the express disclosure of the use of aluminum, it would have been obvious to make the IRHS heatsinks from aluminum, like the aluminum

covers, to be durable and provide good heat transfer. EX1005: 4 (“robust aluminum Heat Sink Cover”), 8, 20-21; EX1007: 53 (“[m]etal cover”), 58 (“[c]over allows better heat transfer”). There would have been a reasonable expectation of success because of the known suitability of aluminum in zoned/heated warming cabinet shelves. EX1020: ¶¶[0021]-[0023].

1.d.1: a first food holding zone formed in the first food holding compartment

137. The POSA would recognize that the IRHS Documents disclose that the IRHS24 Holding Unit has a first food holding zone in the first food holding compartment.





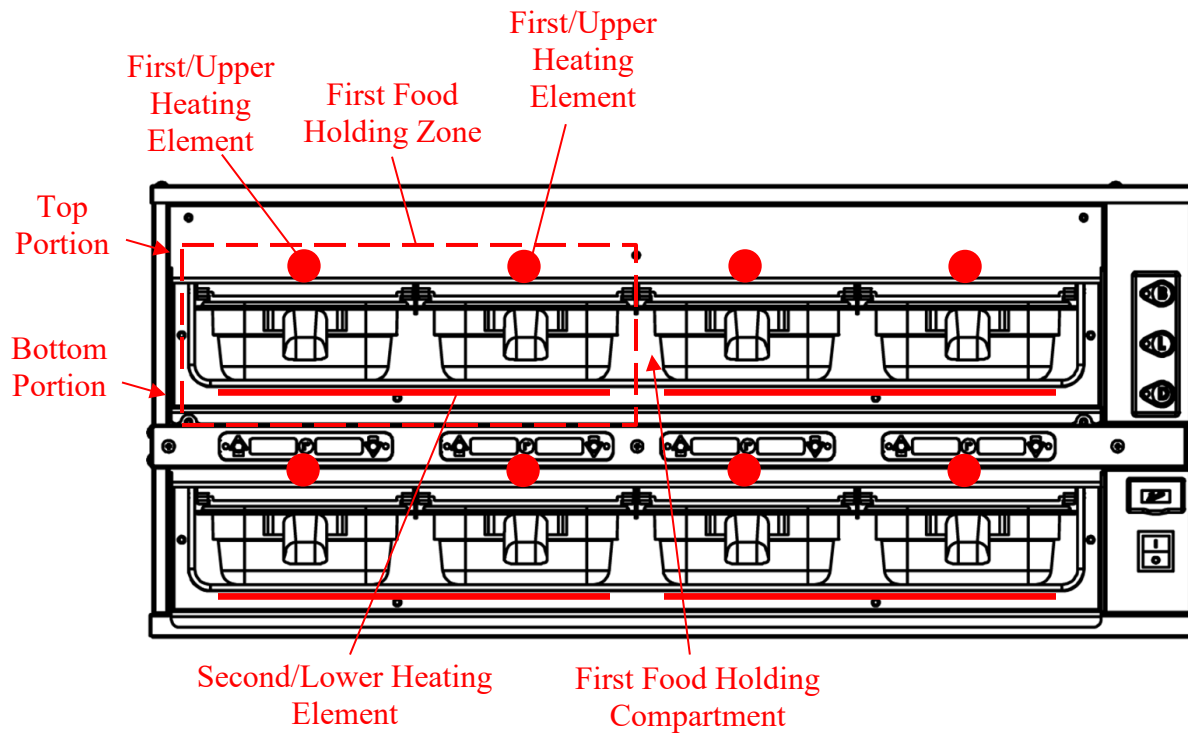
EX1005: 8, 25 (annotated).

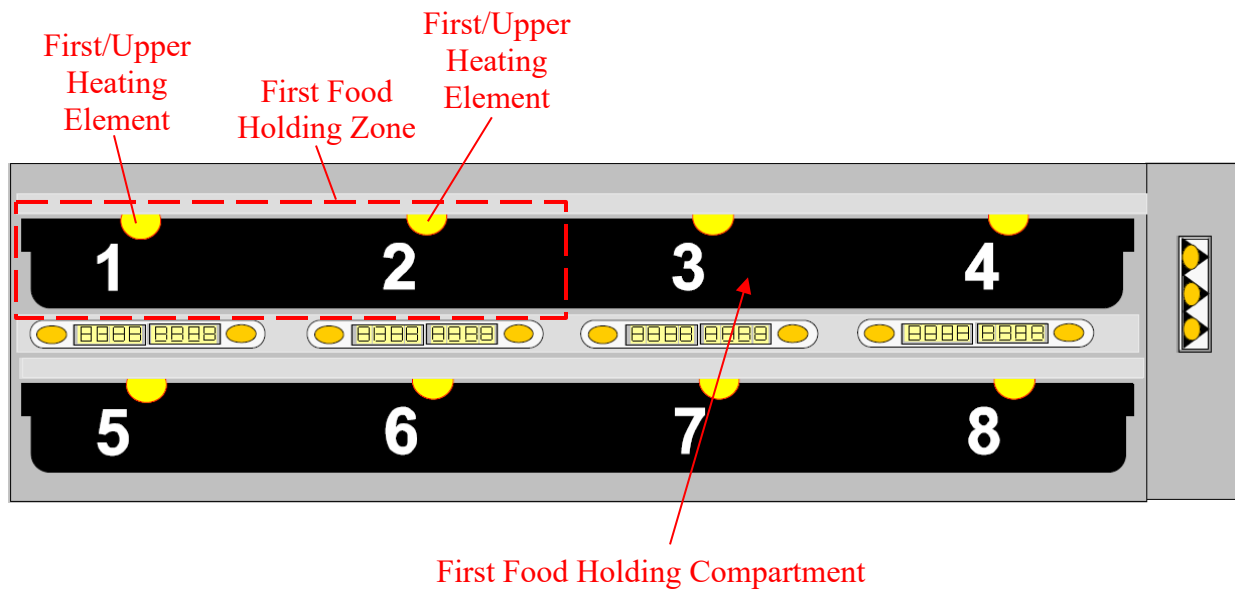
1.d.2: the first food holding zone having an independently controllable first heating element disposed at a top portion of the first food holding compartment, and an independently controllable second heating element disposed at a bottom portion of the first food holding compartment

138. The POSA would recognize that the IRHS Documents disclose the first food holding zone of the IRHS24 Holding Unit as having at “an independently controllable first heating element disposed at a top portion of the first food holding compartment, and an independently controllable second heating element disposed at a bottom portion of the first food holding compartment.”

139. Specifically, the first food holding zone of the IRHS24 Holding Unit is disclosed as having two independently controllable IR bulbs (*i.e.*, first heating element(s)) disposed at the top portion of the first food holding compartment and an independently controllable electrical heating element (*i.e.*, a second heating

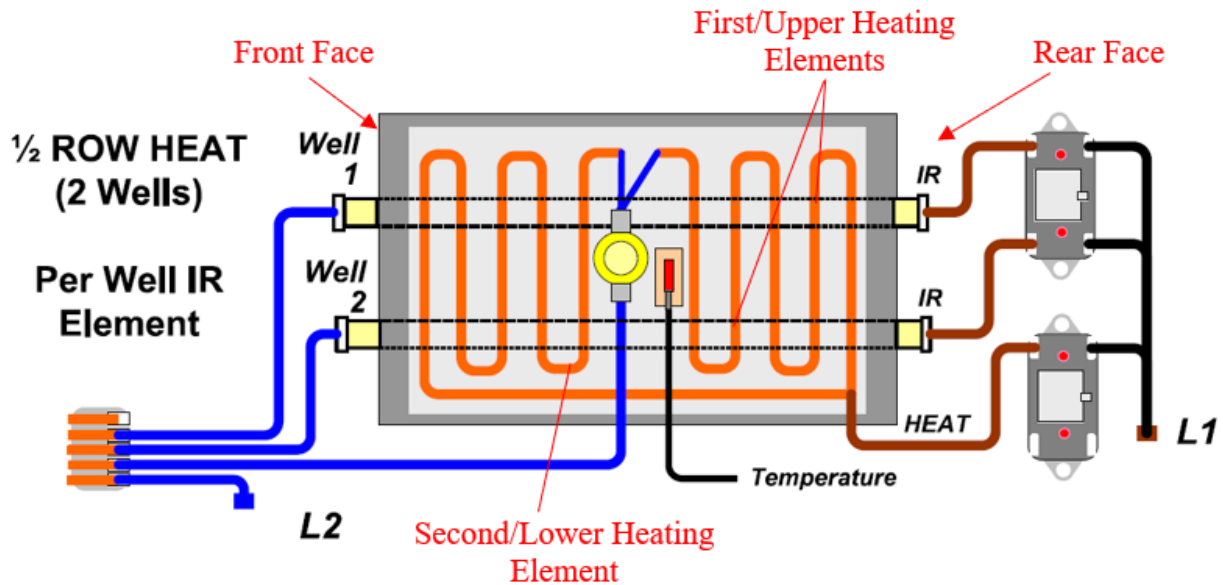
element) disposed at the bottom portion of the first food holding compartment as illustrated.





EX1005: 8, 25 (annotated).

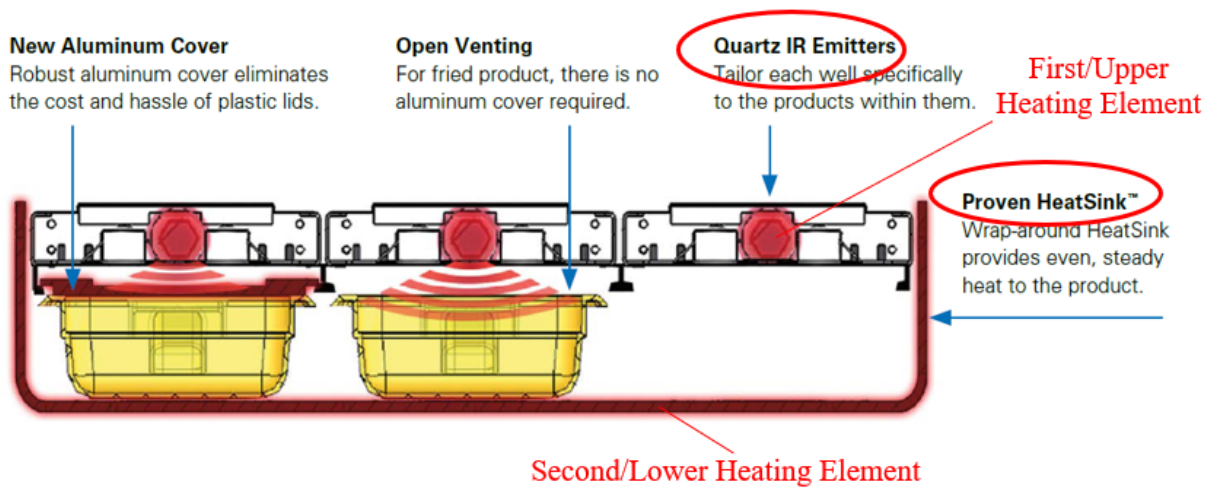
140. More specifically, the POSA would recognize that as disclosed in the IRHS Documents, the IRHS24 Holding Unit has four heating zones. Each heating zone corresponds to one of the food holding zones. The schematic image below shows the first (upper) and second (lower) heating elements for one heating zone in the IRHS24 Holding Unit. EX1005: 21 (elements 16 and 17), 25; EX1007: 53.



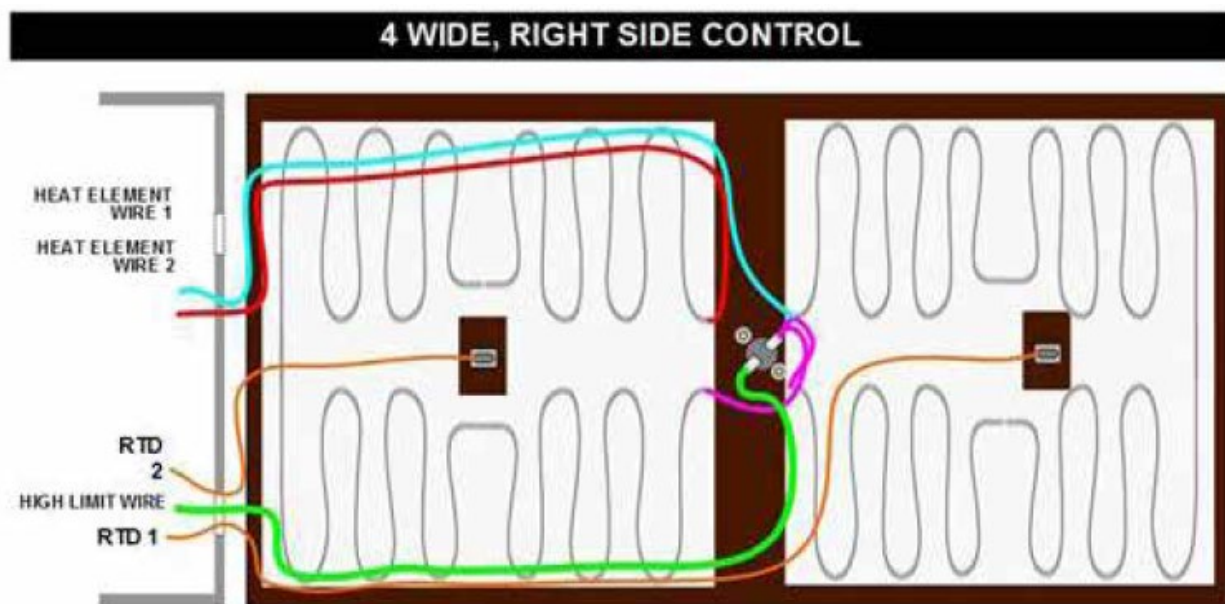
EX1005: 25 (annotated).

141. The IRHS24 Holding Unit is depicted as having two IR upper heating elements for each heating/holding zone (one for each pan location (labeled “well” in the figure replicated above)), and a single lower heating element for the two pan locations in the heating/holding zone.

142. The two IR upper heating elements are disposed at a top portion of the first food holding compartment, and the lower heating element is located at a bottom portion of the first food holding compartment. EX1006: 1 (“Upper IR emitters” and “Bottom zoned heat element”); EX1007: 53.



EX1007: 53 (annotated).



EX1008: 58.

143. The chart for interfacing Duke's Visor control system¹ with the IRHS24 Holding Unit from the IRHS Service Manual (included and annotated

¹ Duke's Visor control system is described in the IRHS Service Manual as being an optional control system for the IRHS, but the POSA would understand that the

below) further informs the POSA on the layout of the IRHS24 Holding Unit's upper and lower heating elements. This chart would confirm to the POSA that the IRHS24 Holding Unit has four lower heating elements, one for each heating/holding zone—comprised of two pan/well holding locations—and eight upper heating elements (IR Bulbs)—two for each heating/holding zone (one for each pan/well location).

	2 x 4	Heat	IR Bulb	Temp.
First Zone	Well 1	B-1	A-1	AB-1
	Well 2		A-2	
Second Zone	Well 3	B-3	A-3	AB-3
	Well 4		A-4	
Third Zone	Well 5	D-1	C-1	CD-1
	Well 6		C-2	
Fourth Zone	Well 7	D-3	C-3	CD-3
	Well 8		C-4	

EX1008: 64 (annotated).

144. For example, the first zone has a lower heating element indicated by “B-1” for pan locations “Well 1” and “Well 2”, the second zone has another lower heating element indicated by “B-3” for pan locations “Well 3” and “Well 4”, and so on. Likewise, the first zone has an upper heating element (IR Bulb) as indicated by “A-1” and “A-2” for each pan location “Well 1” and “Well 2”, the second zone

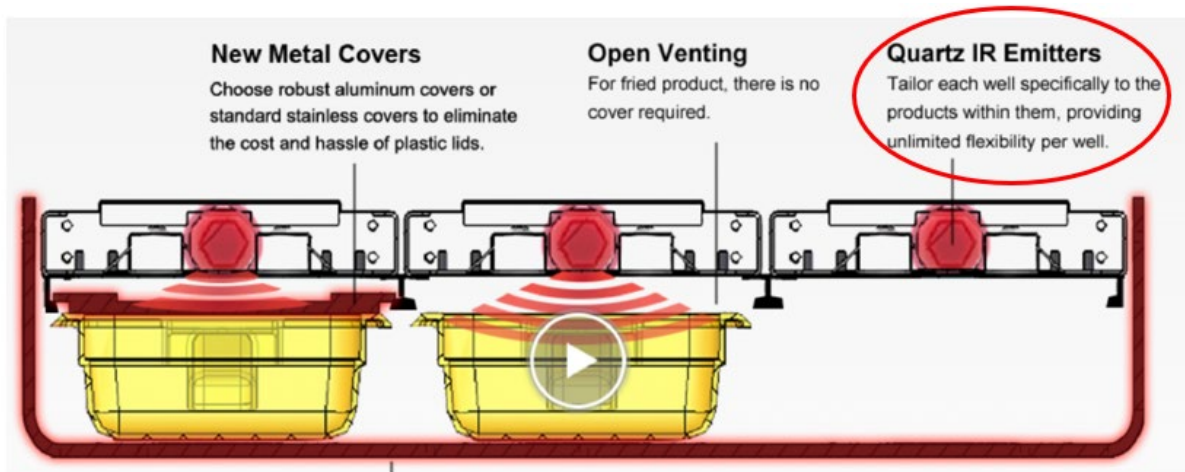
load connections would be the same for both the Visor control system and the standard control system.

has additional upper heating elements (IR Bulbs) as indicated by “A-3” and “A-4” for each pan location “Well 3” and “Well 4”, and so on.

145. The IRHS Documents further disclose that the food holding zone’s upper heating elements and lower heating element are independently controllable from each other and from the heating elements of the other food holding zones. EX1005: 16 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product” and “each food product has a tailored HeatSink temperature and InfraRed pulse rate”), 25; EX1006: 1 (“[z]oned bottom heat” and “individually controlled IR emitters” for top heat); EX1007: 53 (“Precise holding for each product in an optimized environment tailored to that product” and “Total well independence allows freedom in product placement in the IRHS”).

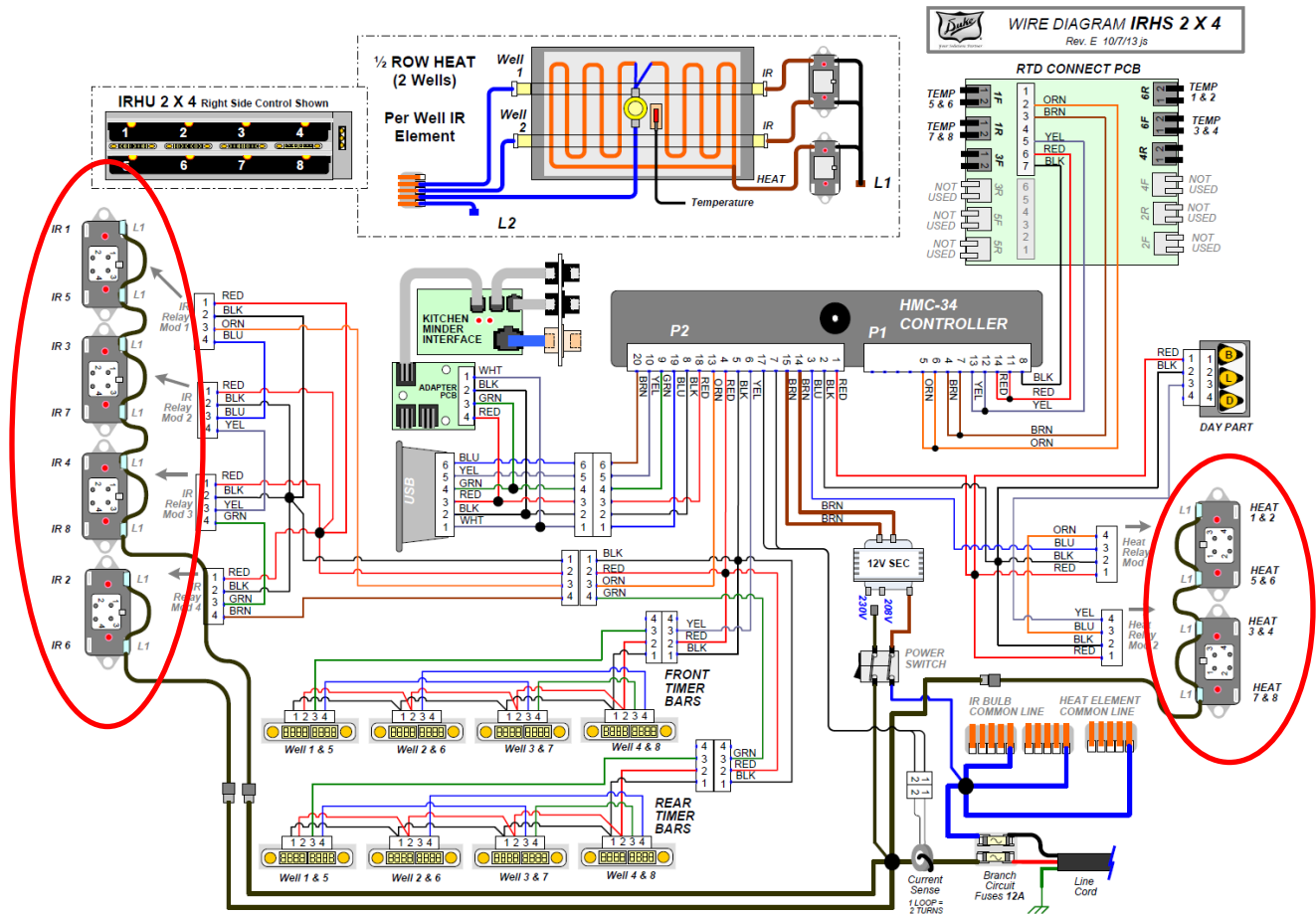
146. The IRHS Documents explain the holding unit has “[z]oned bottom heat” and “individually controlled IR emitters” for top heat. EX1006: 1; EX1007: 53 (“dual holding technologies, InfraRed and HeatSink”); EX1007: 10 (“Quartz IR Emitters” that “[t]ailor each well specifically to the products within them, providing unlimited flexibility per well”), 53 (“IR is pulsed only when needed, leading to drastic energy savings”); EX1005: 15 (“fault with a specified IR Bulb circuit [means] [t]he affected pan location is not available for timing product”).

147. The IRHS Documents teach that the IR bulbs operate independently of the lower heating element. For example, there is an “IR Turbo Boost” function to generate an “instant shot of IR energy.” EX1006: 1; EX1007: 22 (“Utilize ‘Turbo Boost’ for a quick shot of heat to the product”), 53 (“IR is pulsed only when needed, leading to drastic energy savings”).



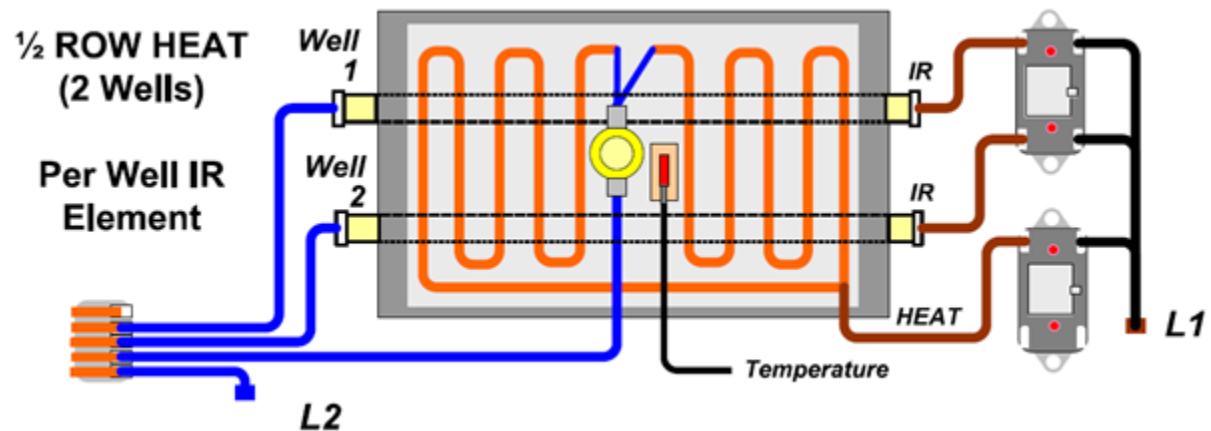
EX1007: 10 (annotated).

148. Moreover, the wiring diagram below shows independent control for each IR bulb for the upper heating and for each zone of heating elements for the lower heating in the IRHS24 Holding Unit.



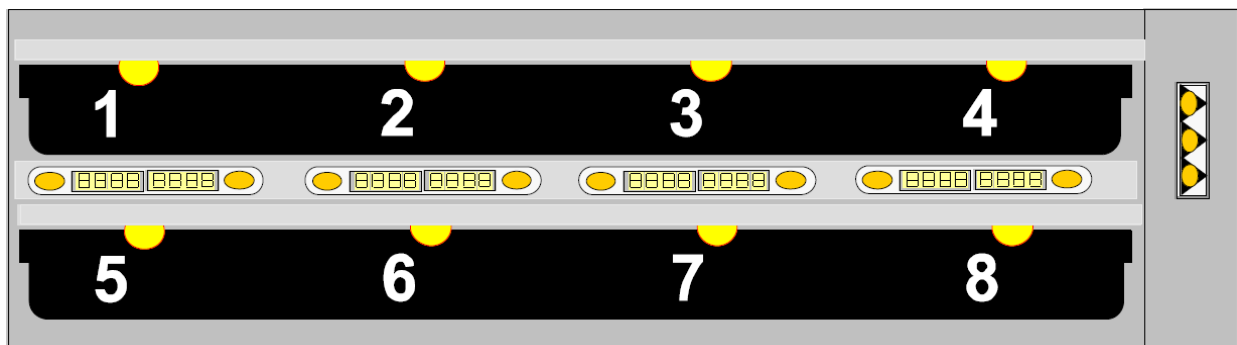
EX1005: 25 (annotated).

149. The diagram for the IRHS24 Holding Unit above includes a schematic (enlarged below) labeled “1/2 Row Heat (2 Wells).” EX1005: 25.



EX1005: 25.

150. It would be understood by the POSA that schematic for the 2x4 IRHS Holding Unit being labeled “*1/2 Row Heat (2 Wells)*” is providing the schematic for a single zone of heating (wells 1 and 2) and would be repeated for each of the three other zones. For example, the POSA would understand that each row of the 2x4 IRHS Holding Unit has zoned bottom heating, *e.g.*, a first electrical resistance heating element for pan holding locations (bays/wells) 1 and 2 and a second electrical resistance heating element for pan holding locations (bays/wells) 3 and 4.

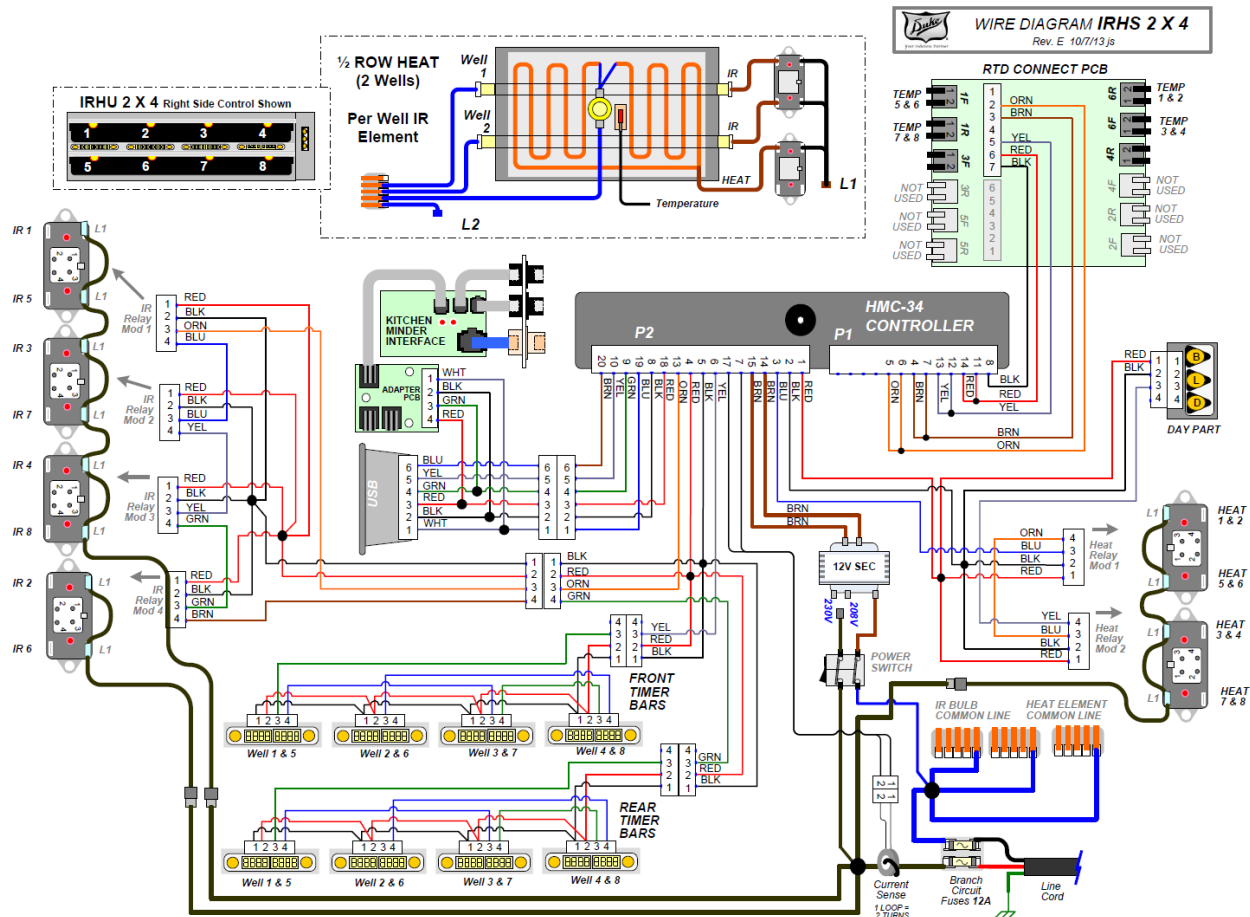


EX1005: 25.

151. Because the 2x4 IRHS Holding Unit has two rows total (*e.g.*, an upper row containing pan holding locations (bays/wells) 1-4 and a lower row containing pan holding locations (bays/wells) 5-8), the POSA understands that the 2x4 IRHS Holding Unit has a total of four (4) lower heating elements (*e.g.*, a first lower heating element for pan holding locations (bays/wells) 1 and 2, a second lower heating element for pan holding locations (bays/wells) 3 and 4, a third lower

heating element for pan holding locations (wells) 5 and 6, and a fourth lower heating element for pan holding locations (wells) 7 and 8.

152. The POSA would further understand from the wiring diagram that the controller is able to independently operate each heating element.



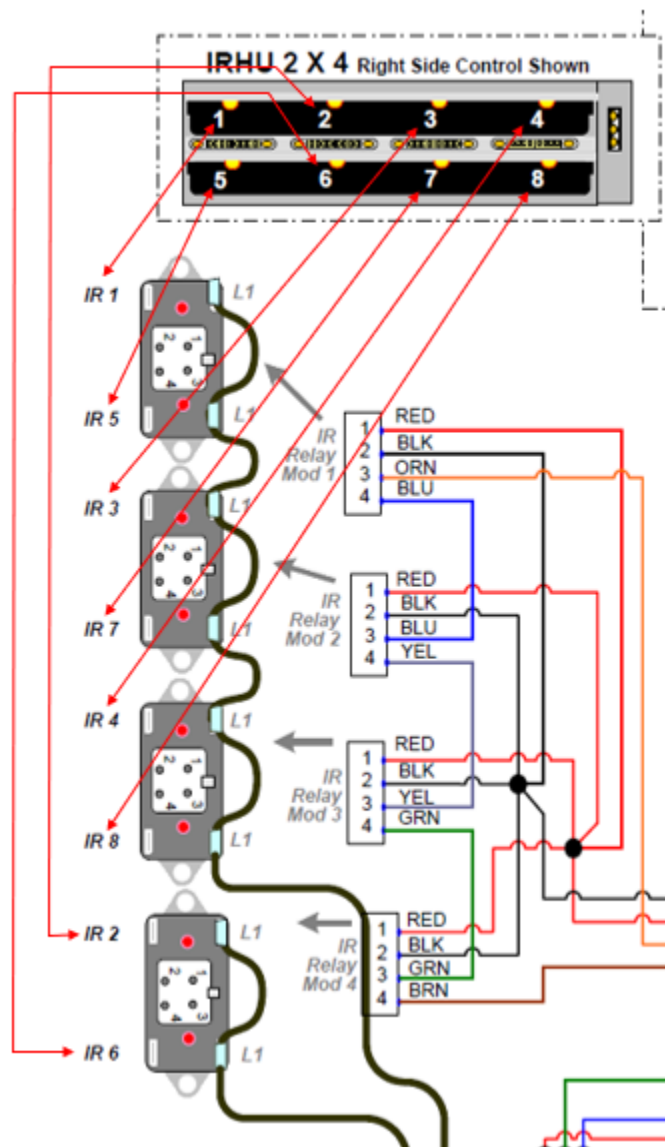
EX1005: 25.

153. The controller in the wiring diagram is communicatively connected to relays (e.g., dual output relays). As known to a POSA, a relay is an electrically operated switch that is opened/closed by a low-voltage signal (such as from a controller) to control a higher-powered circuit. In the wiring diagram, the relays

selectively connect the heating elements to the higher-powered current carrying line L1 for powering the heating elements (*e.g.*, turning the heating elements on). When the relays are closed, the heating elements are connected to and receive current from the higher-powered current carrying line L1 (*e.g.*, heating elements are on and generating heat). When the relays are opened, the heating elements are disconnected from the higher-powered current carrying line L1 (*e.g.*, heating elements are off).

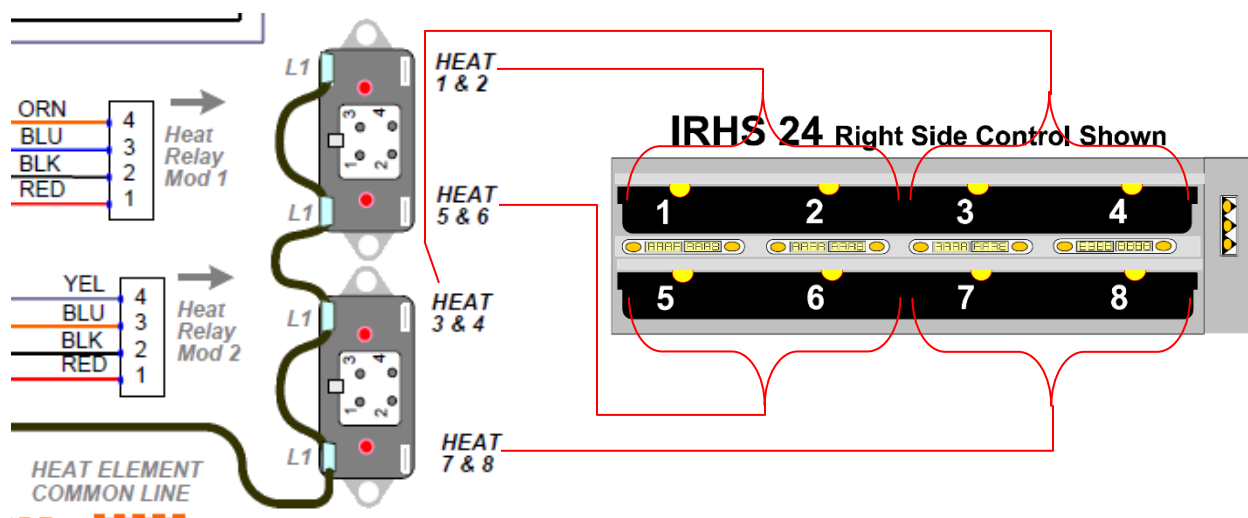
154. As indicated by the wiring diagram, a first IR relay labeled “IR Relay Mod 1” selectively connects the upper IR heating element (labeled “IR 1”) for the first pan holding location (well) to the higher-powered current carrying line L1 and selectively connects the upper IR heating element (labeled “IR 5”) for the fifth pan holding location (well) to the higher-powered current carrying line L1. A second IR relay labeled “IR Relay Mod 2” selectively connects the upper IR heating element (labeled “IR 3”) for the third pan holding location (well) to the higher-powered current carrying line L1 and selectively connects the upper IR heating element (labeled “IR 7”) for the seventh pan holding location (well) to the higher-powered current carrying line L1. A third IR relay labeled “IR Relay Mod 3” selectively connects the upper IR heating element (labeled “IR 4”) for the fourth pan holding location (well) to the higher-powered current carrying line L1 and selectively connects the upper IR heating element (labeled “IR 8”) for the eighth

pan holding location (well) to the higher-powered current carrying line L1. Lastly, a fourth IR relay labeled “IR Relay Mod 4” selectively connects the upper IR heating element (labeled “IR 2”) for the second pan holding location (well) to the higher-powered current carrying line L1 and selectively connects the upper IR heating element (labeled “IR 6”) for the sixth pan holding location (well) to the higher-powered current carrying line L1.



EX1005: 25 (enlarged, annotated).

155. Similarly, a first heat relay labeled “Heat Relay Mod 1” selectively connects the first zoned lower heating element (labeled “HEAT 1 & 2”) for the first and second pan holding locations (wells) to the higher-powered current carrying line L1 and selectively connects the third zoned lower heating element (labeled “HEAT 5 & 6”) for the fifth and sixth pan holding locations (wells) to the higher-powered current carrying line L1. A second heat relay labeled “Heat Relay Mod 2” selectively connects the second zoned lower heating element (labeled “HEAT 3 & 4”) for the third and fourth pan holding locations (wells) to the higher-powered current carrying line L1 and selectively connects the fourth zoned lower heating element (labeled “HEAT 7 & 8”) for the seventh and eighth pan holding locations (wells) to the higher-powered current carrying line L1.



EX1005: 25 (enlarged, annotated).

156. The POSA understands the upper IR heating elements and the zoned lower heating elements operate independently of one another because the upper IR heating elements and the zoned lower heating elements are operated by different relays (*e.g.*, IR Relay Mod 1-4 and Heat Relay Mod 1-2). This understanding is confirmed by other statements in the IRHS Documents. EX1005: 16 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product” and “each food product has a tailored HeatSink temperature and InfraRed pulse rate”), 25; EX1006: 1 (“[z]oned bottom heat” and “individually controlled IR emitters” for top heat, “[e]ach compartment individually controlled,” “[a]lphanumeric control with independent well flexibility”); EX1007: 53 (“Precise holding for each product in an optimized environment tailored to that product” and “Total well independence allows freedom in product placement in the IRHS”).

157. Each of the relays discussed above would be recognized as a dual output relay, meaning that each relay has two outputs for connecting to two different heating elements. Each relay is connected to one heating element for the upper compartment and one heating element for the lower compartment. For example, one output of the first IR relay (“IR Relay Mod 1”) is connected to the upper IR heating element (“IR 1”) for the first pan holding location (well) in the upper compartment, and the other output is connected to the upper IR heating

element (“IR 5”) for the fifth pan holding location (well) in the lower compartment. Similarly, one output of the first heat relay (“Heat Relay Mod 1”) is connected to the first zoned lower heating element (“HEAT 1 & 2”) for the first and second pan holding locations (wells) in the upper compartment, and the other output is connected to the third zoned lower heating element (labeled “HEAT 5 & 6”) for the fifth and sixth pan holding locations (wells) in the lower compartment.

158. The POSA understands that the two outputs of each relay are independent from one another (*e.g.*, each dual output relay includes two independent electrical switches, one for each output). This means each relay can connect one of its heating elements to the higher-powered current carrying line L1 independent of whether or not its other heating element is connected to the higher-powered current carrying line L1. Because each heating element (*e.g.*, the eight upper IR heating elements and the four zoned lower heating elements) is connected to one output of one of the relays, this means that the heating elements are all independently controllable relative to one another.

159. The other IRHS Documents further confirm the two outputs of each relay are independent from one another. The IRHS Specifications state the IRHS Holding Unit has “individually controlled IR emitters.” EX1006: 1. As each IR relay is connected to two upper IR heating elements, the only way for these two heating elements to be “individually controlled” from one another as specified is if

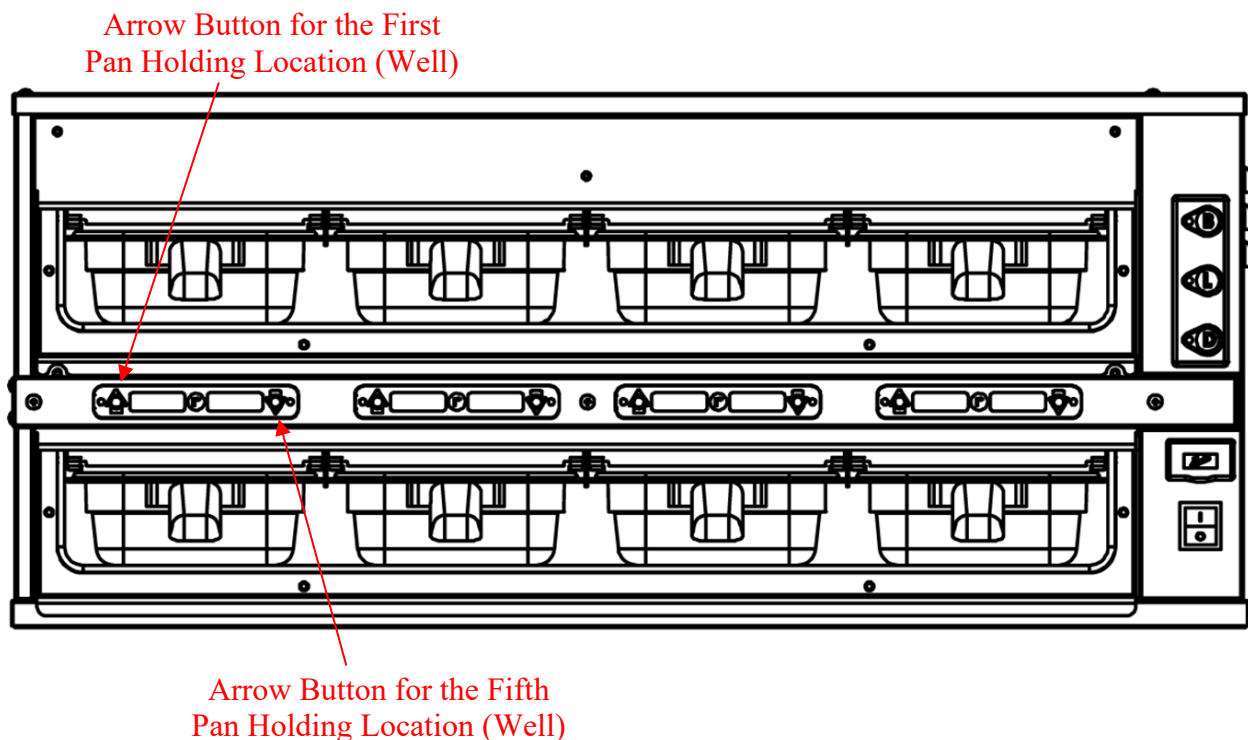
the two outputs of each relay are independent from one another. The IRHS Specifications also states that “[e]ach compartment individually controlled.”

EX1006: 1. As described above, each relay is connected to a heating element of the upper compartment and a heating element of the lower compartment. For these heating elements of the upper and lower compartments that are connected to the same relay to be “individually controlled,” the two outputs of the relay must be controlled independent of one another. The Duke Website makes similar statements that inform the POSA the two outputs of each relay operate independently, such as “[t]otal well independence” and “IR is pulsed only when needed.” EX1007: 53.

160. Beyond the wiring schematics, the IRHS Manual emphasizes that the independent control of the heating elements by stating that the IRHS Holding Unit “allows you to precisely control the environment in each pan, allowing customized settings for each food product” and “each food product has a tailored HeatSink temperature and InfraRed pulse rate.” EX1005: 16.

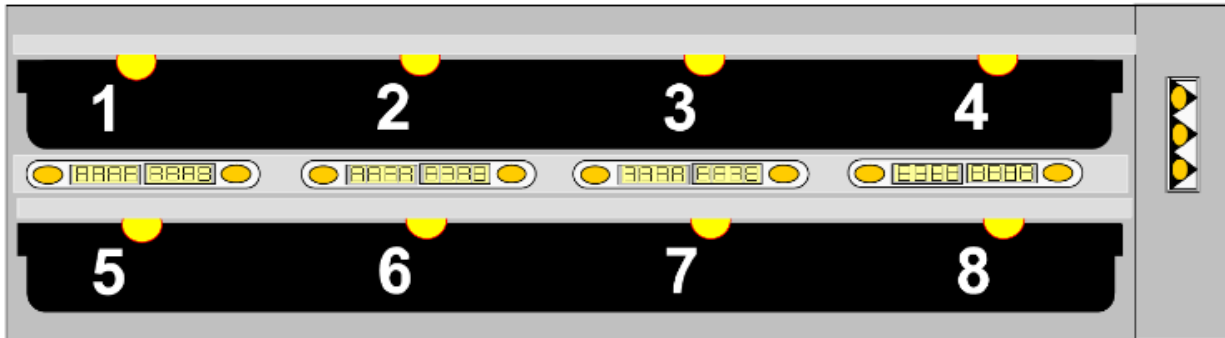
161. Further, the IRHS Manual explains the countdown timer and IR pulse rate for each pan holding location (well) are started by pressing the up or down arrow button corresponding to the pan holding location. EX1005: 16 (“press the up or down arrow corresponding with the pan location to activate a hold cycle. This starts the appropriate IR pulse rate as well as the timer countdown”). As

shown in the wiring diagram and explained in Paragraphs 158-159 above, the upper IR heating elements for the first and fifth pan holding locations (wells) are connected to the same relay (“IR Relay Mod 1”). The two outputs of this relay (“IR Relay Mod 1”) are necessarily independent of one another, so that pressing the up arrow button activates the IR pulse rate for the upper IR heating element for the first pan holding location (well) and pressing the down arrow button activates the IR pulse rate for the upper IR heating element for the fifth pan holding location (well). Otherwise, if the two outputs of the relay were not independent of one another, the pressing of one of these arrow buttons would activate the IR pulse rate for the upper IR heating elements for both the first and fifth pan holding locations (wells).



EX1005: 8 (annotated).

IRHS 24 Right Side Control Shown

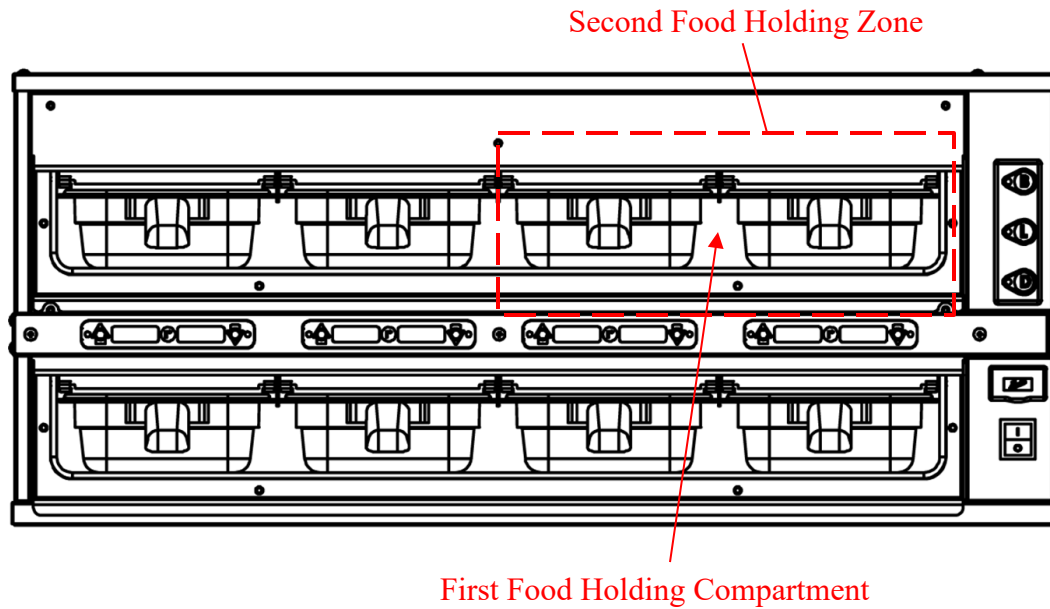
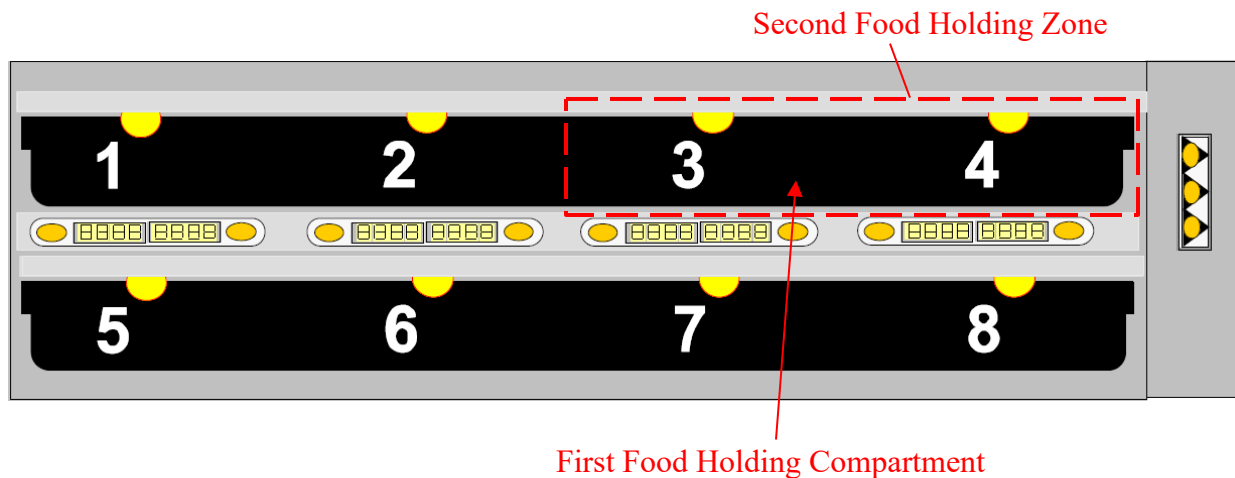


EX1005: 25.

162. Thus, the POSA understands that each and every heating element (*i.e.*, the eight upper IR heating elements and the four zoned lower heating elements) of the IRHS24 Holding Unit is independently controllable relative to one another.

1.e.1: a second food holding zone formed in the first food holding compartment

163. The POSA would recognize that the IRHS Documents disclose that the IRHS24 Holding Unit has a second food holding zone in the first food holding compartment.



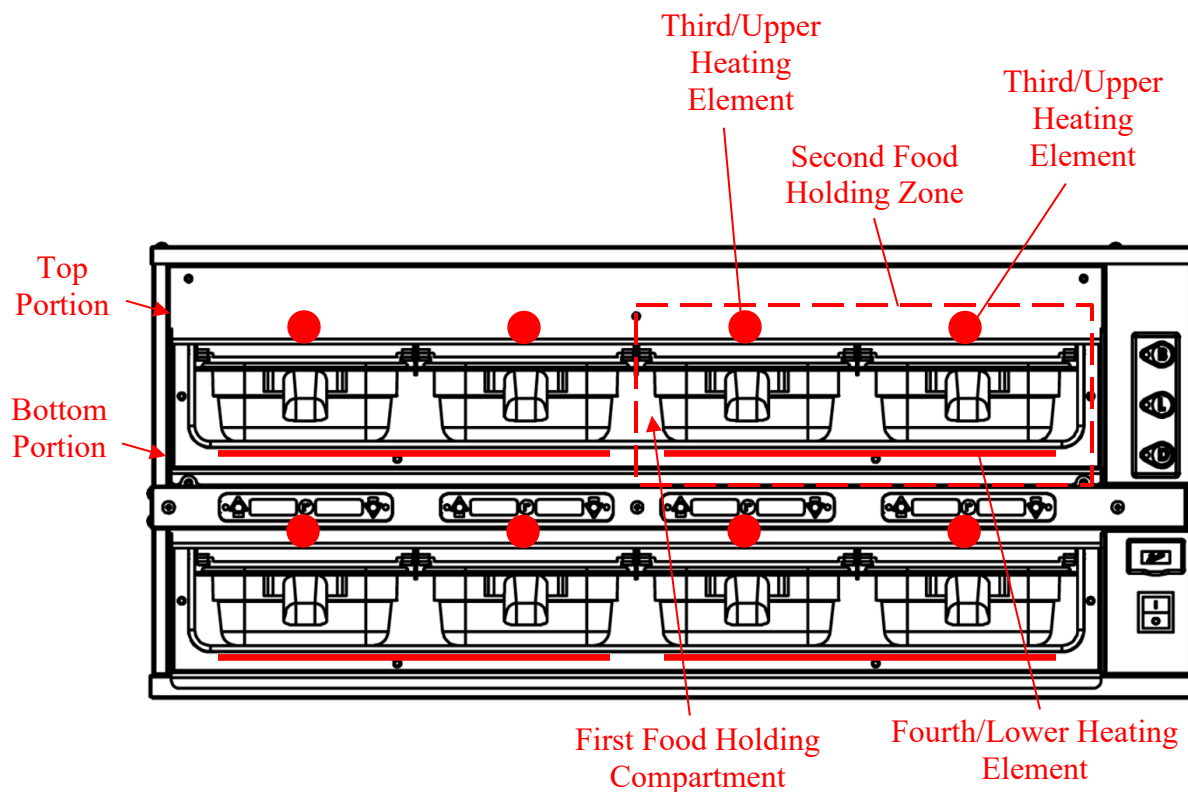
EX1005: 8, 25 (annotated)

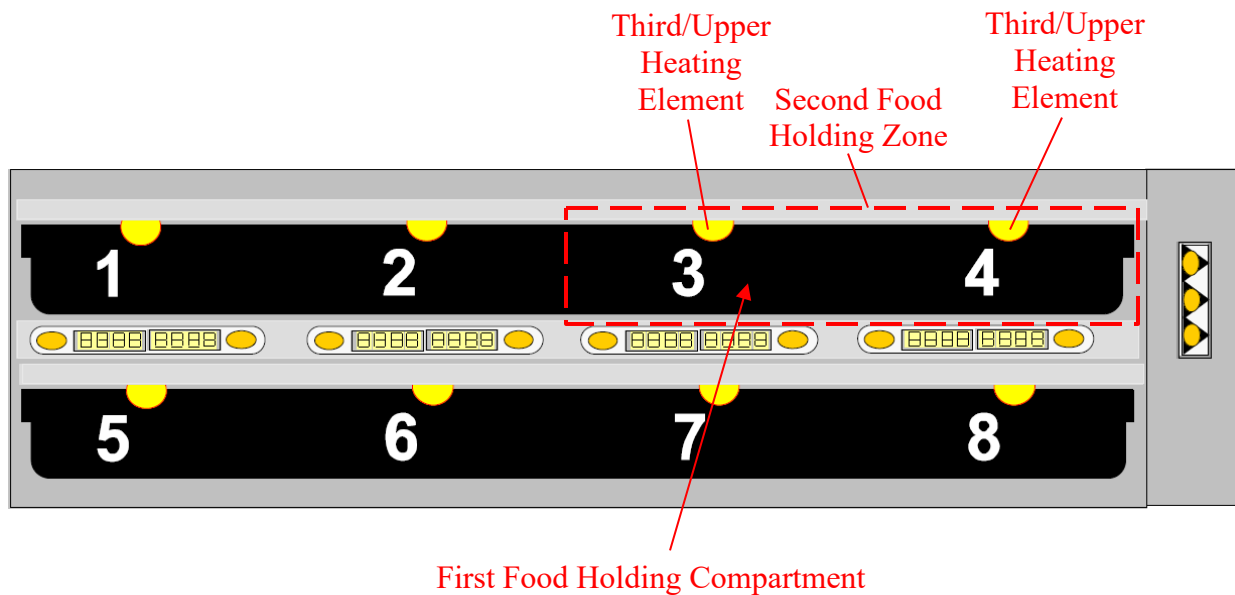
1.e.2: the second food holding zone having an independently controllable third heating element disposed at the top portion of the first food holding compartment and an independently controllable fourth heating element disposed at the bottom portion of the first food holding compartment

164. The POSA would recognize that the IRHS Documents disclose the first food holding zone as having at “an independently controllable third heating

element disposed at a top portion of the first food holding compartment, and an independently controllable fourth heating element disposed at a bottom portion of the first food holding compartment.”

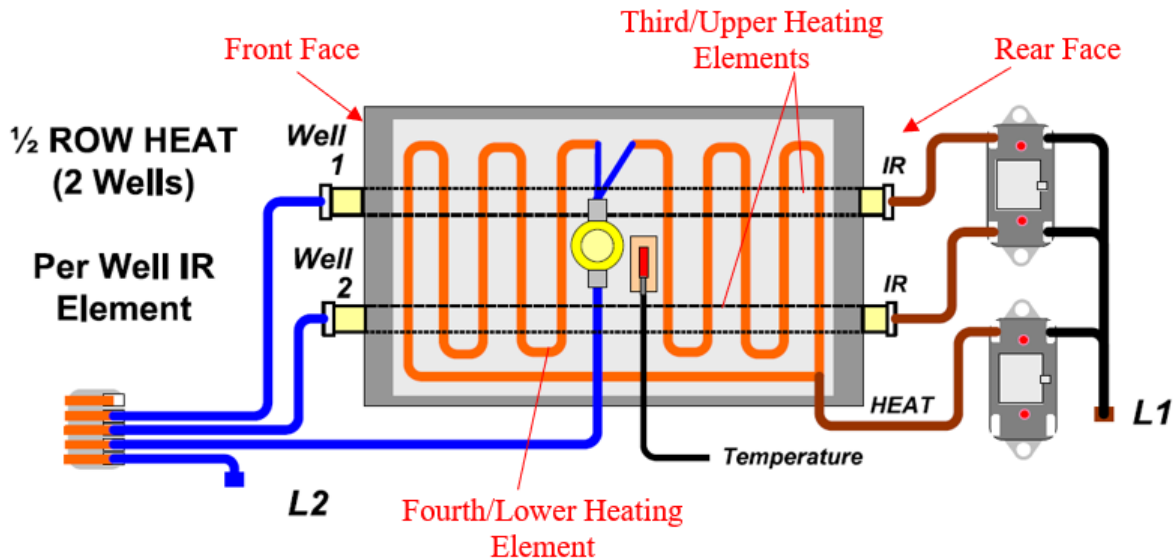
165. Specifically, the second food holding zone of the IRHS24 Holding Unit is disclosed as having two independently controllable IR bulbs (*i.e.*, third heating element(s)) disposed in the top portion of the first food holding compartment and an independently controllable electrical heating element (*i.e.*, a fourth heating element) disposed in the bottom portion of the first food holding compartment as illustrated.





EX1005: 8, 25 (annotated).

166. More specifically, the POSA would recognize that as disclosed in the IRHS Documents, the IRHS24 Holding Unit has four heating zones. Each heating zone corresponds to one of the food holding zones. The schematic image below shows the upper (third) and lower (fourth) heating elements for one heating zone in the IRHS24 Holding Unit. EX1005: 21 (elements 16 and 17), 25; EX1007: 53.

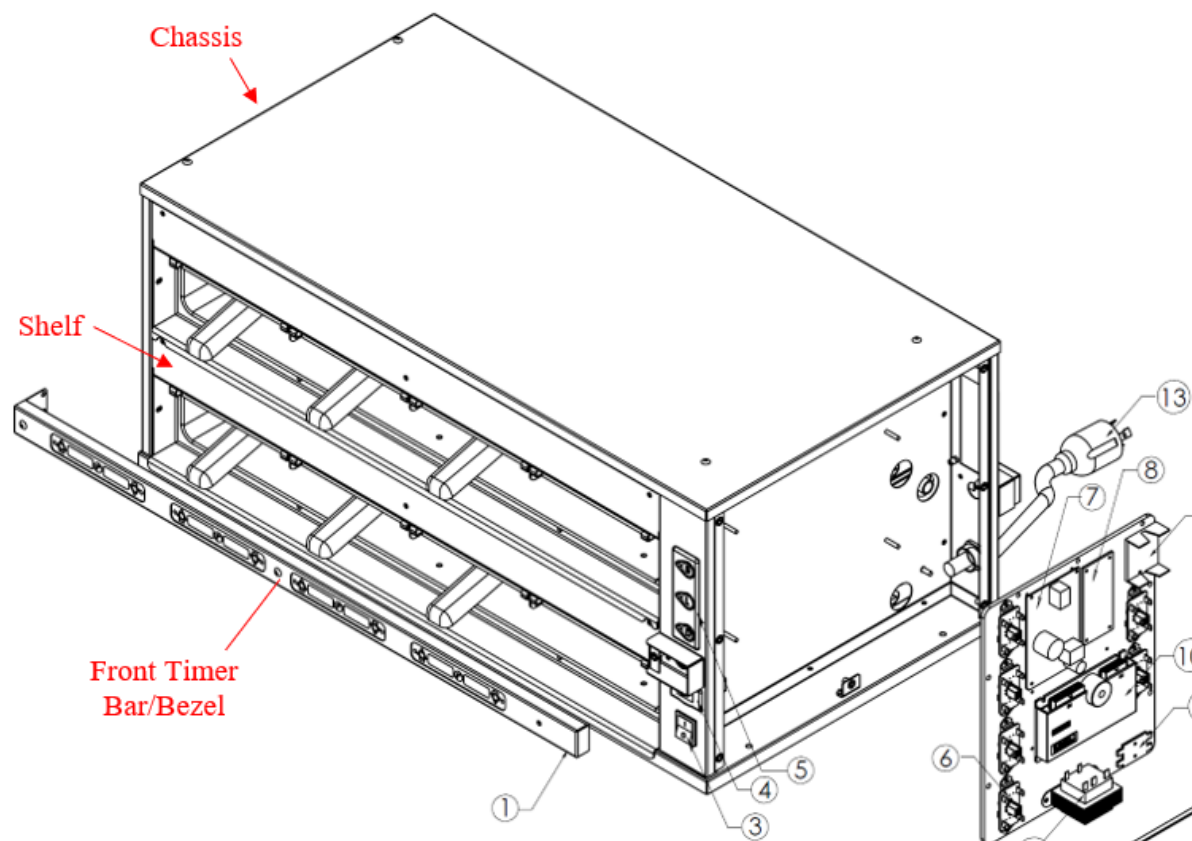


EX1005: 25 (annotated).

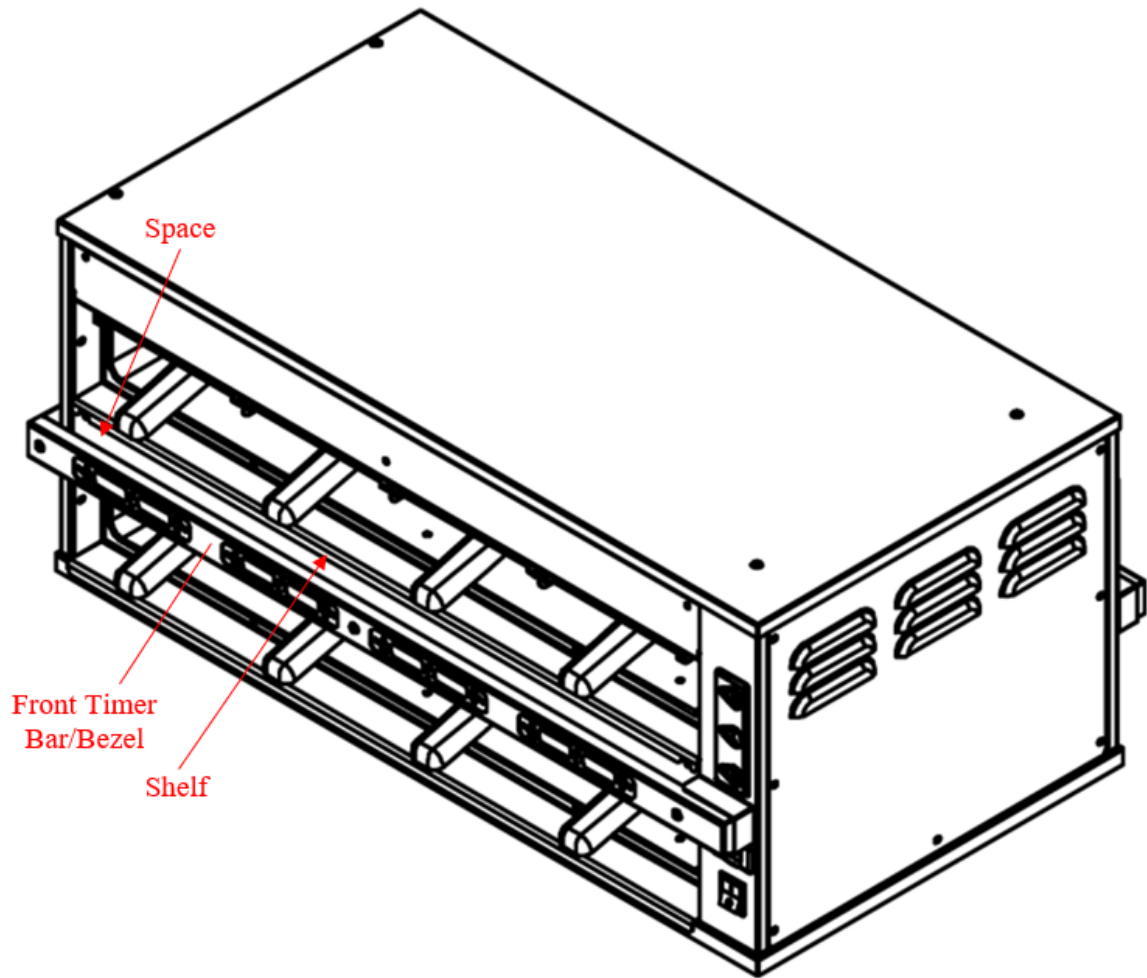
167. The second food holding zone's upper elements (*i.e.*, the third heating element(s)) and lower heating element (*i.e.*, the fourth heating element) are independently controllable from one another and from the heating elements of the other food holding zones, for the same reasons explained above in Paragraphs 138-162 with respect to claim element 1.d.2.

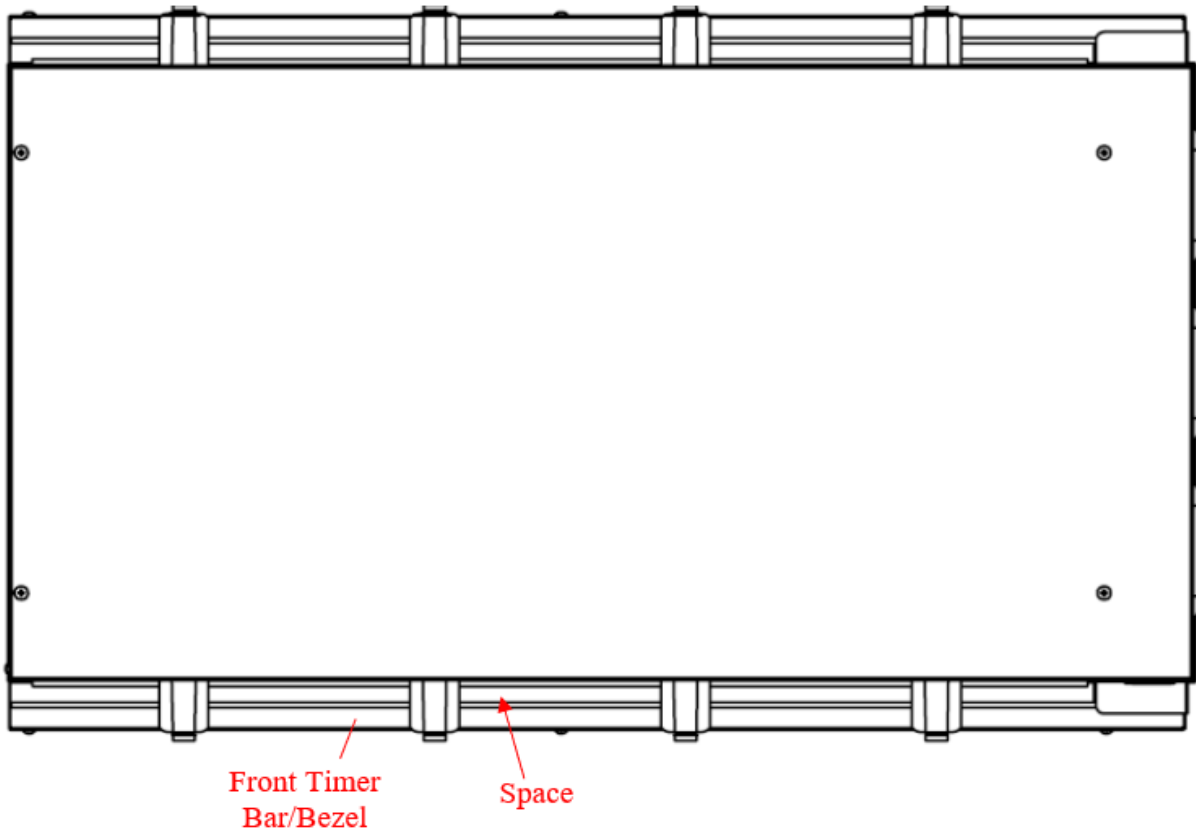
1.f: a first bezel is attached to the chassis and is set forward from the shelf by a space

168. The POSA would recognize that the IRHS Documents disclose that the IRHS24 Holding Unit has a front timer bar (first bezel) that is set forward from the shelf by a space.

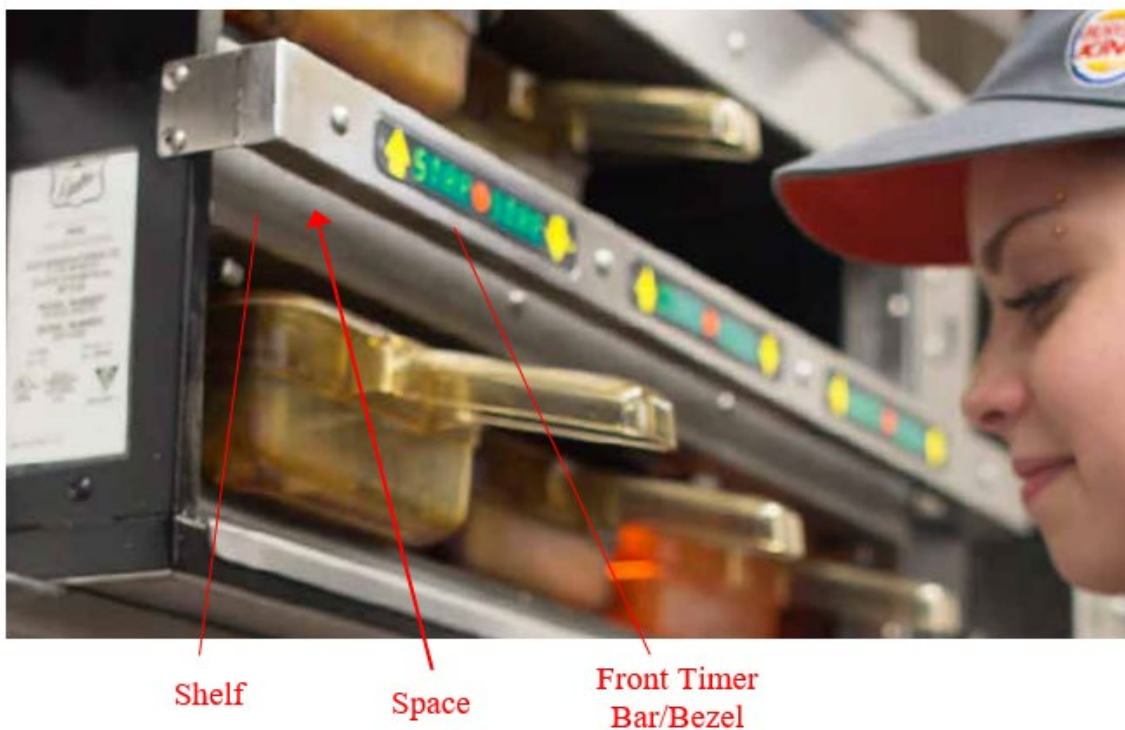


EX1005: 19 (annotated).





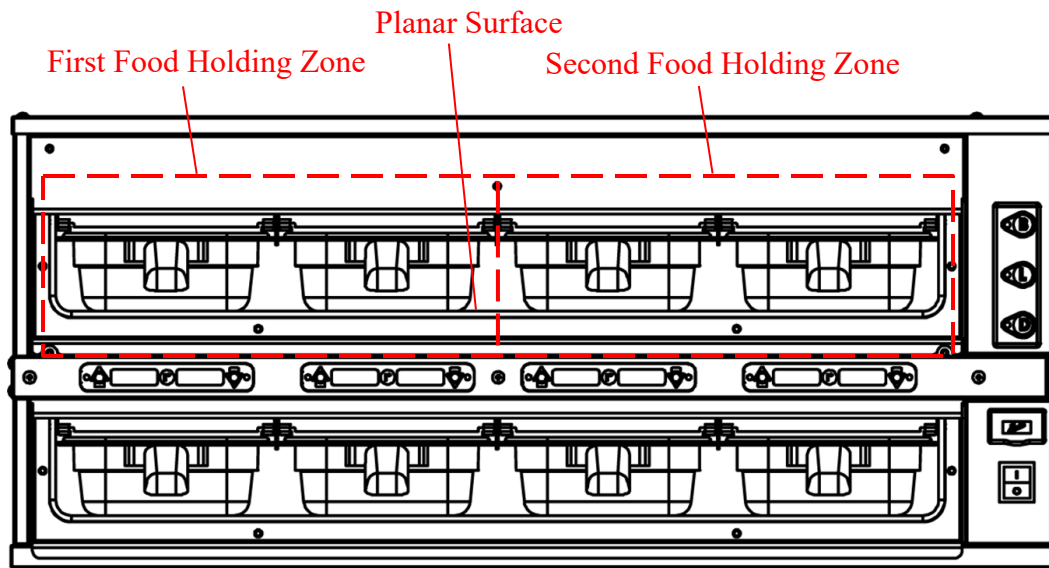
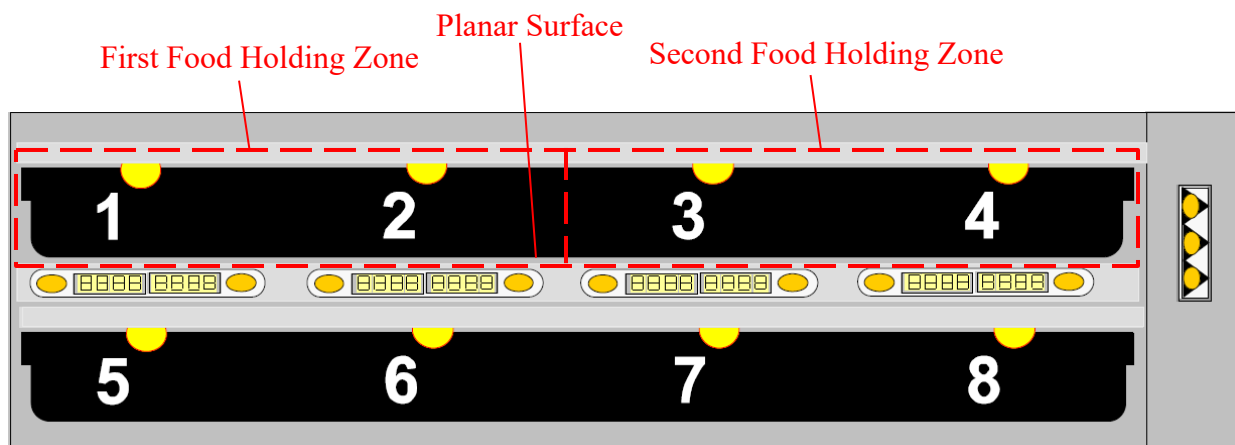
EX1005: 8 (annotated).



EX1007: 28 (annotated).

1.g.1: wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface

169. The POSA would recognize that the IRHS Documents disclose that “the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface.”



EX1005: 8 (annotated).

1.g.2: the first food holding zone is configured to maintain a first temperature and the second food holding zone is configured to maintain a second temperature, the first temperature and the second temperature capable of being different than one another

170. POSA would recognize that the IRHS Documents disclose that the first food holding zone as being configured to maintain a first temperature and the second food holding zone as being configured to maintain a second temperature,

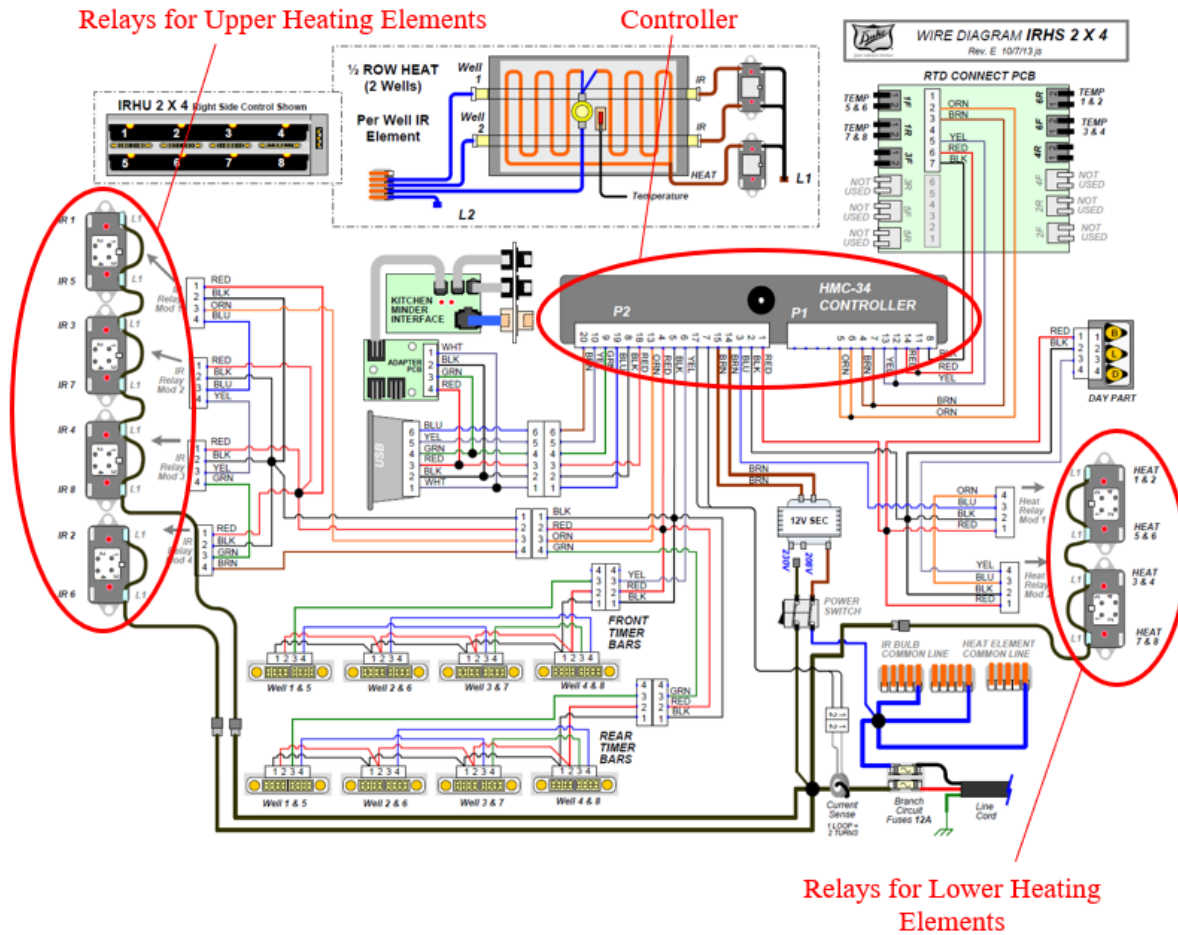
wherein the first temperature and the second temperature may be different from each other.

171. As explained in Paragraphs 138-162 and 164-167 above with respect to claim limitations 1.d.2 and 1.e.2, the upper and lower heating elements of each zone are independently controllable from each other and from the heating elements of the other food holding zones.

172. The IRHS24 Holding Unit includes a controller that operates the heating elements of the different food holding zones independently, so each food holding zone has an independently controlled and maintained temperature (*e.g.*, first temperature, second temperature). EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”); EX1006: 1 (“[c]ustom heat settings for food product”); EX1007: 10 (“[t]ailor each well specifically to the products within them, providing unlimited flexibility per well”), 53 (“[p]recise holding for each product in an optimized environment tailored to that product” and “Total well independence allows freedom in product placement in the IRHS”).

173. As shown in the wiring diagram, the controller is connected to each heating element, enabling the controller to independently operate each heating

element. *See supra* Paragraphs 138-162 (1.d.2). Thus, the temperatures of each zone are capable of being different from one another.



EX1005: 25 (annotated).

CONTROLLER

The Controller is used to control the Relays and RTD Sensors. It is located inside the control compartment.

EX1008: 30.

174. For example, the controller individually controls the IR emitters to “pulse on and off for controlling optimum amount of energy being applied to the food” and the bottom heat is zoned “to provide additional holding environment customization.” EX1006: 1; EX1007: 10 (“Quartz IR Emitters” that “[t]ailor each well specifically to the products within them, providing unlimited flexibility per well”); EX1005: 25 (“1/2 Row Heat (2 Wells)”; Paragraphs 138-162 (1.d.2).

175. The controller operates the heating elements of each food holding zone based on the specific food product type(s) assigned to the pan locations in the food holding zones. EX1006: 1 (“[c]ustom heat settings for food product”); EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”), 25 (“1/2 Row Heat (2 Wells)”; EX1007: 51 (“each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold”).

176. Based on the food product types assigned to the pan locations in the different zones, the controller controls each of the four food holding zones to provide a different food holding temperature, where each food holding temperature corresponds to the food product held in the respective zone.

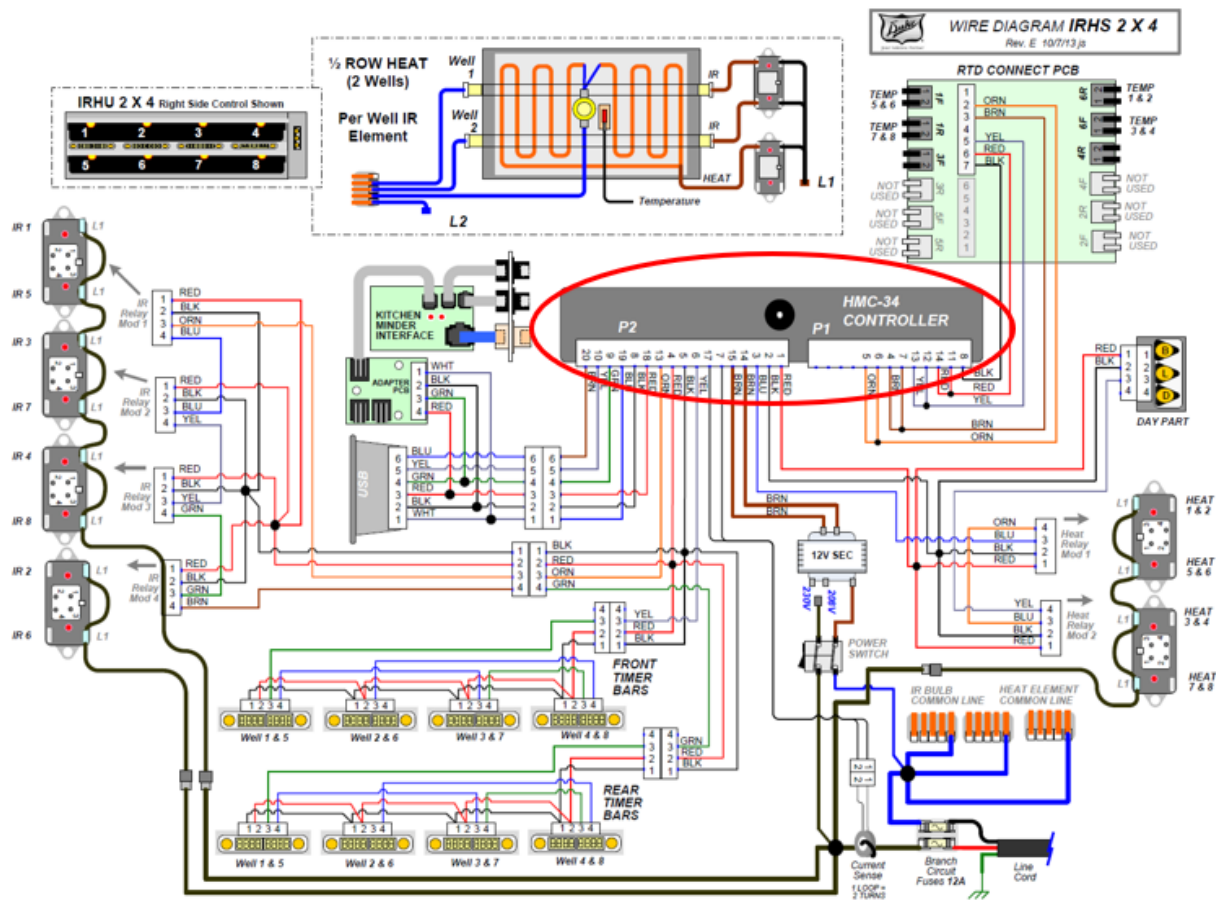
177. Accordingly, the first and second food holding zones (heating zones) of the IRHS24 Holding Unit each have a maintainable food holding temperature.

EX1006: 1 (“[c]ustom heat settings for food product,” “[e]ach compartment individually controlled”); EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”); EX1007: 10 (“Quartz IR Emitters” that “[t]ailor each well specifically to the products within them, providing unlimited flexibility per well”), 53 (“[p]recise holding for each product in an optimized environment tailored to that product” and “Total well independence allows freedom in product placement in the IRHS”).

178. For each food holding zone (*e.g.*, each of the first and second food holding zones), a vertical temperature profile (including temperatures from top to bottom of each food holding zone) is disclosed as being controllable by the IRHS24 Holding Unit’s controller (disclosed as being an HMC-34 Controller) based on independent control of the upper and lower heating elements. EX1006: 1; EX1007: 51; EX1005: 16, 25.

179. The controller of the IRHS24 Holding Unit operates the upper and lower heating elements of each food holding/heating zone to control a food holding temperature. EX1006: 1 (“[d]ual technology heating to reduce temperature variance from top to bottom”); EX1007: 51 (“deliver a consistently hot pan of product, from top to bottom”). EX1005: 16 (“[t]his new technology allows you to

precisely control the environment in each pan, allowing customized settings for each food product”), 25; EX1006: 1 (“[z]oned bottom heat” and “individually controlled IR emitters” for top heat); EX1007: 51 (“each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold”), 53 (“Precise holding for each product in an optimized environment tailored to that product”).



EX1005: 25 (annotated).

180. For example, the IRHS24 has a controllable food holding temperature at a bottom of the food holding zone based on a heat sink temperature setting for

the type of food and with the temperature being monitored and maintained via feedback from a heat sink temperature sensor. EX1005: 16 (“each food product has a tailored HeatSink temperature”), 25 (“1/2 Row Heat (2 Wells)”); EX1006: 1 (“[z]oned bottom heat”); EX1007: 53 (“Precise holding for each product in an optimized environment tailored to that product”).



This indicates the Heat Sink Temperature for BURG.

EX1005: 17.

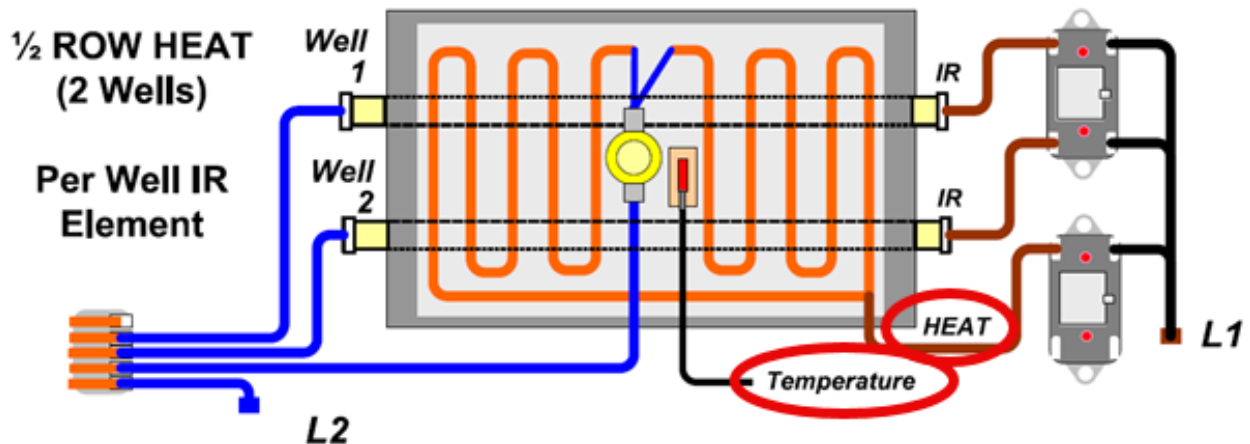
SENS – SENSOR FAULT

- May indicate the unit has been programmed improperly (i.e. loading a 2x4 product configuration file into a 2x2 unit). An attempt to properly reprogram the unit should be made.
- May indicate a fault with a **heat sink temperature sensor**. The affected pan location is not available for timing product and a qualified service technician should be contacted to identify the cause of the fault

TEMPERATURE CHECK PROCEDURE

1. A digital temperature meter that has been calibrated must be used to get an accurate temperature reading. Use a thermocouple surface temperature probe to measure temperatures.
2. **No pans should be in wells during the pre-heat and temperature check.** Pre-heat the warmer for 30 minutes before taking any temperature readings. Do not take readings unless the cavity has been empty for 30 minutes. This will allow the temperature to stabilize and will prevent false readings.
3. The warmer cavity should be cleaned and empty before the temperature is checked. Avoid any air drafts that might flow through the cavity.
4. Locate the **surface temperature probe on the bottom of the first cavity** as shown for the cabinet size.
5. **All temperature controls exhibit a swing in temperature as the control cycles on and off while regulating to the set point.** The correct calibration temperature is the average of several readings taken over a period of 20 minutes after the warmer has been pre-heated. The average temperature should be $\pm 5^{\circ}\text{F}$ from the set point.

EX1005: 15 (annotated).



EX1005: 25 (annotated).

The table is annotated with red text and arrows. Above the table, three red labels with arrows point to the columns: 'Heat Sink Elements' points to the 'Heat' column, 'IR Elements' points to the 'IR Bulb' column, and 'RTDs/Temperatures' points to the 'Temp.' column. To the left of the table, four red labels with curly braces group the rows: 'First Zone' for Well 1, 'Second Zone' for Wells 2-4, 'Third Zone' for Wells 5-6, and 'Fourth Zone' for Wells 7-8. The cell 'AB-1' in the 'Temp.' column for Well 1 is circled in red.

	2 x 4	Heat	IR Bulb	Temp.
First Zone	Well 1	B-1	A-1	AB-1
	Well 2		A-2	
Second Zone	Well 3	B-3	A-3	AB-3
	Well 4		A-4	
Third Zone	Well 5	D-1	C-1	CD-1
	Well 6		C-2	
Fourth Zone	Well 7	D-3	C-3	CD-3
	Well 8		C-4	

EX1008: 64 (annotated).

181. Still further, the IRHS Documents teach to customize temperature settings by food type and setting the holding zones such that each holding zone may have different food types. EX1006: 1 (“[c]ustom heat settings for food product”); EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”); EX1007: 51 (“each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold”), 53 (“[p]recise holding for each product in an optimized environment tailored to that product”). The temperature settings for each pan location (bays)/heating zone are independent of the other food product types being held in the other pan locations (bays)/zones. EX1005: 25 (“1/2 ROW HEAT (2 Wells)”); EX1006: 1 (“independent well flexibility”); EX1007: 53 (“[t]otal well independence allows

freedom in product placement in the IRHS” and “[t]ailor each well specifically to the products within them”).



EX1007: 12.

182. In addition to being explicitly taught by the IRHS Documents, the POSA would have been highly motivated to design a food holding unit capable of heating the food holding zones to different temperatures to accommodate customized heat settings for different types of food received in each holding zone (e.g., the first and second, holding zones receive respective different first and second food types) and to increase holding capacity for different types of cooked food to meet customer demands. EX1028: 30 (“[i]t is critically important that each of these ‘heat zones’ be set to the appropriate temperature for each type of food product”), 14 (example temperatures), 39 (example temperatures); EX1019: 1:17-45 (explaining “‘fast food’ restaurants compete to deliver food products as quickly as possible while preserving quality of the taste, consistency, and appearance of the

food” and outlining “challenges” of “maintain[ing] a large volume of different food products” each “requir[ing] different storage temperatures”); EX1010: ¶[0024] (“establish two or more heat zones of differing temperatures within the warming volume, to allow food products that require different warming temperatures to be simultaneously disposed within the cart”). There would have been a reasonable expectation of success because of the IRHS Documents’ teachings and the known suitability of heated multi-zone food cabinet shelves. EX1019: 4:36-59; EX1020: ¶¶[0021]-[0023]; EX1012: ¶¶[0069], [0072], [0096].

183. Accordingly, each limitation of Claim 1 is disclosed within the IRHS Documents.

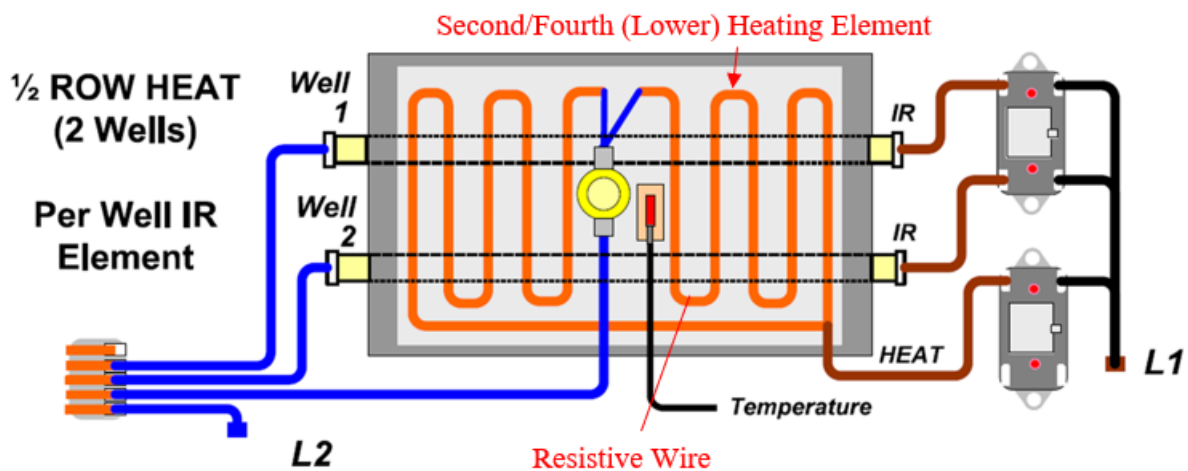
184. Because the IRHS Documents would have been understood to be describing the same family of IRHS Holding Units, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents—which collectively disclosed each limitation of Claim 1—to arrive at the food holding bin as claimed in Claim 1.

C. Claim 3: the food holding bin of claim 1, wherein the first, second, third, and fourth heating elements each comprise resistive wire

185. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

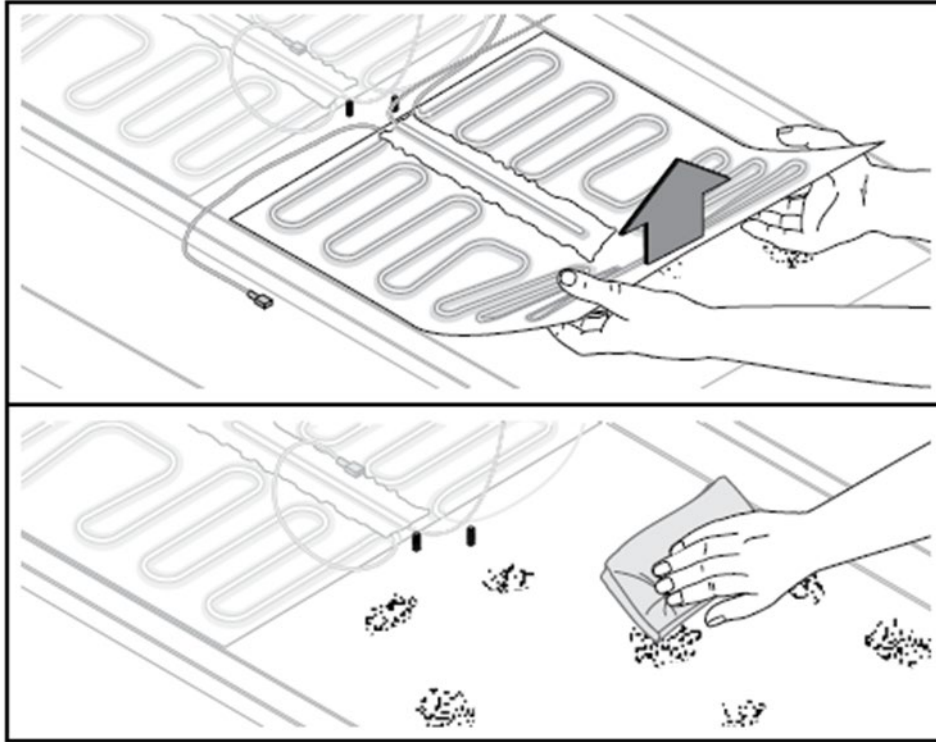
186. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 3 further requiring “the first, second, third, and fourth heating elements each comprise resistive wire.”

187. As disclosed in the IRHS documents, the second and fourth (lower) heating elements of the IRHS24 Holding Unit comprise a resistive wire, as shown below:



EX1005: 25 (annotated).

13. Remove the affected Heat Element by peeling off from the heat sink. Ensure any excess tape and/or adhesive is removed.

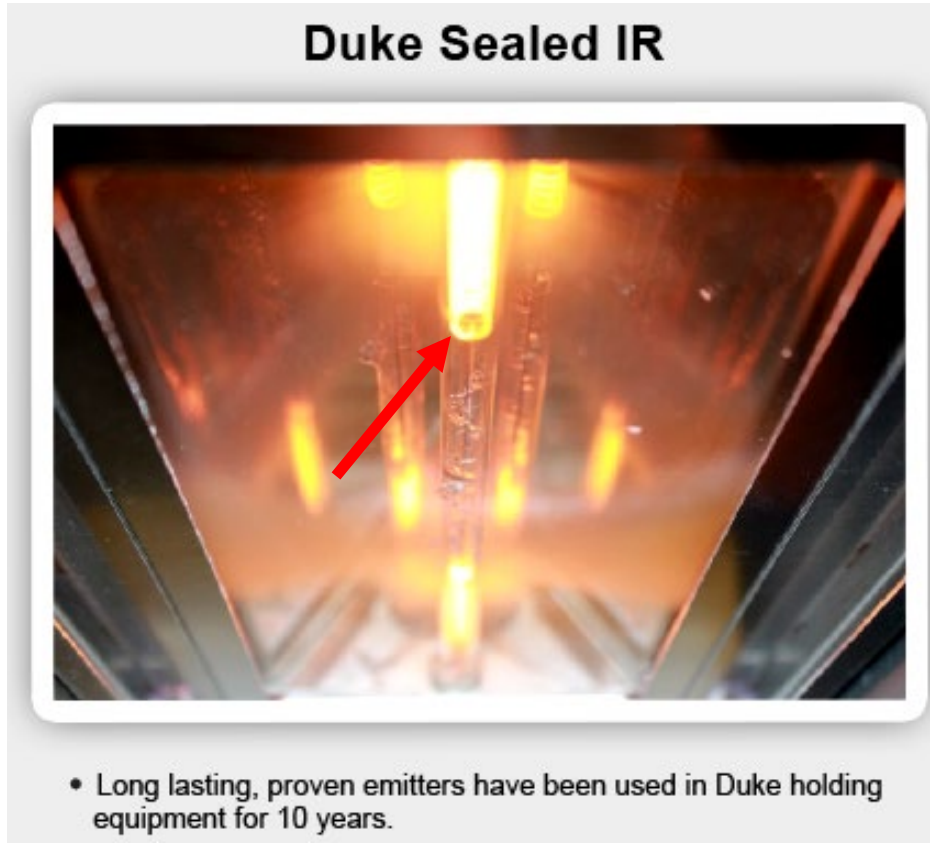


EX1008: 22 (showing the resistive wire is flexible).

188. The image above from the IRHS Service Manual shows the lower heating element for one zone being pulled off of the bottom of the heat sink. The image shows what the POSA understands to be a serpentine resistive wire heating element. Such a resistive wire heating element has the flexibility shown in the image (the illustrated bending as the user is peeling off the lower heating elements).

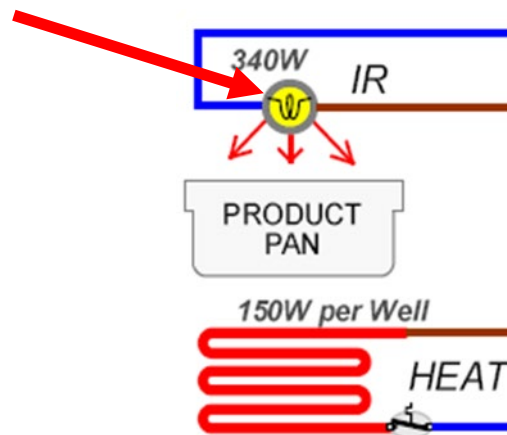
189. As disclosed in the IRHS documents, each first and third (upper) heating elements of the IRHS24 Holding Unit are Quartz IR Bulbs which the

POSA understands includes a coiled resistive wire that glows orange when converting electrical energy into heat via resistance. EX1007: 53 (“Quartz IR Emitter”); EX1025: 1:29-30 (“[t]he usual quartz infrared heater consists essentially of a resistance wire heating element”).





EX1007: 11 and 36 (annotated).



EX1008: 64 (showing schematic coiled resistive wire).

190. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 3.

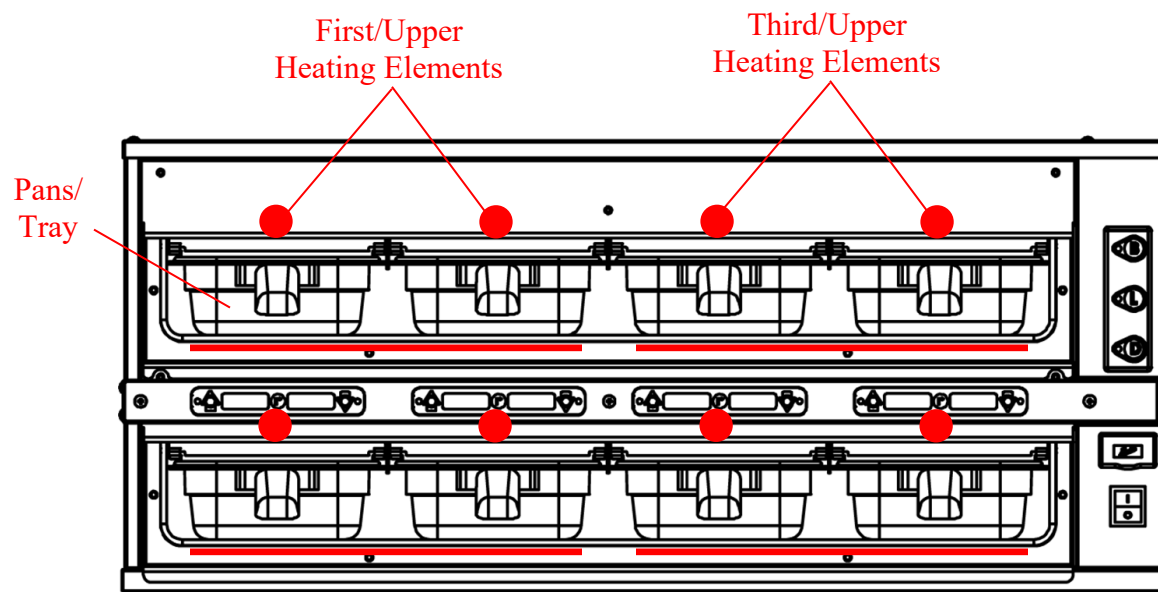
D. Claim 4: the food holding bin of claim 1, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction

191. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

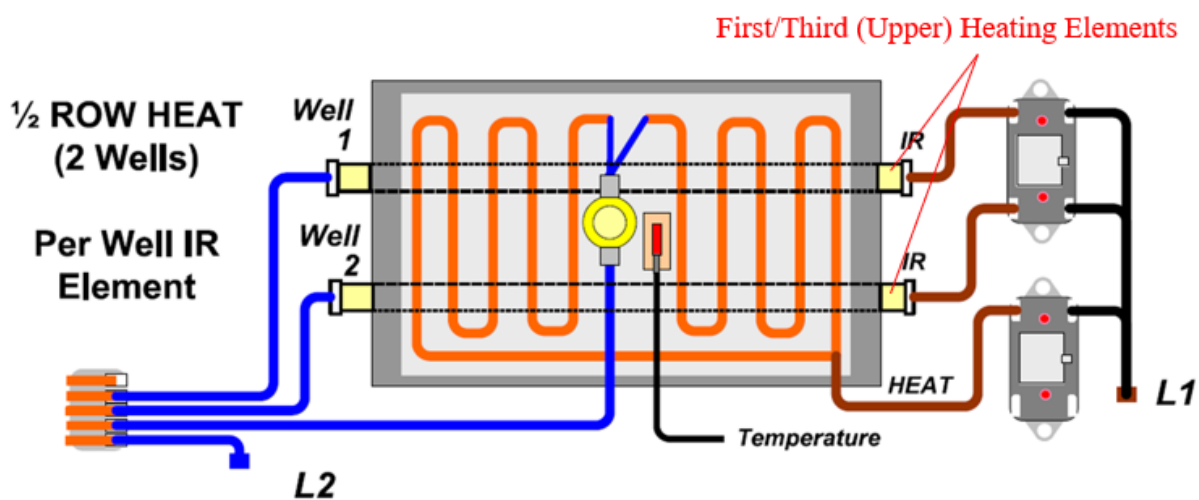
192. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 4 further requiring that “the first and third heating elements provide heat energy through radiation” and that “the second and fourth heating elements provide heat energy through conduction.”

193. As disclosed in the IRHS Documents, the upper (*i.e.*, first and third) heating elements are IR bulbs that provide infrared radiant heat (*i.e.*, the transfer of thermal energy through infrared spectrum radiation) to the food pans/trays.

EX1005: 20 (ref. no. 17 – “BULB – IR”); EX1007: 51 (“top-down InfraRed heat”).

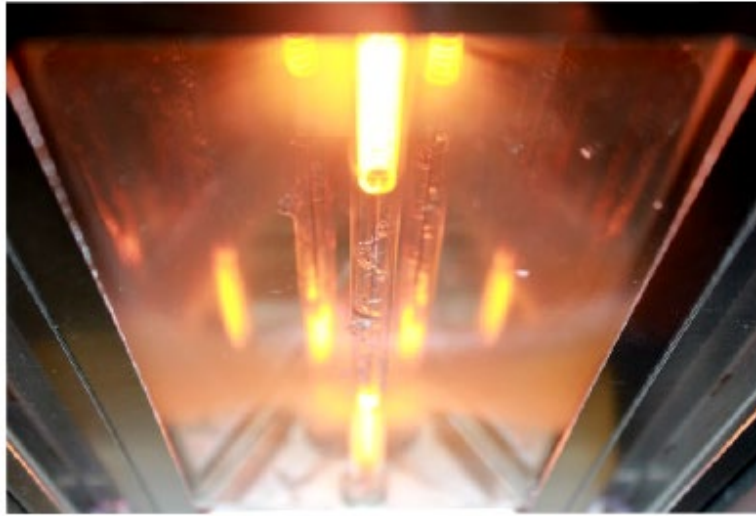


EX1005: 8 (annotated).



EX1005: 25 (annotated).

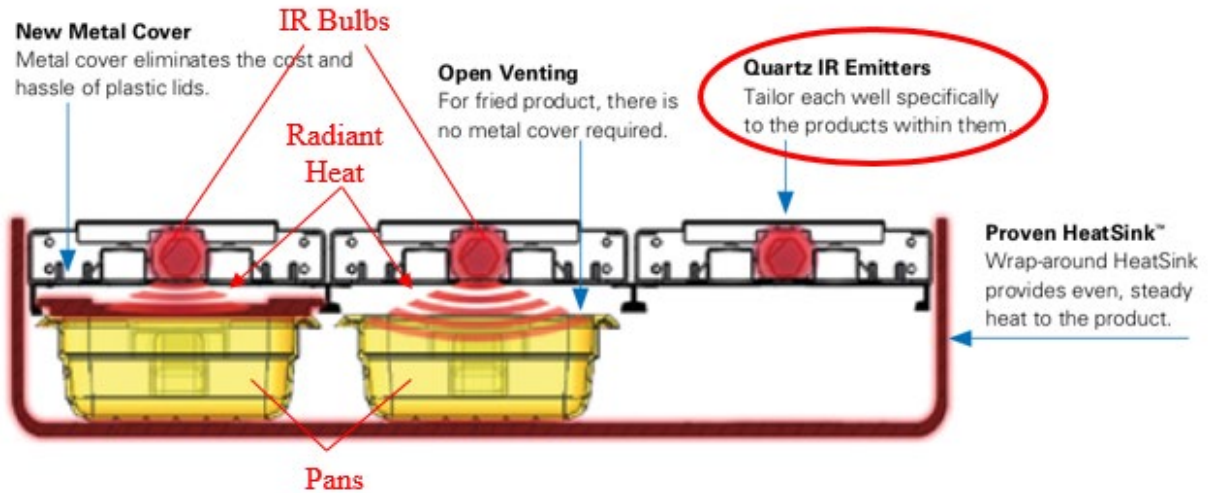
Duke Sealed IR



- Long lasting, proven emitters have been used in Duke holding equipment for 10 years.

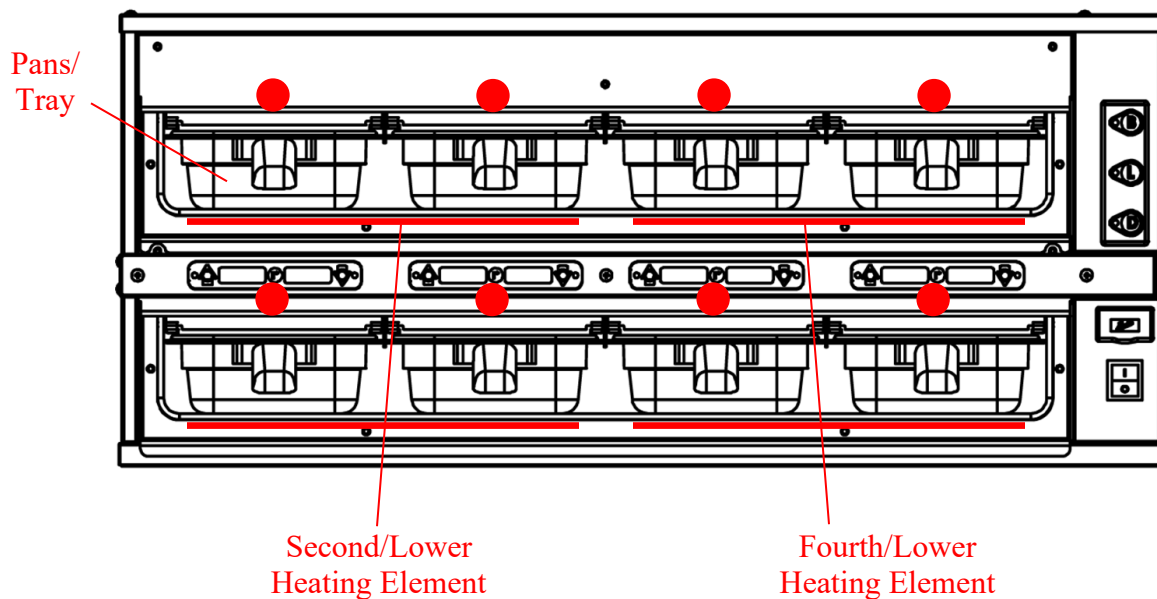


EX1007: 11 and 36.



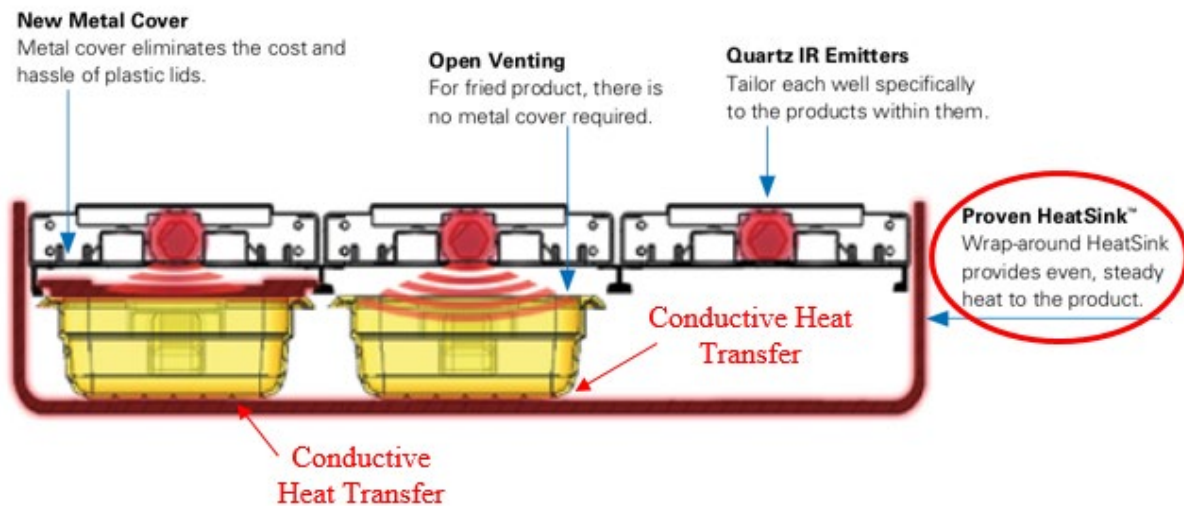
EX1007: 53 (annotated).

194. The POSA would further recognize that according to the disclosed configuration of the IRHS24 Holding Unit, the lower (*i.e.*, second and fourth) heating elements would provide heat to the food pans/trays conductively through the substantially planar surfaces, on which the pans rest.



EX1005: 8 (annotated).

195. The lower heating elements are part of the HeatSinks associated with the two food holding compartments that provide heat to the pans from underneath the pans. EX1007: 51 (“[p]revious generations of the Duke holding units contained only HeatSink, heating from below”).



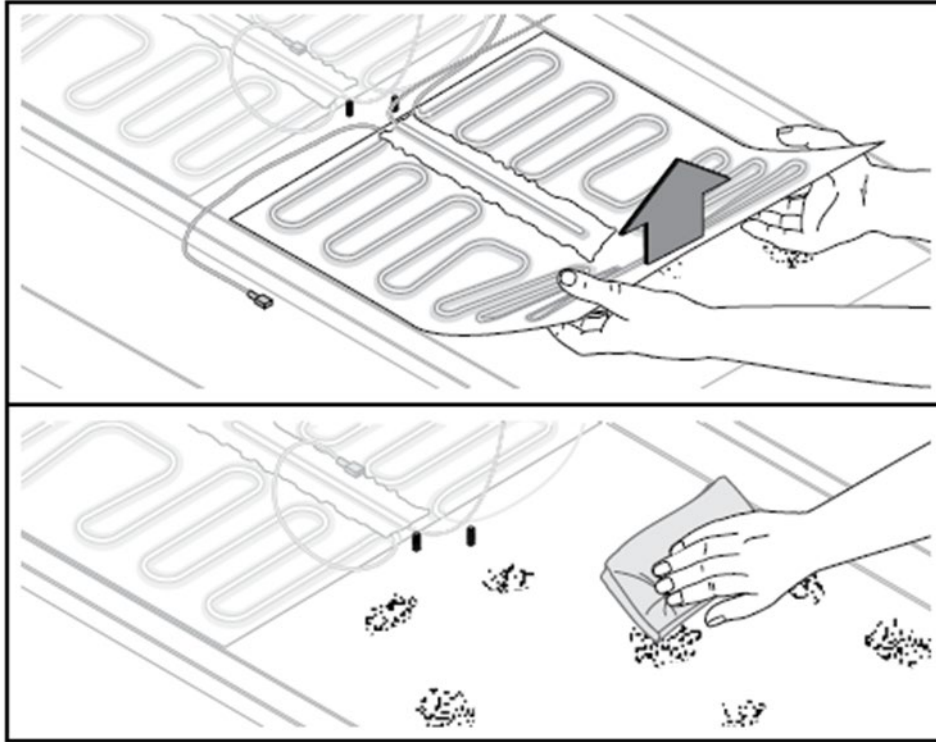
EX1007: 53 (annotated).

HEAT ELEMENTS

The Heat Elements provide the heating required to keep the heating wells at proper operating temperatures. The quantity varies depending on model and are affixed to the bottom of each Heat Sink.

EX1008: 21.

13. Remove the affected Heat Element by peeling off from the heat sink. Ensure any excess tape and/or adhesive is removed.



EX1008: 22.

196. It would be understood that because the lower (*i.e.*, second and fourth) heating elements and planar surfaces are parts of the HeatSinks and the food pans rest on the HeatSinks (the planar surfaces thereof), the lower heating elements conductively transfer heat (*i.e.*, transfer heat energy through object to object physical contact) to the food pans. It is well understood in art that this is how heat sinks—such as the HeatSinks in the IRHS Documents—conduct heat to food pans.

EX1016: Fig. 2, ¶[0039] (“[a]n electrical resistance heating element generally designated 39 having a bottom component 41 contacting the bottom of the heat

sink”); EX1017: Fig. 3, 4:51-53 (“[e]ach heat sink 46 is fitted with a heater which may take the form of a flexible heating element 76 of the electrical resistance type. It extends almost the full length of the heat sink 44, covering the flat bottom surface 54 of the bottom wall 50 [of the heat sink]”).

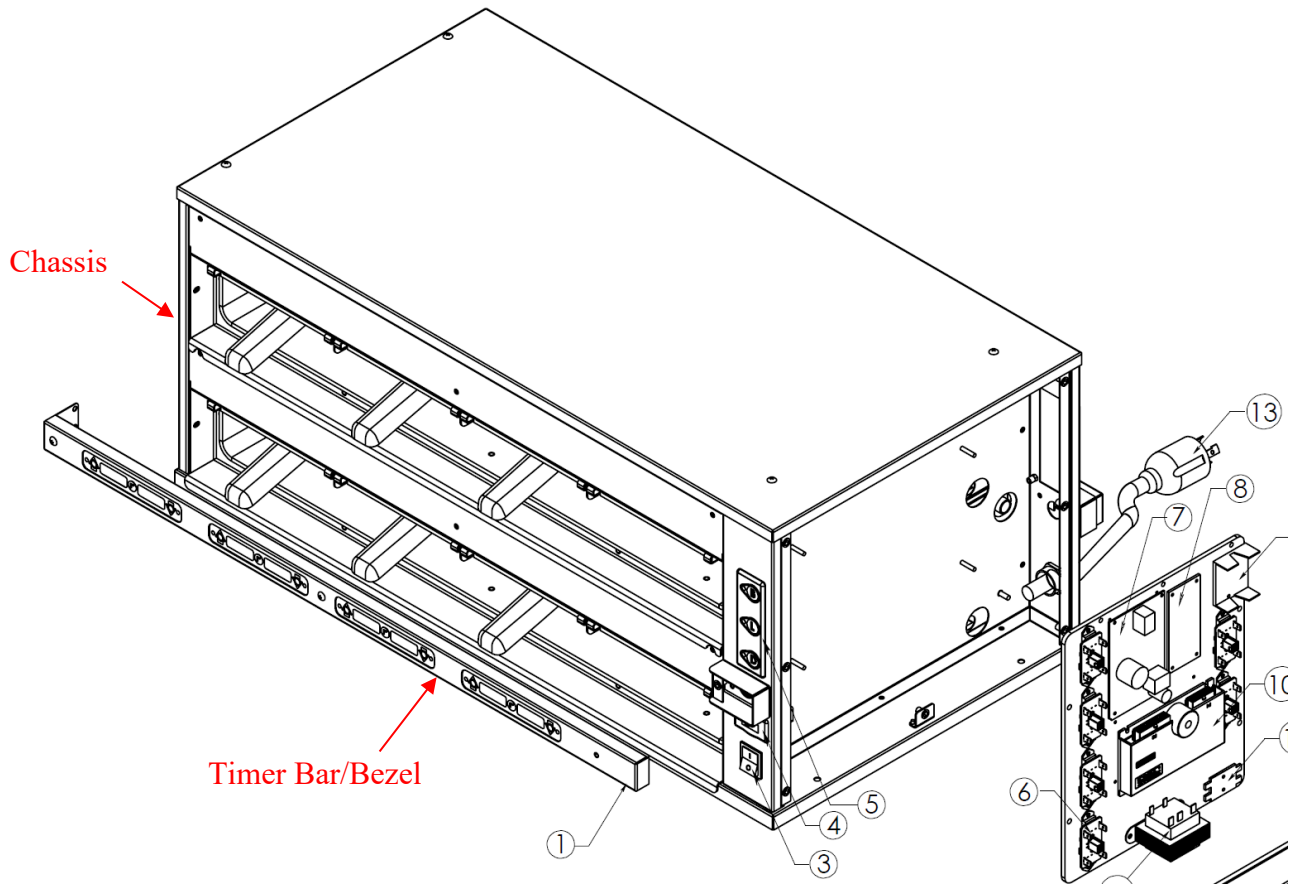
197. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 4.

E. Claim 5: the food holding bin of claim 1, wherein the first bezel comprises dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

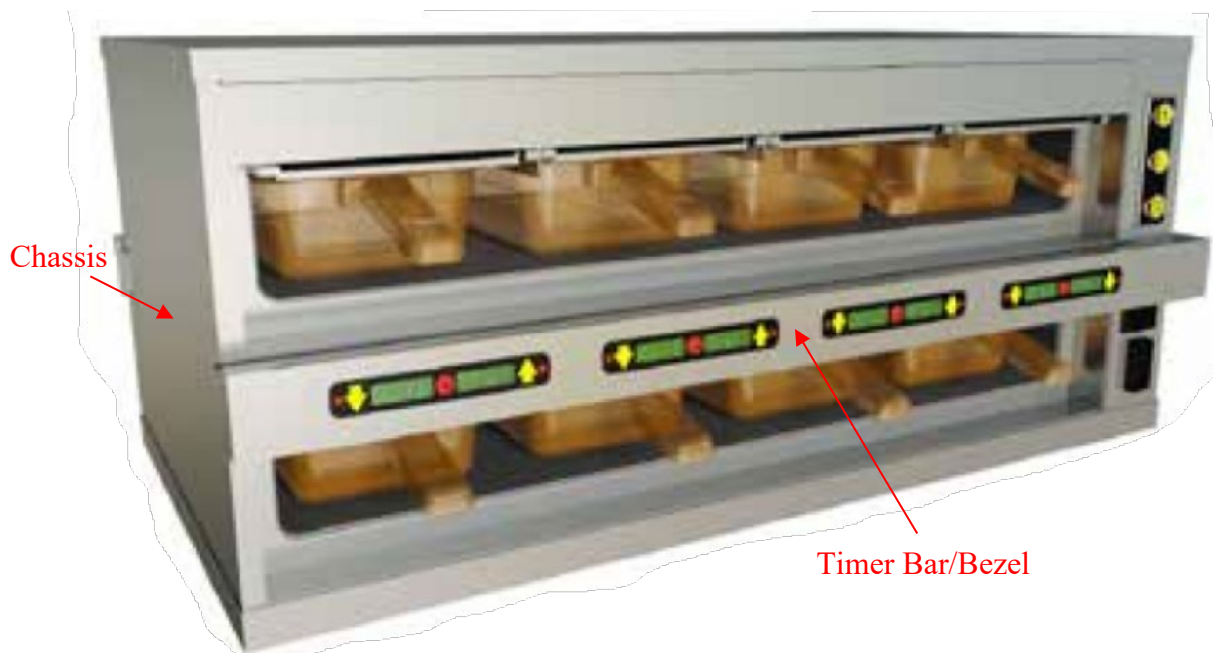
198. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

199. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 5 requiring that the first bezel “comprises dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone.”

200. As disclosed in the IRHS Documents, the IRHS24 Holding Unit has a first bezel in the form of the front timer bar that is attached to the chassis.

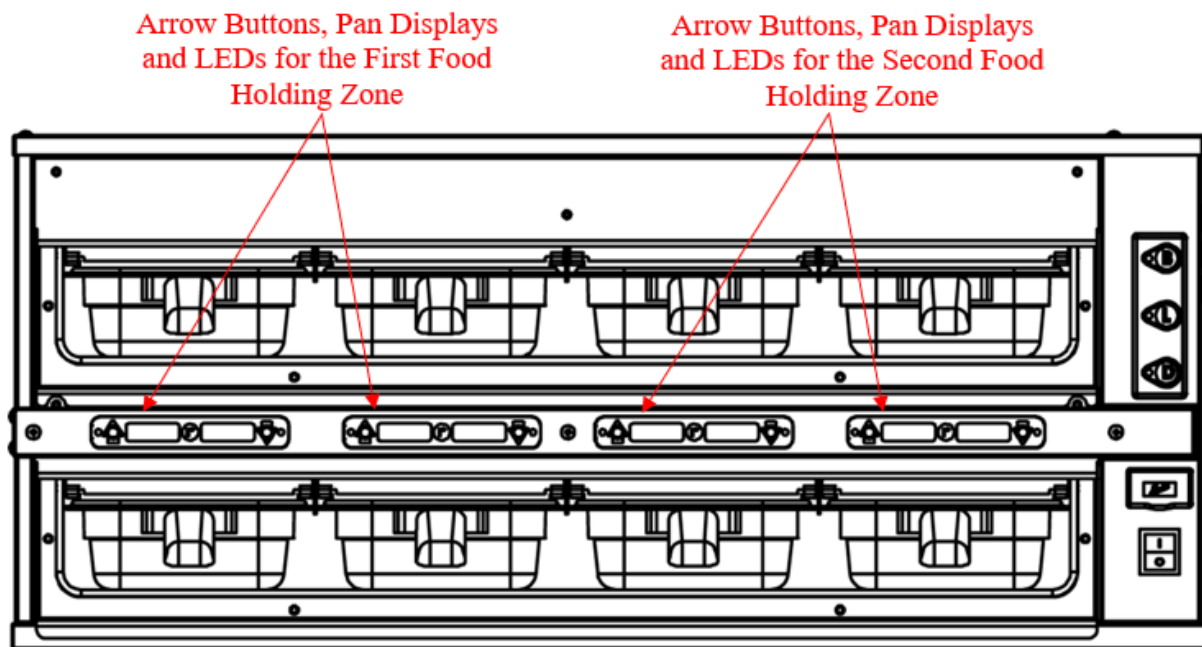


EX1005: 19 (annotated).



EX1007: 56 (annotated).

201. The front timer bar (bezel) is disclosed as providing user interfaces comprising dedicated controls (arrow buttons) and dedicated displays (LEDs and pan displays) for each pan holding location in the food holding zones. Each arrow button points to the pan holding location (and therefore food holding zone) to which the arrow button and associated LED and pan display correspond. EX1005: 16 (“Arrow Buttons ... Indicate which pan the adjacent Status LED and Pan Display are linked to”); EX1008: 47 (“Additional settings such as “LINK”, “TIME”, and “TEMP” can be viewed”).



EX1005: 8 (annotated).

OPERATION – TIMER BAR FUNCTIONALITY



2. Arrow Buttons

- a. Used for Starting / Stopping / Resetting Timer.
- b. Used to access MENU MODE.
- c. Indicate which pan the adjacent Status LED and Pan Display are linked to.

3. Pan Display

- a. Displays Product Name and Hold Time Remaining (alternates between the two when Timer is active).

4. Enter Button

- a. Used to access MENU MODE.

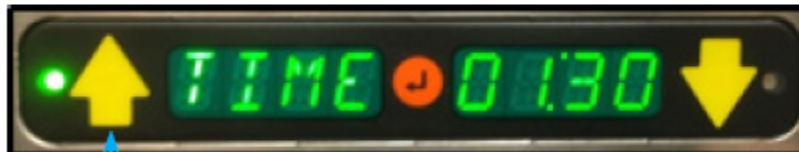
EX1005: 16 (annotated).

MENU MODE – DISPLAY LINK, HOLD TIME, TEMPERATURE

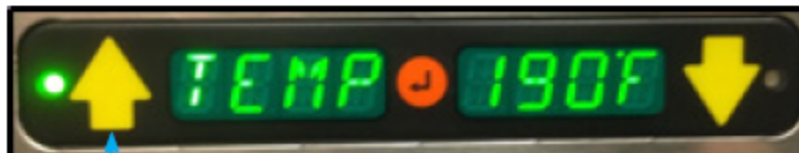
1. Press the UP Arrow Button repeatedly to scroll up or down through “LINK”, “TIME”, and “TEMP”. The DOWN Arrow button can be used to cycle the opposite direction.



This indicates all products named BURG are linked pan locations.

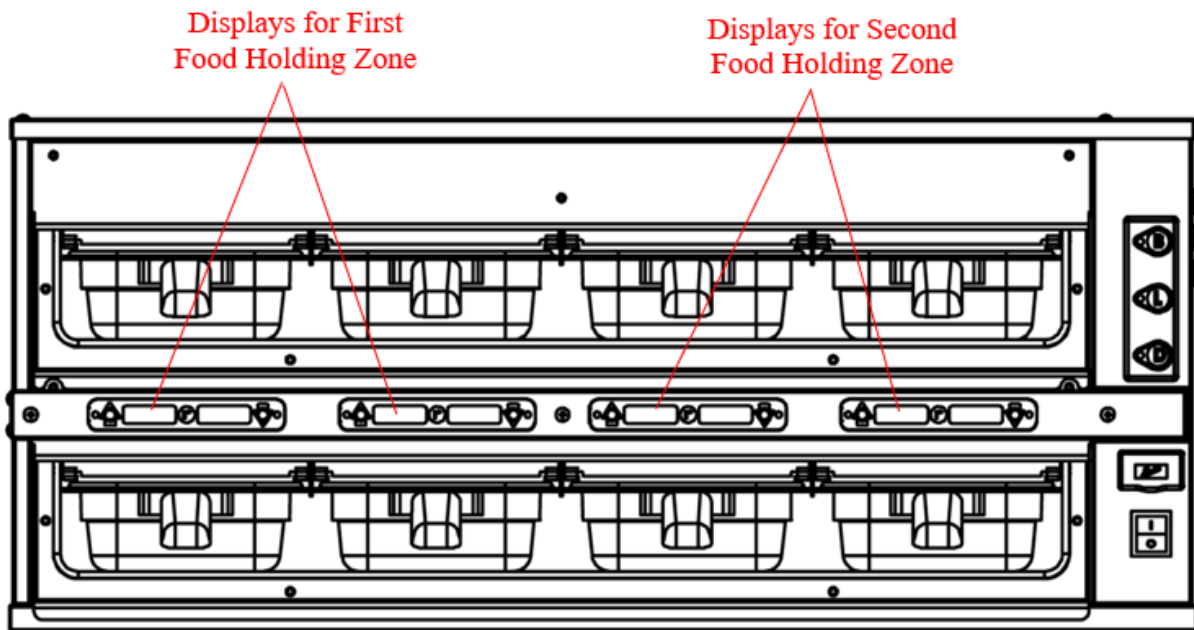


This indicates the hold time for BURG.

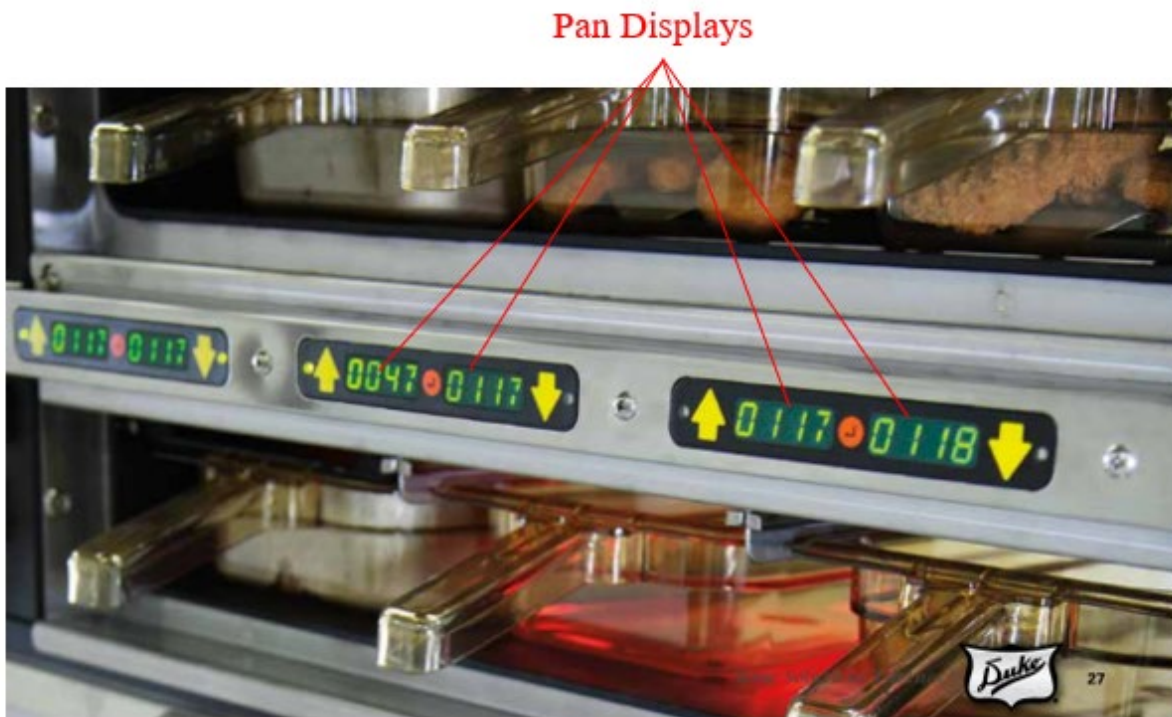


This indicates the Heat Sink Temperature for BURG.

EX1005: 17 (annotated).



EX1005: 8 (annotated).



EX1007: 52 (annotated).

202. The pan displays display information about the pan holding locations/bays (and therefore the food holding zones), including the temperature setting for each pan holding location/bay. EX1006: 1 (“[a]lphanumeric displays to indicate product description, temp and hold time remaining”); EX1005: 16 (“[o]nce to temperature, product names can be viewed on the displays. Additional settings such as LINK, TIME, and TEMP can be viewed two different ways”), 17.



More Product Information at Each Well

(Product, Hold Time Remaining, Temperature)

EX1007: 10-11.

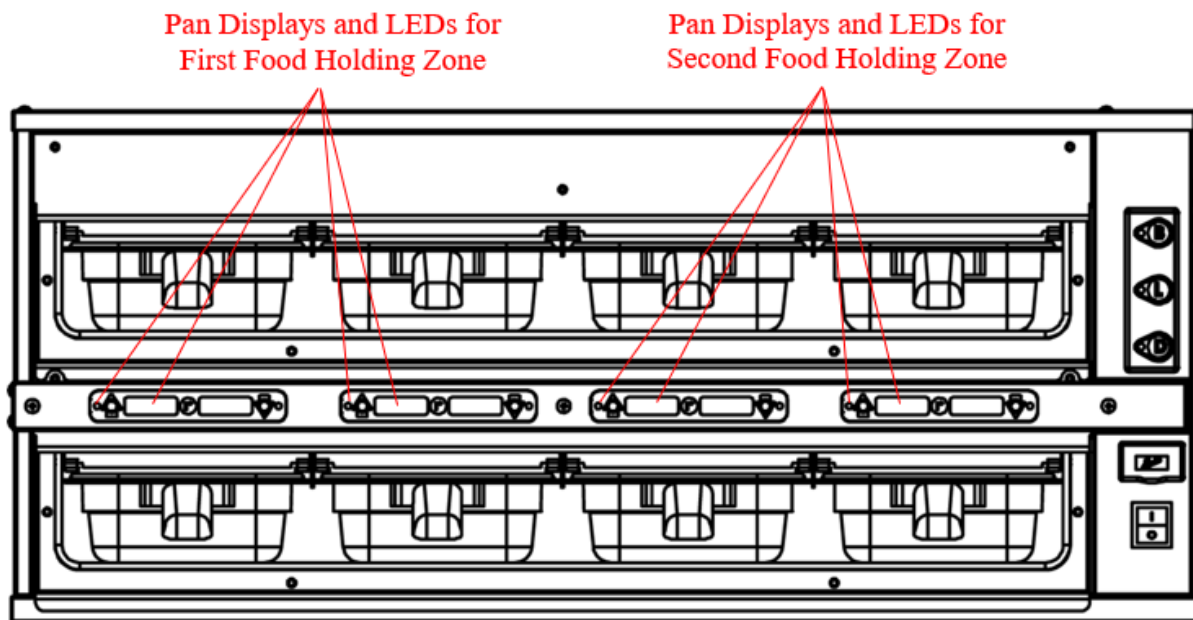
203. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 5.

F. Claim 6: the food holding bin of claim 5, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

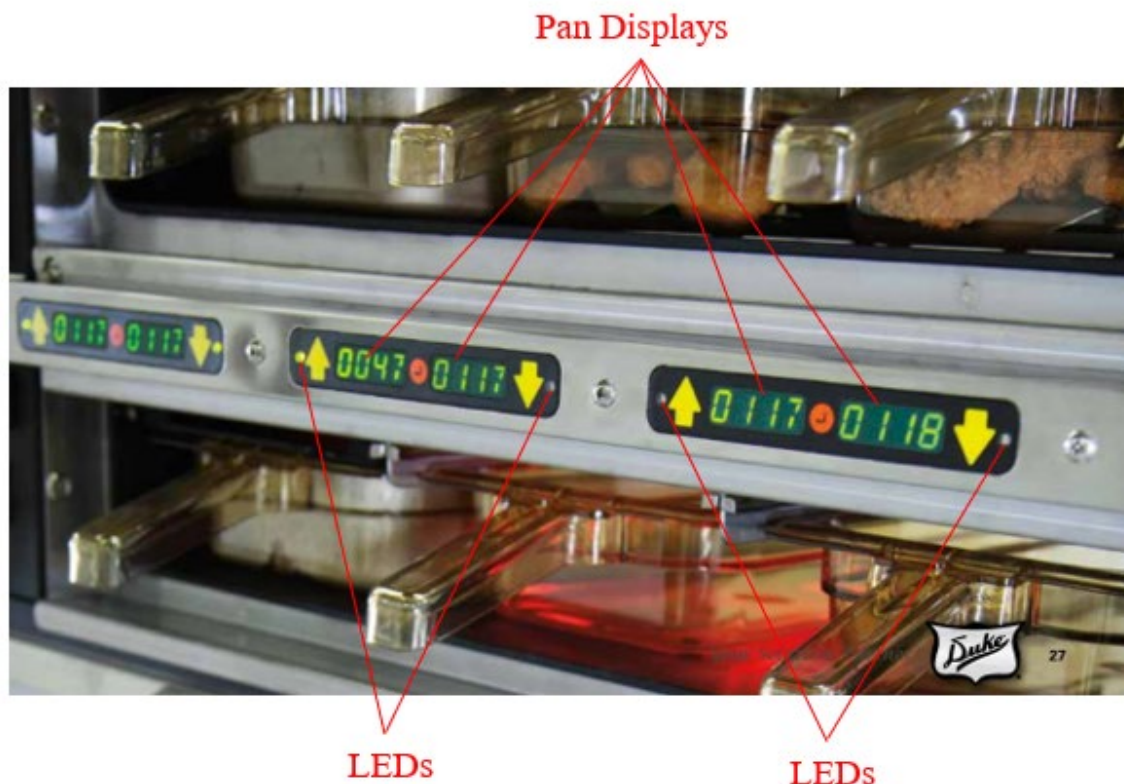
204. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 5.

205. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 6 requiring that “the dedicated displays display additional information about a food item stored in the corresponding food holding zone.”

206. As described in Paragraphs 198-203 (Claim 5) above, the front timer bar (first bezel) has dedicated displays (pan displays and LEDs) for each pan holding location.



EX1005: 8 (annotated).



EX1007: 52 (annotated).

207. The LEDs and pan displays are disclosed as displaying additional information about the food in the pan holding locations (and therefore the food holding zones), such as whether there is an active timer, the food name (e.g., BURG), and hold time. EX1006: 1 (“[a]phanumeric displays to indicate product description, temp and hold time remaining”); EX1005: 16.

OPERATION – TIMER BAR FUNCTIONALITY



1. Status LEDs: Used for indicating status of pan.
 - a. Non-Illuminated - Timer is Inactive – no product in pan
 - b. GREEN – Timer is Active – product in pan (use first)
 - c. FLASHING GREEN = Cook Warning Time reached (cook more product) or keypad in EDIT MODE (programming)

EX1005: 16.



More Product Information at Each Well

(Product, Hold Time Remaining, Temperature)

EX1007: 10-11 (annotated).

208. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 6.

G. Claim 7

7.a: the food holding bin of claim 1, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

209. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

210. The POSA would additionally recognize that the IRHS Documents discloses the limitation requiring that “the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis.”

211. The POSA understands the rear face of the chassis of the IRHS24 Holding Unit is generally a mirror image of the front face of the chassis. EX1008: 12 (“The Menu Bars ... are located on the front and back faces of the unit.”).

212. Although not explicitly pointed out, the IRHS Documents appear to include images of the rear face showing the rear face to mirror the front face in terms of the openings.

213. Specifically, the front face includes controls on the front of the first side panel.

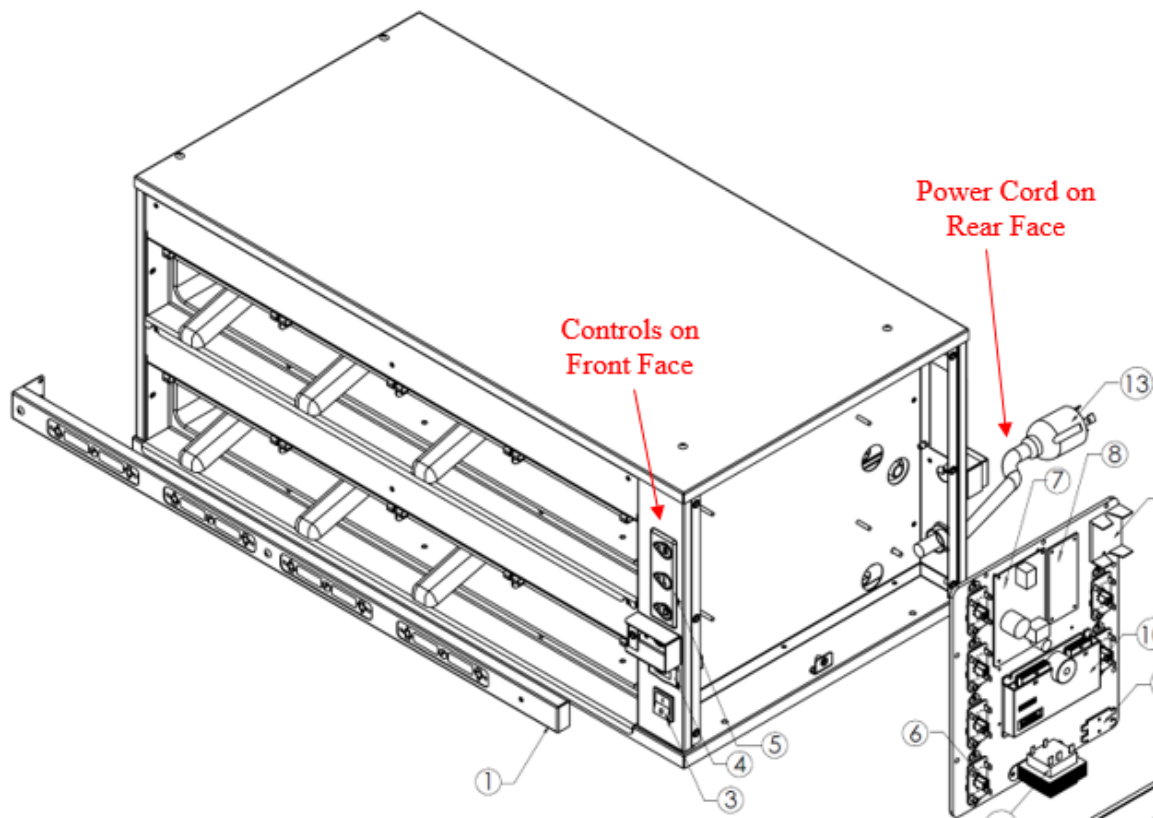


EX1007: 28, 51, 52 (annotated).

214. The IRHS Documents also includes images of an IRHS Unit without any controls on its face and a power cord extending from it. The POSA would recognize that these images are actually showing the rear face of the IRHS Unit.



EX1007: 28, 51, 52 (annotated).



EX1005: 19 (annotated).

215. Additionally, the POSA would recognize the IRHS Holding Unit to be what is known in the art as a pass-through unit having mirrored openings in the front and back sides to allow crews to work from both sides of the IRHS Holding Unit. EX1007: 67 (“Pass through design allows crews to work both sides”).

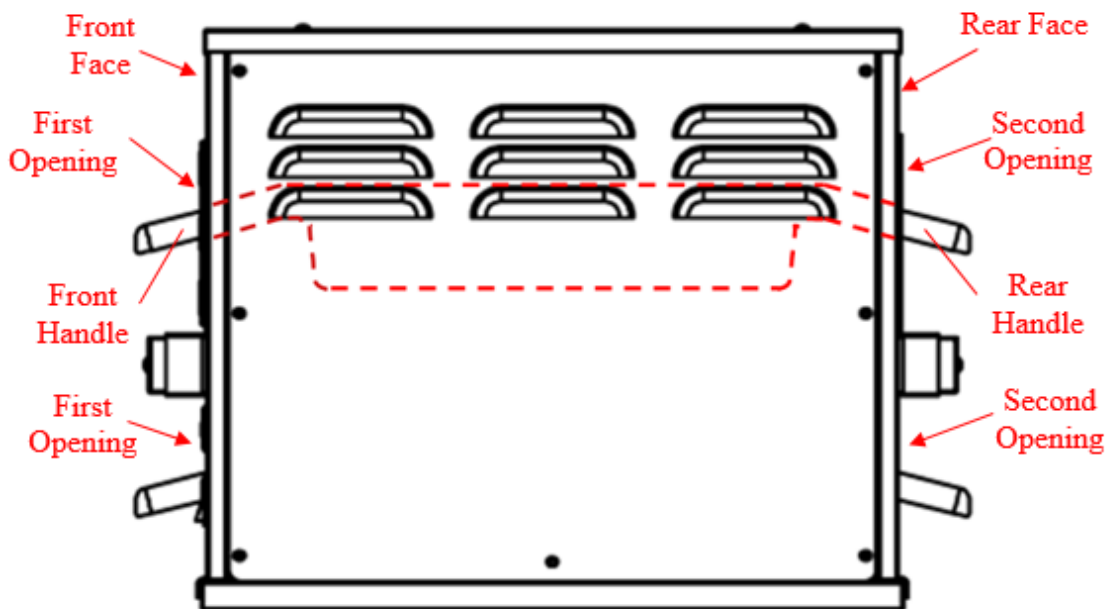
216. The food pans disclosed in the IRHS Documents confirm that the IRHS Holding Unit is a pass-through unit in that they have front and rear handles. EX1007: 58.

217. The IRHS Documents show the front and rear handles of the food pans in the first food holding compartment extending out the front face and the rear face, respectively, as shown below:

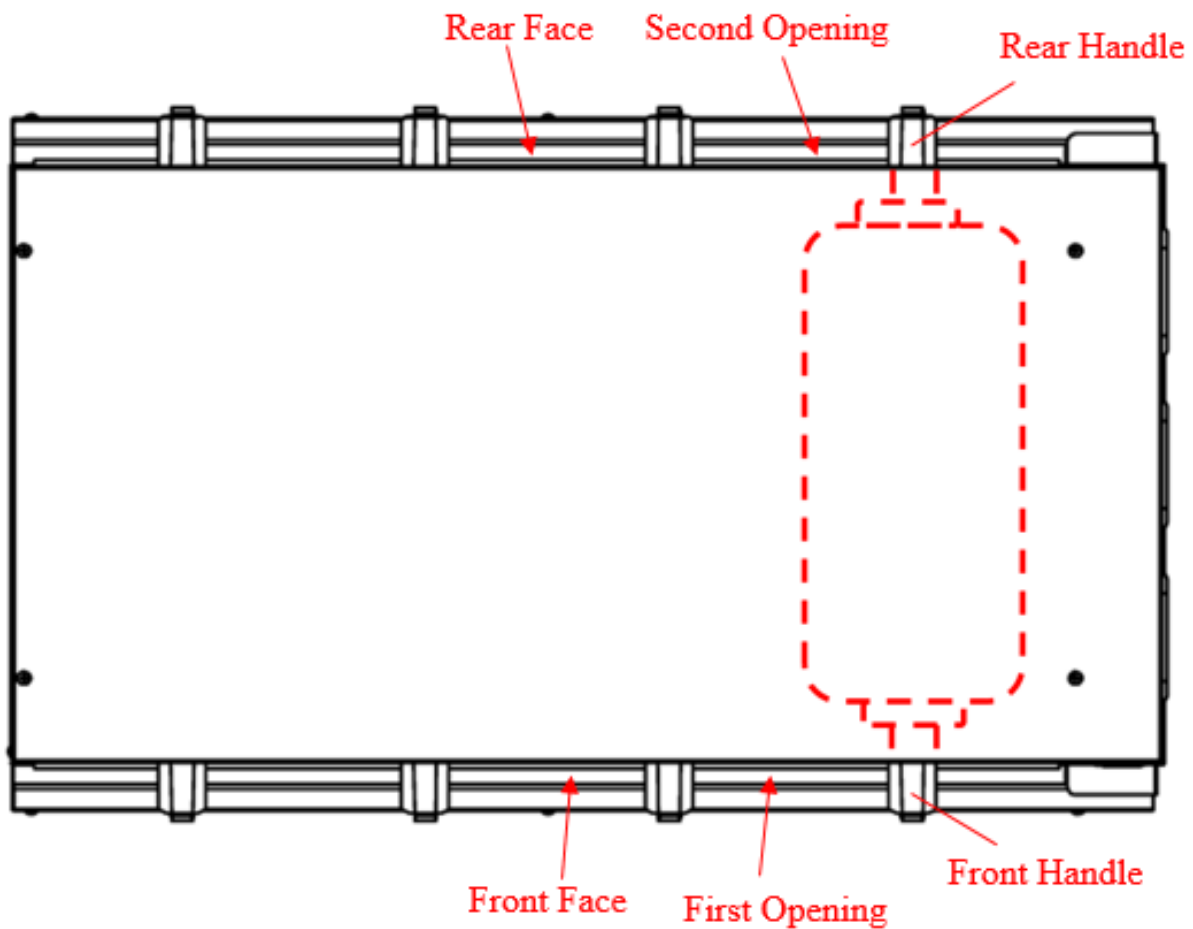


EX1007: 58 (annotated).

218. The existence of front and rear handles on the food pans further demonstrates that the IRHS Holding Unit has openings on both sides. This is further confirmed where the IRHS Documents are depicted from side or overhead views as annotated below.



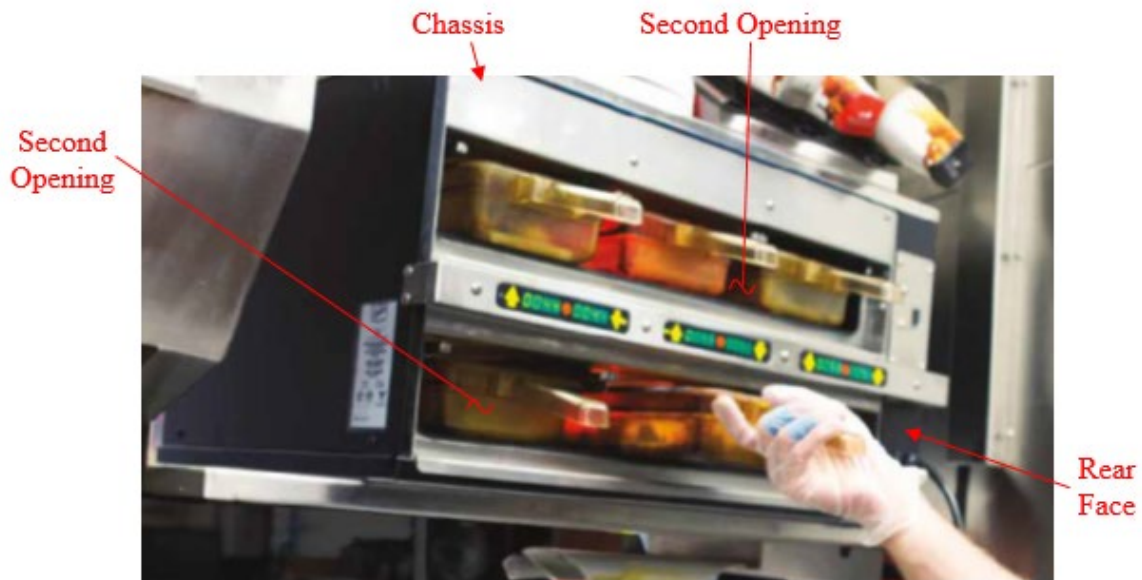
EX1005: 8 (annotated).



EX1005: 8 (annotated).

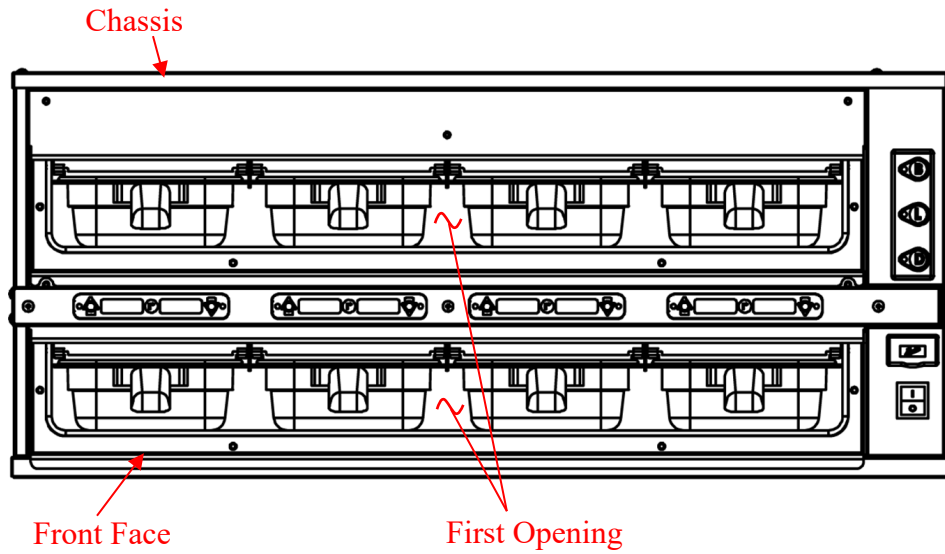
219. For the rear handles of the food pans disposed on the first planar surface to project beyond the rear face of the chassis, the chassis must have a second opening along the rear face. The first opening enables the front handle of a pan to project out of the front face of the IRHS while the second opening enables the rear handle of the same pan to project out of the rear face of the IRHS.

220. Thus, as annotated below, the POSA would recognize that the rear face of the chassis has uncovered second (rear) openings for each compartment.

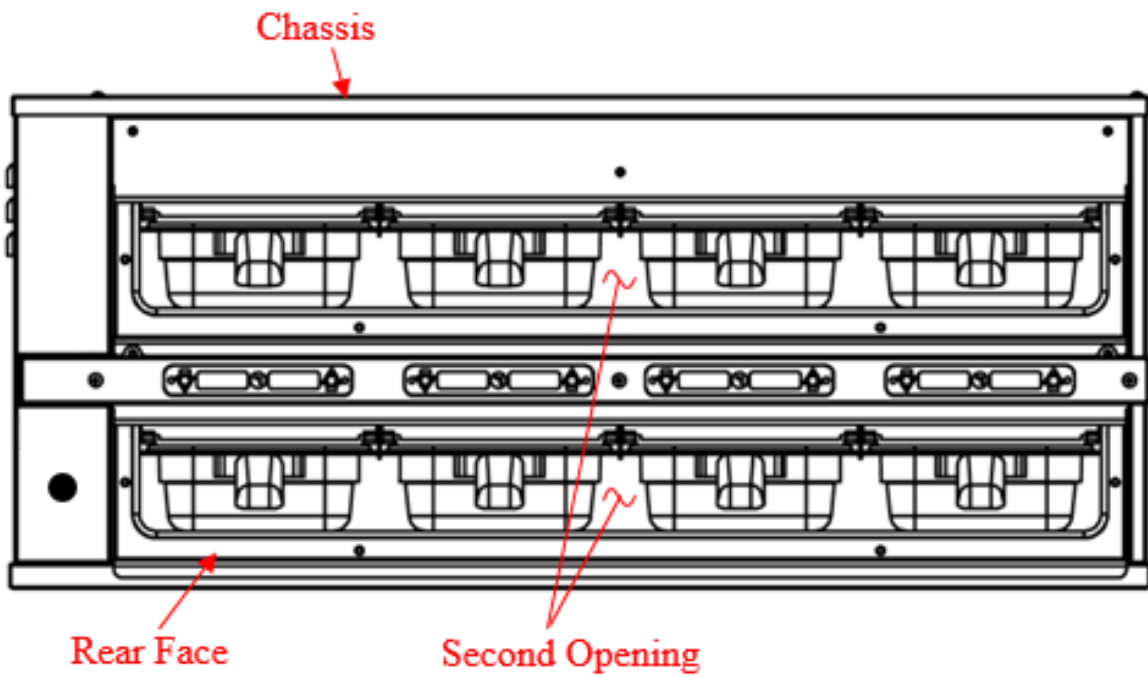


EX1007: 52 (annotated).

221. The POSA would understand this construction applies to all of the IRHS units, including the IRHS24 Holding Unit. An illustration that was modified to depict the rear face of the IRHS24 Holding Unit as would be understood by the POSA is shown below. As illustrated, the first and second food holding compartments each have an uncovered first opening at the front faces of the chassis and second opening at the rear face of the chassis.



EX1005: 8 (annotated).



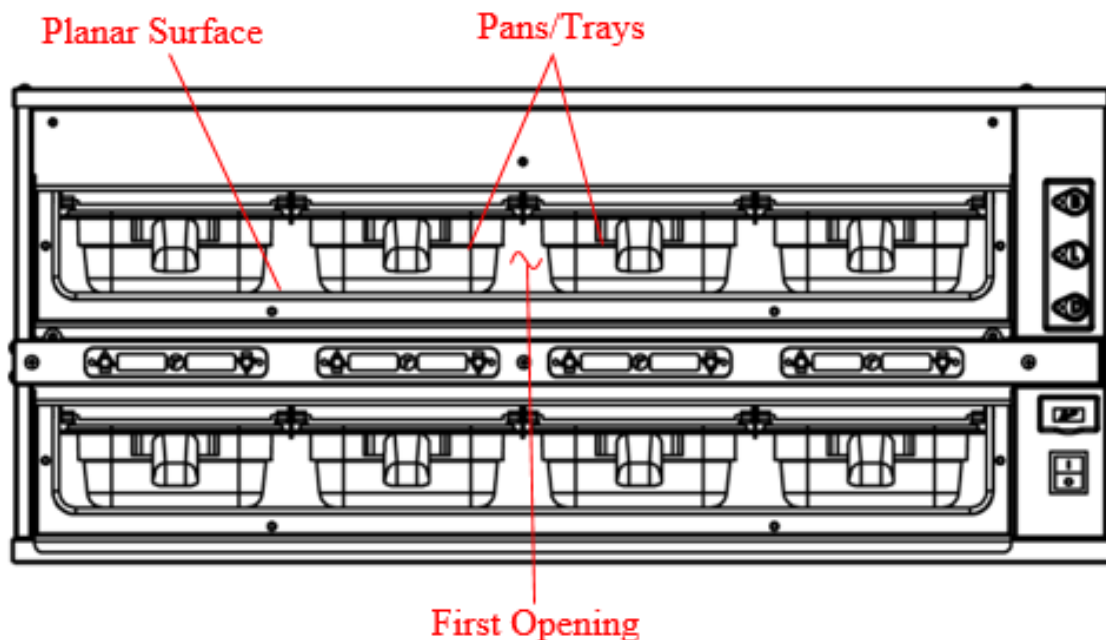
EX1005: 8 (modified to represent the rear view of the IRHS24 Holding Unit).

7.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

222. The POSA would recognize that the IRHS Documents disclose that “the substantially planar bottom surface [of each food holding compartments] is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening.”

223. As explained in Paragraph 130 above with respect to claim limitation 1.b.2, the first opening allows food pans to be inserted into and removed from the food holding compartments.

224. As shown below, the planar bottom surface of the food holding compartments allows the food pans (containing food items) to be placed thereon through the first opening, which is larger than the food pans and allows the food pans to pass therethrough.

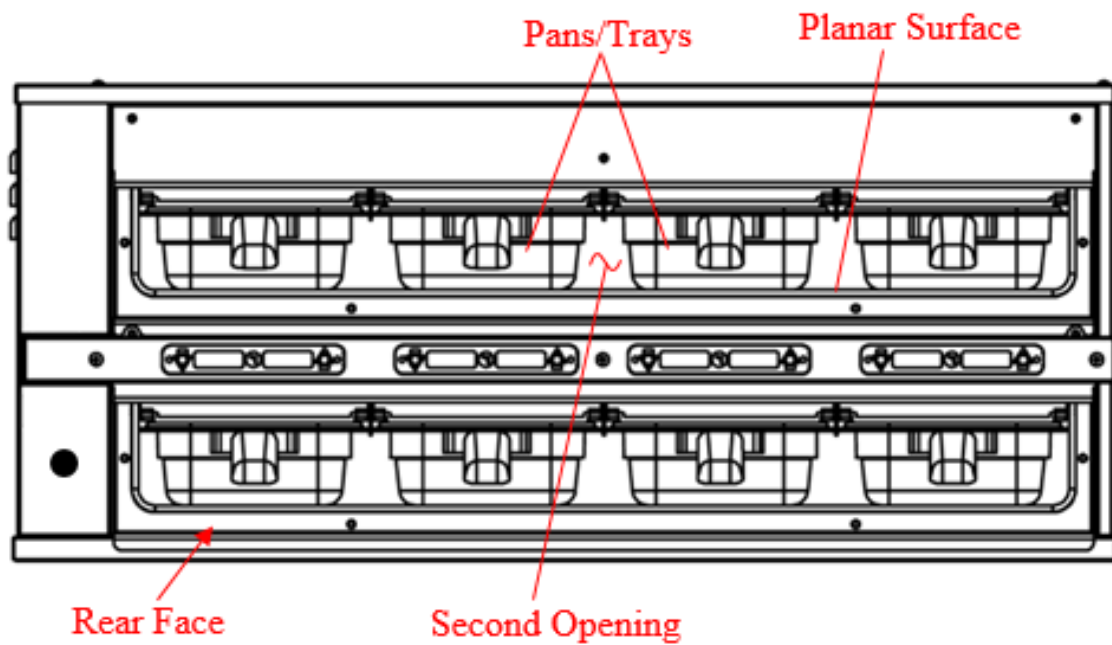


EX1005: 8 (annotated).

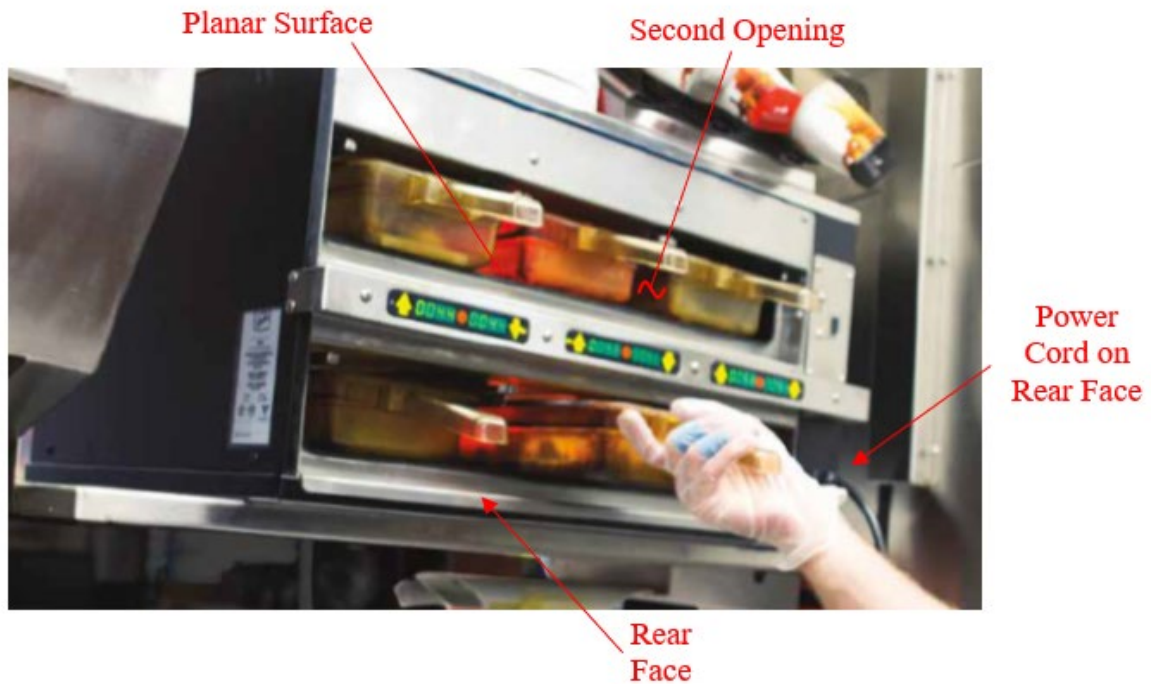
225. The IRHS Documents further demonstrate that the planar bottom surface allows the food pans (containing food items) to be removed from the planar bottom surface through the second opening.

226. The IRHS Documents show the front and rear handles of the food pans in the first food holding compartment extending out the front face and the rear face, respectively. The IRHS24 Holding Unit is thus a pass-through unit (a term of art) allowing crews to work both sides. EX1007: 67 (“Pass through design allows crews to work both sides”).

227. Further, because the second opening is larger than the food pans, it would allow the food pans to pass therethrough.

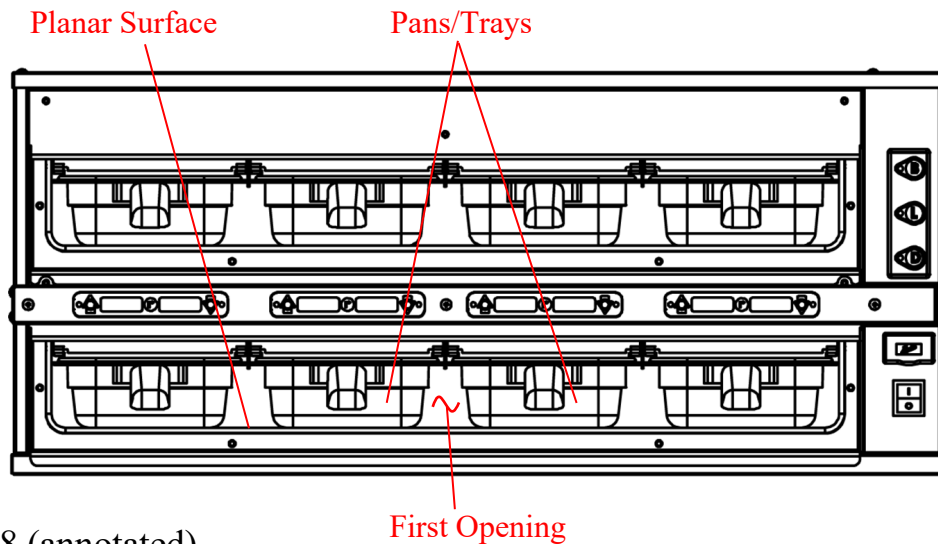


EX1005: 8 (modified to represent the rear view of the IRHS24 Holding Unit).

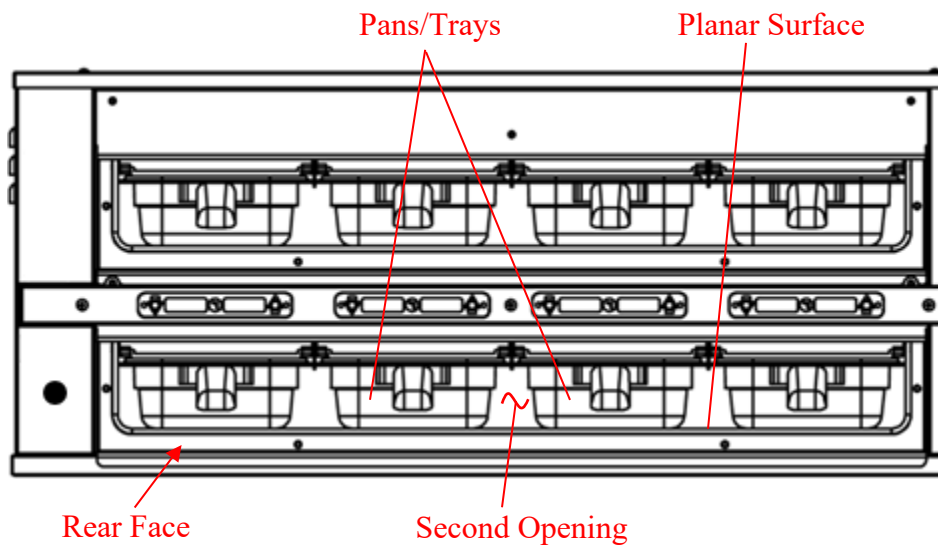


EX1007: 36, 52 (annotated).

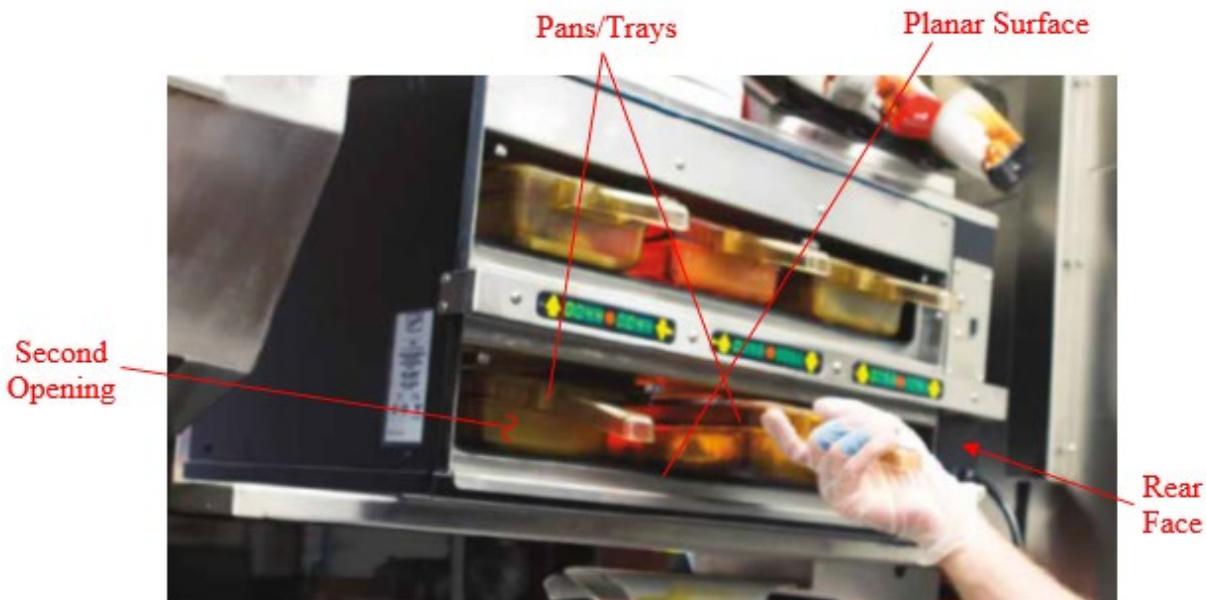
228. For the same reasons as the first/upper food holding compartment, a planar bottom surface for the second food holding compartment allows food items to be placed on the planar bottom surface through the first opening of the second food holding compartment and removed from the planar bottom surface through the second opening of the second food holding compartment.



EX1005: 8 (annotated).



EX1005: 8 (modified to represent the rear view of the IRHS24 Holding Unit).



EX1007: 52 (annotated).

229. Accordingly, each limitation of Claim 7 is disclosed within the IRHS Documents.

230. As each limitation of Claim 7 is disclosed within the IRHS Documents, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 7.

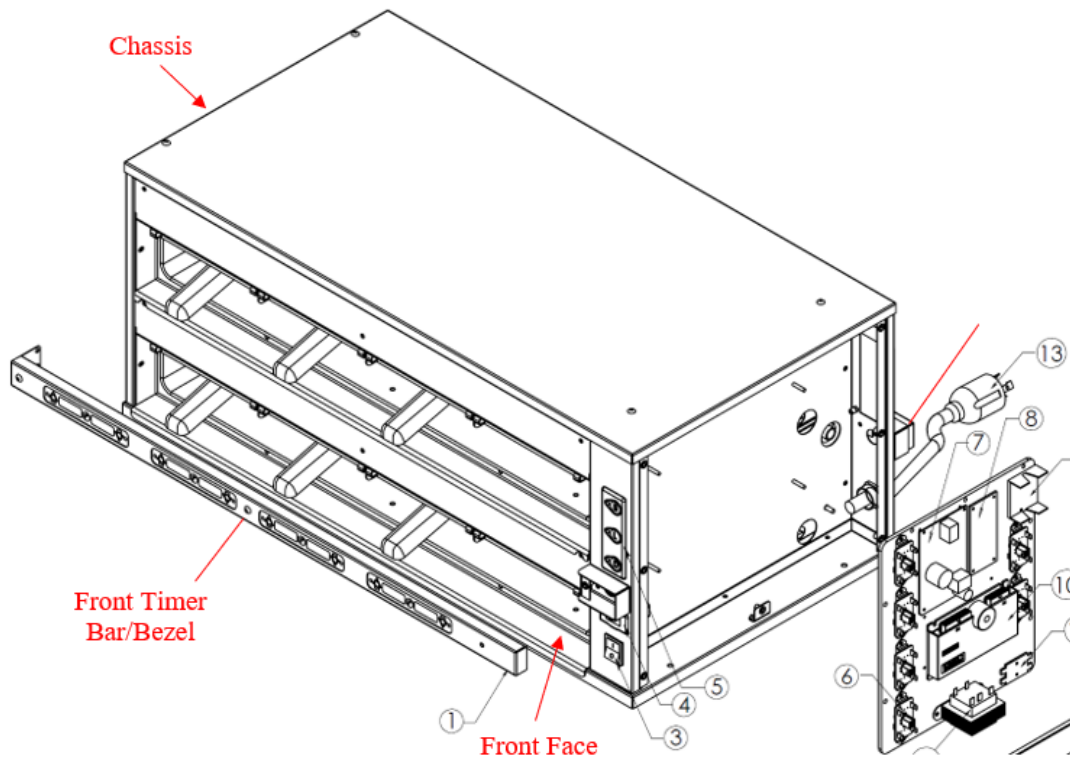
H. Claim 8

8.a.1: the food holding bin of claim 7, wherein the first bezel is attached to the chassis proximate the front face of the chassis

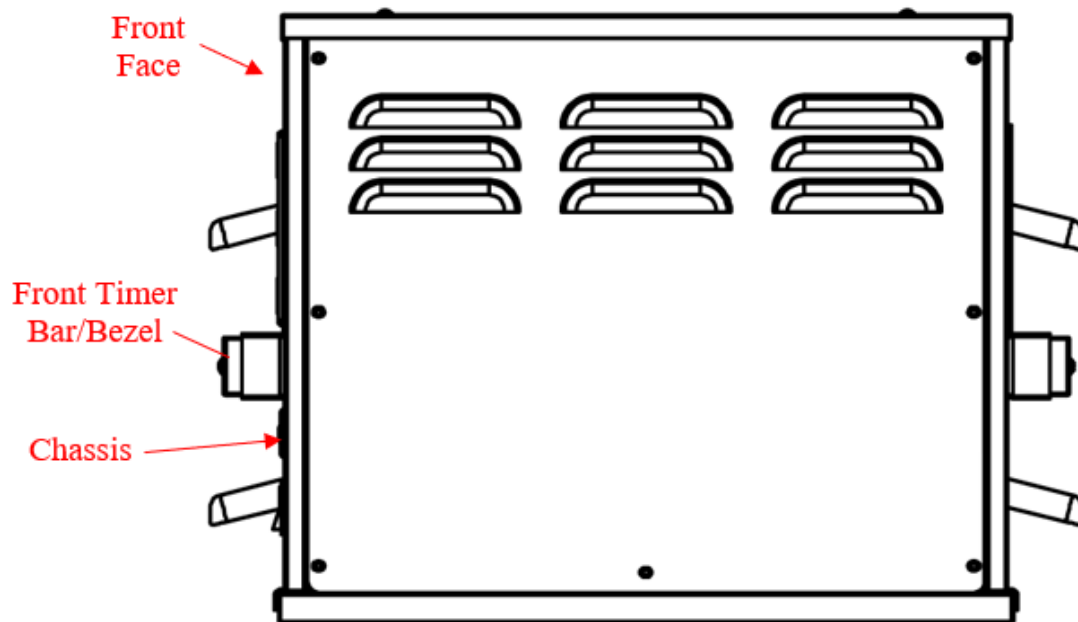
231. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 7.

232. The POSA would additionally recognize that the IRHS Documents discloses that “the first bezel is attached to the chassis proximate the front face of the chassis.”

233. The IRHS documents disclose the IRHS Holding Unit as having a front time bar (first bezel) attached to the chassis proximate to the front face of the chassis.



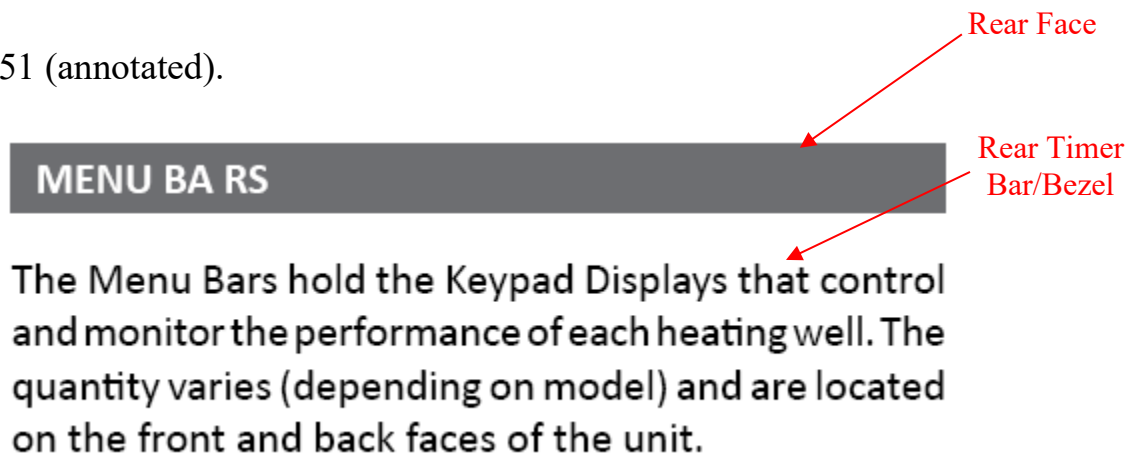
EX1005: 19 (annotated).



EX1005: 8 (annotated).



EX1007: 51 (annotated).

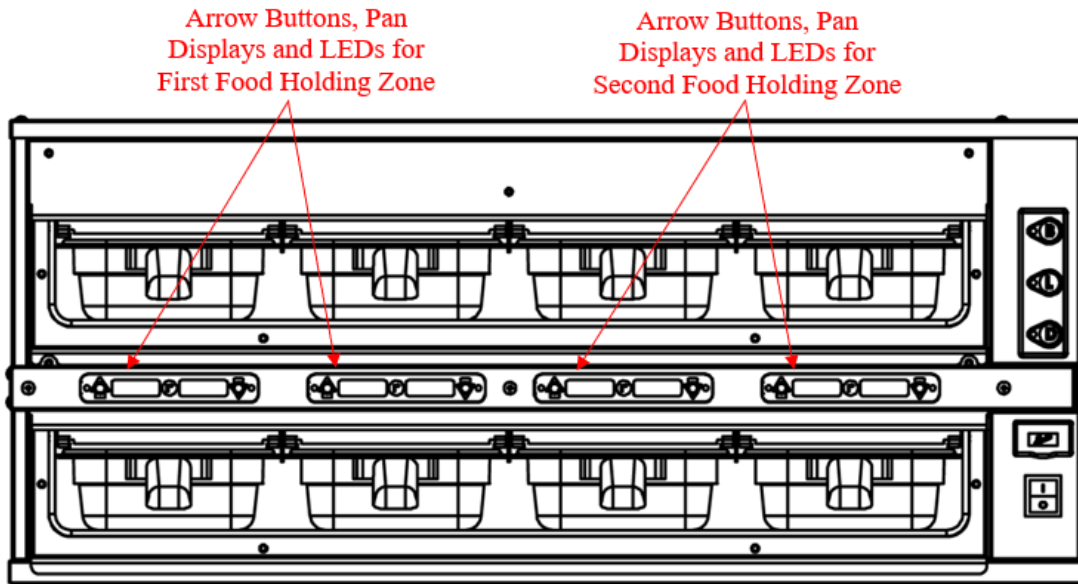


EX 1008: 12.

8.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

234. As described in Paragraphs 198-203 (Claim 5) above, the front timer bar (first bezel) provides user interfaces comprising dedicated controls (arrow buttons) and dedicated displays (LEDs and pan displays) for each pan holding location in the food holding zones. Each arrow button points to the pan holding

location (and therefore a respective food holding zone) to which the arrow button and associated LED and pan display correspond.



EX1005: 8 (annotated).

OPERATION – TIMER BAR FUNCTIONALITY



EX1005: 16.

2. Arrow Buttons

- a. Used for Starting / Stopping / Resetting Timer.
- b. Used to access MENU MODE.
- c. Indicate which pan the adjacent Status LED and Pan Display are linked to.

3. Pan Display

- a. Displays Product Name and Hold Time Remaining (alternates between the two when Timer is active).

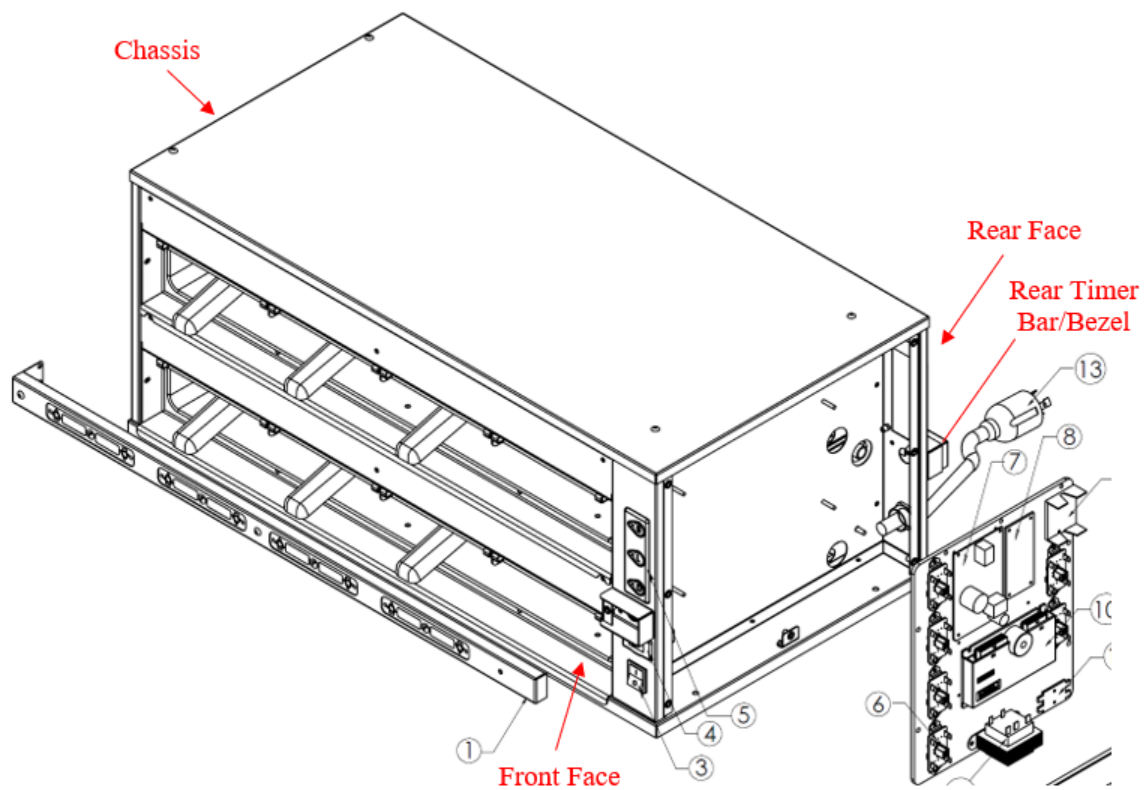
4. Enter Button

- a. Used to access MENU MODE.

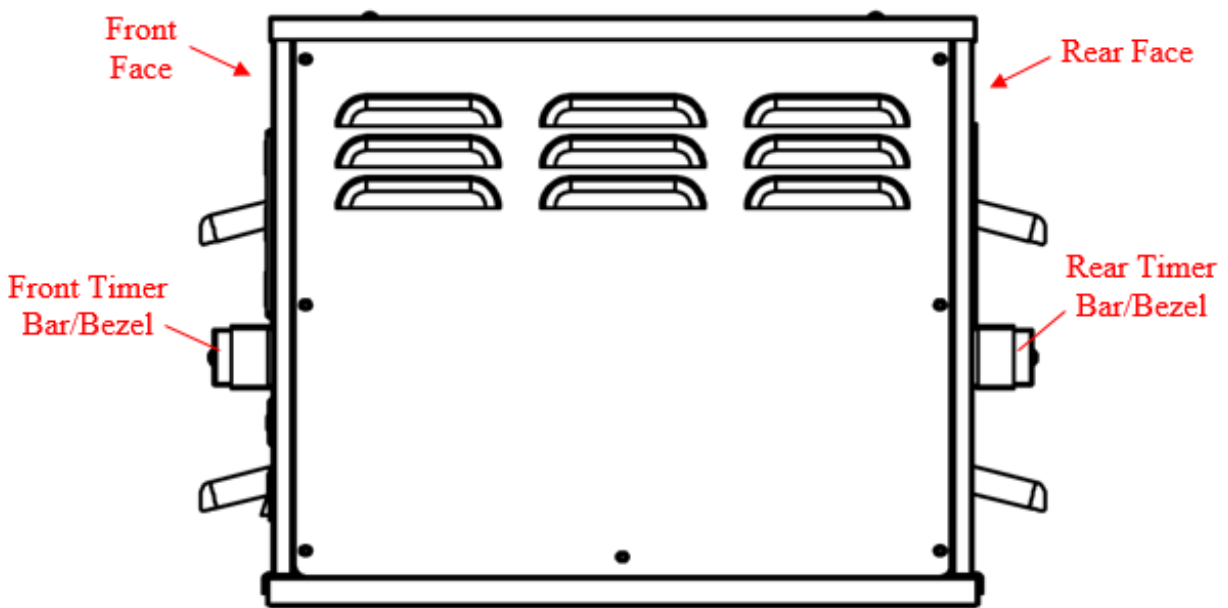
EX1005: 16 (annotated).

8.b: further comprising a second bezel located proximate the opposing rear face of the chassis

235. The IRHS documents disclose the IRHS Holding Unit as having a rear timer bar (second bezel) located proximate to the rear face of the chassis opposite the front face.



EX1005: 19 (annotated).



EX1005: 8 (annotated).



EX1007: 51, 52 (annotated).

MENU BARS

The Menu Bars hold the Keypad Displays that control and monitor the performance of each heating well. The quantity varies (depending on model) and are located on the front and back faces of the unit.

EX 1008: 12.

236. Accordingly, each limitation of Claim 8 is disclosed within the IRHS Documents.

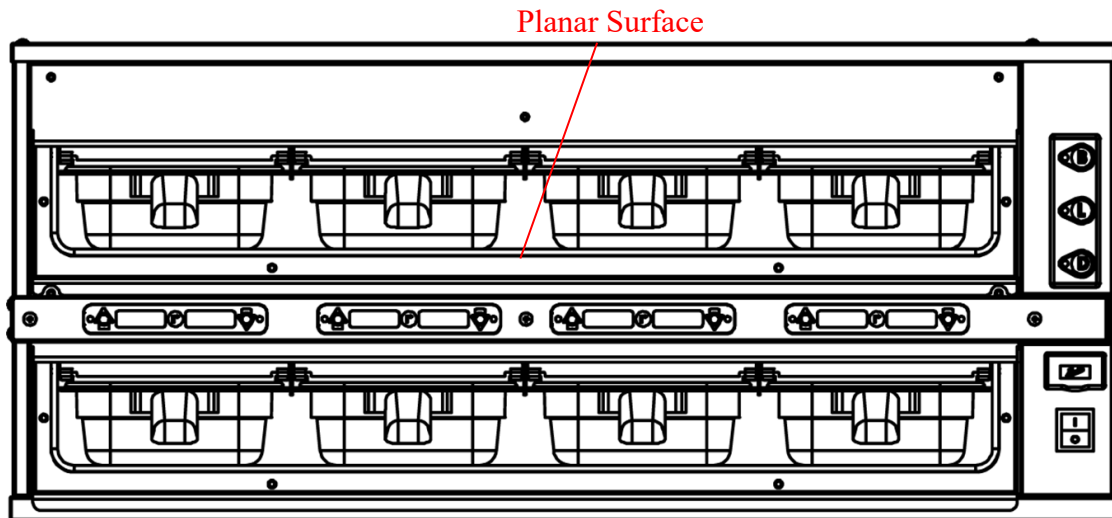
237. As each limitation of Claim 8 is disclosed within the IRHS Documents, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 8.

I. Claim 9: the food holding bin of claim 1, wherein the substantially planar surface is a continuous surface

238. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

239. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 9 requiring that “the substantially planar surface is a continuous surface.”

240. As disclosed in the IRHS Documents,, the substantially planar surface is continuous.



EX1005: 8 (annotated).

241. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 9.

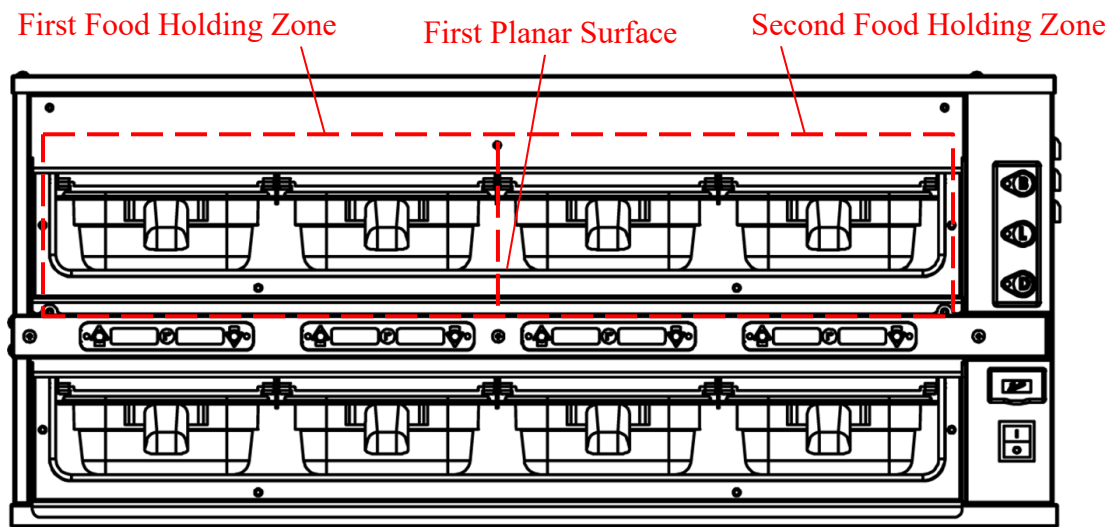
J. Claim 10: the food holding bin of claim 9, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

242. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 9.

243. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 10 further requiring that “the

substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones.”

244. As shown below, the planar surfaces as depicted in the IRHS Documents are free of any dividing walls or other structures between the first and second food holding zones.



EX1005: 8 (annotated).

245. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 10.

K. Claim 11: the food holding bin of claim 1, wherein the substantially planar surface comprises aluminum

246. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

247. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 11 further requiring that “the substantially planar surface comprises aluminum.”

248. As described in Paragraphs 133-136 above (1.c.3), the IRHS Documents identify the Heatsinks—which the substantially planar surface is part of—as being composed of anodized aluminum. EX1006: 1 (“[a]nodized aluminum HeatSink”).

249. Even without such a disclosure, it would have been obvious to make the IRHS heatsinks from aluminum—like the aluminum covers—to be durable and provide good heat transfer. EX1005: 4 (“robust aluminum Heat Sink Cover”), 8, 20-21; EX1007: 53 (“[m]etal cover”), 58 (“[c]over allows better heat transfer”).

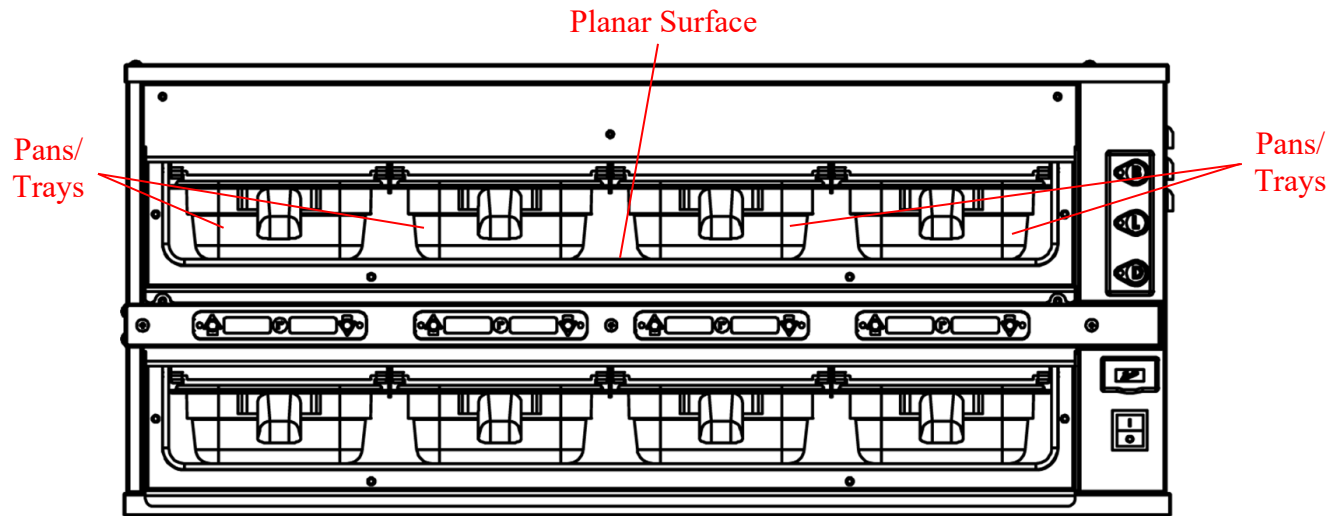
250. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 11.

L. Claim 12: the food holding bin of claim 1, further comprising a food holding tray resting on the substantially planar surface

251. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

252. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 12 further requiring “a food holding tray resting on the substantially planar surface.”

253. The IRHS24 Holding Unit is disclosed within the IRHS Documents as having food pans/trays resting on the substantially planar surfaces.



EX1005: 8 (annotated).

254. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 12.

M. Claim 13: the food holding bin of claim 1, the first food holding zone and the second food holding zone being heated to different temperatures

255. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

256. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 13 further requiring that “the first food holding zone and the second food holding zone be[] heated to different temperatures.”

257. As already discussed in Paragraphs 138-162, 164-167, and 170-182 above with respect to claim limitations 1.d.2, 1.e.2, and 1.g.2, the upper heating elements (*i.e.*, first and third heating elements) and the lower heating elements (*i.e.*, second and fourth heating elements) are independently controllable from one another via the controller. The first food holding zone has independently controllable first and second heating elements. *See supra* Paragraphs 138-162 (1.d.2). Thus, the second food holding zone has independently controllable third and fourth heating elements. *See supra* Paragraphs 164-167 (1.e.2).

258. The IRHS Documents teach that the controller of IRHS24 Holding Unit operates the heating elements of the respective food holding zones to heat

each of the respective heating/holding zones to different temperatures based on the different heat settings for different food types in the food holding zones.

259. Specifically, the IRHS Documents teach to customize temperature settings by food type and teach holding zones having different food types.

EX1006: 1 (“[c]ustom heat settings for food product”); EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”); EX1007: 51 (“each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold”), 53 (“[p]recise holding for each product in an optimized environment tailored to that product”).

260. The temperature settings for each pan location/heating zone are thus independent of the other food product types being held in the other pan locations/zones. EX1005: 25 (“1/2 ROW HEAT (2 Wells)”; EX1006: 1 (“independent well flexibility”); EX1007: 53 (“[t]otal well independence allows freedom in product placement in the IRHS” and “[t]ailor each well specifically to the products within them”).



EX1007: 12.

261. It would have been obvious to the POSA per the IRHS Documents to heat the food holding zones to different temperatures to accommodate customized heat settings for different types of food received in each holding zone (*e.g.*, the first and second holding zones receive respective different first and second food types) and to increase holding capacity for different types of cooked food to meet customer demands. EX1028: 30 (“[i]t is critically important that each of these ‘heat zones’ be set to the appropriate temperature for each type of food product”), 14 (example temperatures), 39 (providing example temperatures); EX1019: 1:17-45 (explaining “‘fast food’ restaurants compete to deliver food products as quickly as possible while preserving quality of the taste, consistency, and appearance of the food” and outlining “challenges” of “maintain[ing] a large volume of different food products” each “requir[ing] different storage temperatures”); EX1010: ¶[0024] (“establish two or more heat zones of differing temperatures within the

warming volume, to allow food products that require different warming temperatures to be simultaneously disposed within the cart”).

262. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 13.

N. Independent Claim 27

263. Limitations 27.P-27.f.2 of independent claim 27 are identical to limitations 1.P-1.e.2 and 1.g.1-1.g.2 of independent Claim 1.

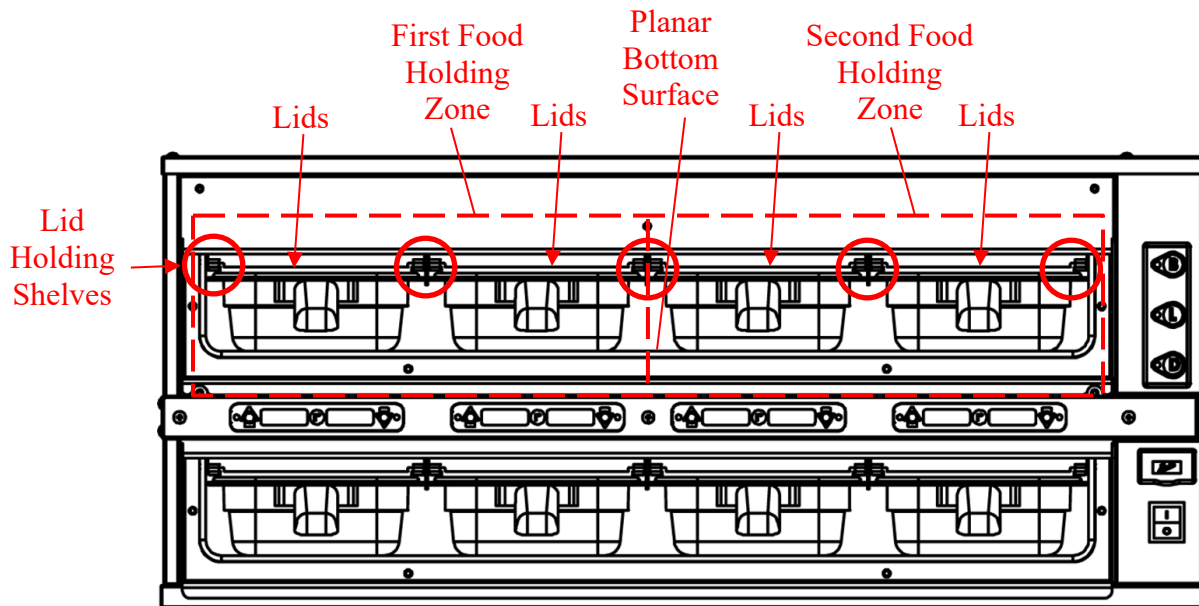
264. For the reasons set forth in Paragraphs 127-167 and 169-184 (1.P-1.e.2, 1.g.1-1.g.2 (excluding 1.f)), the IRHS Documents also disclose the limitation 27.P-27.f.2.

27.g: wherein each food holding zone further comprises a dedicated lid holding shelf elevated above the substantially planar bottom surface in the first food holding compartment, the dedicated lid holding shelf being configured to receive and store a lid for a food holding tray

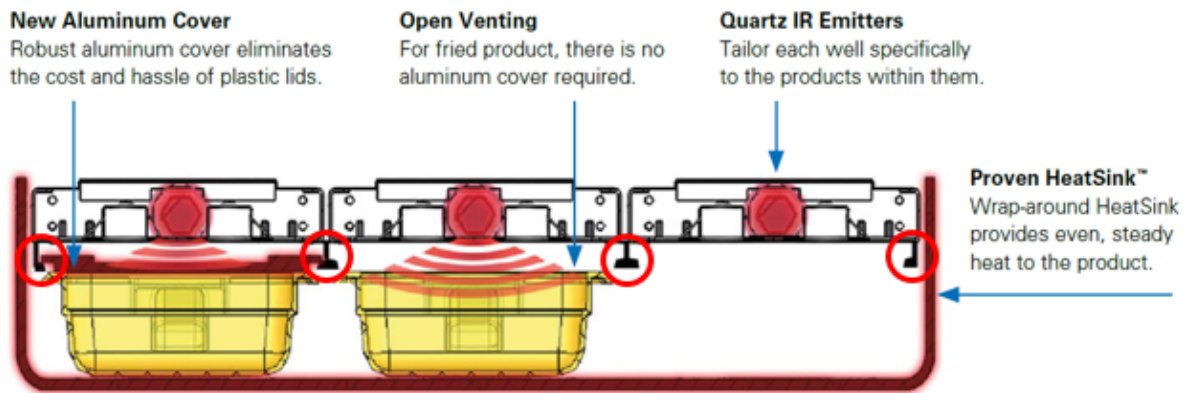
265. The POSA would recognize that the IRHS Documents disclose that “each food holding zone further comprises a dedicated lid holding shelf elevated above the substantially planar bottom surface in the first food holding compartment, the dedicated lid holding shelf being configured to receive and store a lid for a food holding tray.”

266. As disclosed in the IRHS Documents, the IRHS Holding Units include covers or lids suspended above each pan holding location. EX1005: 4 (“robust aluminum Heat Sink Cover for broiled foods”), 8, 20-21 (ref. no. 18); EX1007: 53 (“[m]etal cover eliminates the cost and hassle of plastic lids”), 56, 58 (“[c]over allows better heat transfer and greater seal assurance; critical to maintaining food quality with extended hold times”).

267. The IRHS Holding Units—including the IRHS24 Holding Units—have lid-holding shelves in each food holding zone for receiving and storing the lids. These lid-holding shelves are elevated above the substantially planar bottom surface in the first food holding compartment.



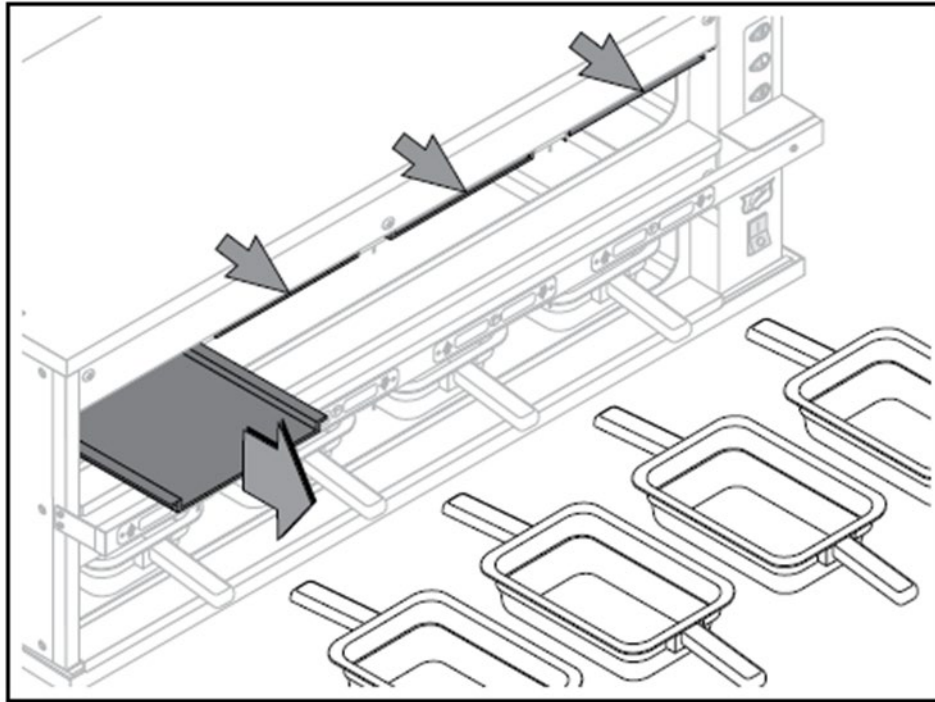
EX1005: 8 (annotated).



EX1007: 53 (annotated).



EX1007: 36 (annotated).



EX1008: 16.

268. Accordingly, each limitation of Claim 27 is disclosed within the IRHS Documents.

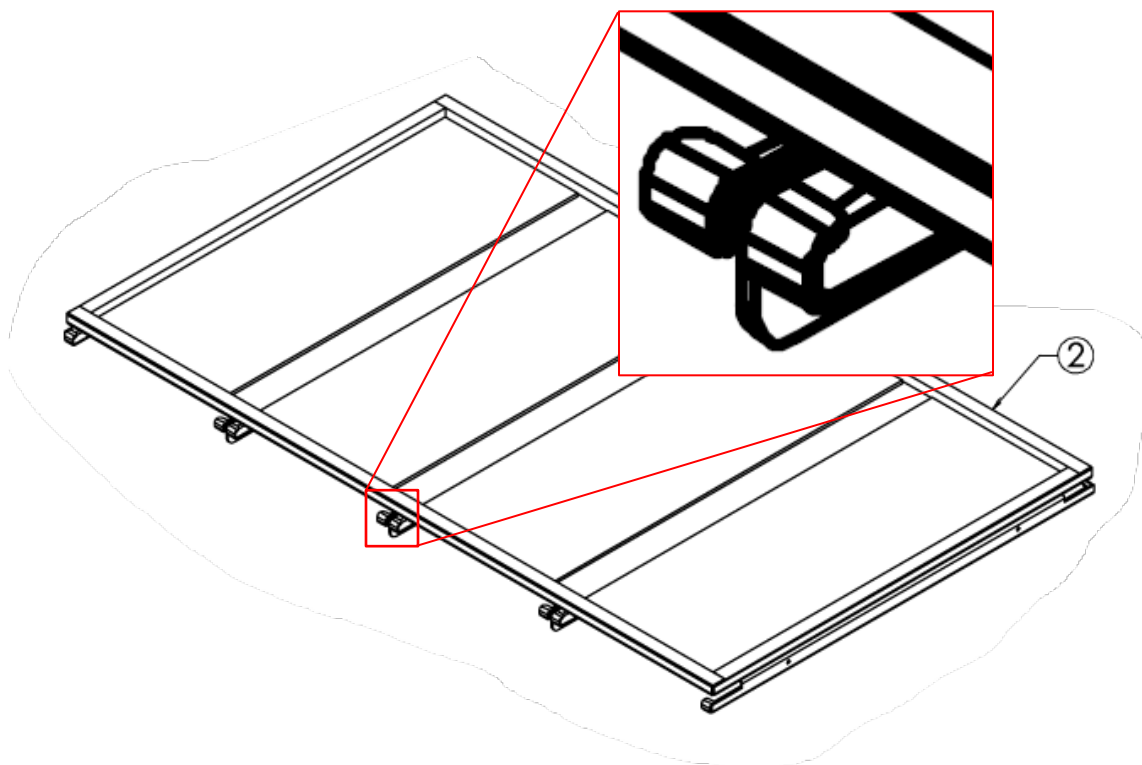
269. Because the IRHS Documents would have been understood to be describing the same family of IRHS Holding Units, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents—which collectively disclosed each limitation of Claim 27—to arrive at the food holding bin as claimed in Claim 27.

O. Claim 29: the food holding bin of claim 27, wherein the lid holding shelf comprises sheet metal

270. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

271. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 29 further requiring “the lid holding shelf comprises sheet metal.”

272. The POSA would understand from the shape (appearing to be bent sheet metal) and color of the lid shelves depicted within the IRHS Documents that the lid-holding shelves comprise sheet metal.



EX1005: 19 (enlarged).



EX1007: 36 (annotated).

273. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 29.

P. Claim 31: the food holding bin of claim 27, wherein the first, second, third, and fourth heating elements each comprise resistive wire

274. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

275. The additional “wherein the first, second, third, and fourth heating elements each comprise resistive wire” limitation added in Claim 31 is identical in claim scope to the limitation added in Claim 3.

276. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 185-190 above.

Q. Claim 32: the food holding bin of claim 27, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction

277. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

278. The additional “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction” limitation added in Claim 32 is identical in claim scope to the limitation added in Claim 4.

279. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 191-197 above.

R. Claim 33

33.a: the food holding bin of claim 27, further comprising a first bezel attached to the chassis

280. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

281. The additional “first bezel is attached to the chassis” limitation added in Claim 33.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

282. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 above.

33.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

283. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” limitation added in Claim 33.b is identical in claim scope to the limitation added in Claim 5 limitation.

284. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 198-203 above.

285. Accordingly, each limitation of Claim 33 is disclosed within the IRHS Documents.

286. As each limitation of Claim 33 is disclosed within the IRHS Documents, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 33.

S. Claim 34: the food holding bin of claim 33, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

287. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 33.

288. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” limitation added in Claim 34 is identical in claim scope to the limitation added in Claim 6.

289. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 204-208 above.

T. Claim 35

35.a: the food holding bin of claim 27, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

290. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

291. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 35.a is identical in claim scope to the limitation added in Claim 7.a.

292. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 209-221 above.

35.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

293. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 35.b is identical in claim scope to the limitation added in Claim 7.b.

294. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 222-230 above.

U. Claim 36

36.a.1: the food holding bin of claim 35, further comprising a first bezel attached to the chassis proximate the front face of the chassis

295. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 35.

296. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 36.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

297. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 and 231-233 above.

36.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

298. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation added in Claim 36.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

299. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraph 234 above.

36.b: further comprising a second bezel located proximate the opposing rear face of the chassis

300. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 36.b is identical in claim scope to the limitation added in Claim 8.b.

301. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 235-237 above.

V. Claim 37: the food holding bin of claim 27, wherein the substantially planar surface is a continuous surface

302. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

303. The additional “wherein the substantially planar surface is a continuous surface” limitation added in Claim 37 is identical in claim scope to the limitation added in Claim 9.

304. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 238-241 above.

W. Claim 38: the food holding bin of claim 37, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

305. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 37.

306. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones” limitation added in Claim 38 is identical in claim scope to the limitation added in Claim 10.

307. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 242-245 above.

X. Claim 39: the food holding bin of claim 27, wherein the substantially planar surface comprises aluminum

308. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

309. The additional “wherein the substantially planar surface comprises aluminum” limitation added in Claim 39 is identical in claim scope to the limitation added in Claim 11.

310. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 246-250 above.

Y. Claim 40: the food holding bin of claim 27, further comprising a food holding tray resting on the substantially planar surface

311. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

312. The additional “further comprising a food holding tray resting on the substantially planar surface” limitation added in Claim 27 is identical in claim scope to the limitation added in Claim 12.

313. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 251-254 above.

Z. Claim 41: the food holding bin of claim 27, the first food holding zone and the second food holding zone being heated to different temperatures

314. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

315. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 41 is identical in claim scope to the limitation added in Claim 13.

316. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 255-262 above.

AA. Independent Claim 42

317. Limitations 42.P-42.f.2 of independent claim 42 are identical to limitations 1.P-1.e.2, 1.g.1, and 1.g.2 (omitting the limitations of 1.f) of independent claim 1.

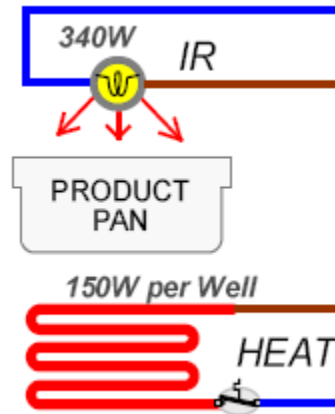
318. For the reasons set forth in Paragraphs 127-167 and 169-184 (1.P-1.e.2, 1.g.1, and 1.g.2), the IRHS Documents also disclose the limitation 42.P-42.f.2.

42.g: wherein the first independently controllable heating element is adapted to output more heat energy than the second heating element

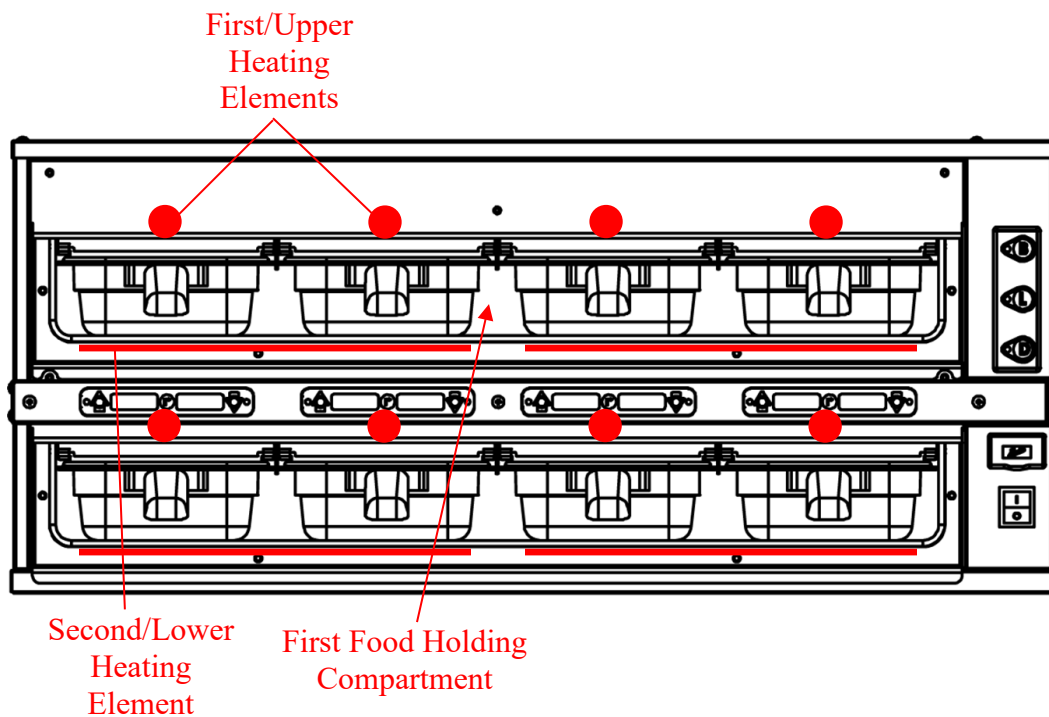
319. The POSA would recognize that the IRHS Documents disclose that “the first independently controllable heating element is adapted to output more heat energy than the second heating element.”

320. As explained in Paragraphs 138-162 and 164-167 above (1.d.2 and 1.e.2), the first/upper and second/lower heating elements are independently controllable from one another via the controller. Thus, the controller can operate the IR first/upper heating elements to output more heat energy than the second/lower heating elements, thereby making the first/upper heating elements *adapted* to output more heat energy than the second/lower heating elements.

321. For example, the IRHS Documents indicate each heat sink element (*i.e.*, second/lower heating element) is rated (adapted) at 150 Watts per well (300 Watts per element/zone) and while each IR emitter (*i.e.*, first/upper heating element) is rated (adapted) at 340 Watts (more heat energy). EX1008: 64.



EX1008: 64.



EX1005: 8 (annotated).

322. Moreover, the IRHS Documents state the IR first/upper heating elements can perform an “IR Turbo Boost for [an] instant shot of IR energy,” while the “bottom zoned” heating element (*i.e.*, second/lower heating element) “provides *gentle* heat to minimize temperature distribution from top to bottom of pan.”

EX1006: 1 (emphasis added); EX1007: 22 (“Utilize ‘Turbo Boost’ for a quick shot of heat to the product”). The “IR Turbo Boost” for an “instant shot of IR energy” would be understood to result in the first/upper heating elements outputting more heat energy than the “gentle” second/lower heating elements during the IR Turbo Boost time period.

323. Accordingly, each limitation of Claim 42 is disclosed within the IRHS Documents.

324. Because the IRHS Documents would have been understood to be describing the same family of IRHS Holding Units, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents—which collectively disclosed each limitation of Claim 42—to arrive at the food holding bin as claimed in Claim 42.

BB. Claim 43: the food holding bin of claim 42, wherein the first, second, third, and fourth heating elements each comprise resistive wire

325. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

326. The additional “wherein the first, second, third, and fourth heating elements each comprise resistive wire” limitation added in Claim 43 is identical in claim scope to the limitation added in Claim 3.

327. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 185-190 above.

CC. Claim 44: the food holding bin of claim 42, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction

328. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

329. The additional “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction” limitation added in Claim 44 is identical in claim scope to the limitation added in Claim 4.

330. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 191-197 above.

DD. Claim 45

45.a: the food holding bin of claim 42, further comprising a first bezel attached to the chassis

331. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

332. The additional “first bezel is attached to the chassis” limitation added in Claim 45.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

333. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 above.

45.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

334. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” limitation added in Claim 45.b. is identical in claim scope to the limitation added in Claim 5 limitation.

335. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 198-203 above.

336. Accordingly, each limitation of Claim 45 is disclosed within the IRHS Documents.

337. As each limitation of Claim 45 is disclosed within the IRHS Documents, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 45.

EE. Claim 46: the food holding bin of claim 45, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

338. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 45.

339. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” limitation added in Claim 46 is identical in claim scope to the limitation added in Claim 6.

340. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 204-208 above.

FF. Claim 47

47.a: the food holding bin of claim 42, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

341. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

342. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 47.a is identical in claim scope to the limitation added in Claim 7.a.

343. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 209-221 above.

47.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

344. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 47.b is identical in claim scope to the limitation added in Claim 7.b.

345. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 222-230 above.

GG. Claim 48

48.a.1: the food holding bin of claim 47, further comprising a first bezel attached to the chassis proximate the front face of the chassis

346. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 47.

347. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 48.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

348. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 and 231-233 above.

48.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

349. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation

added in Claim 48.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

350. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraph 234 above.

48.b: further comprising a second bezel located proximate the opposing rear face of the chassis

351. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 48.b is identical in claim scope to the limitation added in Claim 8.b.

352. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 235-237 above.

HH. Claim 49: the food holding bin of claim 42, wherein the substantially planar surface is a continuous surface

353. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

354. The additional “wherein the substantially planar surface is a continuous surface” limitation added in Claim 49 is identical in claim scope to the limitation added in Claim 9.

355. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 238-241 above.

II. Claim 50: the food holding bin of claim 49, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

356. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 49.

357. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones” limitation added in Claim 49 is identical in claim scope to the limitation added in Claim 10.

358. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 242-245 above.

JJ. Claim 51: the food holding bin of claim 42, wherein the substantially planar surface comprises aluminum

359. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

360. The additional “wherein the substantially planar surface comprises aluminum” limitation added in Claim 51 is identical in claim scope to the limitation added in Claim 11.

361. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 246-250 above.

KK. Claim 52: the food holding bin of claim 42 further comprising a food holding tray resting on the substantially planar surface

362. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

363. The additional “further comprising a food holding tray resting on the substantially planar surface” limitation added in Claim 52 is identical in claim scope to the limitation added in Claim 12.

364. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 251-254 above.

LL. Claim 53: the food holding bin of claim 42, the first food holding zone and the second food holding zone being heated to different temperatures

365. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 42.

366. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 53 is identical in claim scope to the limitation added in Claim 13.

367. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 255-262 above.

MM. Independent Claim 54

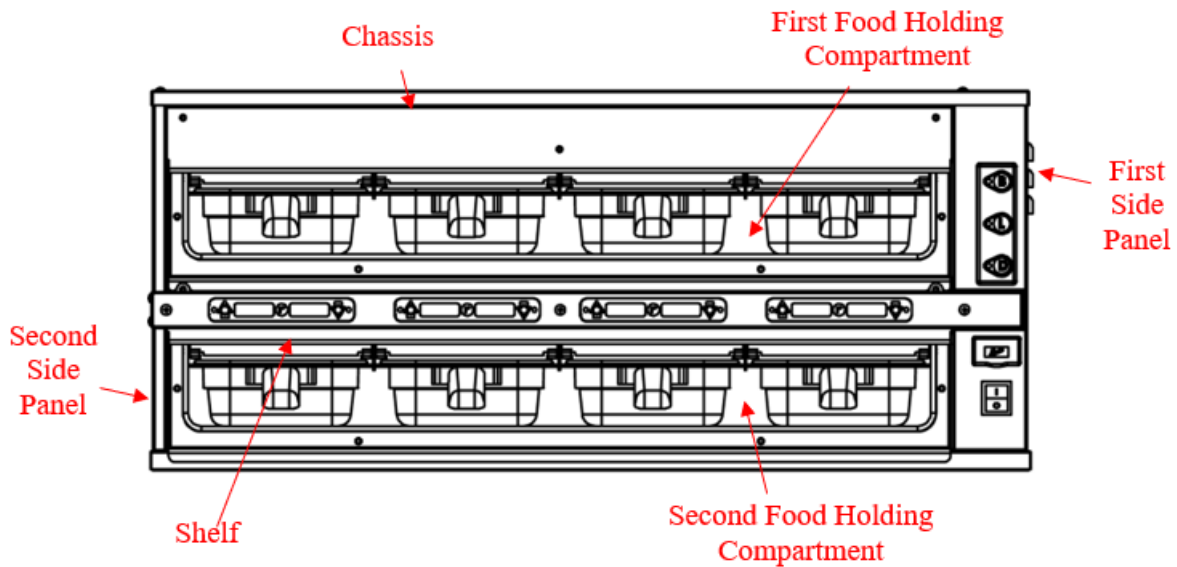
368. Limitations 54.P-54.f.2 of independent claim 54 are identical to limitations 1.P-1.e.2, 1.g.1, and 1.g.2 (omitting the limitations of 1.f) of independent claim 1.

369. For the reasons set forth in Paragraphs 127-167 and 169-184 (1.P-1.e.2, 1.g.1, and 1.g.2), the IRHS Documents also disclose the limitation 54.P-54.

54.g.1: further comprising a second food holding compartment disposed below the first food holding compartment within the chassis, the second food holding compartment being defined by the first side panel, the second side panel, and the shelf

370. The POSA would recognize that the IRHS Documents disclose “a second food holding compartment disposed below the first food holding compartment within the chassis, the second food holding compartment being defined by the first side panel, the second side panel, and the shelf.”

371. The chassis of the IRHS units have a second food holding compartment within the chassis below the first food holding compartment. As annotated below using the IRHS24 Holding Unit, this second food holding compartment is defined by the first side panel, the second side panel, and the shelf.

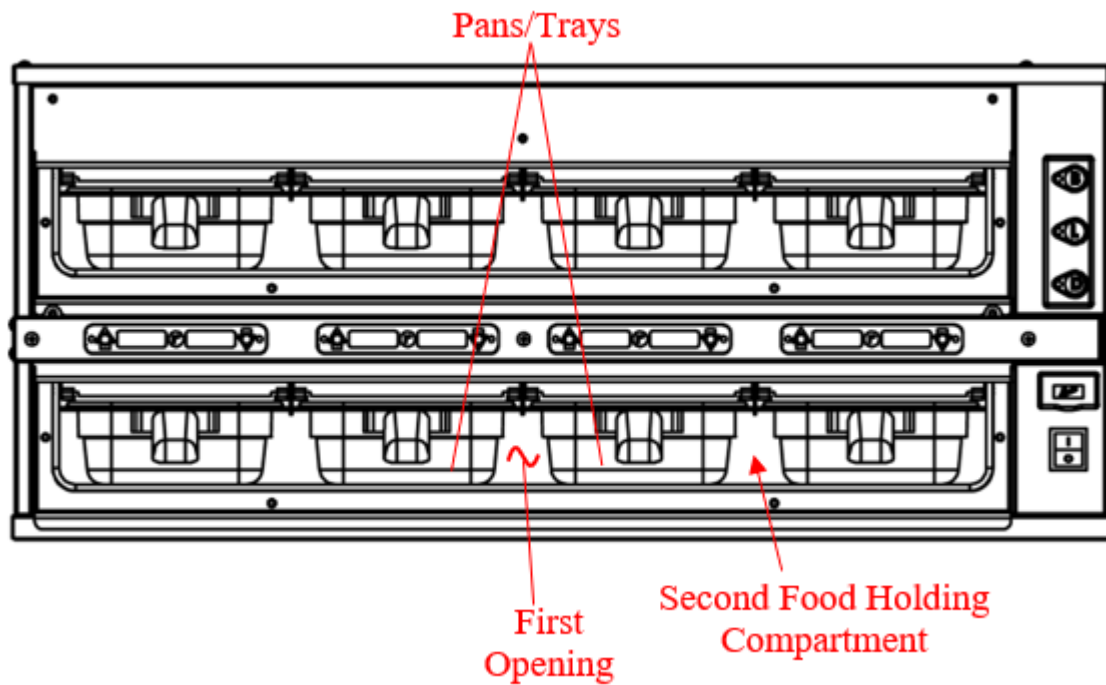


EX1005: 8 (annotated).

54.g.2: the second food holding compartment having a first opening, the first opening of the second food holding compartment being configured to allow food items to be placed into and removed from the food holding compartment

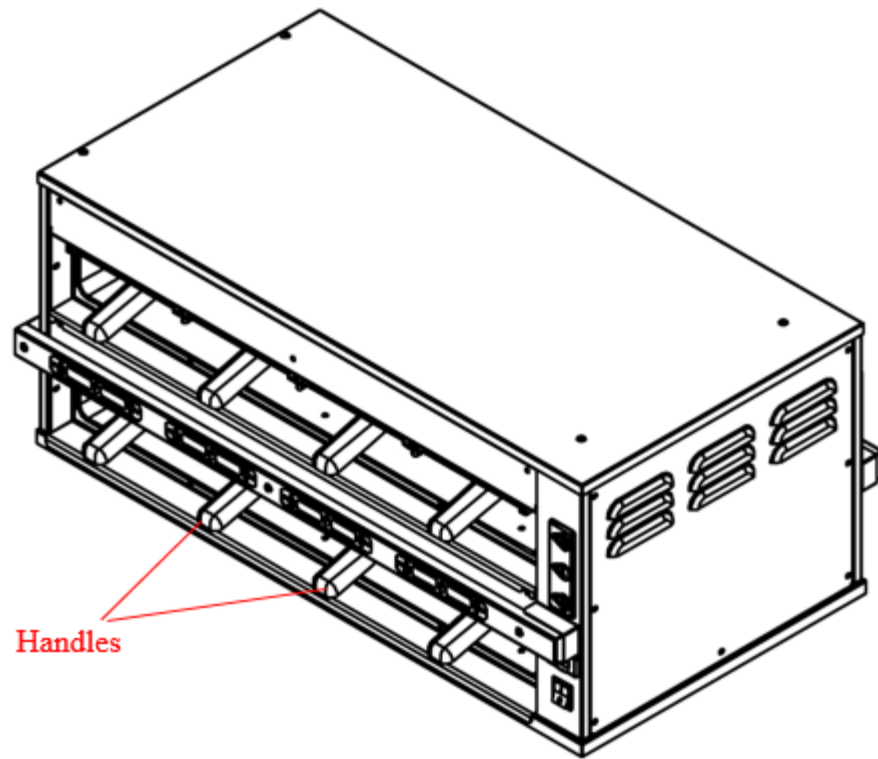
372. The POSA would recognize that the IRHS Documents disclose the second food holding compartment as “having a first opening, the first opening of the second food holding compartment being configured to allow food items to be placed into and removed from the food holding compartment.”

373. As annotated below using the IRHS24 Holding Unit, the second food holding compartment has a first opening. The first opening is larger than the food pans and allows the food pans, and thus food contained therein, to pass therethrough to be placed into and removed from the second food holding compartment.



EX1005: 8 (annotated).

374. As shown below, the IRHS Documents discloses handles of the food pans projecting out of the first opening in the front face of the chassis to allow the operator to insert and remove pans through the first opening of the second food holding compartment.



EX1005: 8 (annotated).



Pan: #156634

EX1007: 58 (annotated).



EX1007: 52.

54.h: a controller operatively coupled to the second heating element and to the fourth heating element, the controller being configured to independently operate the second heating element and the fourth heating element

375. The POSA would recognize that the IRHS Documents disclose “a controller operatively coupled to the second heating element and to the fourth heating element, the controller being configured to independently operate the second heating element and the fourth heating element.”

376. For example, as shown in the wiring diagram, the IRHS24 Holding Unit is disclosed as having a controller operatively connected to each heating element (*e.g.*, the second and fourth heating elements). EX1005: 25 (“HMC-34 Controller”).

377. As explained in Paragraphs 138-162 and 164-167 above with respect to claim limitations 1.d.2 and 1.e.2, the heating elements (*e.g.*, second and fourth heating elements) are independently controllable from each other.

378. The controller operates the heating elements of the different food holding zones independently, so each food holding zone has an independently controlled food holding temperature. EX1005: 16 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”); EX1006: 1 (“[a]lphanumeric control with independent well flexibility,” “[z]oned bottom heat” and “individually controlled IR emitters” for top heat); EX1007: 53 (“[t]otal well independence allows freedom in product placement in the IRHS” and “[t]ailor each well specifically to the products within them”).

379. As shown in the wiring diagram, the controller is connected to each heating element, enabling the controller to independently operate each heating element.

380. The controller operates the heating elements of each food holding zone based on the specific food product type(s) assigned to the pan locations in the food holding zones. EX1006: 1 (“[c]ustom heat settings for food product”); EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16

(“each food product has a tailored HeatSink temperature and InfraRed pulse rate”),
25 (“1/2 Row Heat (2 Wells)”); EX1007: 51 (“each food product has tailored
settings to control the thermal path of the food, leading to optimal quality,
consistency and extended hold”).

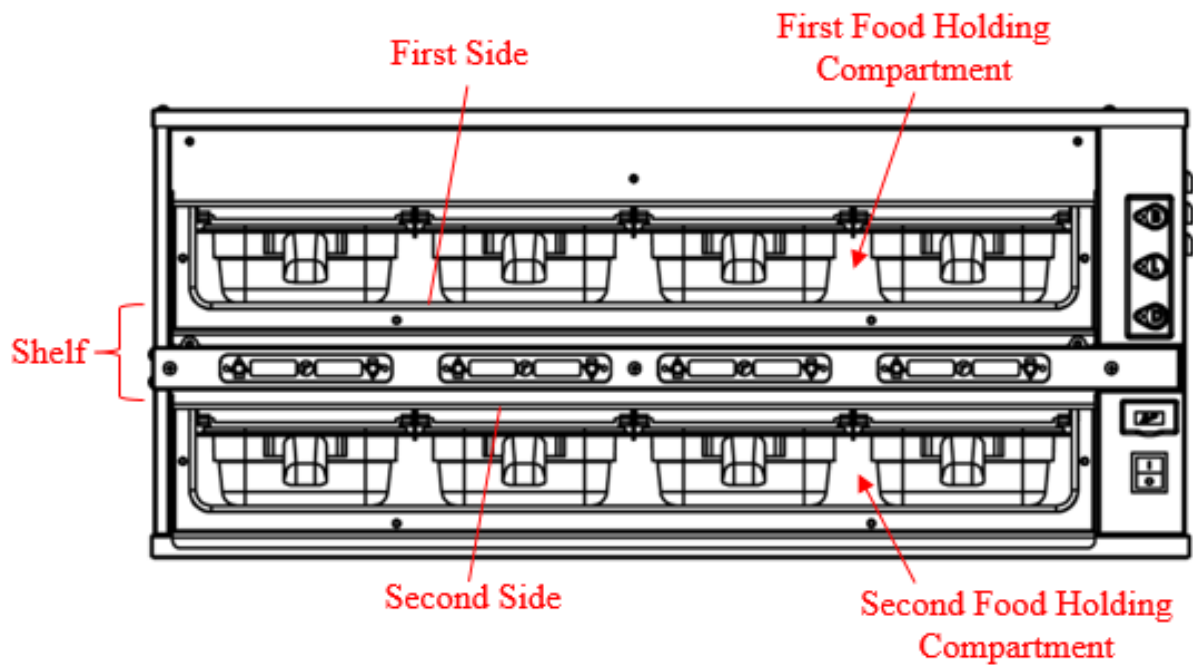
381. Based on the food product types assigned to the pan locations in the
different zones, the controller independently controls the heating elements (*e.g.*,
second and fourth heating elements) of each food holding zone to achieve the
zone’s set food holding temperature.

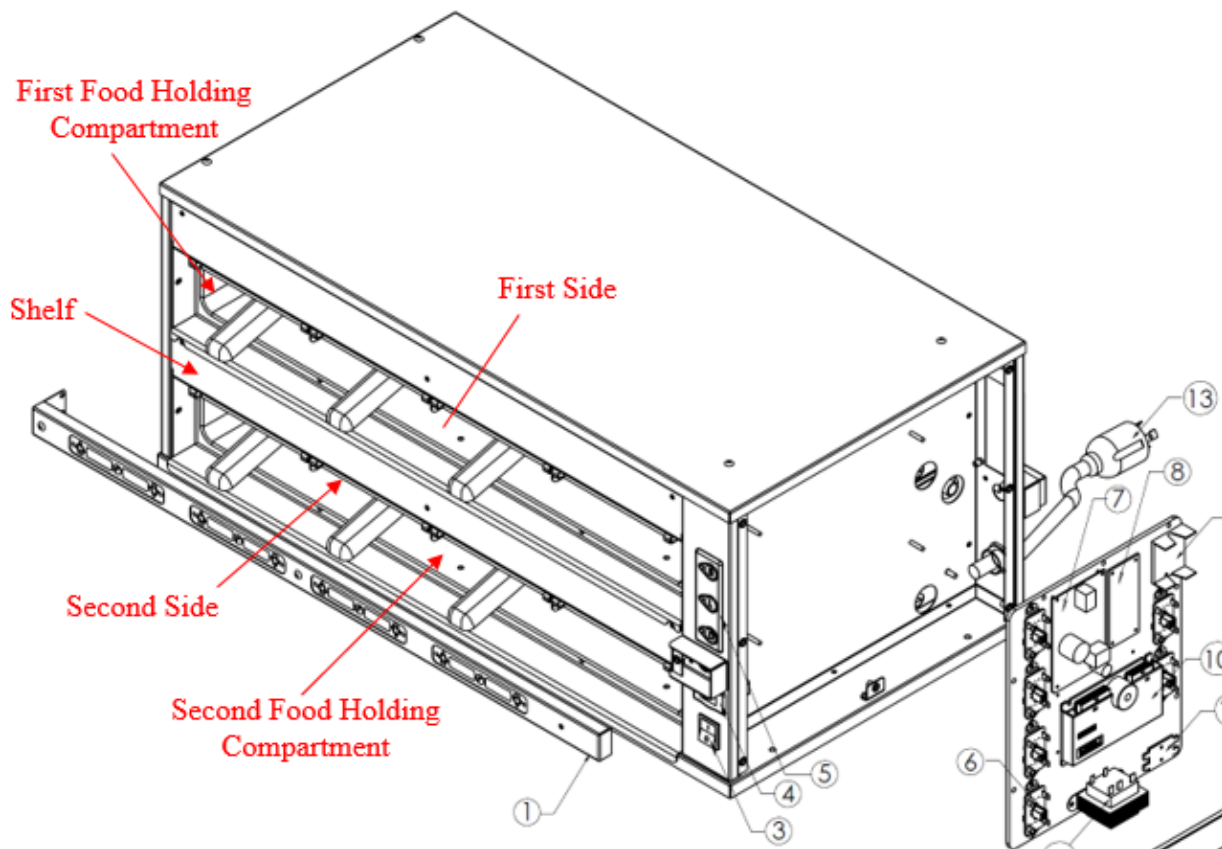
**54.i.1: wherein the shelf is located between the first and second
food holding compartments, the shelf comprises a first side and a
second side, the first side facing into the first food holding
compartment, the second side facing into the second food holding
compartment**

382. The POSA would recognize that the IRHS Documents disclose that
“the shelf is located between the first and second food holding compartments, the
shelf comprises a first side and a second side, the first side facing into the first food
holding compartment, the second side facing into the second food holding
compartment.”

383. As annotated below using the IRHS24 Holding Unit, the IRHS
Documents disclose that the shelf is located between the first and second food
holding compartments. The shelf has a first side that faces into the first food

holding compartment and a second side that faces into the second food holding compartment.





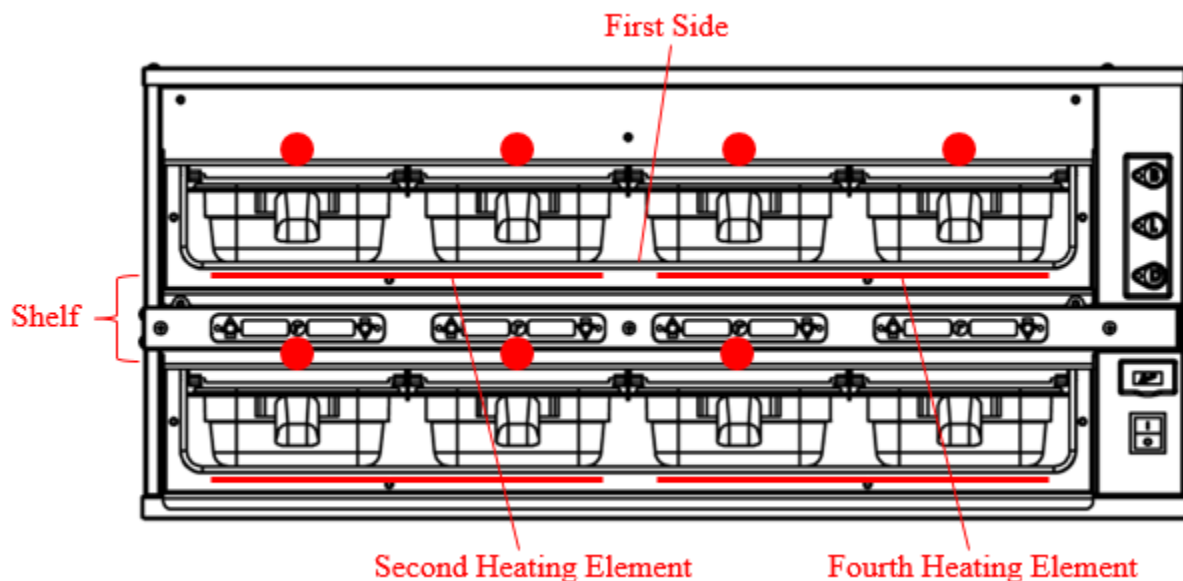
EX1005: 8, 20 (annotated).

54.i.2: the second and fourth heating elements are disposed in the shelf and in thermal communication with the first side

384. The POSA would recognize that the IRHS Documents disclose that “the second and fourth heating elements are disposed in the shelf and in thermal communication with the first side.”

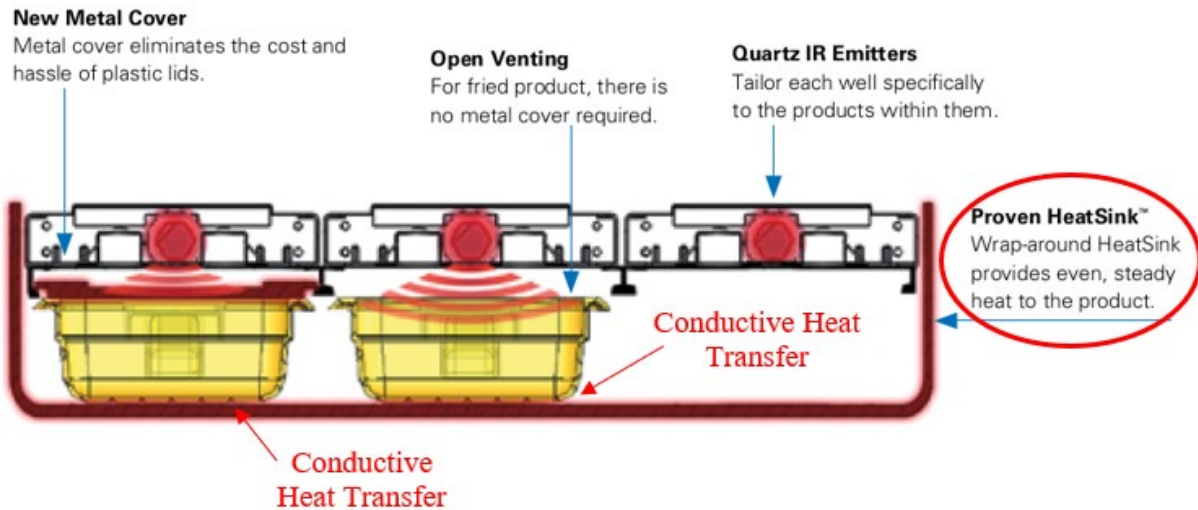
385. As annotated below using the IRHS24 Holding Unit, the second heating element (*i.e.*, the lower heating element of the first food zone) and fourth heating element (*i.e.*, the lower heating element of the second food zone) are disposed in the shelf, below the planar surface forming the first side of the shelf.

EX1016: Fig. 2, ¶[0039] (“[a]n electrical resistance heating element generally designated 39 having a bottom component 41 contacting the bottom of the heat sink”); EX1017: Fig. 3, 4:51-53 (“[e]ach heat sink 46 is fitted with a heater which may take the form of a flexible heating element 76 of the electrical resistance type. It extends almost the full length of the heat sink 44, covering the flat bottom surface 54 of the bottom wall 50 [of the heat sink]”); EX1007: 51.



EX1005: 8 (annotated).

386. The second and fourth heating elements are affixed to the HeatSink associated with the first food holding compartment that provides heat to the pans from underneath the pans. EX1007: 51 (“[p]revious generations of the Duke holding units contained only HeatSink, heating from below”).



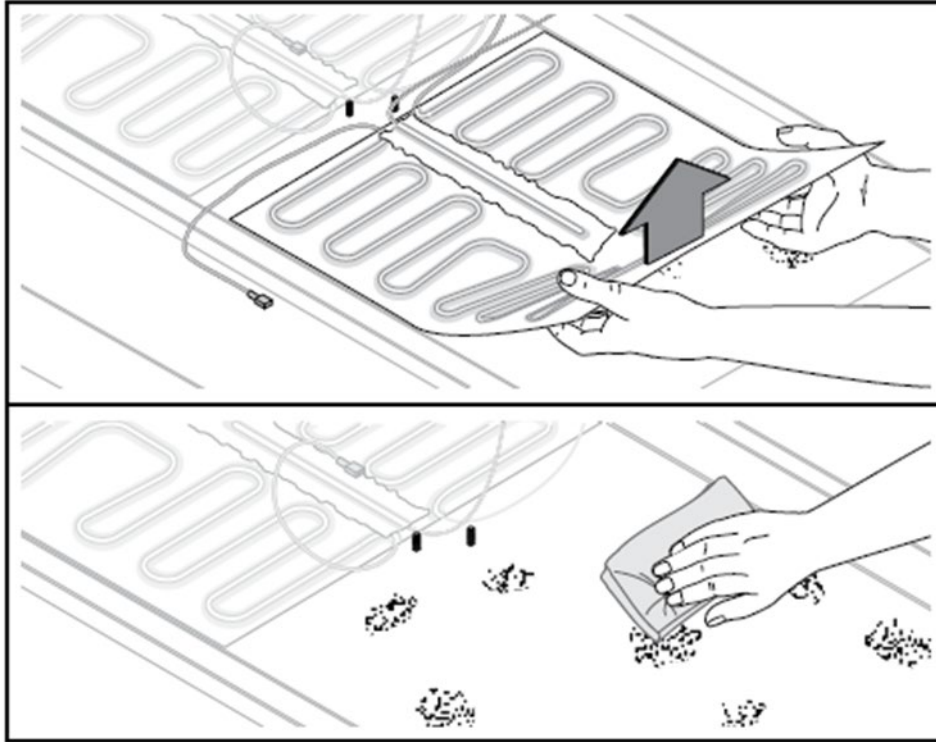
EX1007: 53 (annotated).

HEAT ELEMENTS

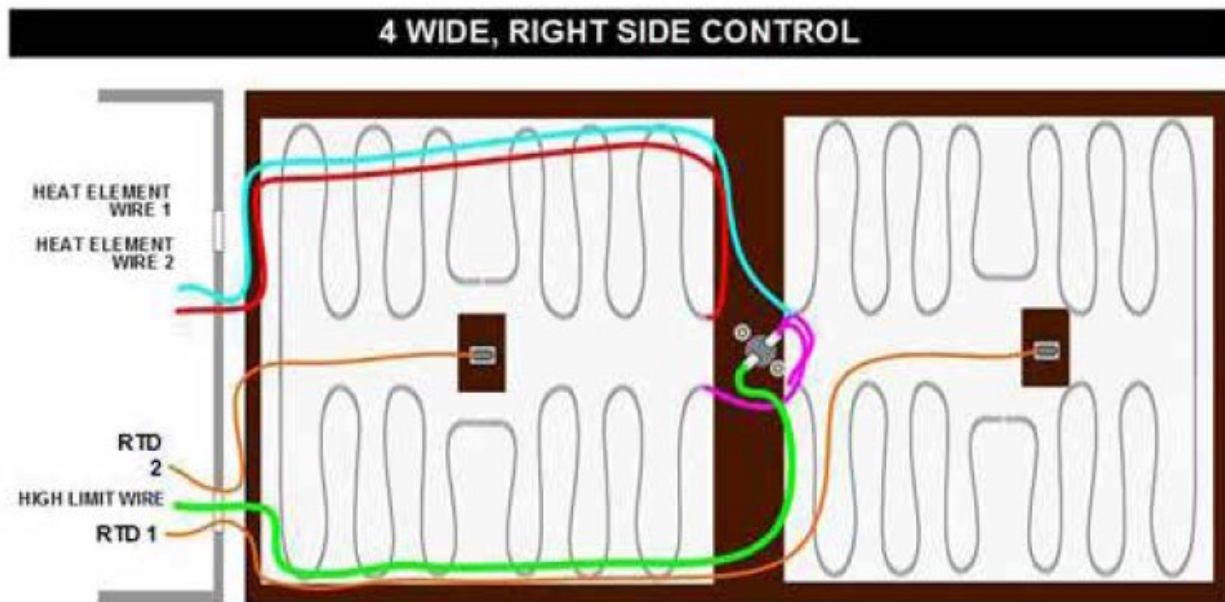
The Heat Elements provide the heating required to keep the heating wells at proper operating temperatures. The quantity varies depending on model and are affixed to the bottom of each Heat Sink.

EX1008: 21.

13. Remove the affected Heat Element by peeling off from the heat sink. Ensure any excess tape and/or adhesive is removed.



EX1008: 22.



EX1008: 58.

387. The POSA understands the lower heating elements (e.g., the second and fourth heating elements) heat the shelf's first side and thus are in thermal communication with the first side. EX1007: 51, 53. As the planar surface of the HeatSink—to which the second and fourth heating elements are affixed to the underside of—forms the first side of the shelf, the second and fourth heating elements are in thermal communication with the first side of the shelf. EX1016: Fig. 2, ¶[0039] (“[a]n electrical resistance heating element generally designated 39 having a bottom component 41 contacting the bottom of the heat sink”); EX1017: Fig. 3, 4:51-53 (“[e]ach heat sink 46 is fitted with a heater which may take the form of a flexible heating element 76 of the electrical resistance type. It extends almost the full length of the heat sink 44, covering the flat bottom surface 54 of the bottom wall 50 [of the heat sink]”).

54.i.3: the second and fourth heating elements being capable of providing different amounts of heat energy into the first and second food holding zones of the first food holding compartment

388. The POSA would recognize that the IRHS Documents disclose “the second and fourth heating elements [are] capable of providing different amounts of heat energy into the first and second food holding zones of the first food holding compartment.”

389. As explained in Paragraphs 170-182 above (1.g.2), the first/upper compartment's lower heating elements (*e.g.*, the second and fourth heating elements) are independently controllable from one another via the controller. EX1005: 16 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product” and “each food product has a tailored HeatSink temperature”), 25; EX1006: 1 (“[z]oned bottom heat”); EX1007: 53 (“Precise holding for each product in an optimized environment tailored to that product” and “Total well independence allows freedom in product placement in the IRHS”).

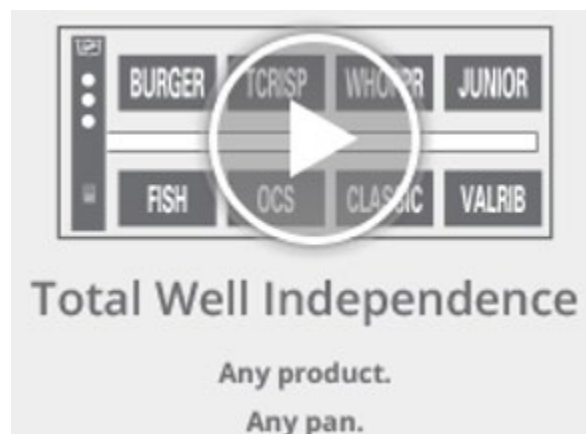
390. As the first/upper compartment's second and fourth lower heating elements are independently controllable from one another, they are capable of providing different amounts of heat energy into the first and second food holding zones.

391. For example, the POSA would recognize that the controller was intended to allow the operator to operate the heating elements (*e.g.*, second and fourth heating elements) of the respective food holding zones to heat the zones to different temperatures based on the different heat settings for different food types in the food holding zones.

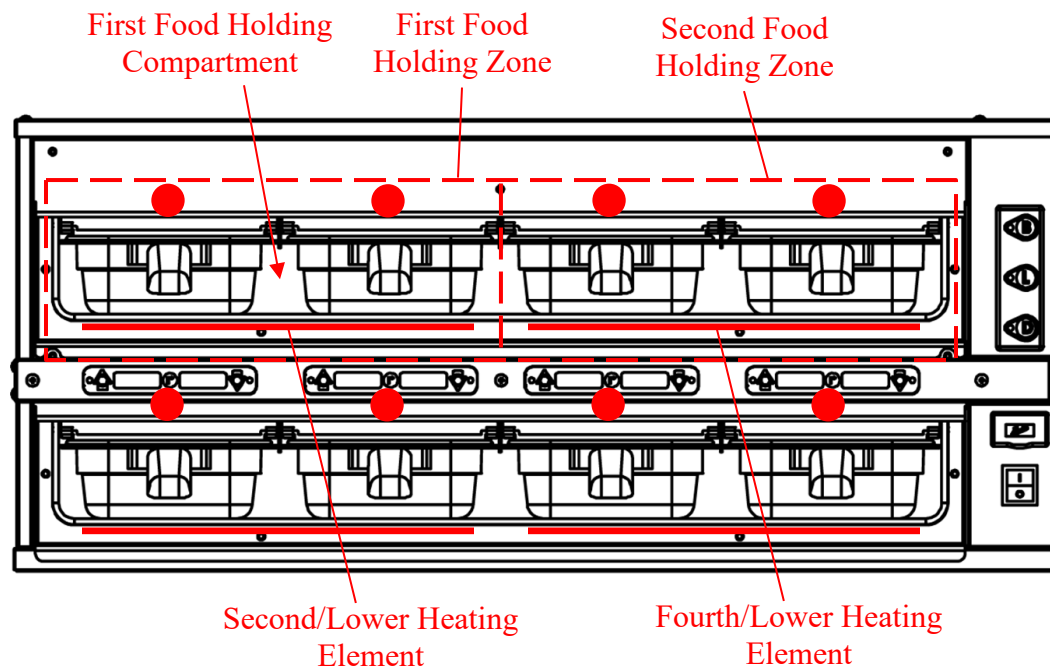
392. The IRHS Documents expressly teach the POSA to customize the temperature settings by food type and teach holding zones having different food

types. EX1006: 1 (“[c]ustom heat settings for food product”); EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”); EX1007: 51 (“each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold”), 53 (“[p]recise holding for each product in an optimized environment tailored to that product”).

393. The temperature settings for each pan location/heating zone are further taught to be independent of the other food product types being held in the other pan locations/zones. EX1005: 25 (“1/2 ROW HEAT (2 Wells)”); EX1006: 1 (“independent well flexibility”); EX1007: 53 (“[t]otal well independence allows freedom in product placement in the IRHS” and “[t]ailor each well specifically to the products within them”).



EX1007: 12.



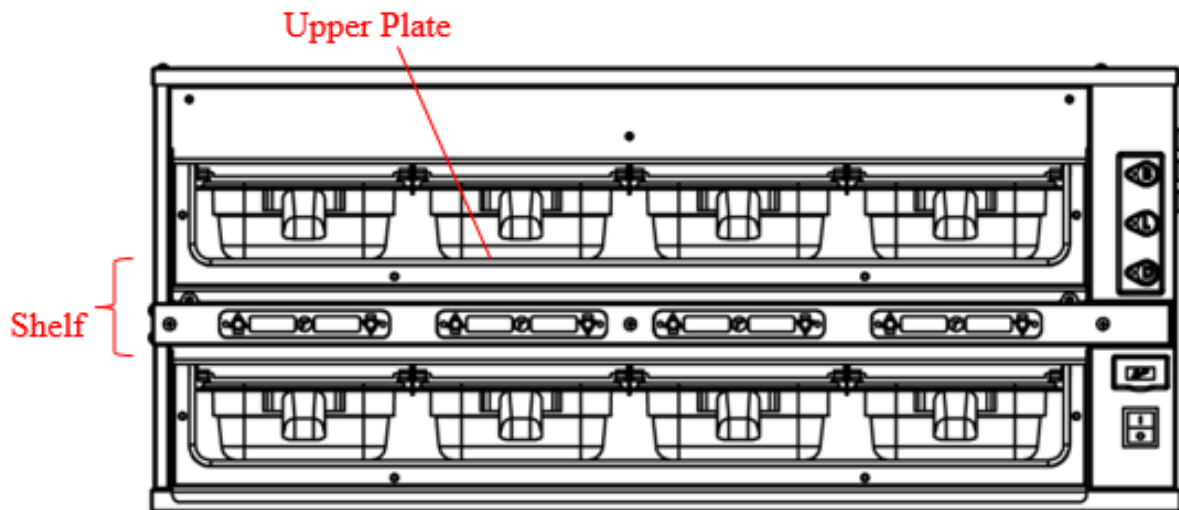
EX1005: 8 (annotated).

394. Having the second and fourth lower heating elements output different amounts of heat energy would be a natural result of the first and second food holding zones receiving different kinds of food requiring different bottom temperatures. For example, if the first food holding zone receives pans of cooked eggs and the second food holding zone receives pans of bacon, the lower heating element in the first food holding zone would output less heat energy for warming eggs than the lower heating element in the second food holding zone for warming bacon. EX1028: 39 (teaching holding eggs at 180°F and holding bacon at 200°F).

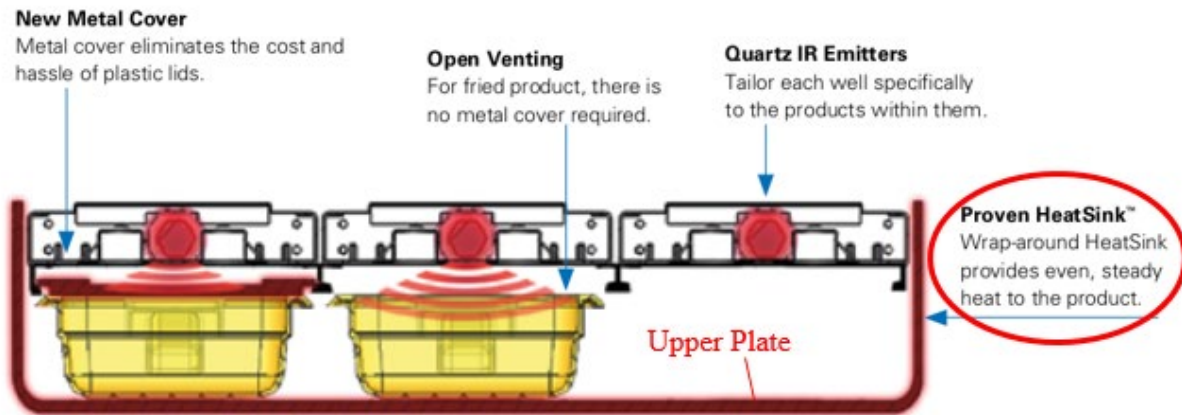
54.j.1: wherein the shelf comprises an upper thermally conductive plate, a lower thermally conductive plate, a fifth heating element, and a sixth heating element

395. The POSA would recognize that the IRHS Documents disclose that “the shelf comprises an upper thermally conductive plate, a lower thermally conductive plate, a fifth heating element, and a sixth heating element”

396. As annotated below using the IRHS24 Holding Unit, the shelf has an upper plate that forms the first planar surface of the HeatSink and is made of aluminum, a thermally conductive material. EX1006: 1 (“[a]nodized aluminum HeatSink”); *see also supra* Paragraphs 133-136 (Limitation 1.c.3).

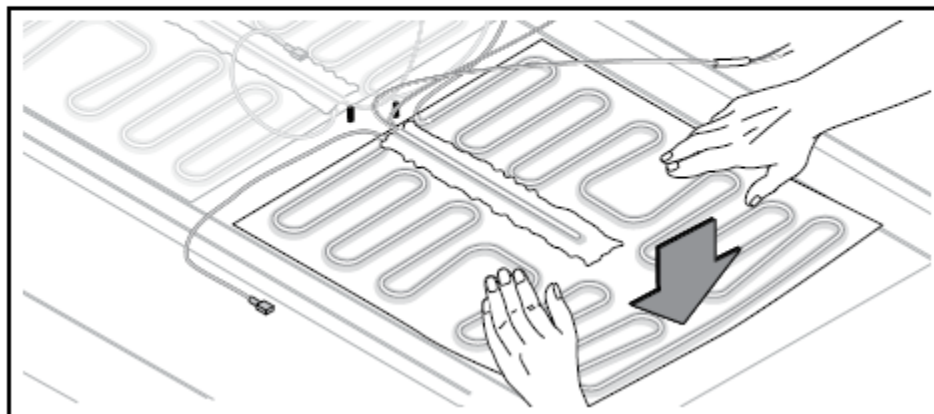


EX1005: 8 (annotated).



EX1007: 53 (annotated).

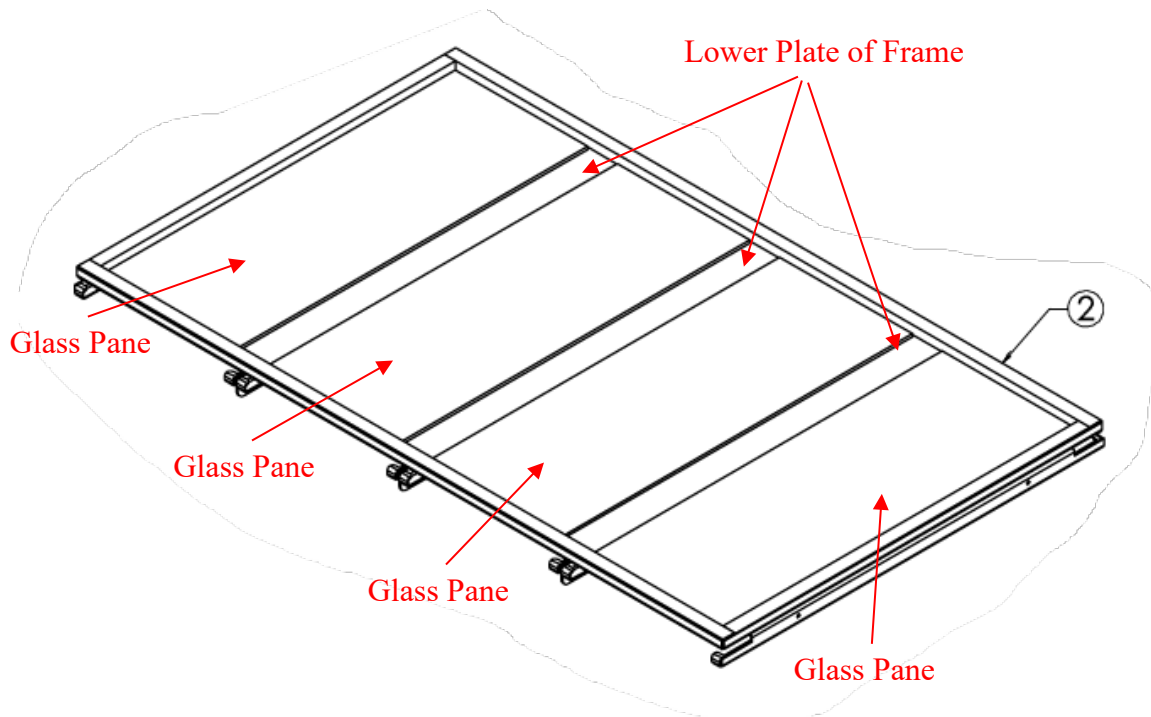
14. Peel the adhesive tape cover off the replacement Heat Element and press in place on the heat sink, ensuring all air bubbles are smoothed out.



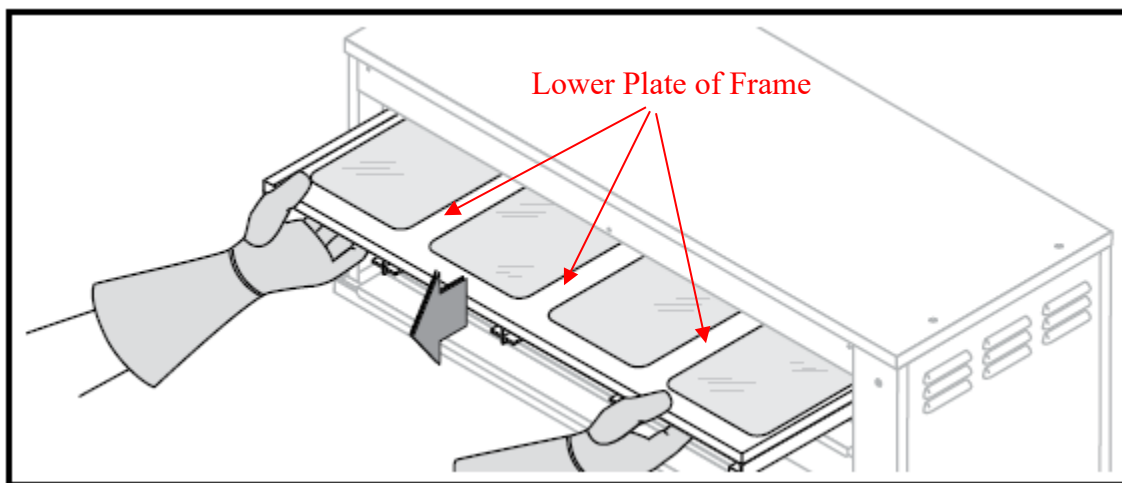
EX1008: 23.

397. The shelf comprises a glass support frame including a flat sheet metal plate with IR window cutouts. EX1005: 14 (“[f]ully clean upper glass surfaces by hand, as well as lower heat sink surfaces” and “fried food product can accumulate and bake on to the upper glass surfaces of the compartments”), 19-20 (Ref. No. 2 – “IR GLASS FRAME – 4 WIDE” and the table stating there are two of these for the

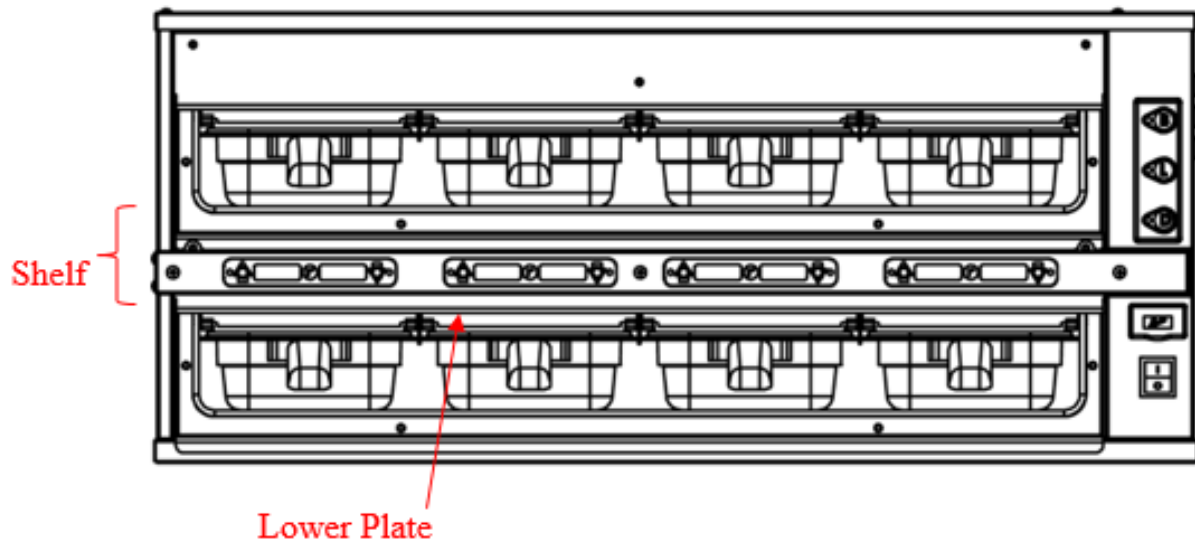
IRHS24). The sheet metal plate spans the shelf's width/depth, forms the shelf's bottom surface, carries the glass panes, and supports the lid support shelves.



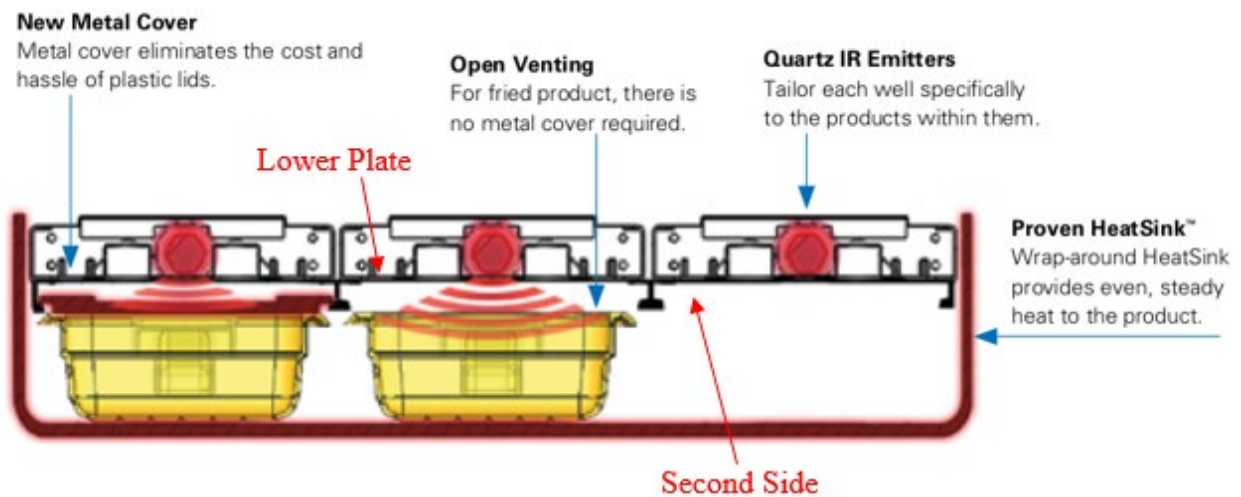
EX1005: 19 (annotated).



EX1008: 25 (annotated).



EX1005: 8 (annotated).



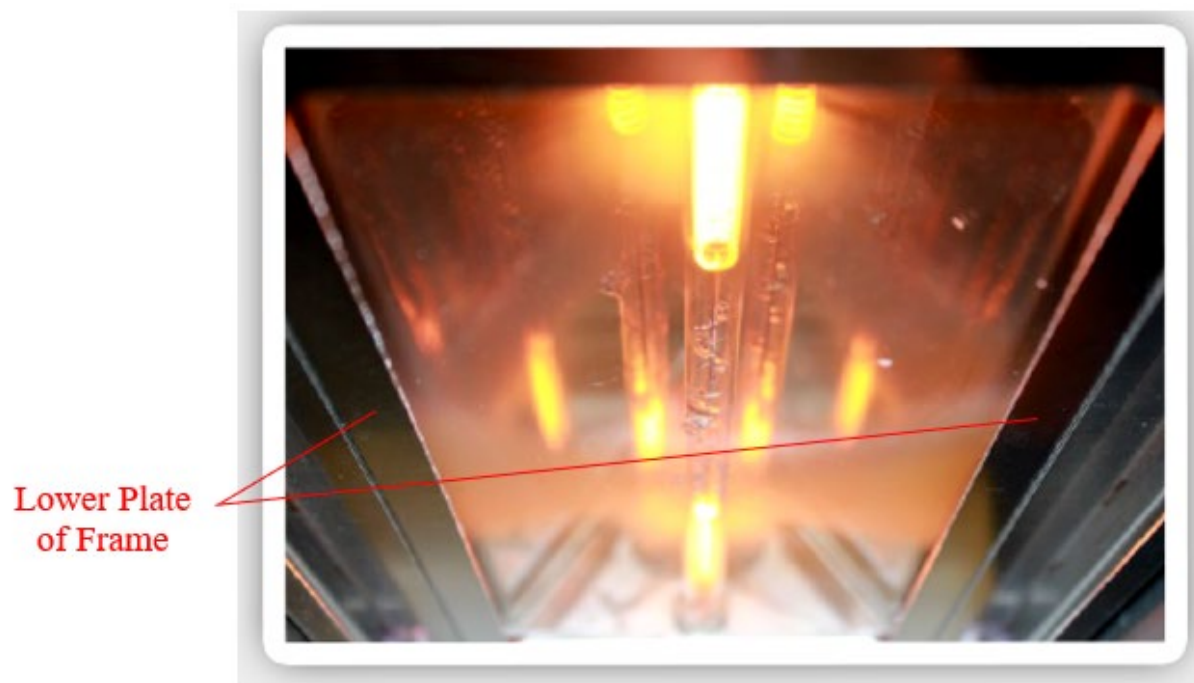
EX1007: 53 (annotated).



EX1007: 32 (annotated).



EX1007: 36 (annotated).

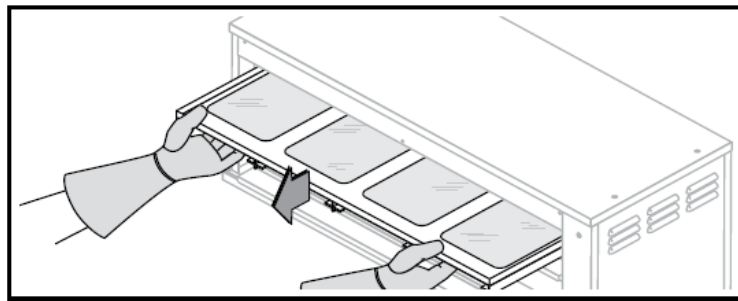


EX1007: 11 (annotated).

398. The sheet metal plate is made of thermally conductive material.

EX1008: 25, 27 (warning to “make sure the glass has cooled off sufficiently to avoid burns”).

NOTE: Make sure the glass has cooled off sufficiently to avoid burns to bare skin. Use gloves if necessary.

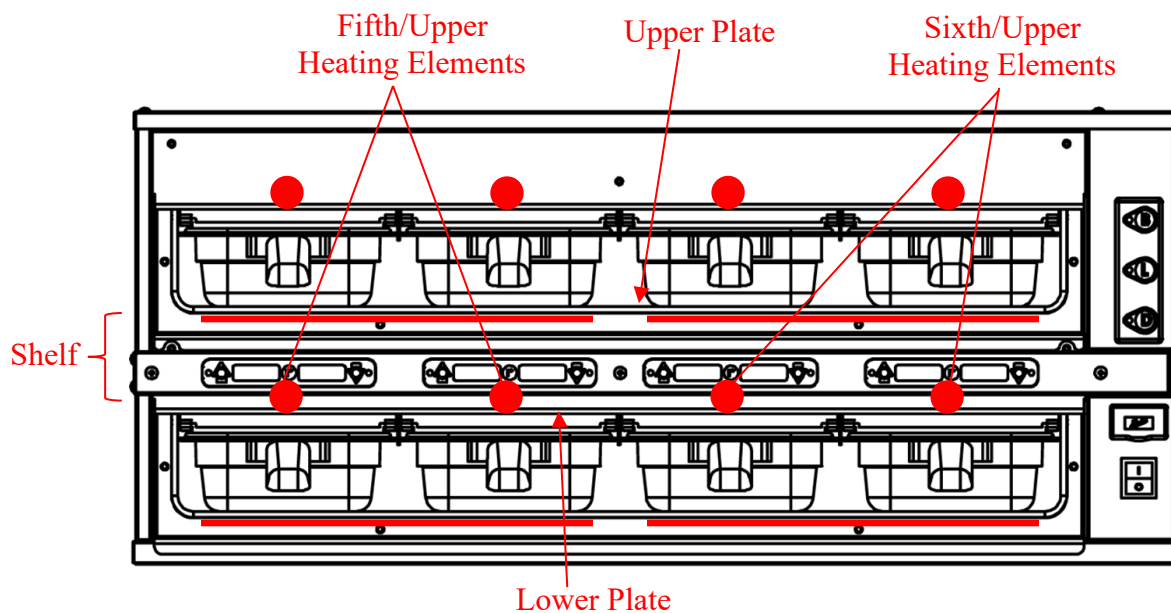


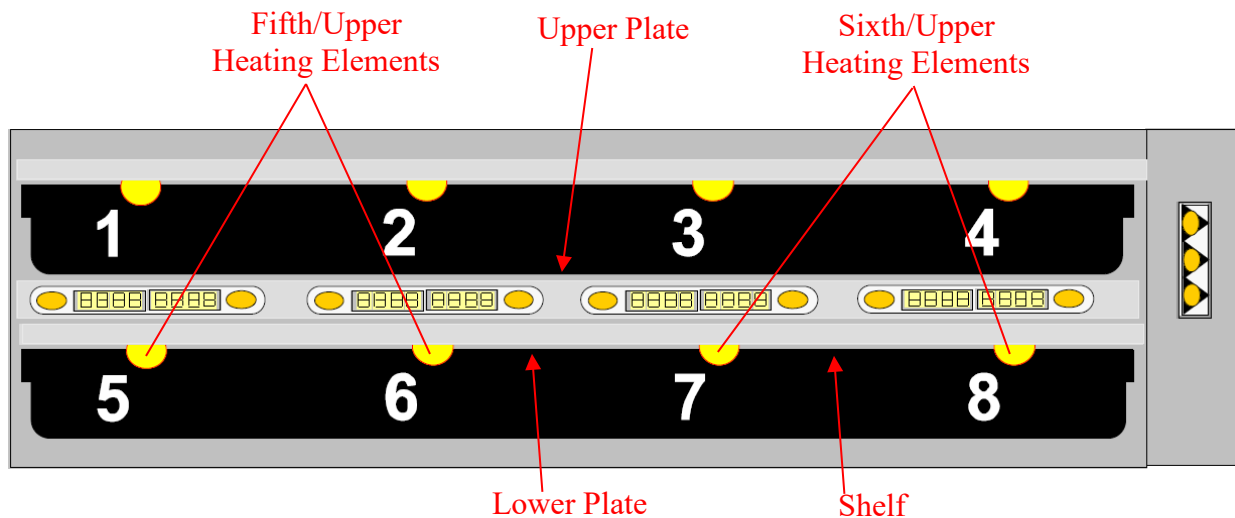
EX1008: 27 (annotated).

399. Moreover, it would have been obvious to make the plate out of stainless steel or another thermally conductive metal, as taught by the IRHS Documents. EX1005: 13 (“Stainless Steel”); EX1006: 1 (“Stainless steel”); EX1007: 58 (“Standard Stainless”). The IRHS Documents teach stainless steel is good material for constructing components of the IRHS24 Holding Unit, providing durable construction, easier cleaning, and rust resistance. EX1005: 13 (“metal will not corrode” and “[r]outine cleaning of stainless steel can be done with soap and water”); EX1007: 53 (“built to last with heavy, durable construction” and “no cracks with the new stainless steel faceplate”). There would have been a

reasonable expectation of success given the IRHS Documents teach stainless steel construction.

400. As annotated below using the IRHS24 Holding Unit, the IRHS Documents disclose that the shelf further includes fifth and sixth heating elements in the form of IR bulbs for heating the zones of the second/lower compartment. See Paragraphs 138-162 (1.d.2).





EX1005: 8, 25 (annotated).

54.j.2: the fifth and sixth heating elements being disposed between the upper thermally conductive plate and the lower thermally conductive plate

401. The POSA would recognize that the IRHS Documents disclose that “the fifth and sixth heating elements [are] disposed between the upper thermally conductive plate and the lower thermally conductive plate”

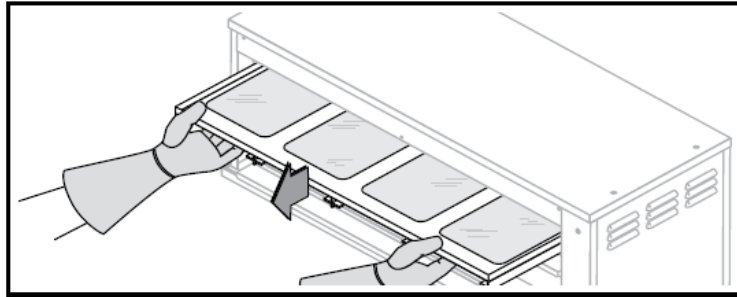
402. The IRHS Documents disclose that the fifth and sixth heating elements (IR bulbs) are disposed between the upper and lower plates.

EMITTERS (IR BULBS)

The Emitters heat the top of each well. The quantity varies (depending on model) and are held in place by two Emitter Sockets at the top of each heating well.

5. Slide the IR glass frame assembly out of the liner deck assembly below the Emitter to be replaced.

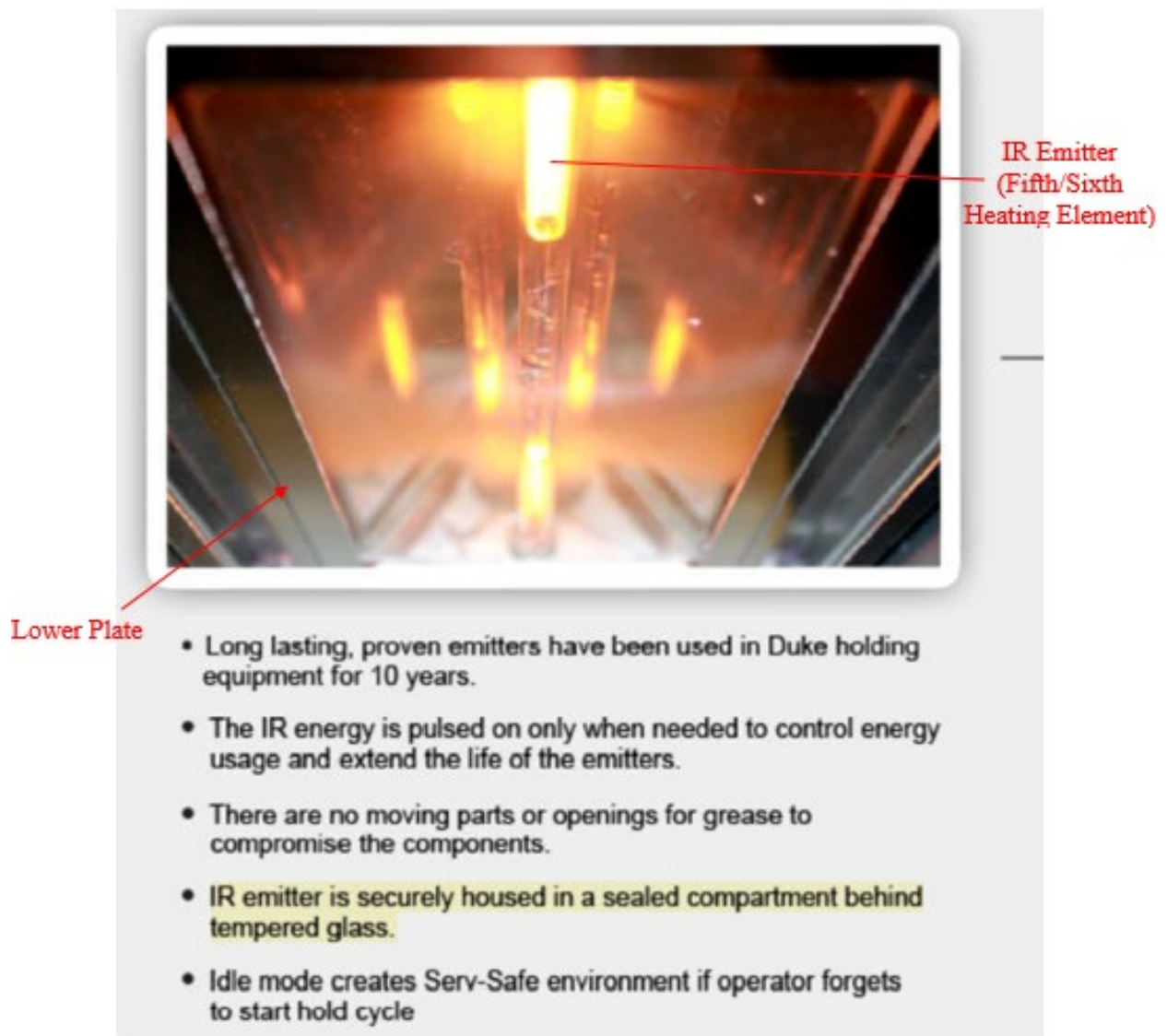
NOTE: Make sure the glass has cooled off sufficiently to avoid burns to bare skin. Use gloves if necessary.



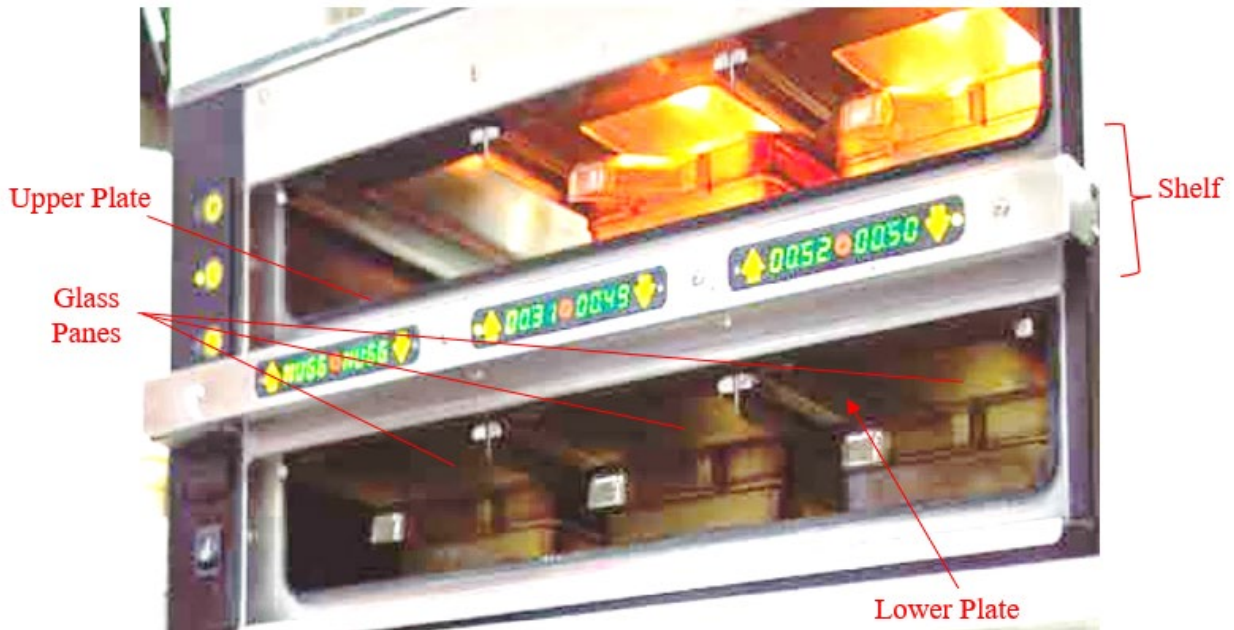
6. The Emitter Sockets are spring-loaded. Push the Emitter towards the rear socket until the Emitter is free from the front socket and carefully remove.

EX1008: 27 (annotated).

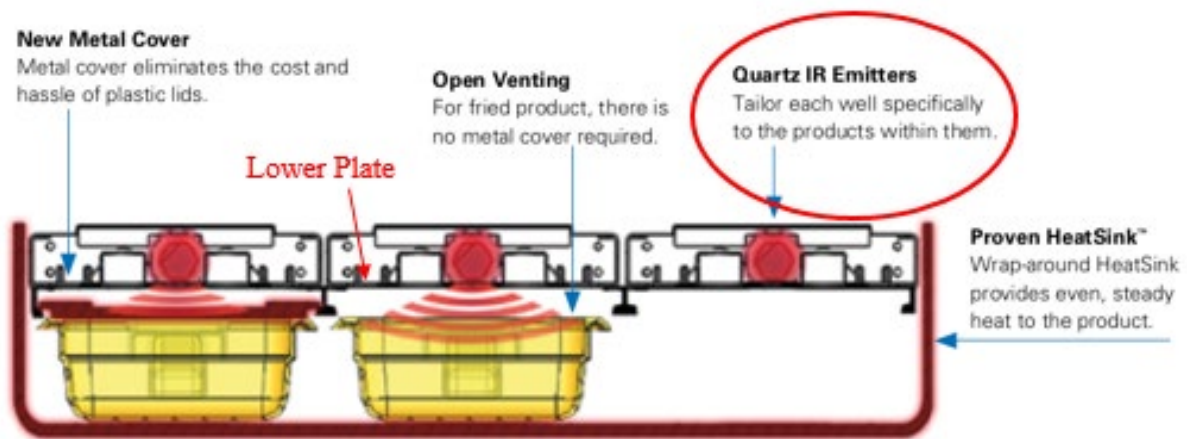
403. As shown in the images below, the IR bulbs are disposed above the IR glass support frame's sheet metal plate and below the HeatSink (upper plate).



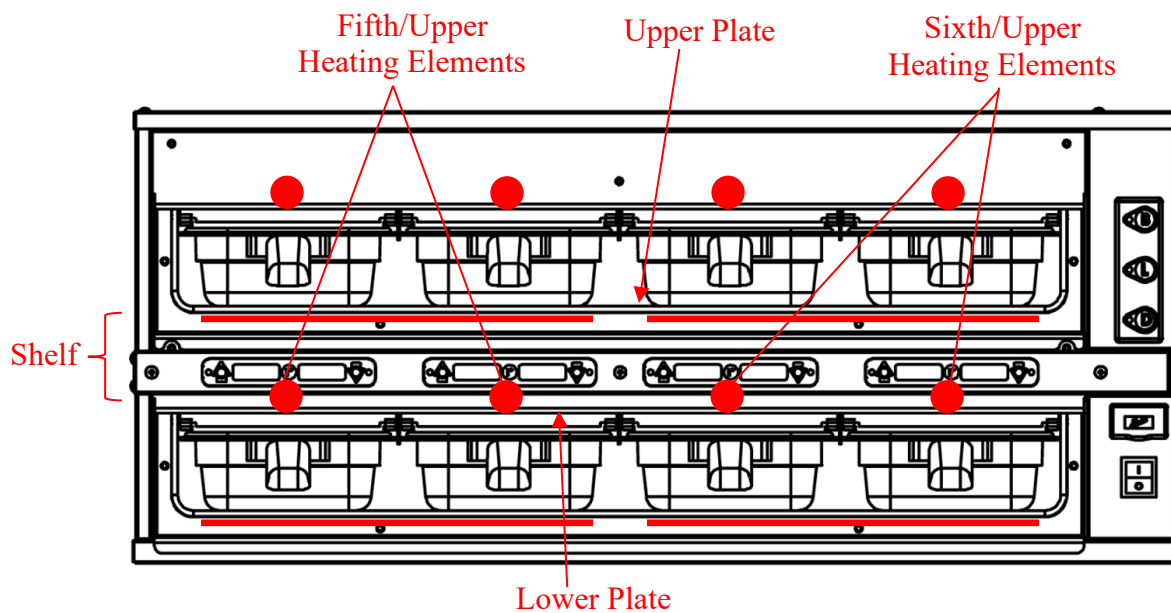
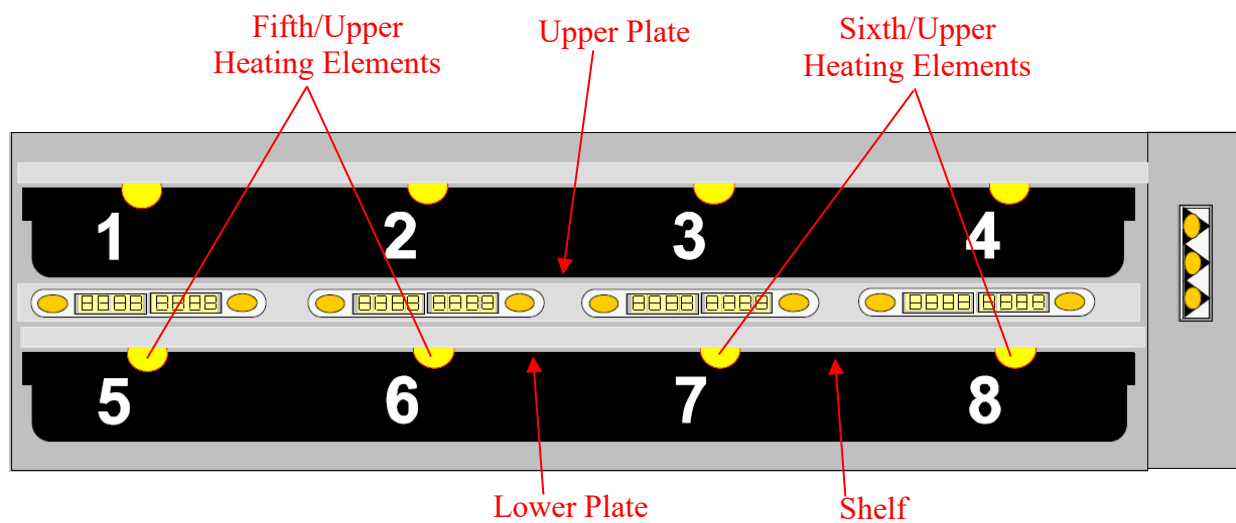
EX1007: 11 (annotated).



EX1007: 36 (annotated).



EX1007: 53 (annotated).

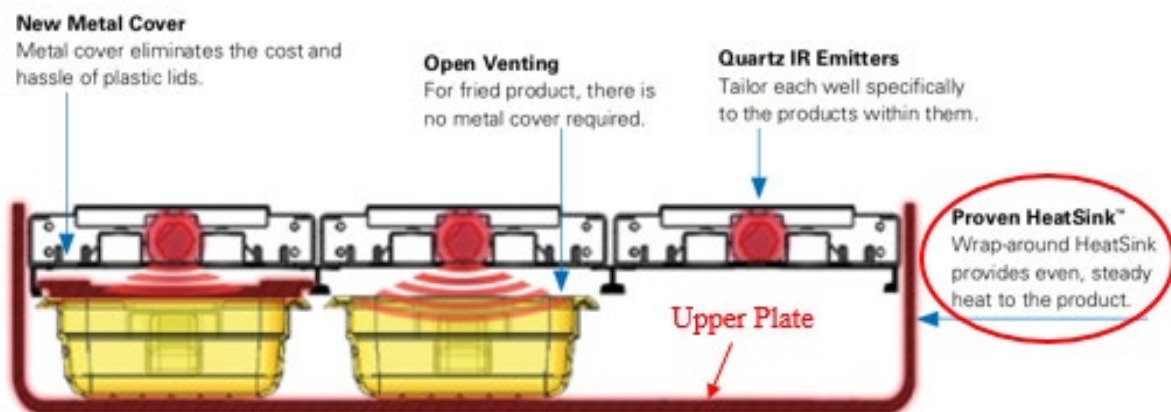


EX1005: 8, 25 (annotated).

54.j.3: the second and fourth heating elements being in thermal communication with the upper thermally conductive plate and the fifth and sixth heating elements being in thermal communication with the lower thermally conductive plate

404. The POSA would recognize that the IRHS Documents disclose that “the second and fourth heating elements [are] in thermal communication with the upper thermally conductive plate and the fifth and sixth heating elements [are] in thermal communication with the lower thermally conductive plate.”

405. The second and fourth lower heating elements are affixed to the HeatSink associated with the upper/first food holding compartment and provide heat to the pans from underneath the pans. EX1007: 51 (“[p]revious generations of the Duke holding units contained only HeatSink, heating from below”).

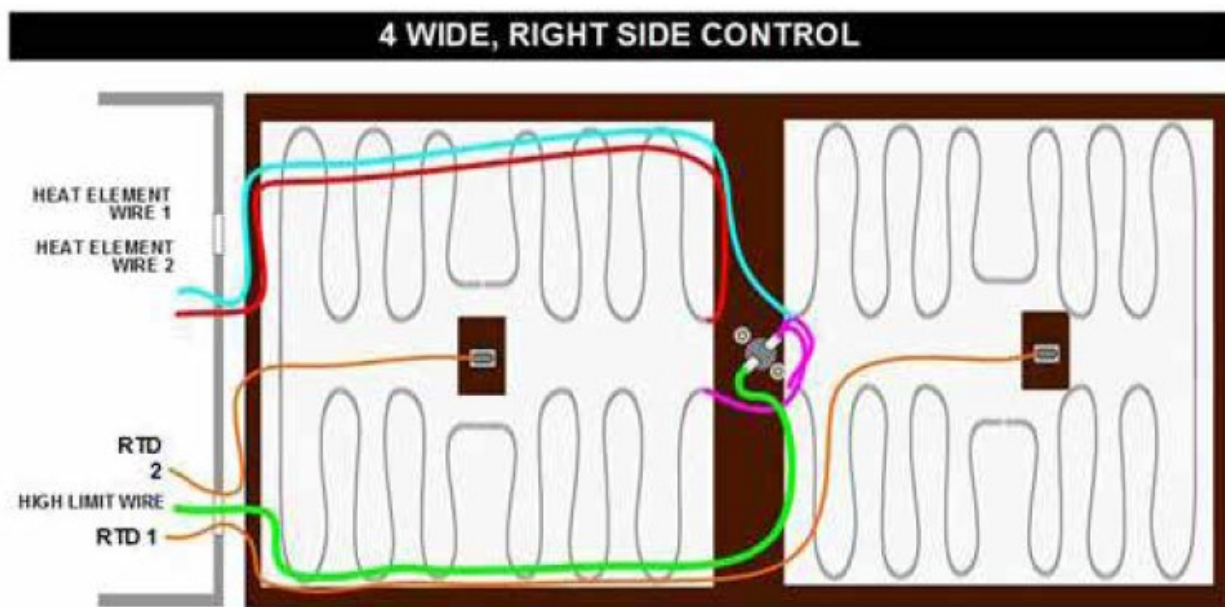


EX1007: 53 (annotated).

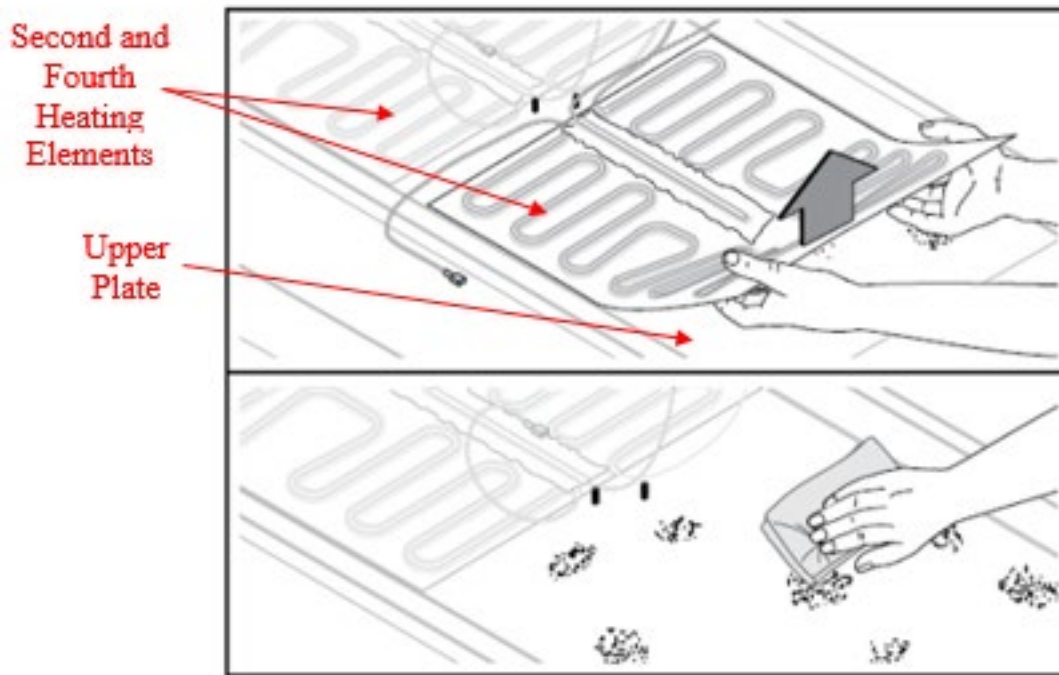
HEAT ELEMENTS

The Heat Elements provide the heating required to keep the heating wells at proper operating temperatures. The quantity varies depending on model and are affixed to the bottom of each Heat Sink.

EX1008: 21.



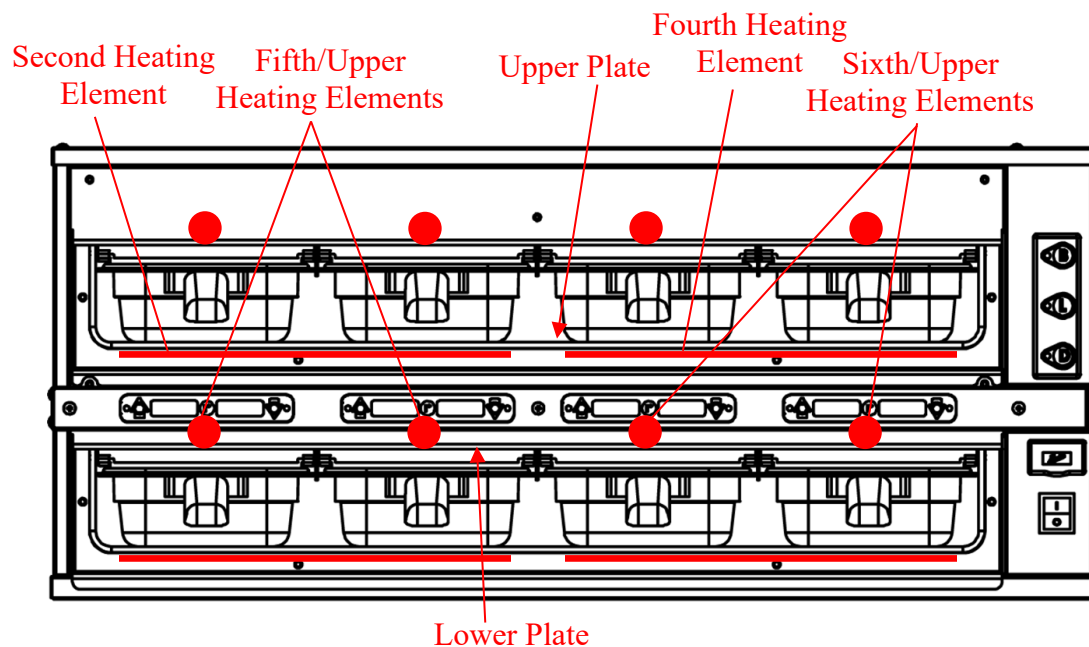
EX1008: 58.



EX1008: 22 (annotated).

406. The POSA understands because the second and fourth lower heating elements are affixed to the upper plate of the HeatSink and heat the upper plate via conduction, the second and fourth lower heating elements are in thermal communication with the upper plate. EX1007: 51, 53; EX1016: Fig. 2, ¶[0039] (“[a]n electrical resistance heating element generally designated 39 having a bottom component 41 contacting the bottom of the heat sink”); EX1017: Fig. 3, 4:51-53 (“[e]ach heat sink 46 is fitted with a heater which may take the form of a flexible heating element 76 of the electrical resistance type. It extends almost the full length of the heat sink 44, covering the flat bottom surface 54 of the bottom wall 50 [of the heat sink]”).

407. The lower plate (sheet metal plate of the glass support frame) is disposed directly below the lower compartment's upper IR heating elements (*e.g.*, fifth and sixth heating elements) in the shelf.

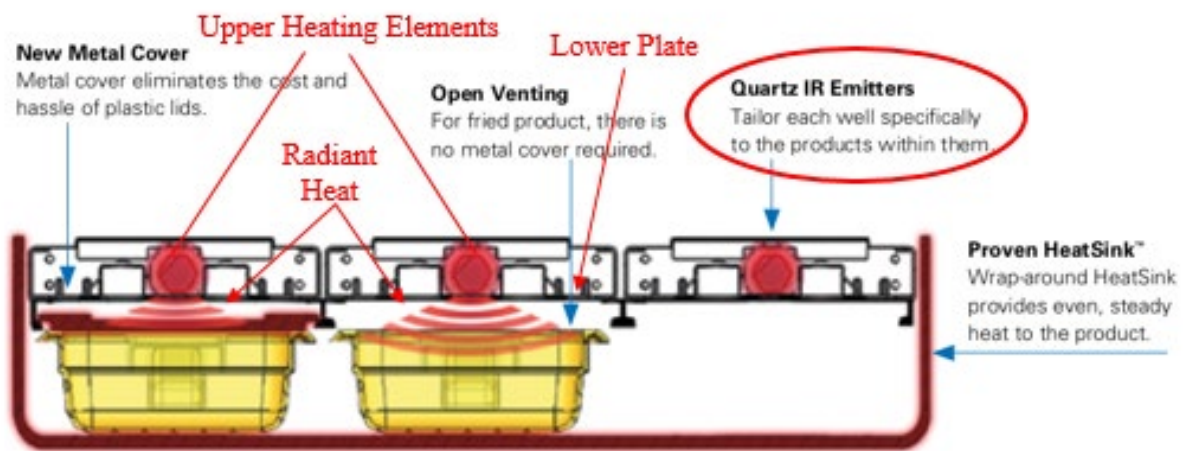


EX1005: 8 (annotated).

408. These IR heating elements heat the lower plate, and thus, are in thermal communication with the lower plate.

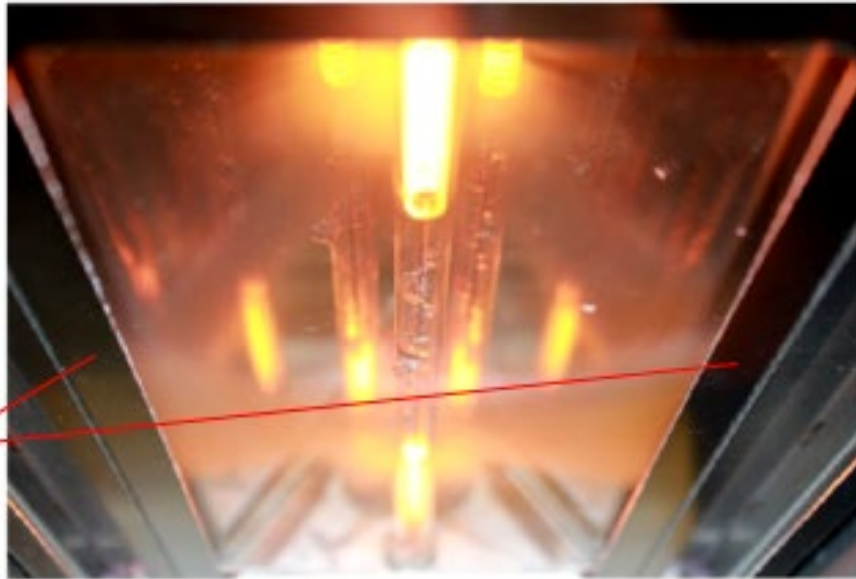
409. The IR heating elements heat the sheet metal plate in various ways. For example, the portions of the sheet metal plate in direct line of sight with the upper IR heating elements receive direct IR heat energy (radiation) from the IR heating elements, heating the sheet metal plate. Moreover, the IR heating elements heat the glass panes, which conduct heat and/or radiate heat to the sheet metal plate of the IR glass support frame. Further, portions of the sheet metal plate are heated from the

IR elements indirectly via heat transfer through other structures of the shelf (*e.g.*, reflectors) or otherwise. For example, heat from the IR heating elements transmitted below the sheet metal plate (*e.g.*, at the cover, food, and/or pan) would naturally rise via convection and heat the sheet metal plate, providing a path of thermal communication from the IR elements to the lower thermally conductive sheet metal plate.



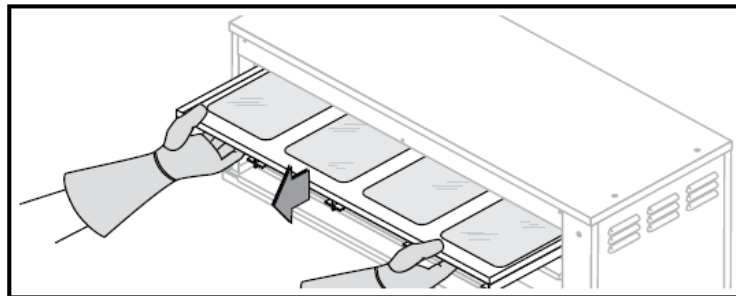
EX1007: 53 (annotated).

Lower Plate
of Frame



EX1007: 11 (annotated).

NOTE: Make sure the glass has cooled off sufficiently to avoid burns to bare skin. Use gloves if necessary.

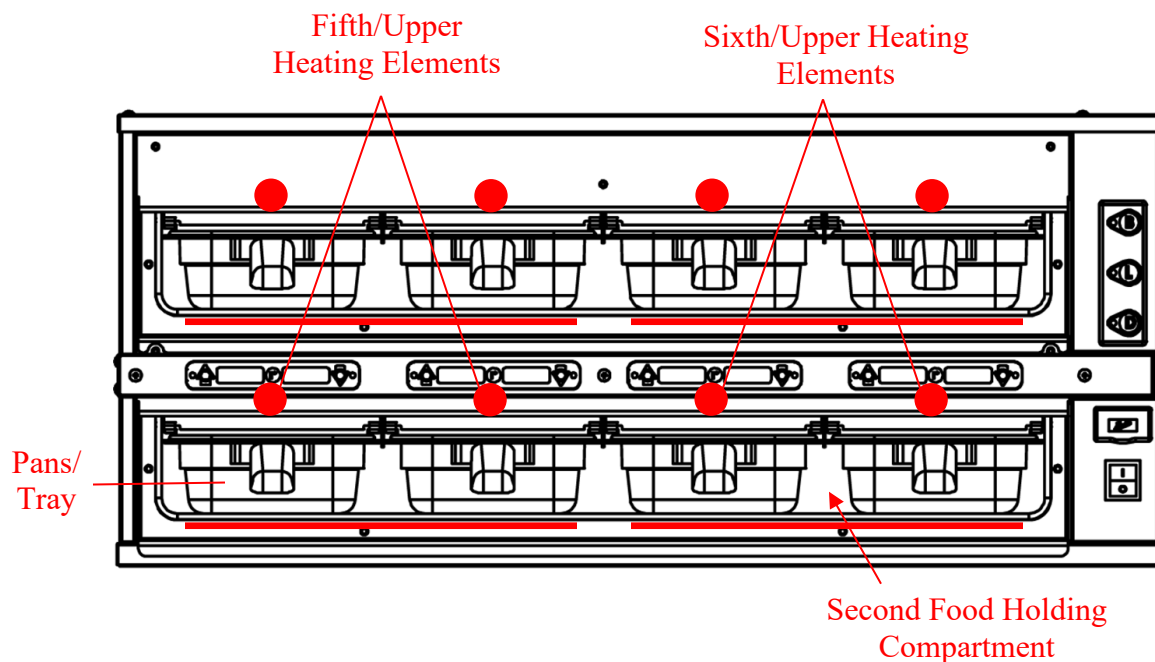


EX1008: 25 (annotated).

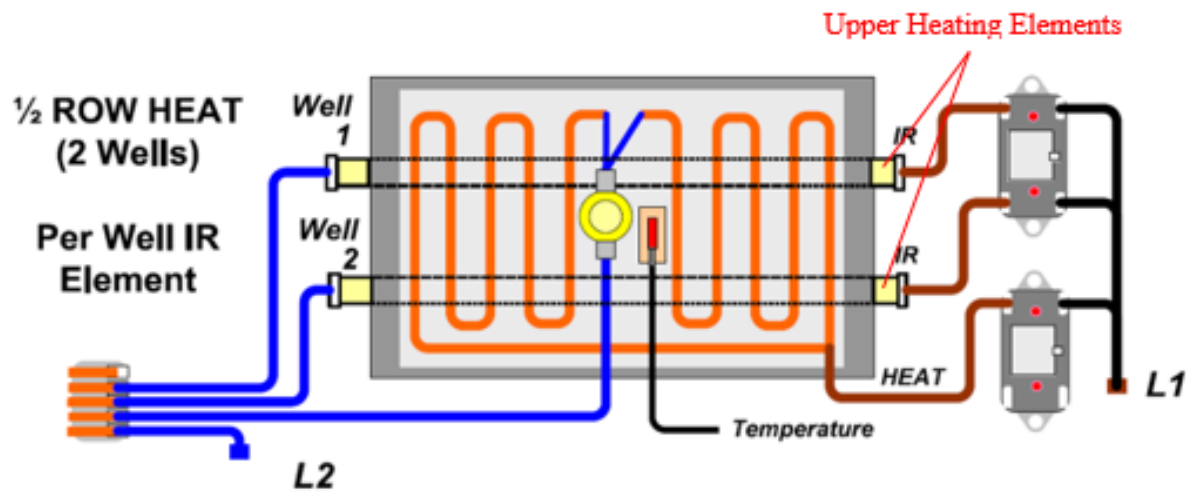
54.j.4: the fifth and sixth heating elements providing heat energy into the second food holding compartment

410. The POSA would recognize that the IRHS Documents disclose that “the fifth and sixth heating elements provid[ing] heat energy into the second food holding compartment.”

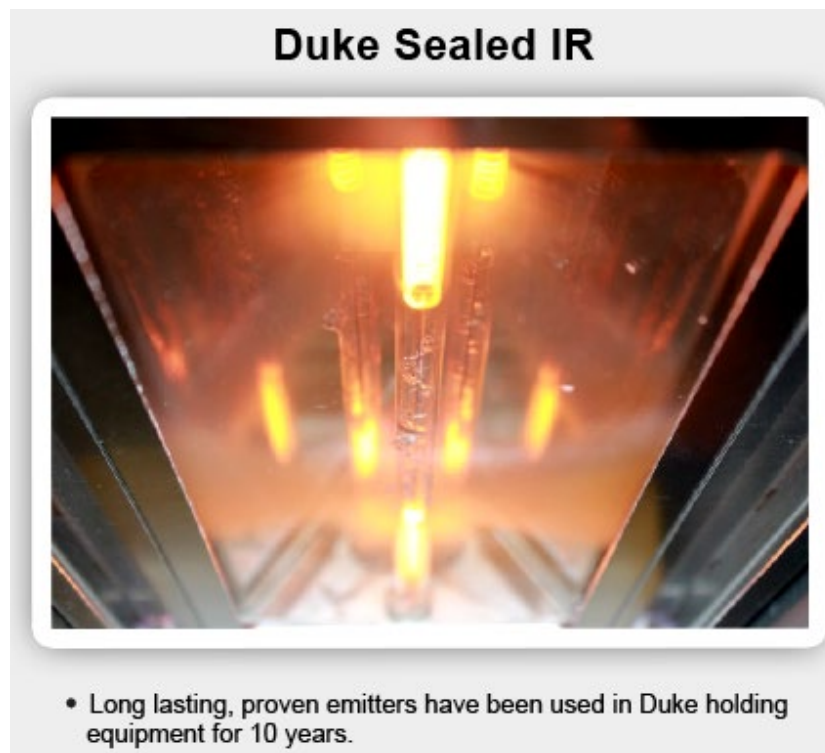
411. As disclosed by the IRHS Documents, the fifth and sixth upper heating elements are IR bulbs that provide infrared radiant heat to the food pans/trays in the second/lower compartment. EX1005: 20 (ref. no. 17 – “BULB – IR”); EX1007: 51 (“top-down InfraRed heat”); Paragraphs 138-162 (1.d.2).



EX1005: 8 (annotated).

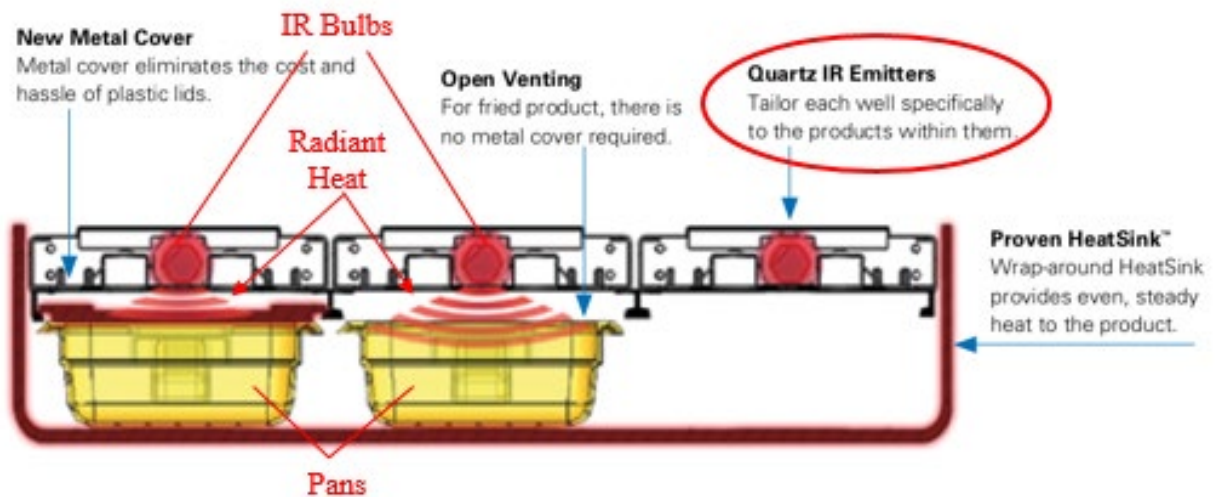


EX1005: 25 (annotated).





EX1007: 11 and 36.



EX1007: 53 (annotated).

412. Accordingly, each limitation of Claim 54 is disclosed within the IRHS Documents.

413. Because the IRHS Documents would have been understood to be describing the same family of IRHS Holding Units, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents—which collectively disclosed each limitation of Claim 54—to arrive at the food holding bin as claimed in Claim 54.

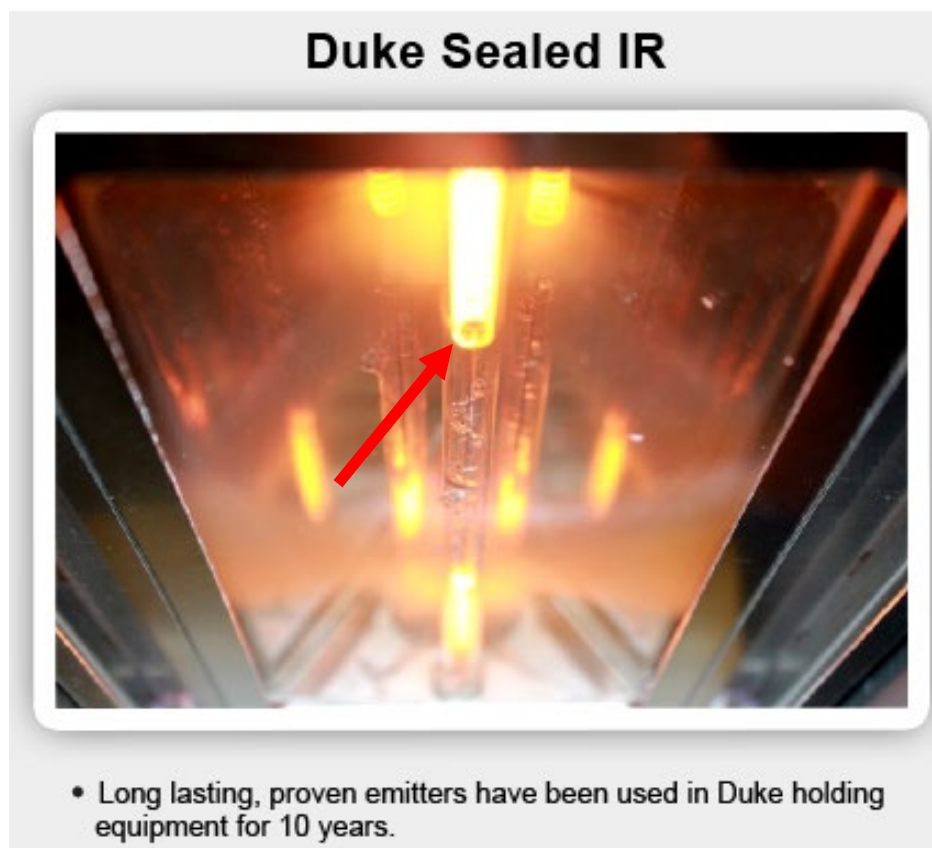
NN. Claim 56: the food holding bin of claim 54, wherein the first, second, third, fourth, fifth, and sixth heating elements each comprise resistive wire

414. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

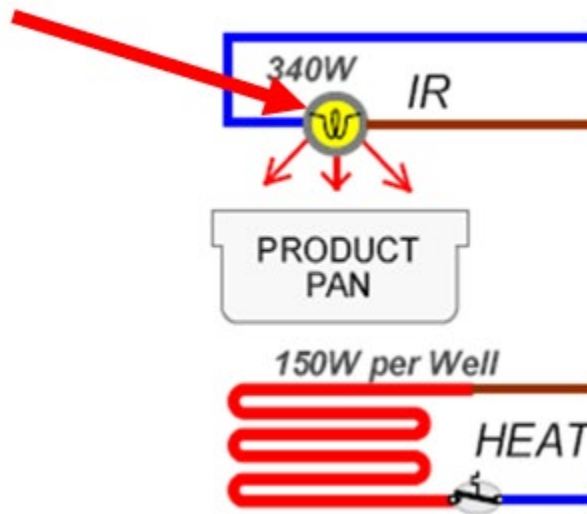
415. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 56 further requiring “the first, second, third, fourth, fifth, and sixth heating elements each comprise resistive wire.”

416. As discussed above in Paragraphs 185-190 above with respect to Claim 3, the first, second, third, and fourth heating elements comprises resistive wire.

417. The fifth and sixth heating elements are Quartz IR Bulbs like the first and third heating elements. EX1007: 53 (“Quartz IR Emitter”). As discussed in Paragraphs 185-190 (Claim 3), the POSA would understand Quartz IR Bulbs include a coiled resistive wire that glows orange when converting electrical energy into heat via resistance. EX1025: 1:29-30 (“[t]he usual quartz infrared heater consists essentially of a resistance wire heating element”).



EX1007: 11 and 36 (annotated).



EX1008: 64 (showing schematic coiled resistive wire).

418. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 56.

OO. Claim 57: the food holding bin of claim 54, wherein the first and third heating elements provide heat energy through radiation, the second and fourth heating elements provide heat energy through conduction, and the fifth and sixth heating elements provide heat energy through radiation

419. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

420. The POSA would additionally recognize that the IRHS Documents disclose the additional limitation added in Claim 57 further requiring “the first and third heating elements provide heat energy through radiation, the second and fourth

heating elements provide heat energy through conduction, and the fifth and sixth heating elements provide heat energy through radiation.”

421. As discussed above in Paragraphs 191-197 above with respect to Claim 4, the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction.

422. The fifth and sixth heating elements are Quartz IR Bulbs like the first and third heating elements. EX1007: 53 (“Quartz IR Emitter”); EX1005: 20 (ref. no. 17 – “BULB – IR”).

423. As discussed in Paragraphs 191-197 (Claim 4), the POSA would understand the IR Bulbs of the fifth and sixth heating elements provide infrared radiant heat (*i.e.*, the transfer of thermal energy through infrared spectrum radiation) to the food pans/trays. EX1007: 51 (“top-down InfraRed heat”).

424. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 57.

PP. Claim 58

58.a: the food holding bin of claim 54, further comprising a first bezel attached to the chassis

425. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

426. The additional “first bezel is attached to the chassis” limitation added in Claim 58.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

427. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 above.

58.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

428. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” limitation added in Claim 58.b. is identical in claim scope to the limitation added in Claim 5 limitation.

429. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 198-203 above.

430. Accordingly, each limitation of Claim 58 is disclosed within the IRHS Documents.

431. As each limitation of Claim 58 is disclosed within the IRHS Documents, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 58.

QQ. Claim 59: the food holding bin of claim 58, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

432. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 58.

433. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” limitation added in Claim 59 is identical in claim scope to the limitation added in Claim 6.

434. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 204-208 above.

RR. Claim 60

60.a: the food holding bin of claim 54, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

435. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

436. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 60.a is identical in claim scope to the limitation added in Claim 7.a.

437. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 209-221 above.

60.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

438. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 60.b is identical in claim scope to the limitation added in Claim 7.b.

439. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 222-230 above.

SS. Claim 61

61.a.1: the food holding bin of claim 60, further comprising a first bezel attached to the chassis proximate the front face of the chassis

440. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 60.

441. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 61.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

442. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 and 231-233 above.

61.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

443. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation added in Claim 61.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

444. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraph 234 above.

61.b: further comprising a second bezel located proximate the opposing rear face of the chassis

445. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 61.b is identical in claim scope to the limitation added in Claim 8.b.

446. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 235-237 above.

TT. Claim 62: the food holding bin of claim 54, wherein the substantially planar surface is a continuous surface

447. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

448. The additional “wherein the substantially planar surface is a continuous surface” limitation added in Claim 62 is identical in claim scope to the limitation added in Claim 9.

449. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 238-241 above.

UU. Claim 63: the food holding bin of claim 62, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

450. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 62.

451. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones” limitation added in Claim 63 is identical in claim scope to the limitation added in Claim 10.

452. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 242-245 above.

VV. Claim 64: the food holding bin of claim 54, wherein the substantially planar surface comprises aluminum

453. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

454. The additional “wherein the substantially planar surface comprises aluminum” limitation added in Claim 64 is identical in claim scope to the limitation added in Claim 11.

455. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 246-250 above.

WW. Claim 65: the food holding bin of claim 54 further comprising a food holding tray resting on the substantially planar surface

456. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

457. The additional “further comprising a food holding tray resting on the substantially planar surface” limitation added in Claim 65 is identical in claim scope to the limitation added in Claim 12.

458. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 251-254 above.

XX. Claim 66: the food holding bin of claim 54, the first food holding zone and the second food holding zone being heated to different temperatures

459. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

460. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 66 is identical in claim scope to the limitation added in Claim 13.

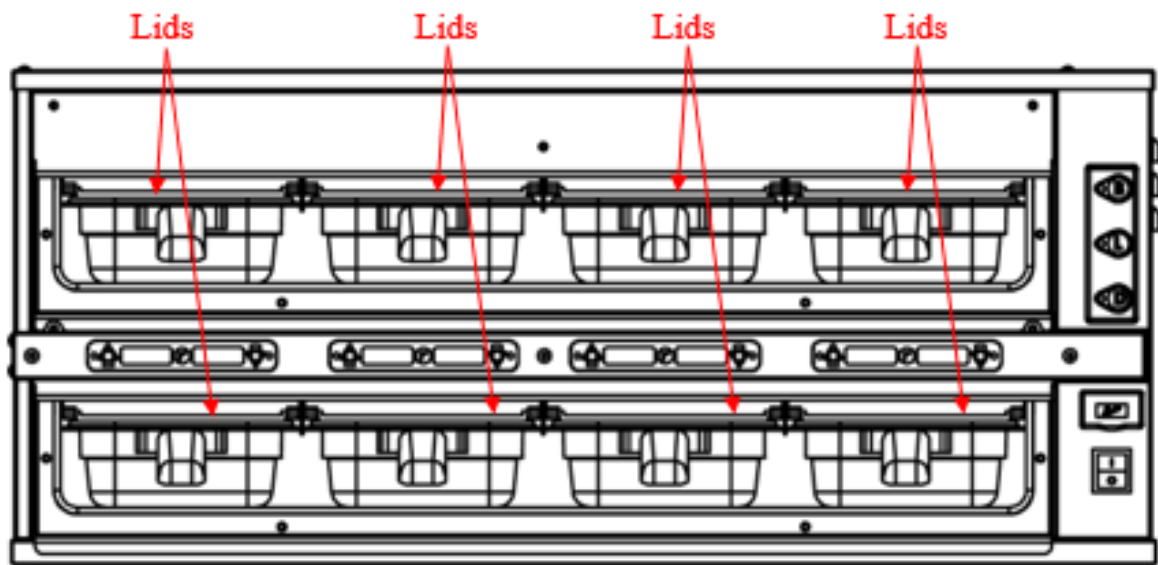
461. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 255-262 above.

V. GROUND 2: Claims 2, 14, 16-26, and 28 Would Have Been Obvious Over the IRHS Documents in view of Hartfelder and/or Shei’099

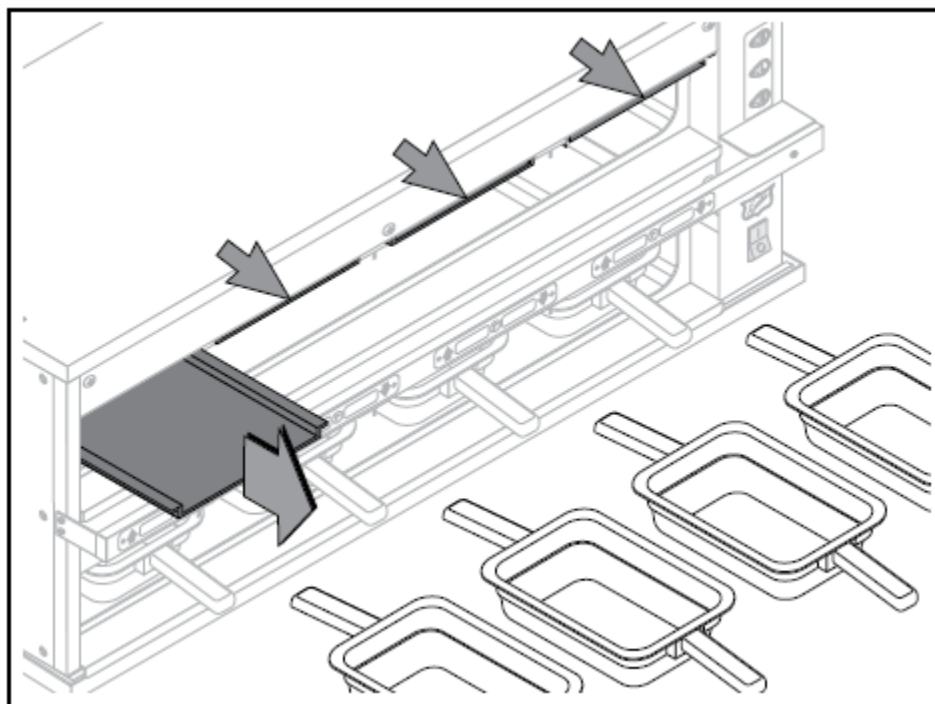
A. Modification of the IRHS Documents based on Hartfelder and/or Shei’099

462. Claims 2, 14, 16-26, and 28 further add limitations pertaining to the inclusion of latches that would secure the covers or lids suspended above each pan holding location in place to prevent them from being inadvertently moved, for example, while removing or inserting a food pan into its desired food holding compartment.

463. The IRHS Holding Units are disclosed as including covers or lids suspended above each pan holding location. EX1005: 4 (“robust aluminum Heat Sink Cover for broiled foods”), 8, 20-21 (ref. no. 18); EX1007: 53 (“[m]etal cover eliminates the cost and hassle of plastic lids”), 56, 58 (“[c]over allows better heat transfer and greater seal assurance; critical to maintaining food quality with extended hold times”).

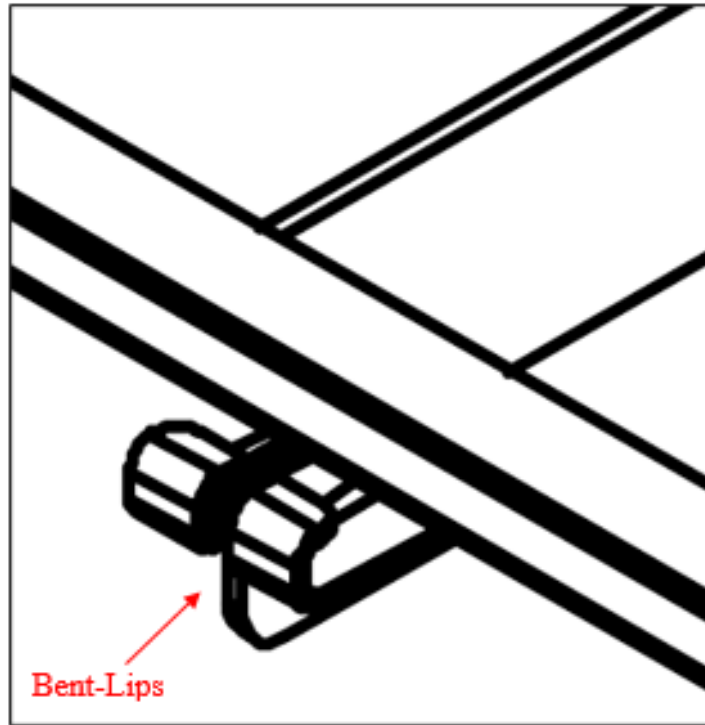


EX1005: 8 (annotated).



EX1008: 16.

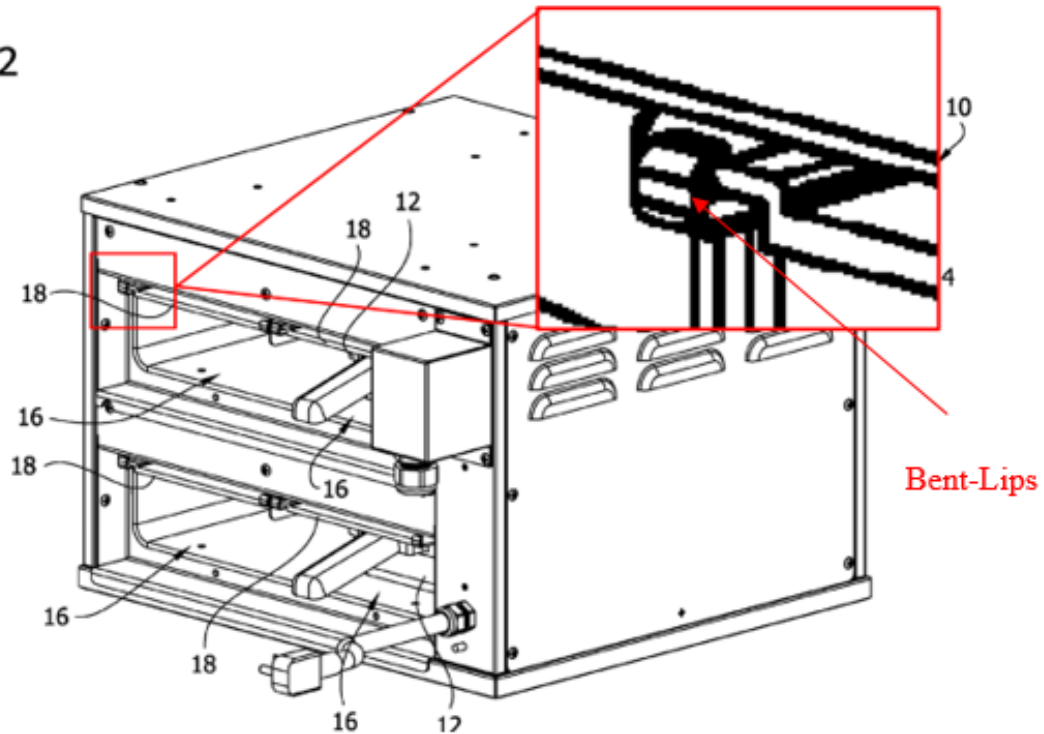
464. Rather than using latches as claimed in Claims 2, 14, 16-26, and 28 of the '981 Patent, the IRHS Holding Unit are disclosed as having bent-lips on its lid support rails for retaining its lids. EX1005: 19.



EX1005: 19 (enlarged, annotated).

465. Notably, Shei'821 (EX1011) is a Duke patent application that a POSA would appreciate as discussing the operation of pan support rails that include bent-lips similar to those observed in the IRHS Documents. EX1011: ¶¶[0024], [0035], [0039] (“the cover supports 36A and the cover retainers 36B, including the keepers 36E, are formed as one piece of metal”), Figs. 2, 9-14.

FIG. 2



EX1011: Fig. 2 (enlarged).

466. The POSA would have recognized that while the bent-lips of the IRHS Holding Unit was one technique to retain the lids, there were known and accepted alternatives within the art which could have been easily substituted.

467. For example, Hartfelder teaches a food warming apparatus (10) that receives trays (40) in heating compartments (24, 26) with covers or lids (44, 46).

EX1013: ¶¶[0028] (“food warming apparatus 10”), ¶[0030] (“[e]ach of heating compartments 24 and 26 is sized to accommodate a plurality of trays, as exemplified in FIG. 1 by trays 40 and 42 in heating compartment 24. Each of trays 40 and 42 are covered by covers 44 and 46, respectively.”).

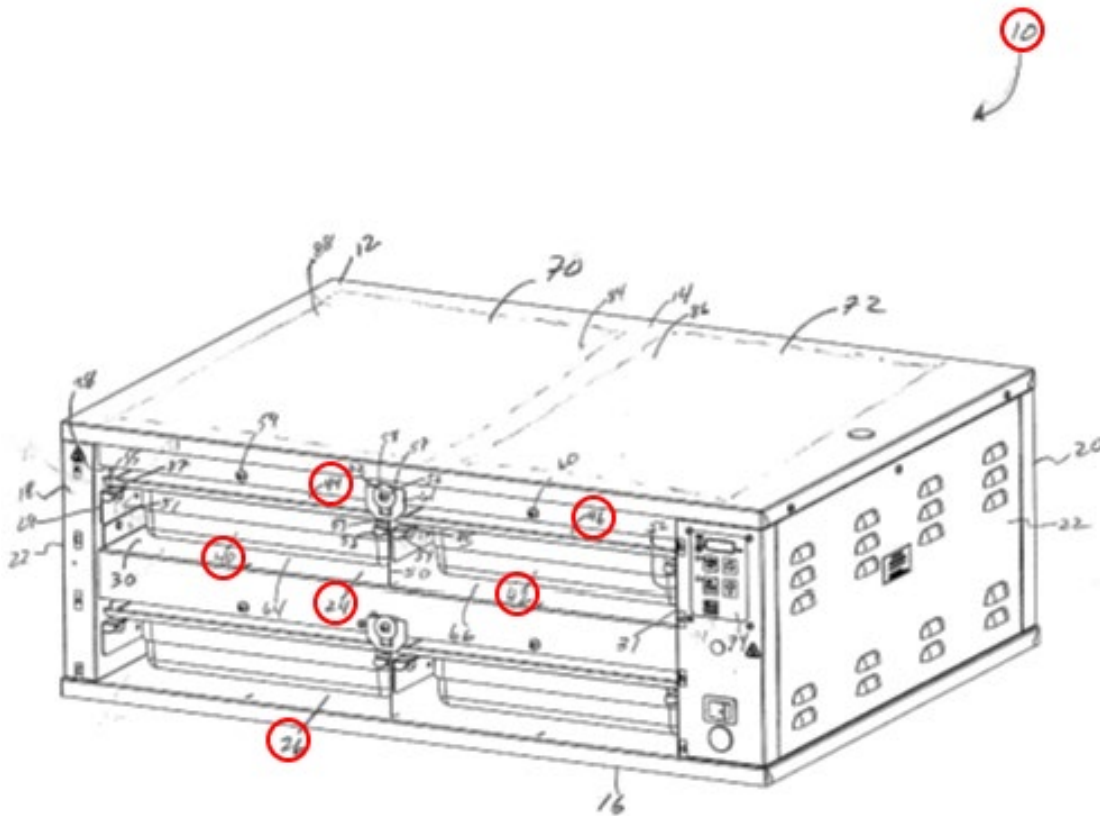


FIGURE 1

EX1013: Fig. 1 (annotated).

468. To prevent the lids (44, 46) from moving with the trays (40, 42) when the trays are removed from the heating compartment (24, 26), the Hartfelder apparatus (10) includes stop members (61) (*i.e.*, a latch) which retain the lids.

EX1013: ¶[0058] (“[a]s best shown in FIG. 9, when tray 40 is withdrawn from sub-compartment 64 of heating compartment 24, front turned-up edge 90 of cover 64, acting as an engagement edge, engages stop member 61. The engagement of

engagement edge 90 with stop member 61 arrests the movement of cover 44. As the movement of cover 44 is arrested, cover 44 is retained upon within sub-compartment 64 while tray 40 is withdrawn”), Fig. 9.

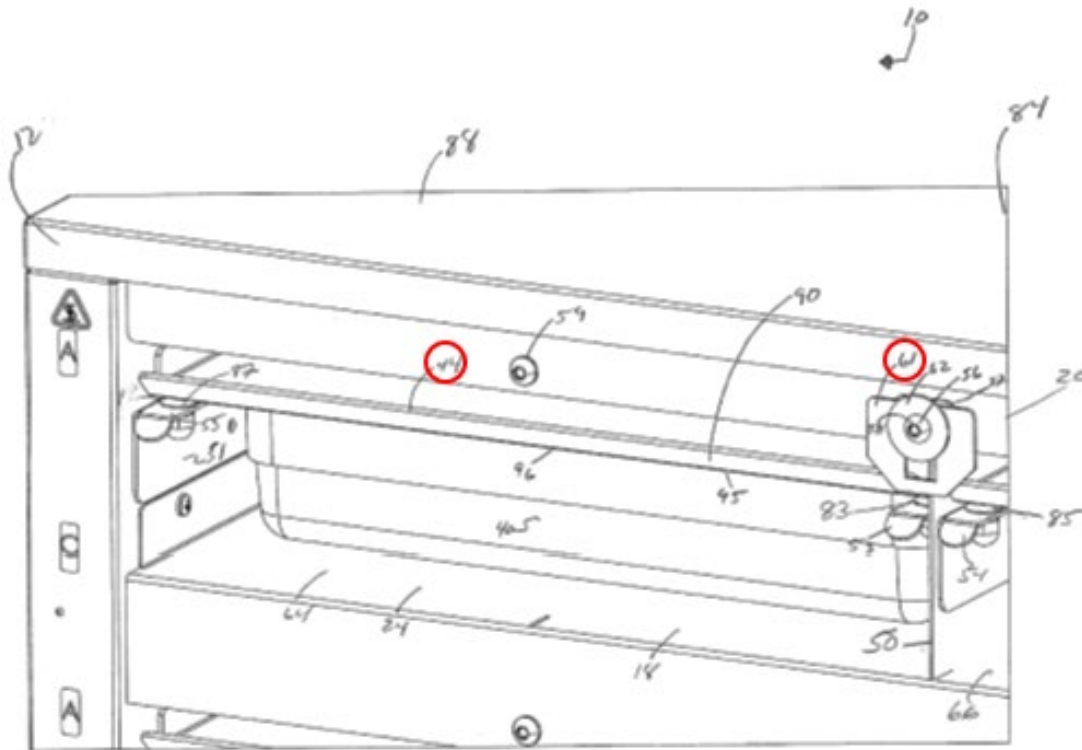


FIGURE 9

EX1013: Fig. 9 (annotated).

469. Shei’099 (EX1017) discloses similar stops (88) (*i.e.*, a latch) between pairs of covers (80) where the stops are biased by gravity to a cover-retaining position (to retain both covers) and pivotable to the left or right to selectively permit insertion/removal of either of the covers. EX1017: 6:9-32.

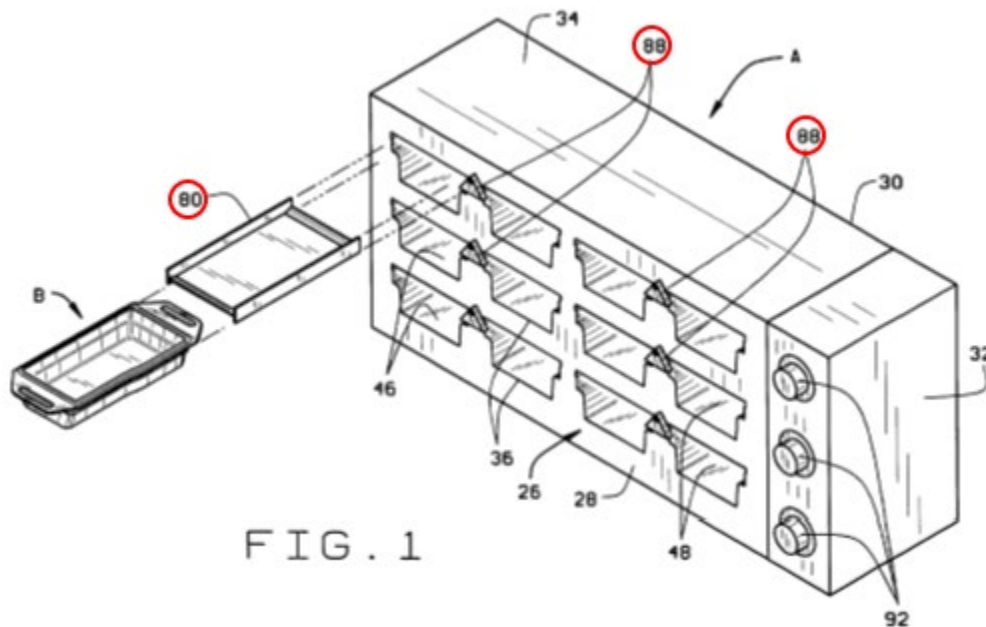


FIG. 1

EX1017: Fig. 1 (annotated).

470. It would have been obvious to modify the IRHS Holding Units as disclosed in the IRHS Document to include Hartfelder's stop members (61) or Shei'099's stops (88) for retaining the lids of the IRHS Holding Unit on the lid-holding shelves.

471. The stop members (61) or stops (88) would prevent the lids, which are in contact with the pans, from moving with the pans as the pans are inserted into and removed from the compartments. EX1013: ¶[0058] ("[a]s best shown in FIG. 9, when tray 40 is withdrawn from sub-compartment 64 of heating compartment 24, front turned-up edge 90 of cover 64, acting as an engagement edge, engages stop member 61. The engagement of engagement edge 90 with stop member 61 arrests the movement of cover 44. As the movement of cover 44 is arrested, cover

44 is retained upon within sub-compartment 64 while tray 40 is withdrawn”); EX1017: 6:19-22. This would maintain lid position for covering the pans.

472. Replacing the existing bent-lips with Hartfelder’s stop members would make the IRHS Holding Unit easier to clean and easier to manufacture (*e.g.*, simpler lid shelf manufacturing, and one stop member for two lids instead of two bent-lips for each lid). EX1005: 19, 13-14; EX1017: 7:30-35 (“easily cleaned”); EX1011: ¶¶[0035]-[0037], Figs. 9-14.

473. Hartfelder’s stop members or Shei’099’s stops would also be easier to access and replace.

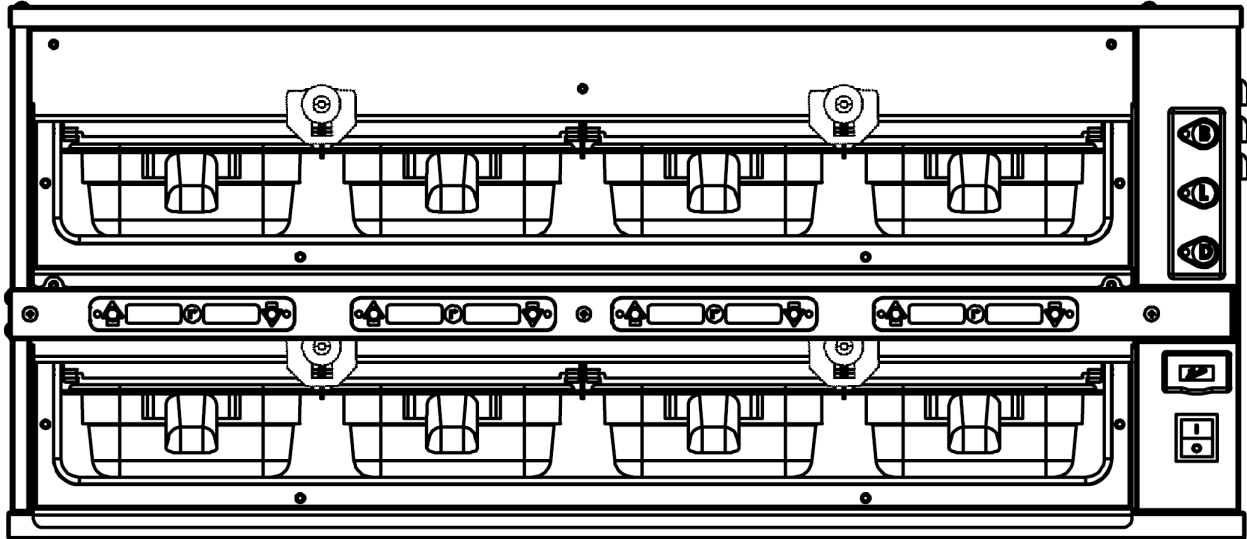
474. Alternatively, it would have been obvious that Hartfelder’s stop members or Shei’099’s stops could have been added to the IRHS Holding Unit to provide a backup to the existing bent-lips (prevent inadvertent escape of lids out of the unit over the bent-lips).

475. Modifying the IRHS Holding Unit to use Hartfelder’s stop members or Shei’099’s stops instead of or in addition to the bent-lips would have been nothing more than using a known technique/alternative (the stop members of Hartfelder or Shei’099 to retain lids) to improve a similar device (the IRHS Holding Unit) in the same way with predictable results (retaining lids in place while moving food pans into and out of the food holding compartments).

476. There would have been a reasonable expectation of success in making this modification given (1) the similarities between the IRHS Holding Unit and Hartfelder's and Shei'099's food warming apparatus (specifically, that the IRHS Holding Unit and Hartfelder's and Shei'099's food warming apparatus each included compartments for warming trays/pans of food with lids covering the trays/pans), and (2) the stop member of Hartfelder or stop of Shei'099 would perform the same function in the same way in the IRHS Holding Units. EX1013: ¶[0058].

477. In making this modification, the POSA would have arranged each stop member (61) or stop (88) on the face of the chassis between two lids as taught by Hartfelder and Shei'099.

478. A representative illustration of the IRHS24 Holding Unit modified to have Hartfelder's stop members (61) for the lids is shown below. A modification implementing Shei'099's stops (88) would be similar to below, except Hartfelder's stop members (61) would be replaced with Shei'099's stops (88).



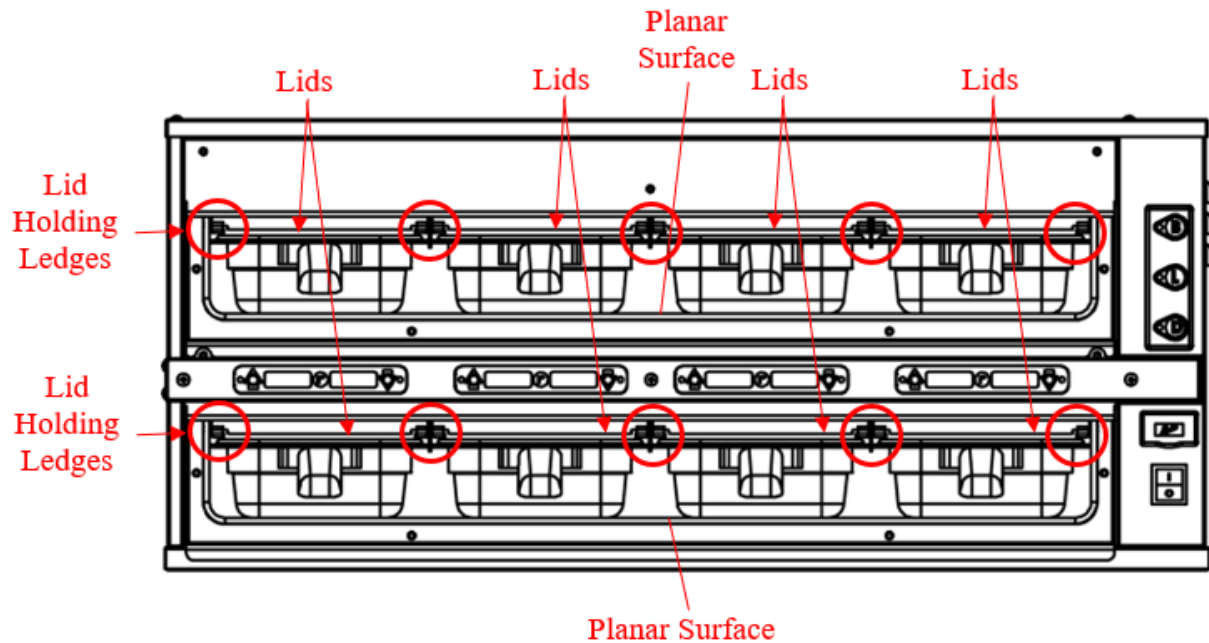
EX1005: 8 (modified).

- B. Claim 2: the food holding bin of claim 1, wherein the space is configured to allow a latch to rotate from a locked position to an unlocked position to release lids held on lid holding ledges elevated above the substantially planar surface**

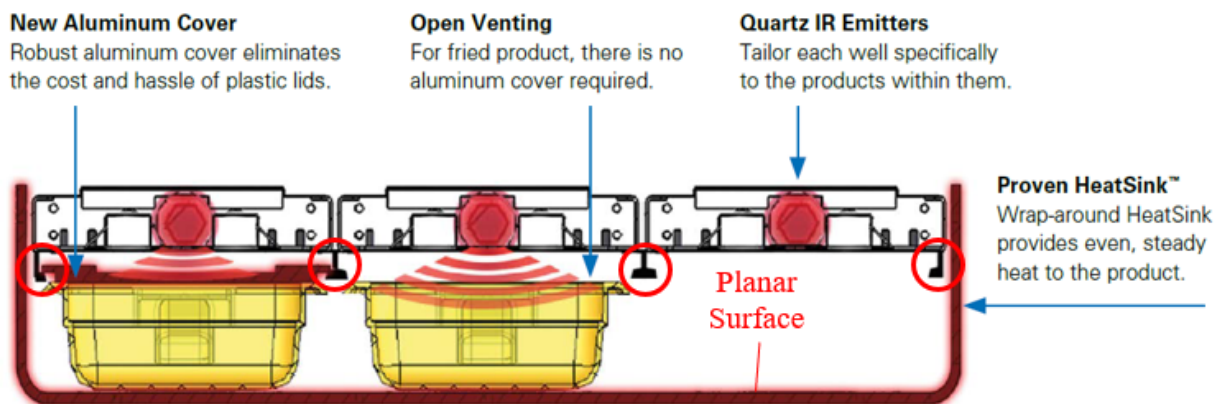
479. As discussed above in Ground 1 above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 1.

480. As disclosed in the IRHS Documents, the IRHS Holding Units include covers or lids suspended above each pan holding location. EX1005: 4 (“robust aluminum Heat Sink Cover for broiled foods”), 8, 20-21 (ref. no. 18); EX1007: 53 (“[m]etal cover eliminates the cost and hassle of plastic lids”), 56, 58 (“[c]over allows better heat transfer and greater seal assurance; critical to maintaining food quality with extended hold times”).

481. The IRHS Holding Units have lid-holding ledges for suspending the covers above the pan holding locations. The lid-holding ledges are elevated above the planar surfaces.



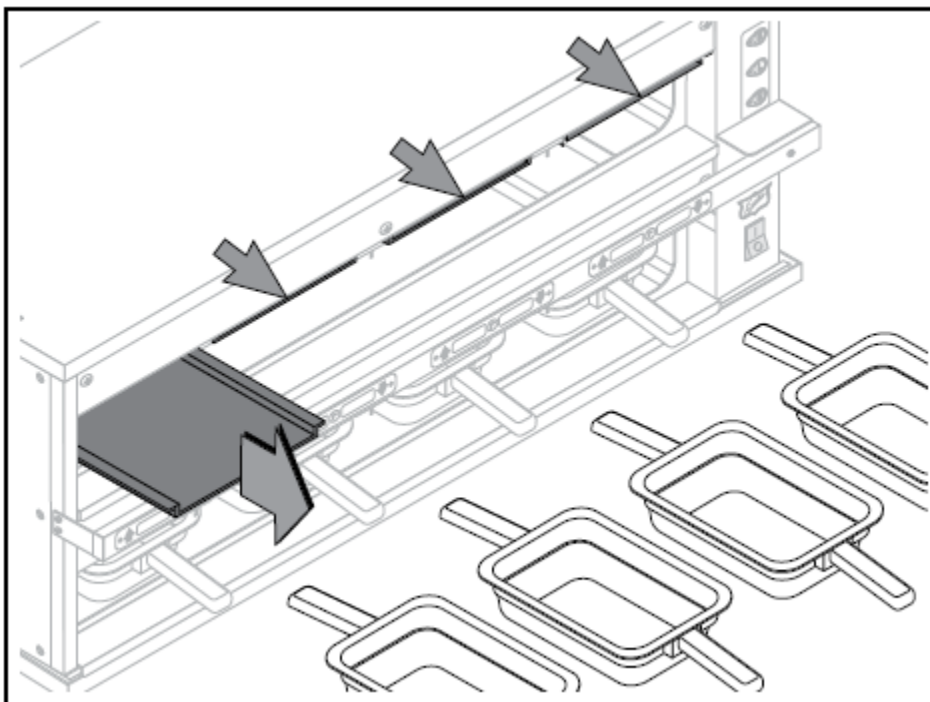
EX1005: 8 (annotated).



EX1007: 53 (annotated).

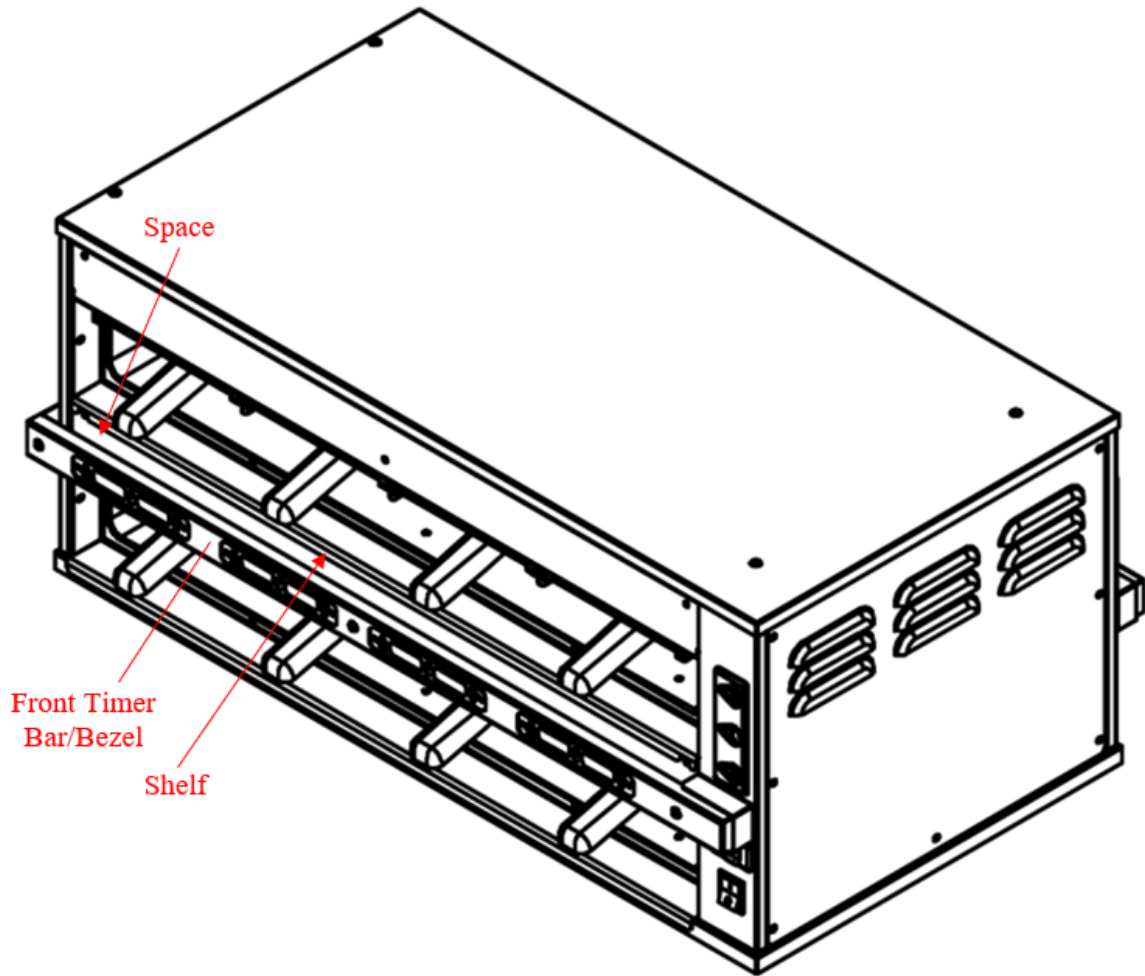


EX1007: 36 (annotated).

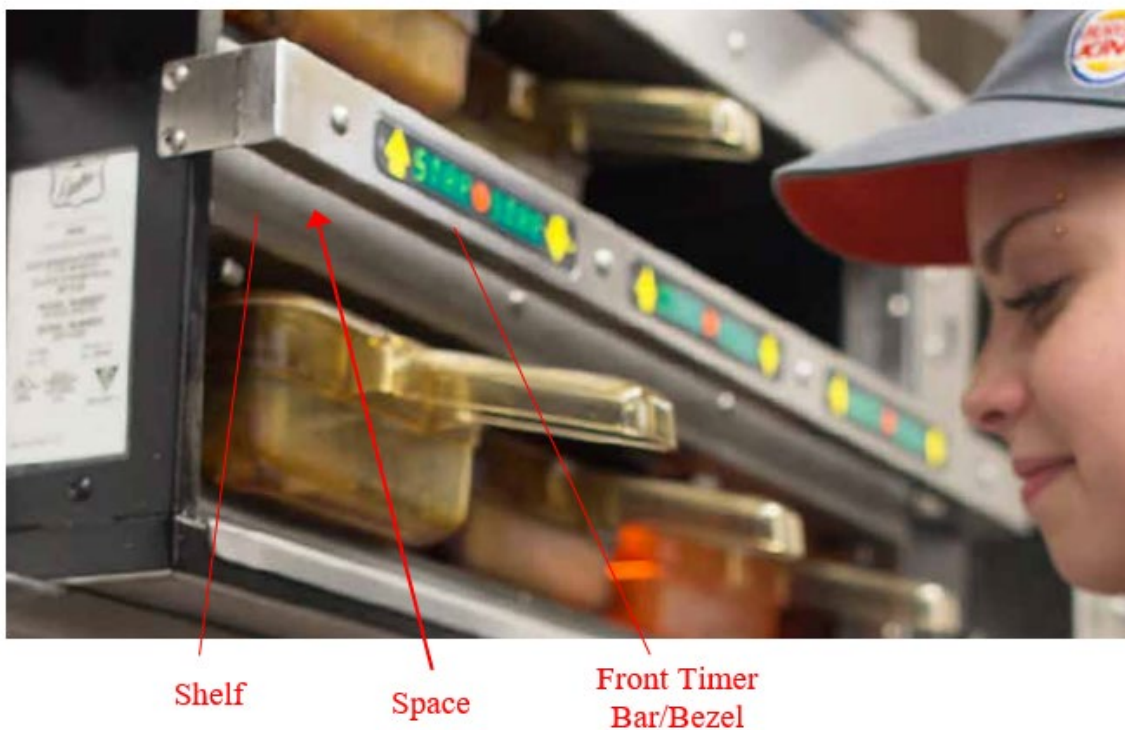


EX1008:16.

482. As described in Paragraphs 168 with respect to claim limitation 1.f, the IRHS24 Holding Unit also has a front timer bar (first bezel) set forward from the shelf thereby creating a space between the timer bar and the shelf.

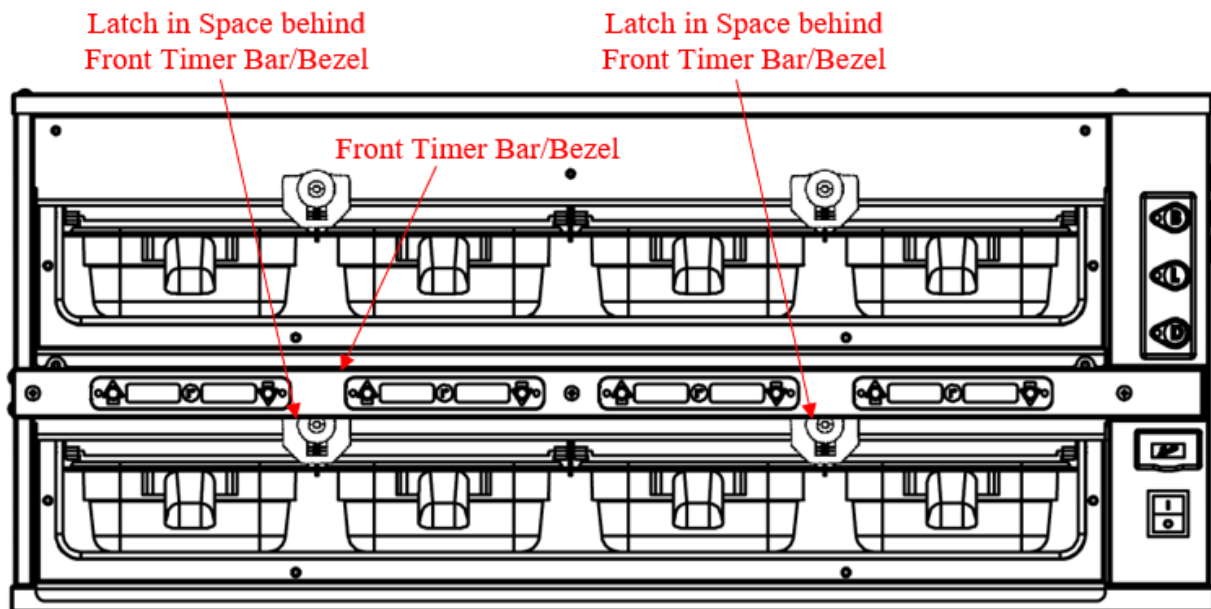


EX1005: 8 (annotated).



EX1007: 28 (annotated).

483. Modifying the IRHS Holding Units in view of Hartfelder and Shei'099 as discussed in Paragraphs 462-478 (Ground 2 Section V(A)) would result in the stop members (61) or stops (88) (*i.e.*, latches) being placed in the space between the front timer bar and the front face (*e.g.*, the portion of the front face formed by the shelf) as demonstrated by the modified IRHS24 Holding Unit below:



EX1005: 8 (modified, annotated).

484. This location is the same as taught by Hartfelder and/or Shei'099 and would be the natural location—adjacent the openings and the lids—so as to be positioned to engage and retain the lids. EX1013: Figs. 1 and 9; EX1017: Fig. 1; EX1013:

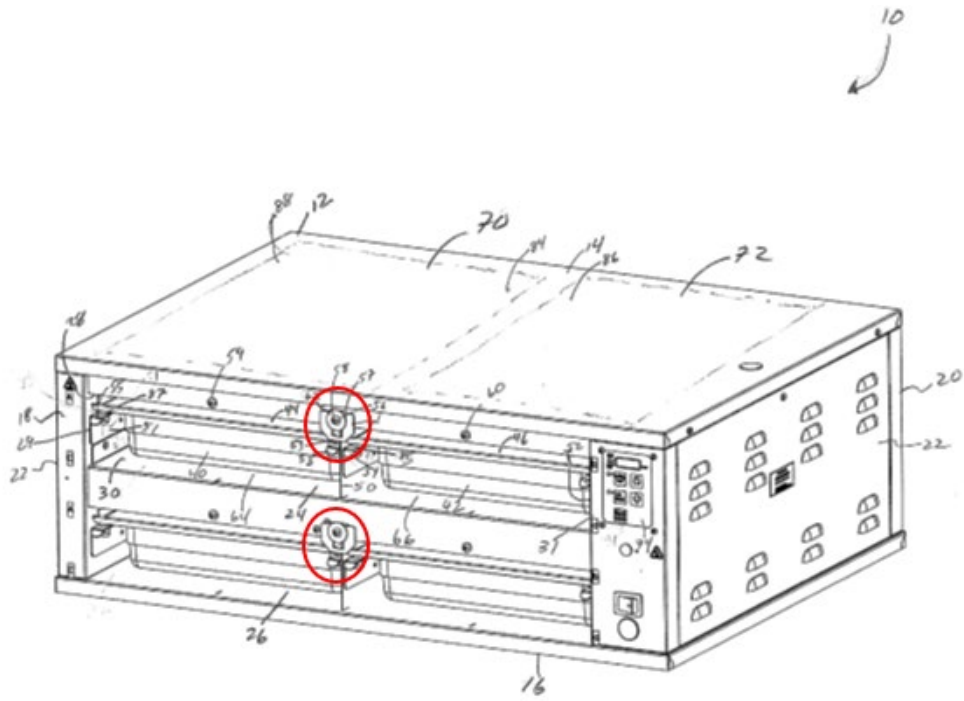
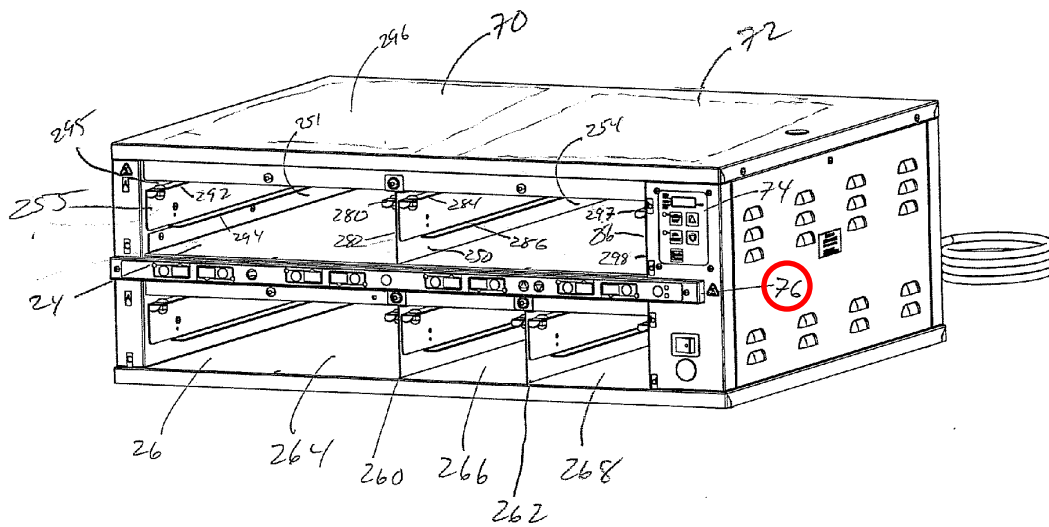


FIGURE 1



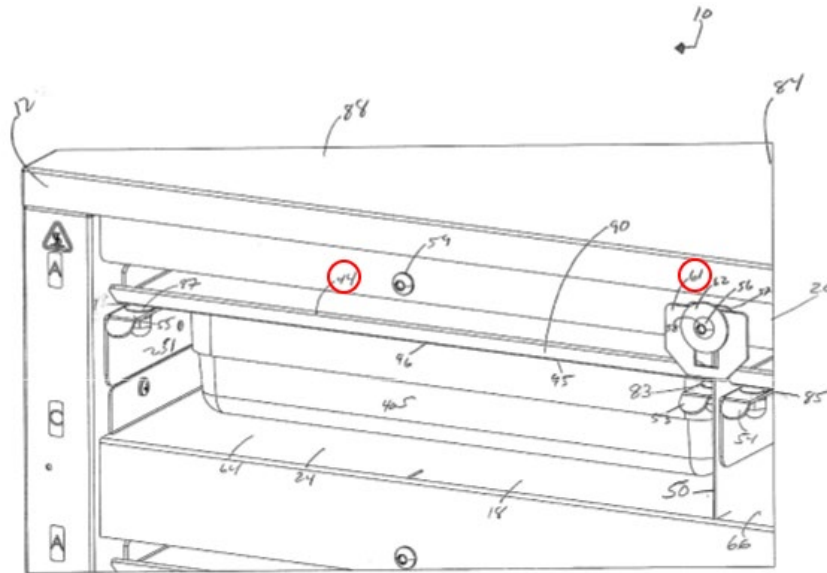


FIGURE 9

Figs. 1, 3, and 9 (annotated).

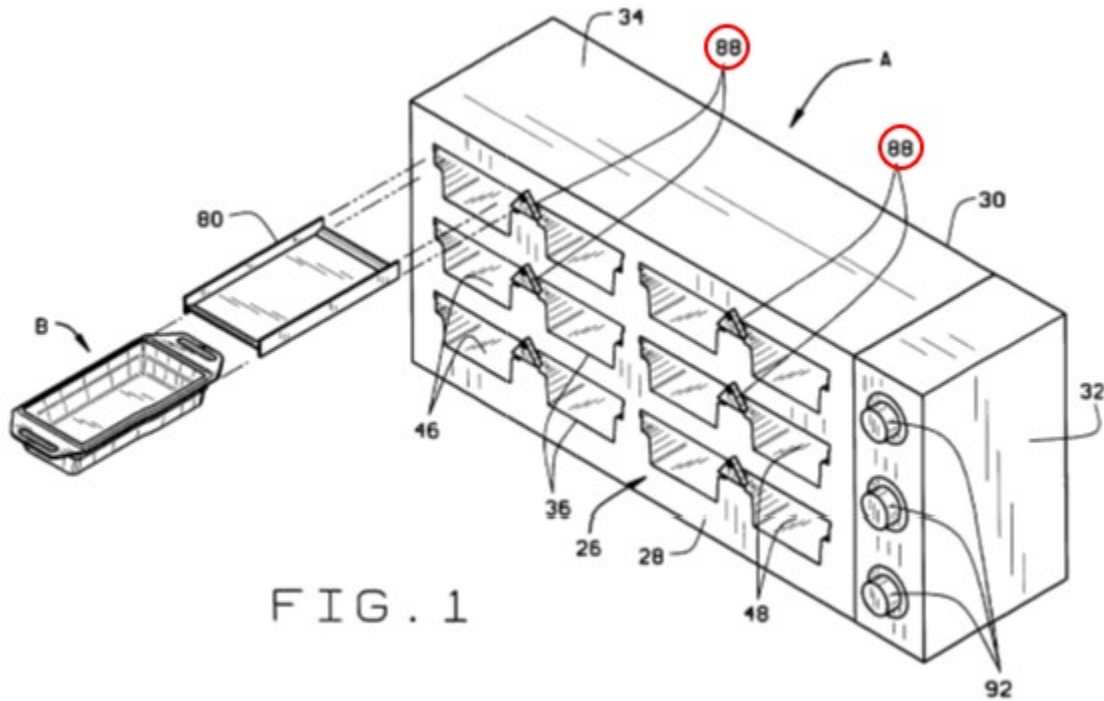


FIG. 1

EX1017: Fig. 1 (annotated).

485. For example, Hartfelder teaches this position of the stop members (61) in the presence of a control bar (76). EX1013: ¶[0039] (“controls and indicators may be arranged in on interface bar 76”), Figs. 3-5. While Hartfelder does not depict the stop members (61) within the same figures as the control bar (76), the fact that both features were addressed in the same reference suggests that such arrangements would be both compatible and desirable.

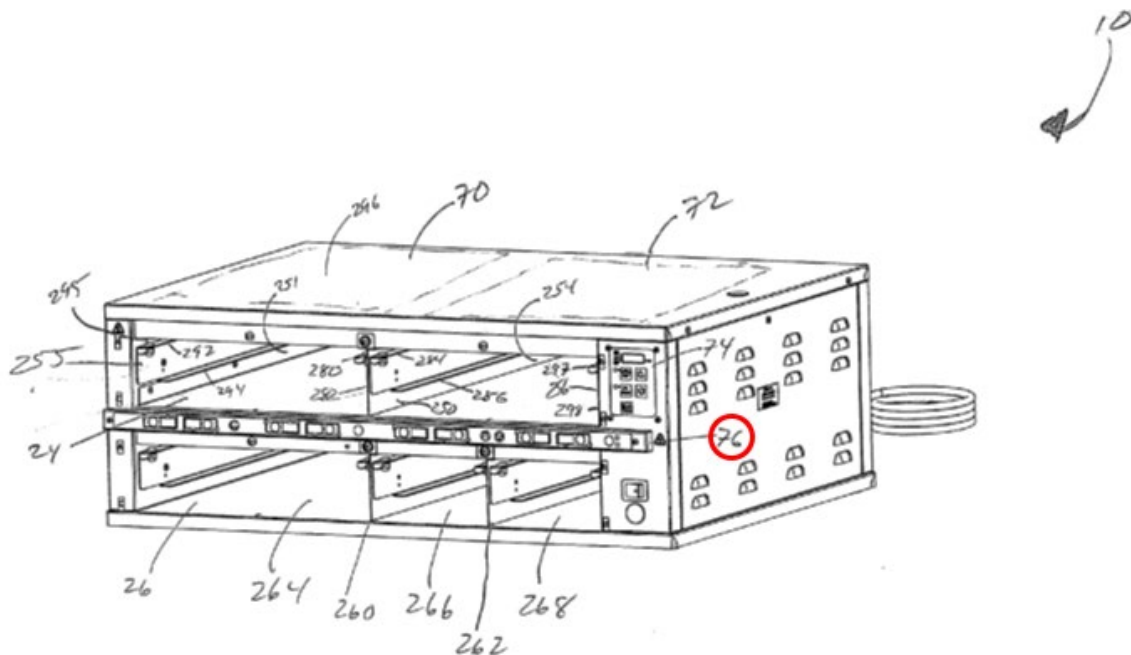
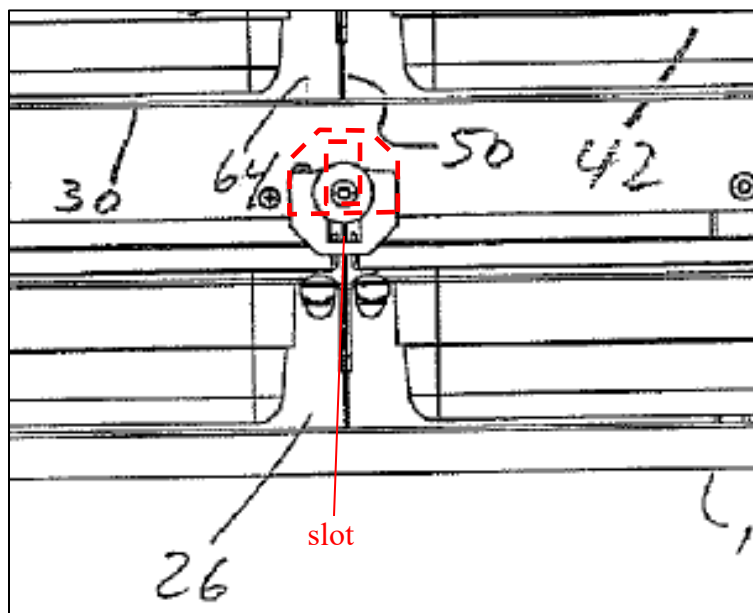


FIGURE 3

EX1013: Fig. 3 (annotated).

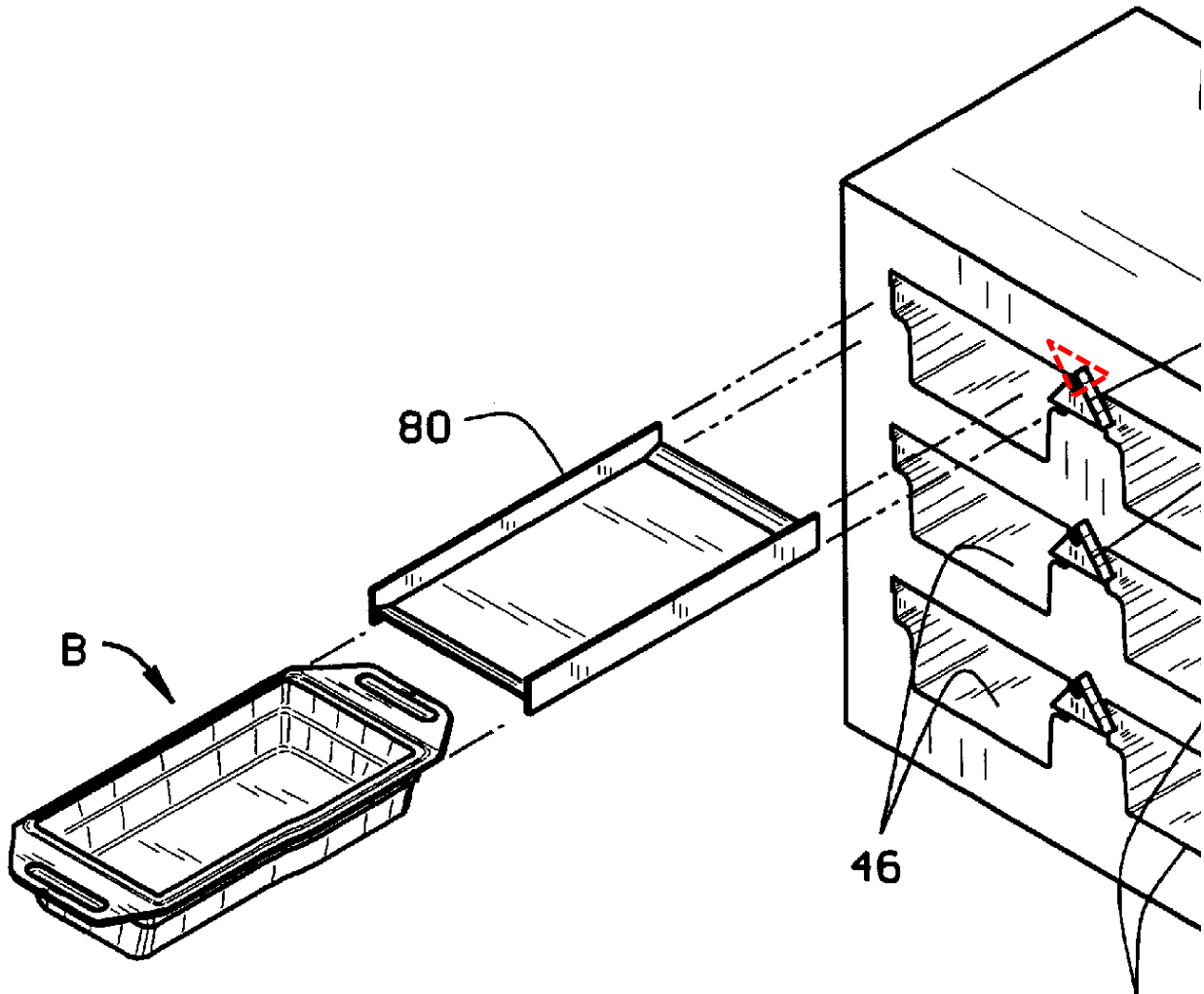
486. The POSA would understand that Hartfelder's stop members (61) are moveable between locked and unlocked positions.

487. Specifically, the stop members (61) have a vertical slot, through which the fastener (56) extends to connect the stop member to the cabinet (12). The cutout is larger than the fastener (56), thereby allowing the stop member (61) to rotate between the locked position shown in Fig. 2 (in which the stop member is positioned to engage the lid if the lid moves out of the compartment) and an unlocked position shown by the broken lines (in which the stop member is positioned to permit the lids to be removed from the compartment). Stop members (61) of this type rotate between locked and unlocked positions. EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1.



EX1013: Fig. 2 (enlarged, annotated to show rotation of Hartfelder's stop member).

488. Likewise, Shei'099's stops (88) rotate between locked and unlocked positions. EX1017: 6:9-32.

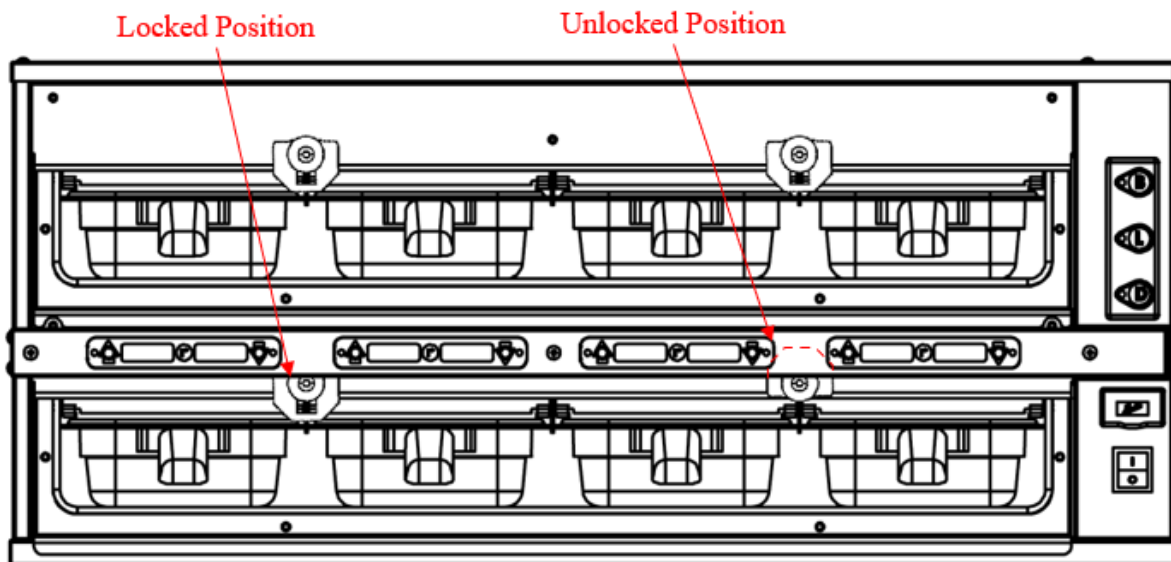


EX1017: Fig. 1 (enlarged, annotated).

489. While the above annotated images of Hartfelder and Shei'099 show the stops (latches) rotated 180-degrees from an at-rest position, the POSA

understands the user/operator would pivot the stops in Hartfelder and Shei'099 as needed (e.g., 45-degrees) left or right to release the desired lid.

490. In the modified IRHS Holding Unit, latches would have been in the space behind the timer bar and would each rotate in the space between their locked and unlocked positions to release lids held on lid holding ledges as shown in the modified rendering of the IRHS24 Holding Unit below.



EX1005: 8 (modified, annotated to show combination).

491. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the food holding bin as claimed in Claim 2.

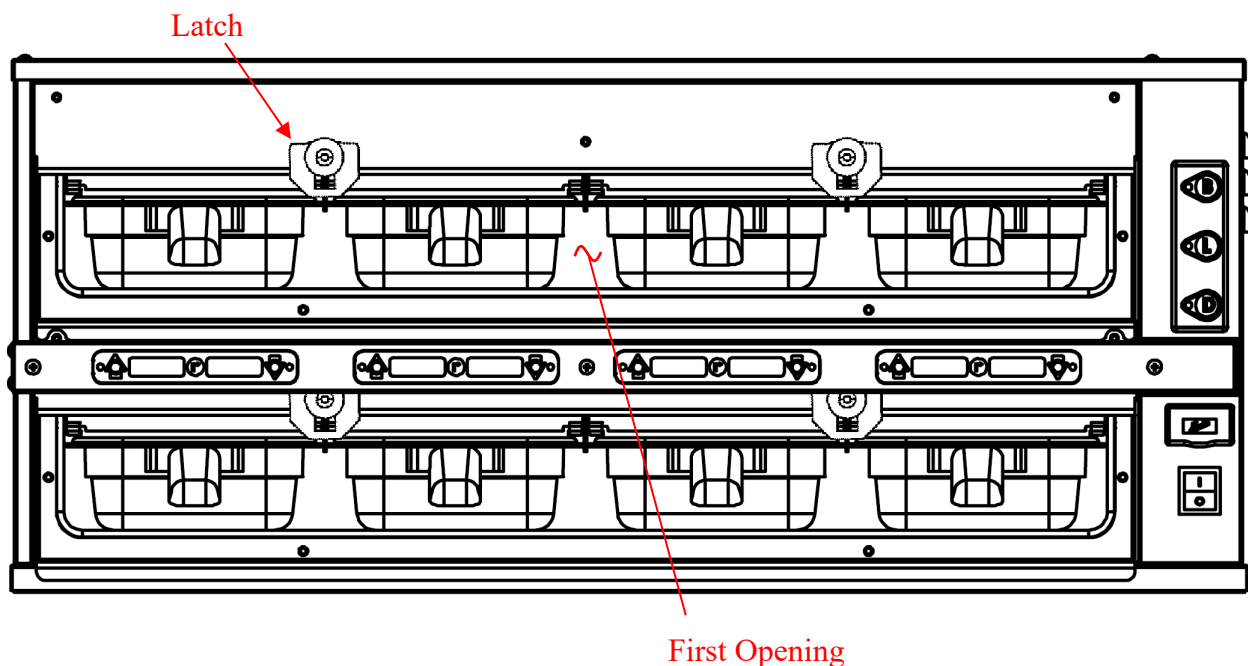
C. Independent Claim 14

492. Limitations 14.P-14.b.2 and 14.d.1-14.g.2 of independent claim 42 are identical to limitations 1.P-1.e.2, 1.g.1, and 1.g.2 (omitting the limitations of 1.f) of independent claim 1.

493. For the reasons set forth in Paragraphs 127-167 and 169-184 (1.P-1.e.2, 1.g.1, and 1.g.2), the IRHS Documents also disclose the limitation 14.P-14.b.2 and 14.d.1-14.g.2.

14.c: a rotatable latch disposed adjacent the first opening

494. As explained in Paragraphs 479-491 above with respect to Claim 2, Hartfelder and Shei'099 disclose rotatable latches (stops) capable of rotating between locked/(first) and unlocked/(second) positions. EX1013: Fig. 2; EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1.



EX1005: 8 (modified, annotated).

495. Modifying the IRHS Holding Units in view of Hartfelder and Shei'099 as discussed in Paragraphs 462-478 would result in the rotatable stop members (61) or stops (88) (*i.e.*, latches) disposed adjacent to the first opening.

EX1013: ¶[0058]; EX1017: 6:9-32.

496. This location is the same as taught by Hartfelder and/or Shei'099 and would be the natural location—adjacent the openings and the lids—so as to be positioned to engage and retain the lids. EX1013: Figs. 1 and 9; EX1017: Fig. 1

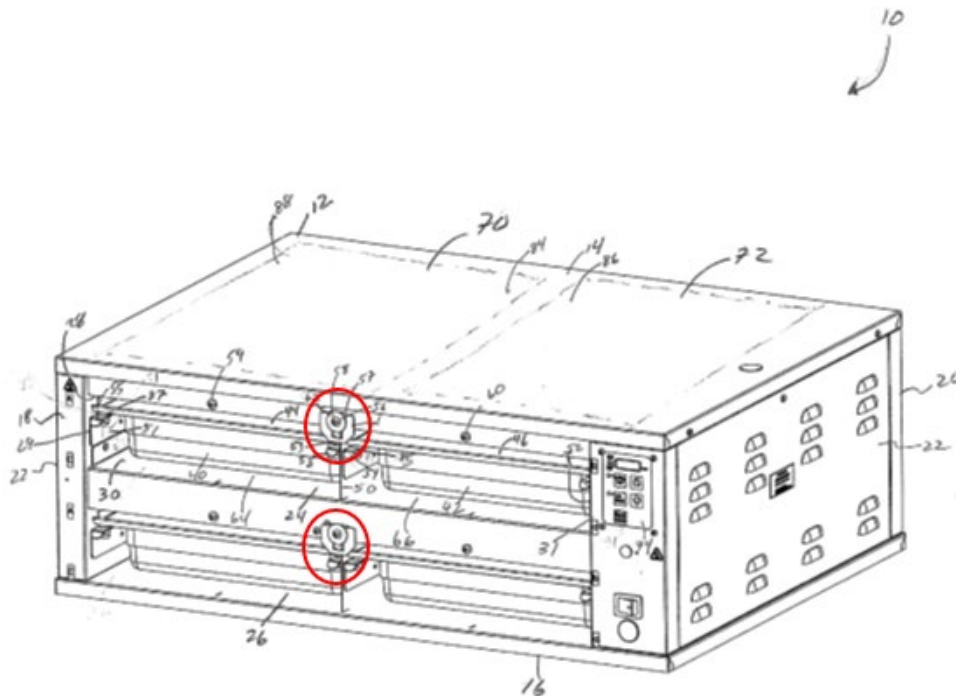


FIGURE 1

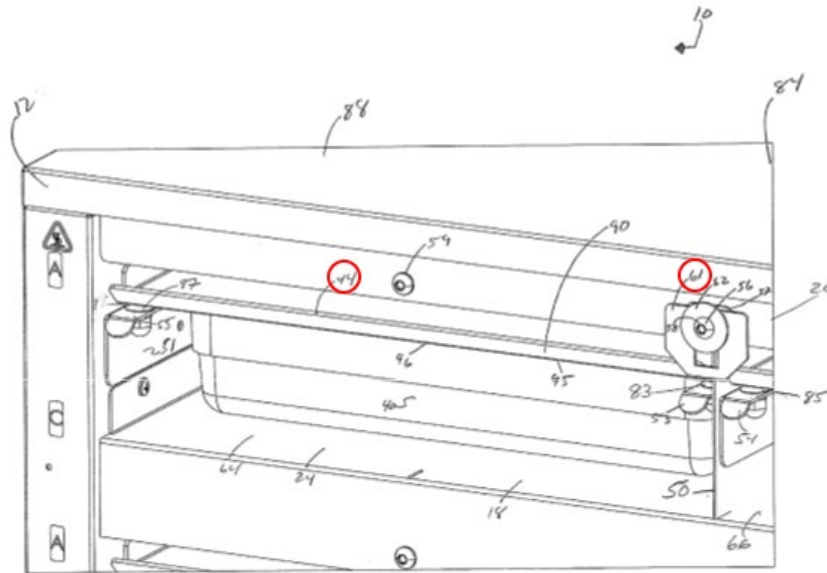


FIGURE 9

EX1013: Figs. 1 and 9 (annotated).

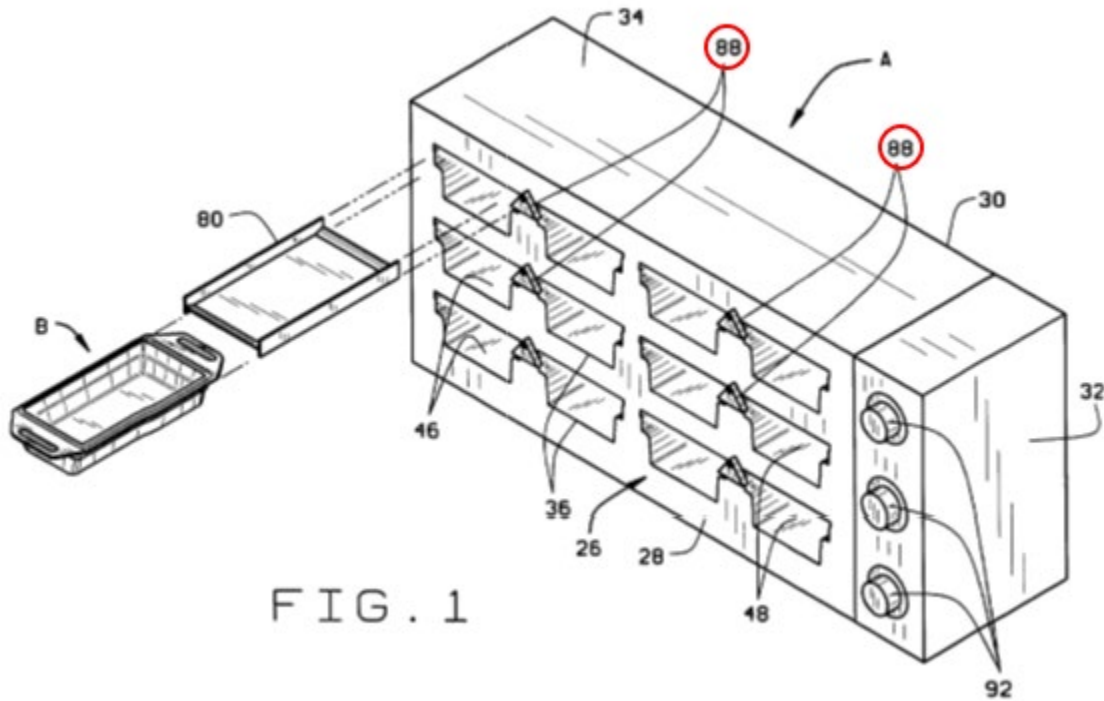


FIG. 1

EX1017: Fig. 1 (annotated).

497. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the food holding bin as claimed in Claim 14.

D. Claim 16: the food holding bin of claim 14, wherein the first, second, third, and fourth heating elements each comprise resistive wire

498. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

499. The additional “wherein the first, second, third, and fourth heating elements each comprise resistive wire” limitation added in Claim 16 is identical in claim scope to the limitation added in Claim 3.

500. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 185-190 above.

E. Claim 17: the food holding bin of claim 14, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction

501. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

502. The additional “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction” limitation added in Claim 17 is identical in claim scope to the limitation added in Claim 4.

503. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 191-197 above.

F. Claim 18

18.a: the food holding bin of claim 14, further comprising a first bezel attached to the chassis

504. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei’099 to arrive at the claimed food holding bin of Claim 14.

505. The additional “first bezel is attached to the chassis” limitation added in Claim 18.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

506. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 above.

18.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

507. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” limitation added in Claim 18.b. is identical in claim scope to the limitation added in Claim 5 limitation.

508. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 198-203 above.

509. Accordingly, each limitation of Claim 18 is disclosed within the IRHS Documents.

510. As each limitation of Claim 18 is disclosed within the IRHS Documents, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the food holding bin as claimed in Claim 18.

G. Claim 19: the food holding bin of claim 18, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

511. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei’099 to arrive at the claimed food holding bin of Claim 18.

512. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” limitation added in Claim 19 is identical in claim scope to the limitation added in Claim 6.

513. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 204-208 above.

H. Claim 20

20.a: the food holding bin of claim 14, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

514. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei’099 to arrive at the claimed food holding bin of Claim 14.

515. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 20.a is identical in claim scope to the limitation added in Claim 7.a.

516. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 209-221 above.

20.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

517. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 20.b is identical in claim scope to the limitation added in Claim 7.b.

518. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 222-230 above.

I. Claim 21

21.a.1: the food holding bin of claim 20, further comprising a first bezel attached to the chassis proximate the front face of the chassis

519. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei’099 to arrive at the claimed food holding bin of Claim 20.

520. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 21.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from

Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

521. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 168 and 231-233 above.

21.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

522. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation added in Claim 21.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

523. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraph 234 above.

21.b: further comprising a second bezel located proximate the opposing rear face of the chassis

524. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 21.b is identical in claim scope to the limitation added in Claim 8.b.

525. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 235-237 above.

J. Claim 22: the food holding bin of claim 14, wherein the substantially planar surface is a continuous surface

526. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

527. The additional “wherein the substantially planar surface is a continuous surface” limitation added in Claim 22 is identical in claim scope to the limitation added in Claim 9.

528. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 238-241 above.

K. Claim 23: the food holding bin of claim 22, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

529. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the claimed food holding bin of Claim 22.

530. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and

second food holding zones” limitation added in Claim 23 is identical in claim scope to the limitation added in Claim 10.

531. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 242-245 above.

L. Claim 24: the food holding bin of claim 14, wherein the substantially planar surface comprises aluminum

532. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei’099 to arrive at the claimed food holding bin of Claim 14.

533. The additional “wherein the substantially planar surface comprises aluminum” limitation added in Claim 24 is identical in claim scope to the limitation added in Claim 11.

534. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 246-250 above.

M. Claim 25: the food holding bin of claim 14 further comprising a food holding tray resting on the substantially planar surface

535. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei’099 to arrive at the claimed food holding bin of Claim 14.

536. The additional “further comprising a food holding tray resting on the substantially planar surface” limitation added in Claim 25 is identical in claim scope to the limitation added in Claim 12.

537. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 251-254 above.

N. Claim 26: the food holding bin of claim 14, the first food holding zone and the second food holding zone being heated to different temperatures

538. As discussed above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei’099 to arrive at the claimed food holding bin of Claim 14.

539. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 26 is identical in claim scope to the limitation added in Claim 13.

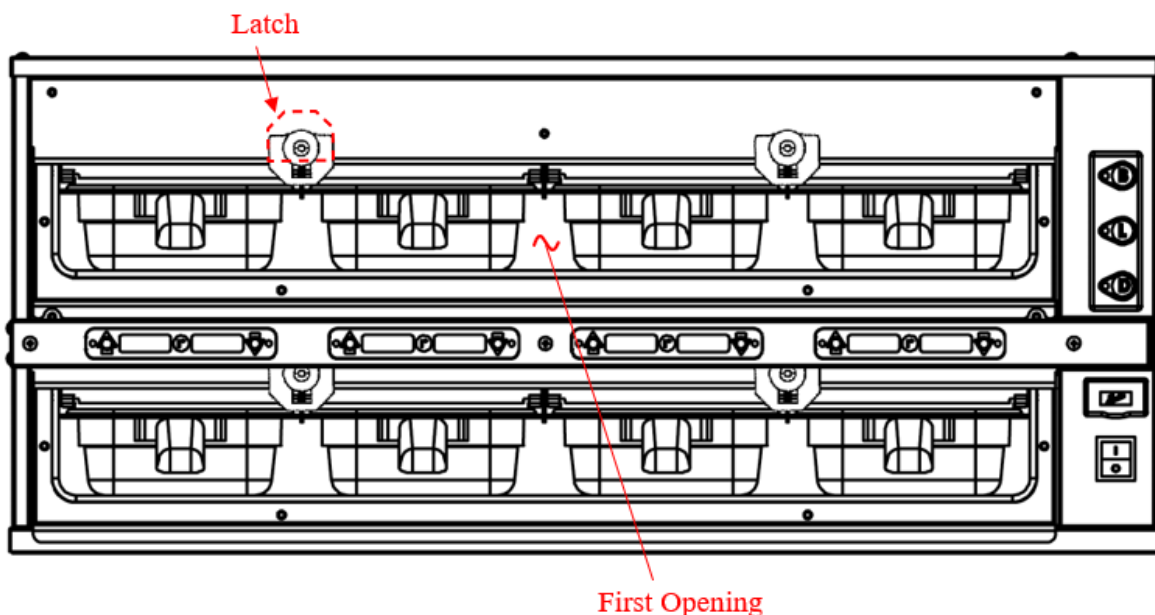
540. Accordingly, this limitation is disclosed by the IRHS Documents as explained in Paragraphs 255-262 above.

E. Claim 28

28.a: the food holding bin of claim 27, wherein a rotatable latch disposed adjacent the first opening is rotatable between a locked position in which the latch prevents a lid from being removed from the lid holding shelf, and an unlocked position in which the latch allows removal of a lid from the lid holding shelf

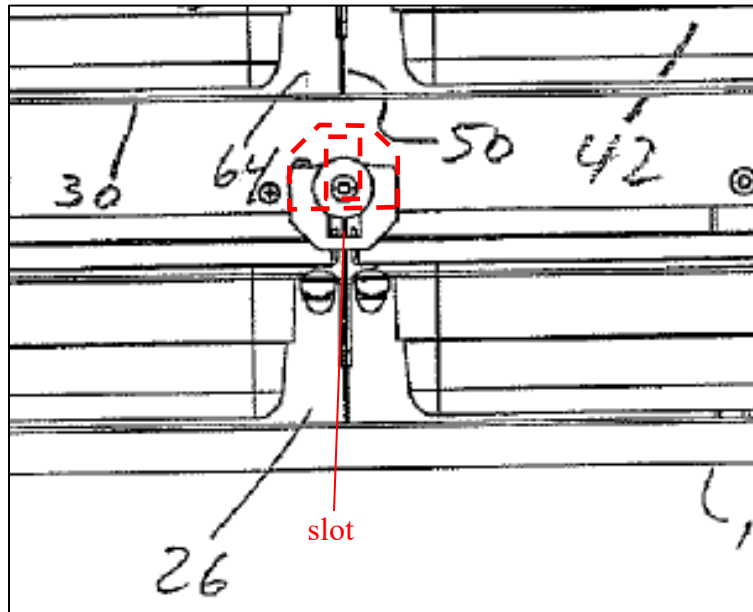
541. As discussed in Ground 1 above, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 27.

542. As explained in Paragraphs 479-491 and 494-497 above with respect to Claims 2 and 14.c, modifying the IRHS Holding Units in view of Hartfelder and Shei'099 as discussed in Paragraphs 462-478 would result in rotatable stop members (61) or stops (88) (*i.e.*, latches) disposed adjacent to the first opening.

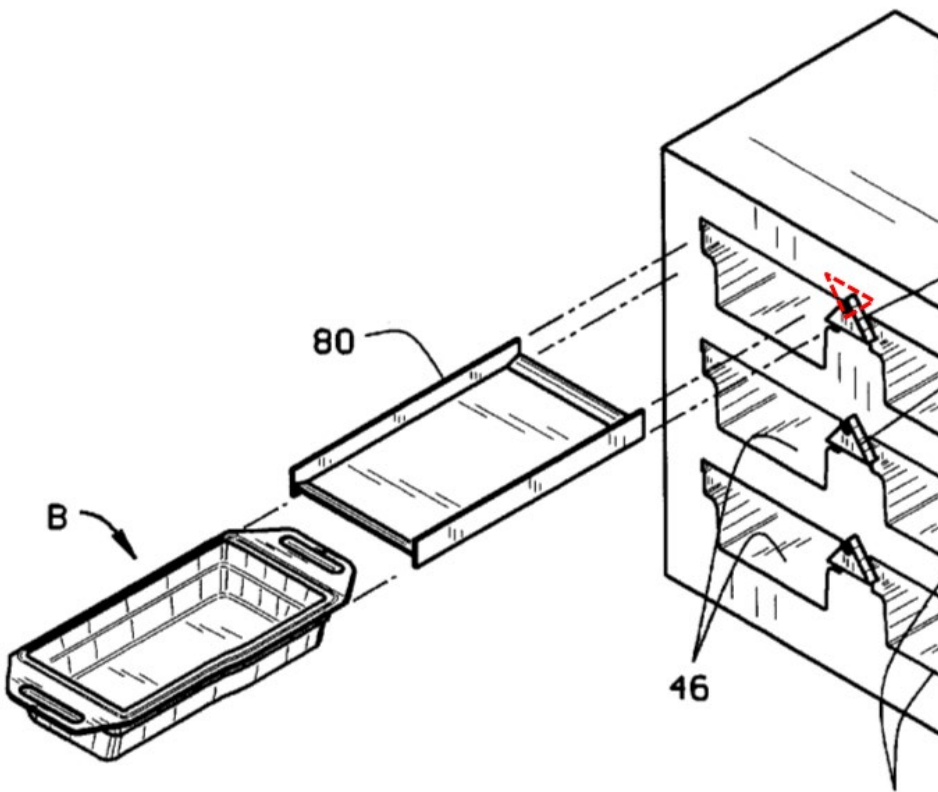


EX1005: 8 (modified, annotated to show combination).

543. The resulting latch would be moveable (rotatable) between a locked position and unlocked position (shown in broken lines). EX1013: Fig. 2; EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1.



EX1013: Fig. 2 (enlarged, annotated to show rotation of Hartfelder's stop member).

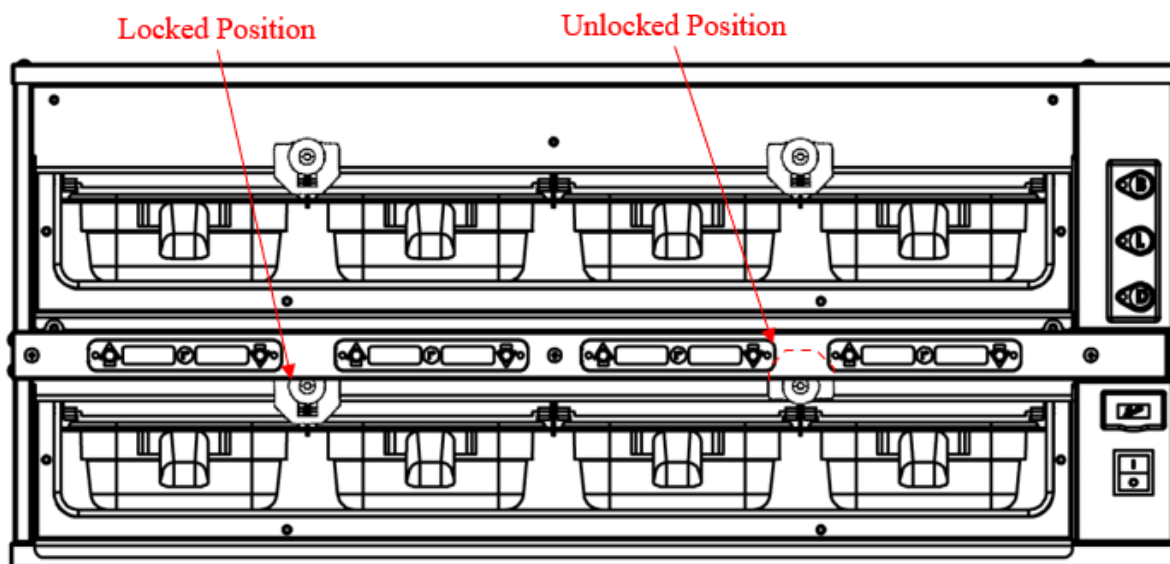


EX1017: Fig. 1 (enlarged, annotated to show rotation of Shei’099 stops (88)).

544. In the locked position, the latches would have been positioned (via gravity in an at-rest position) to block/prevent removal of the lid from the lid holding shelf. EX1013: ¶[0058] (“[a]s best shown in FIG. 9, when tray 40 is withdrawn from sub-compartment 64 of heating compartment 24, front turned-up edge 90 of cover 64, acting as an engagement edge, engages stop member 61. The engagement of engagement edge 90 with stop member 61 arrests the movement of cover 44. As the movement of cover 44 is arrested, cover 44 is retained upon within sub-compartment 64 while tray 40 is withdrawn”); EX1017: 6:19-21 (“[t]he

free apices of the stops 88 lie beyond the ends of the vertical legs 82 for the covers 80 and retain the covers 80 in the upper regions of the heat sinks 46”).

545. In the unlocked position, the latches would have been rotated (e.g., 45-degrees, 180-degrees (as annotated above)) to allow removal of the lid from the lid holding shelf. EX1013: Fig. 2; EX1017: 6:9-32 (“the stop 88 ... is pivoted away from the opening 36 at that heat sink 46 so as to no longer block the opening 36. While the stop 88 is held away from the opening 36, the cover 80 is removed”), Fig. 1; EX1016: ¶[0043], Fig. 1.



EX1005: 8 (modified, annotated to show combination).

28.b: the latch being biased to the locked position by gravity

546. As explained in Paragraphs 479-491 with respect to Claim 2, Hartfelder’s stop members (61) and Shei’099’s stops (88) (*i.e.*, latches) are

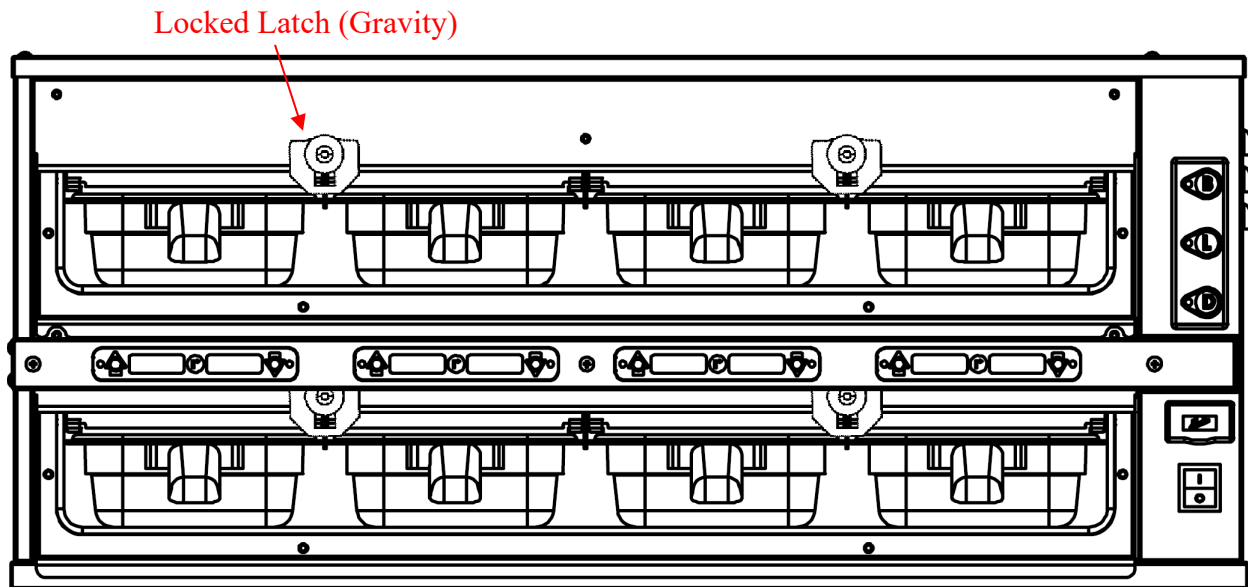
rotatable between a locked position and unlocked position (shown in broken lines).

EX1013: Fig. 2; EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1.

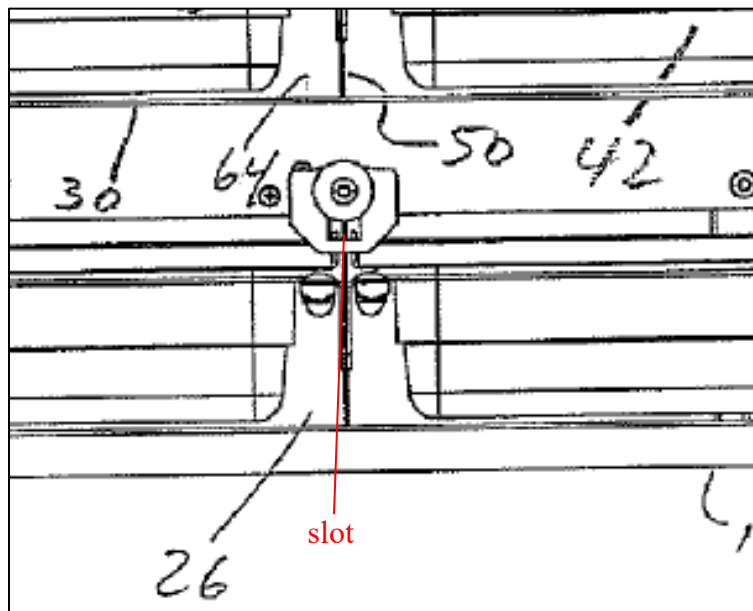
547. In application, gravity biases Hartfelder's stop member (61) and Shei'099's stop (88) (*i.e.*, latches) into the locked position by pulling and/or rotating the latch until the latch's center of gravity is disposed below the fastener. EX1013: Fig. 9; EX1017: 6:9-32 ("Once the cover 80 is fully within the heat sink 44, the stop 88 is released, and it assumes its normal position, blocking the end of the opening 36 and thereby retaining the cover 80 in the heat sink 46"), Fig. 1; EX1016: ¶[0043], Fig. 1. For Hartfelder's stop member (61) (latch), the slot results in the fastener being positioned adjacent the top of the stop member, resulting in most of the mass of the stop member (e.g., center of gravity) being below the fastener, thereby biasing the fastener into the locked position. The mass of the stop member (61) moves the stop member downward relative to the fastener, thereby positioning the fastener at the end of the slot. Similarly, the triangle shape of Shei'099's stop (88) (latch), with the fastener being located at one of the triangle's vertices, results in most of the stop's mass (e.g., center of gravity) being disposed below the fastener (the center of gravity of the stop is spaced apart from the fastener). This arrangement biases the stop toward the locked position.

548. Modifying the IRHS Holding Unit in view of Hartfelder and/or Shei'099 would result in the latch being rotatable and biased into the locked

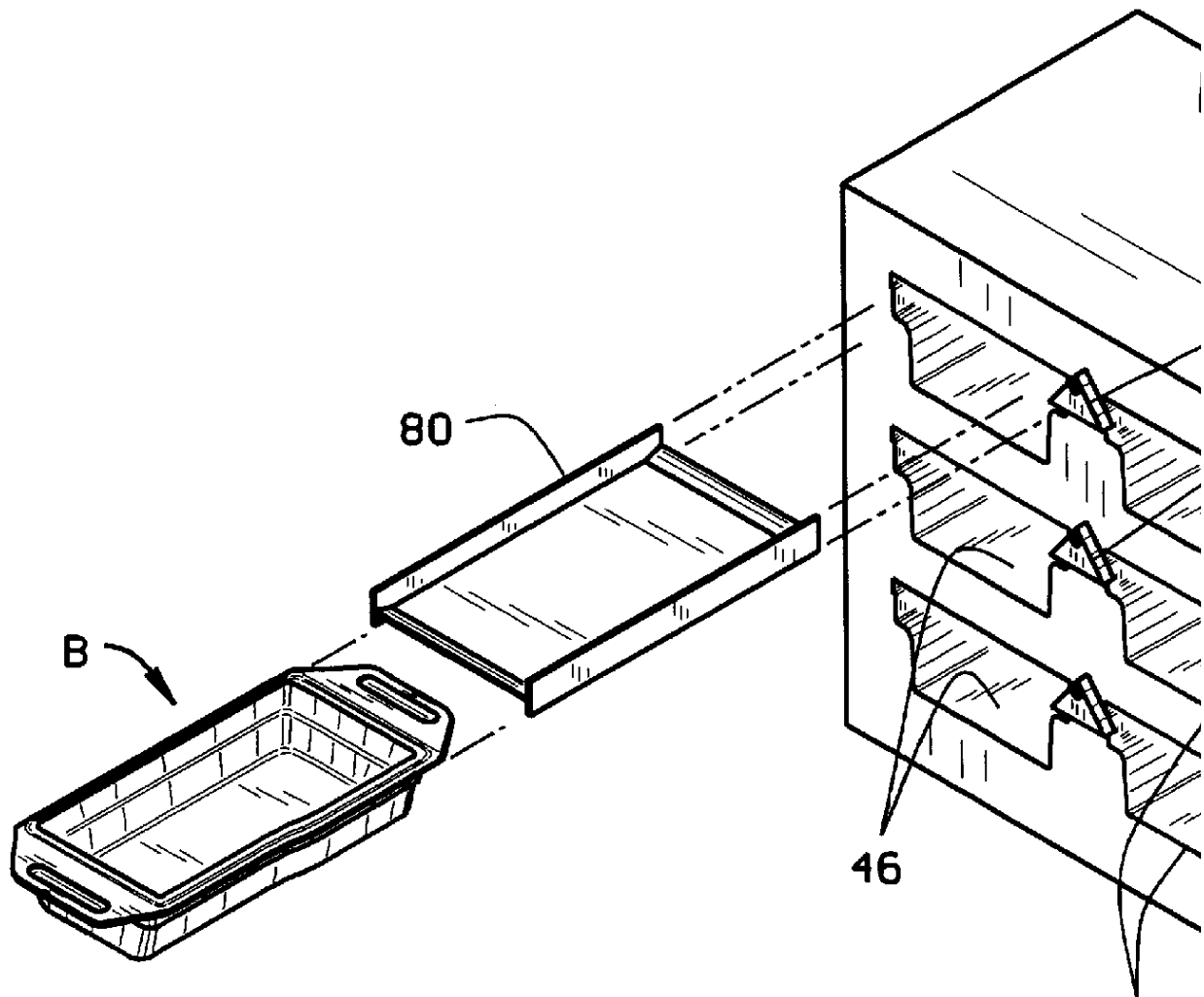
position by gravity as shown in the modified rendering of the IRHS24 Holding Unit below.



EX1005: 8 (modified, annotated to show combination).



EX1013: Fig. 2 (enlarged, annotated).



EX1017: Fig. 1 (enlarged).

549. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the food holding bin as claimed in Claim 28.

VI. GROUND 3: Claims 3, 31, 43, and 56 Would Have Been Obvious According to Grounds 1-2 or 4-10 in further view of Veltrop and/or Poole Even to the Extent the IRHS Documents Are Found Not to Sufficiently Teach the Heating Elements Comprising a Resistive Wire

550. Within the claims of the '981 Patent, Claims 3, 31, 43, and 56 recited claim limitations requiring the heating elements comprise a resistive wire.

551. As discussed in Paragraphs 185-190 above (Claim 3), it is my opinion that the POSA would have recognized that each of the IRHS heating elements (including the IR bulbs) comprise a resistive wire. If it is determined that the IRHS Documents do not sufficiently describe the IRHS heating elements as comprising resistive wires, it would have still been obvious for the upper and lower heating elements to include resistive wires in view of Veltrop and/or Poole.

552. Veltrop teaches a food holding cabinet (10) with shelves (52) having electrical heating elements in the form of electrically resistive heater wire (67).

EX1022: ¶¶[0010], [0025] (“[i]n another embodiment of the shelf 52, an electrically-insulated, electrically-resistive heater wire 67 is also sandwiched between the plates 51 and 53”), Fig. 2.

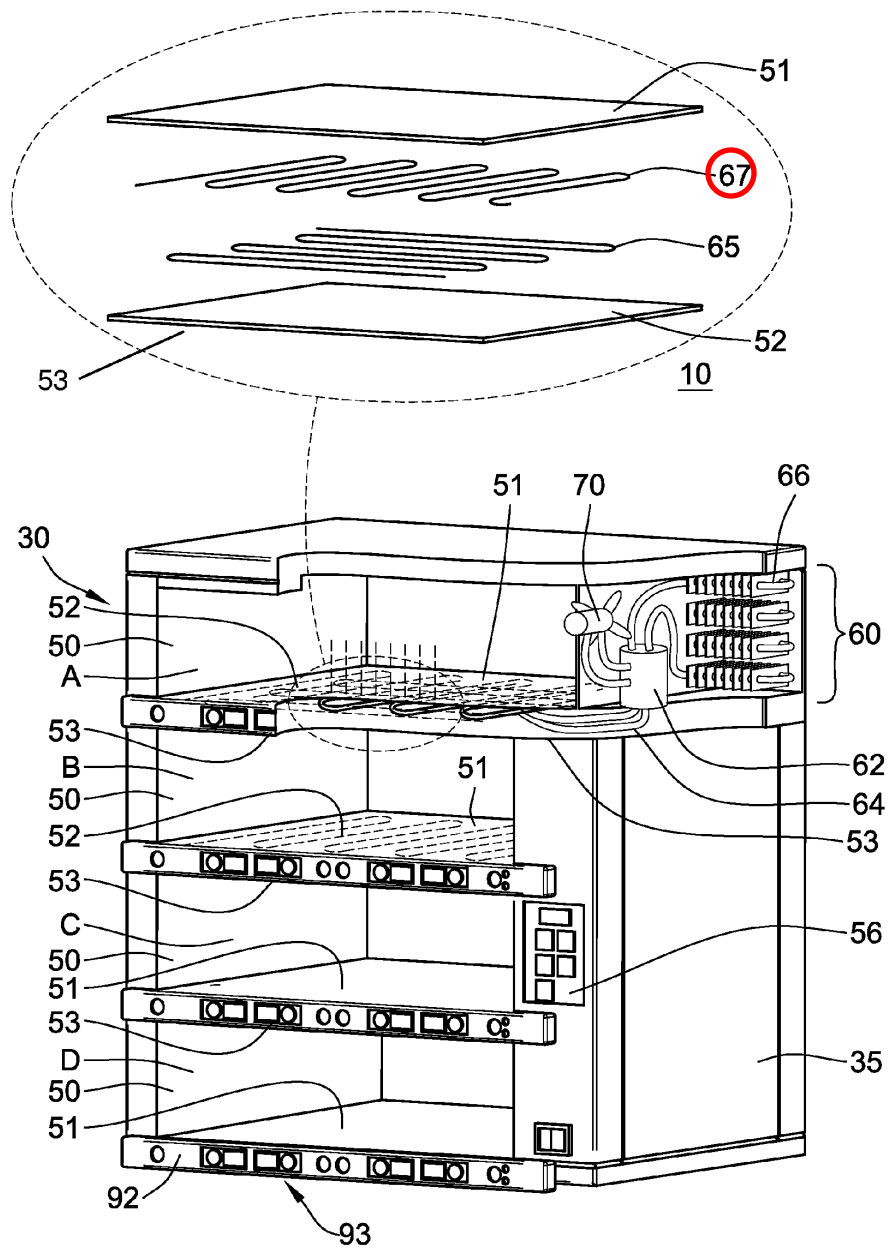
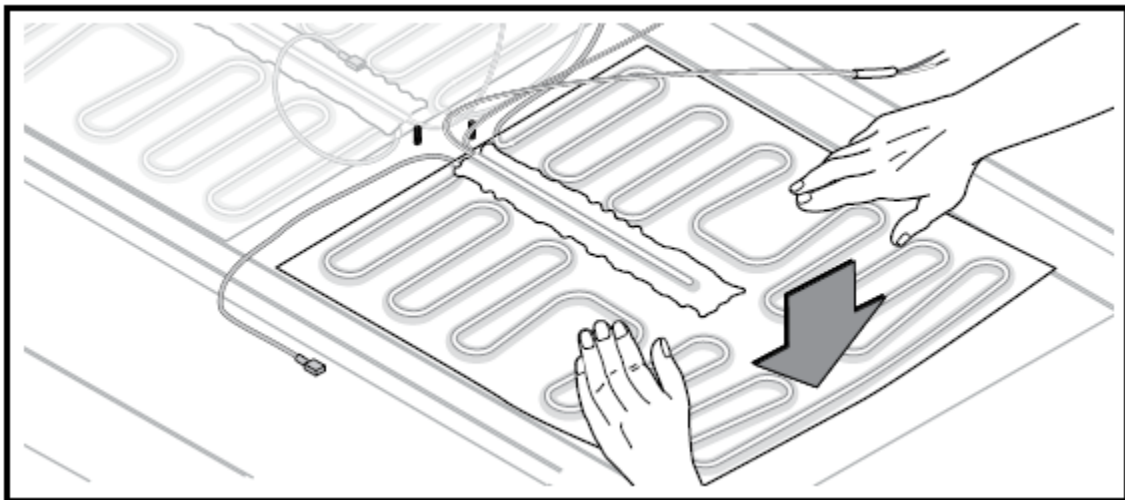


FIG. 2

EX1022: Fig. 2 (annotated).

553. It would have been obvious to have IRHS Holding Unit's lower/second heating elements comprise an electrically resistive heater wire in view of Veltrop to generate heat for the compartments.

554. Specifically, the IRHS Documents use electrical heating elements to generate heat. The POSA would understand electrically resistive heater wire is a suitable source of heat for the heating elements of food holding units like the IRHS Holding Unit. EX1022: ¶[0025] (“when the wire 67 temperature rises due to an electric current flow, it provides heat energy into the plates 51 and/or 53, to which the wire 67 is thermally coupled”).



EX1008: 23.

555. Further, Veltrop's electrically resistive heater wire (67) is electrically controlled, which would enable the IRHS Holding Unit's controller to operate it.

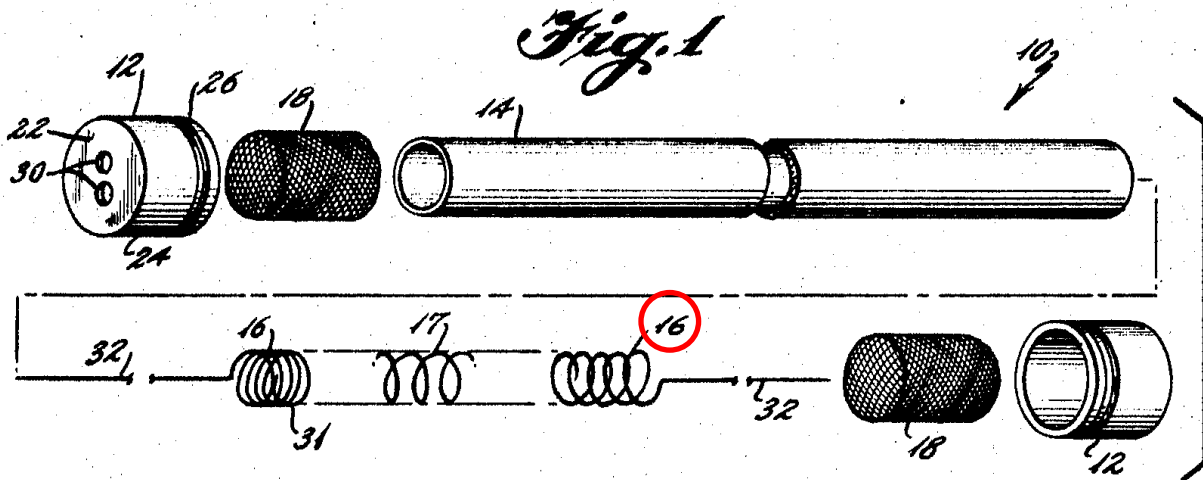
EX1022: ¶[0025].

556. This would have been nothing more than the use of a known technique (electrically resistive heater wire) to improve a similar device (the lower/second heating elements of the IRHS Holding Unit) in the same way (electrically resistive heater wire to heat compartments containing food).

557. There would have been a reasonable expectation of success given the IRHS Holding Unit's lower (second and fourth) heating elements are electrically controlled, and the IRHS Holding Unit and Veltrop are both food warming cabinets.

558. When implementing this modification, each lower heating element (*e.g.*, second and fourth heating elements) of the IRHS Holding Unit (including in the IRHS24 Holding Unit) would comprise electrically resistive heater wire.

559. Poole teaches that an "infrared quartz heater" has a resistance wire (16). EX1025: Title ("Infrared Quartz Heater"), 1:29-30 ("[t]he usual quartz infrared heater consists essentially of a resistance wire heating element"), 2:6-7 ("a heater element 16 in the form of a coiled resistance wire").



EX1025: Fig. 1 (annotated).

560. In view of Poole, it would have been obvious to use infrared quartz heaters including resistive wires as the IR bulbs (upper (first, third, fifth, and sixth) heating elements) in the IRHS Holding Unit to generate the IR heat for the compartments. Specifically, Poole teaches such infrared quartz heaters have a “long operating life” with a “low failure rate” and lower cost. EX1025: 1:49-50, 3:1, 3:4.

561. Accordingly, where the IRHS Documents disclose using quartz IR bulbs, Poole discloses a suitable quartz IR bulb.



EX1007: 11.

562. This would have been nothing more than the substitution of one known element (Poole's infrared quartz heater) for another (the unspecified IR bulbs of the IRHS Holding Unit) to obtain predictable results in the form of IR heating of food. Here there would be a high expectation of success given that the IRHS Documents are already disclosing the use of quartz IR heaters like Poole's.

EX1007: 53.

563. When implementing this modification, each upper heating element (*e.g.*, first, third, fifth, and sixth heating element) of the IRHS Holding Unit (including for the IRHS24 Holding Unit) would comprise an infrared quartz heater with resistive wire.

564. Accordingly, to the extent that there is any doubt that the IRHS Documents disclose the independently controllable heating elements as comprising

a resistive wire, the POSA would have found it obvious to modify the IRHS Holding Unit disclosed in the IRHS Documents in view of Veltrop and/or Poole to arrive at the claimed food holding bin of Claims 3, 31, 43, and 56.

VII. GROUND 4: Claim 16 Would Have Been Obvious Over the IRHS Documents in View of Hartfelder, Shei'099, Veltrop, and/or Poole Even to the Extent the IRHS Documents Are Found Not to Sufficiently Teach the Heating Elements Comprising a Resistive Wire

565. As discussed above in Paragraphs 498-500 with respect to Ground 2, it is my opinion that the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the claimed food holding bin of Claim 16.

566. Specifically, it is my opinion that the POSA would have recognized that each of the IRHS heating elements (including the IR bulbs) comprised a resistive wire.

567. If it is determined that the IRHS Documents do not sufficiently describe the IRHS heating elements as comprising resistive wires, it would have still been obvious for the upper and lower heating elements to include resistive wires in view of Veltrop and/or Poole for the reasons explained in Paragraphs 550-564 with respect to Ground 3.

568. Accordingly, to the extent that there is any doubt that the IRHS Documents disclose each of the first, second, third, and fourth heating elements as comprising a resistive wire, the POSA would have found it obvious to modify the

IRHS Holding Unit disclosed in the IRHS Documents in view of Hartfelder, Shei'099, Veltrop, and Poole to arrive at the claimed food holding bin of Claim 16.

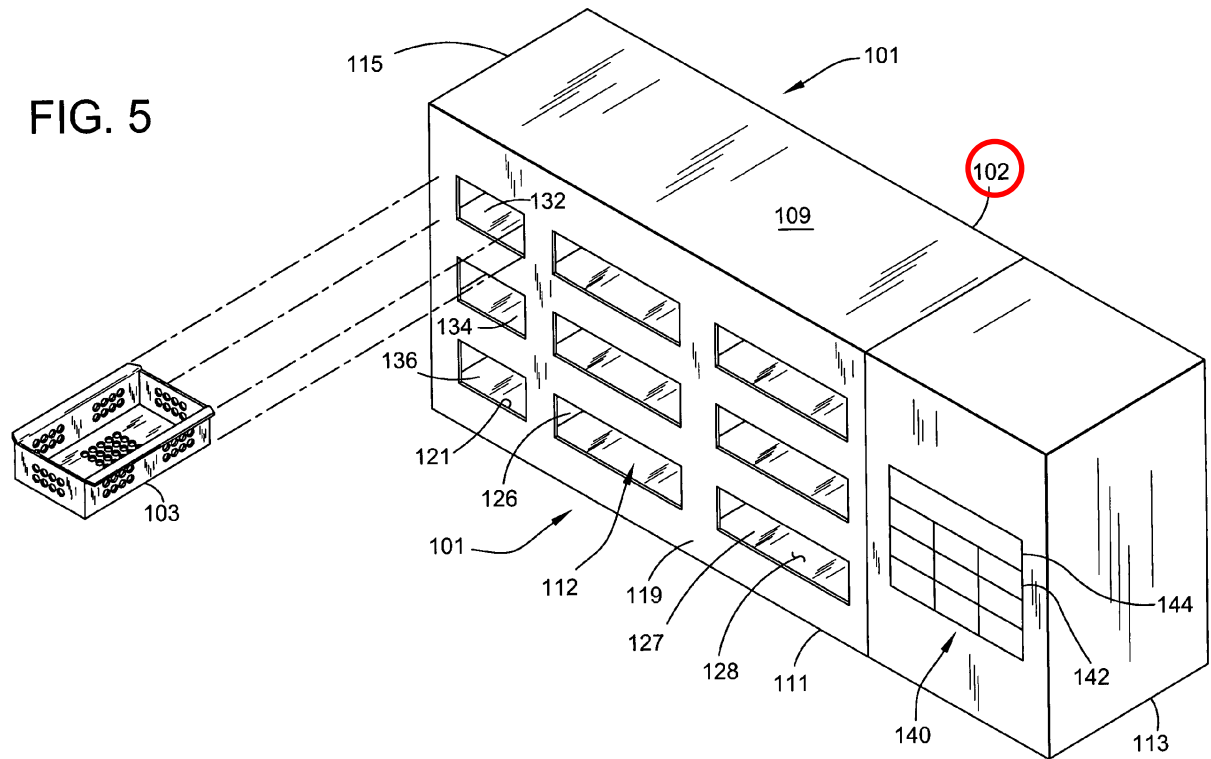
VIII. GROUND 5: Claim 29 Would Have Been Obvious Over the IRHS Documents in View of Shei'821 and/or Shei'155 Even to the Extent the IRHS Documents Are Found Not to Sufficiently Teach the Lid-Holding Shelves as Comprising Sheet Metal

569. As discussed above in Paragraphs 270-273 with respect to Ground 1, it is my opinion that the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 29.

570. Specifically, it is my opinion that the POSA would have recognized the IRHS lid-holding shelves as comprising sheet metal.

571. If it is determined that the IRHS Documents do not sufficiently describe the IRHS lid-holding shelves as comprising sheet metal, it would have still been obvious for the lid-holding shelves to comprise sheet metal in view of Shei'821 and/or Shei'155.

572. Shei'155 (EX1016) teaches a holding cabinet 102 entirely fabricated by sheet metal. EX1016: ¶[0046] (“the entire cabinet 102 is fabricated of sheet metal”).



EX1016: Fig. 5 (annotated).

573. Shei'821 (EX1011) teaches a pan storage apparatus (10) including lid supports (36A) for supporting lid (18) made out of sheet metal. EX1011: ¶¶[0024], [0035], [0039] (“the cover supports 36A and the cover retainers 36B, including the keepers 36E, are formed as one piece of metal”).

574. These lid supports (36A) are shown as a thin bent sheets of material, and Shei'821 discloses the material as being metal. EX1011: ¶[0039], Figs. 1, 7, and 8.

FIG. 1

FIG. 1 is a perspective view of a rectangular enclosure 10. The enclosure has a front door 14 that is open, revealing the interior. Inside, there are two horizontal shelves 16 supported by vertical brackets 18. The top and bottom inner walls are labeled 12. A control panel with a switch is located on the left side of the front door 14. The enclosure is secured with screws around the perimeter of the door frame.

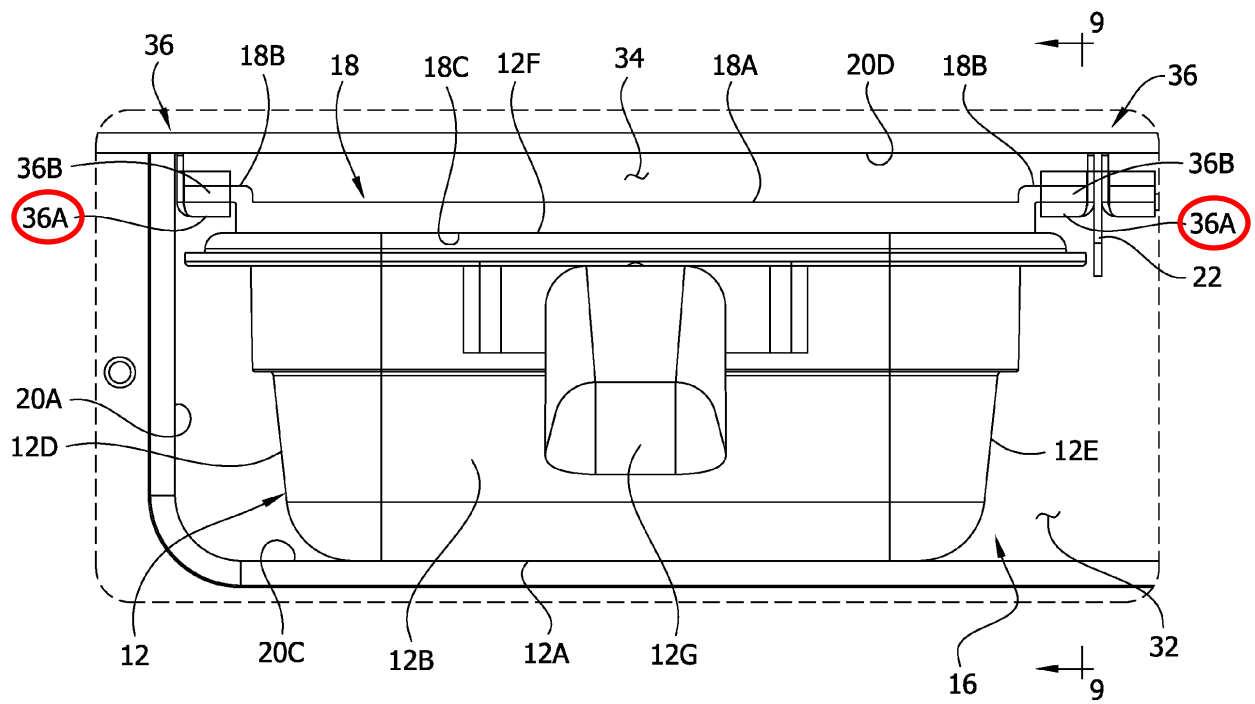
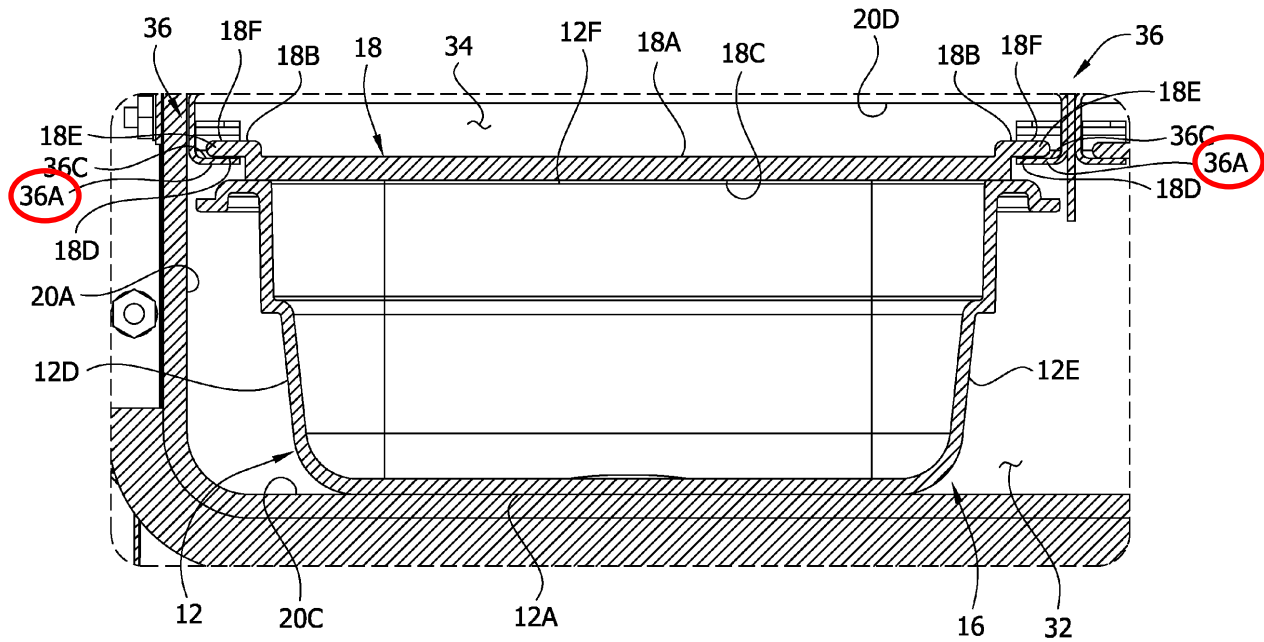


FIG. 8



EX1011: Figs. 1 (annotated).

575. It would have been obvious to make the IRHS24 Holding Unit's lid-holding shelves out of sheet metal in view of Shei'821 and/or Shei'155. Based on Shei'821 and/or Shei'155, the POSA would understand sheet metal is a suitable material for constructing the IRHS24 Holding Unit's lid-holding shelves. EX1016: ¶[0046] ("the entire cabinet 102 is fabricated of sheet metal"); EX1011: ¶[0039] ("the cover supports 36A and the cover retainers 36B, including the keepers 36E, are formed as one piece of metal").

576. While the POSA would infer that the IRHS Holding Unit's lid-holding shelves comprise sheet metal, Shei'821 and Shei'155 make clear that this would have been a natural design choice. The use of sheet metal would have

combined the known elements (specifically, the inclusion of lid-holding shelves with the use of sheet metal as the material of construction) according to known methods (the construction taught by IRHS Documents) to yield predictable results of sturdy and durable lid-holding shelves capable of supporting the lids.

577. This design choice is also nothing more than the use of a known technique (using sheet metal) from a similar food holding unit in the same way to construct lid-holding shelves capable of supporting the lids.

578. This design choice is also nothing more than a simple substitution of one known alternative (sheet metal) where the IRHS Documents do not expressly identify the material of IRHS Holding Unit's lid-holding shelves to construct lid-holding shelves capable of supporting the lids.

579. Given that the POSA would already have presumed that the IRHS Holding Unit's lid-holding shelves were formed by bending pieces of sheet metal given their shape, the POSA would have had a reasonable expectation of success forming the IRHS Holding Unit's lid-holding shelves from sheet metal. This renders obvious each lid-holding shelf comprising sheet metal.

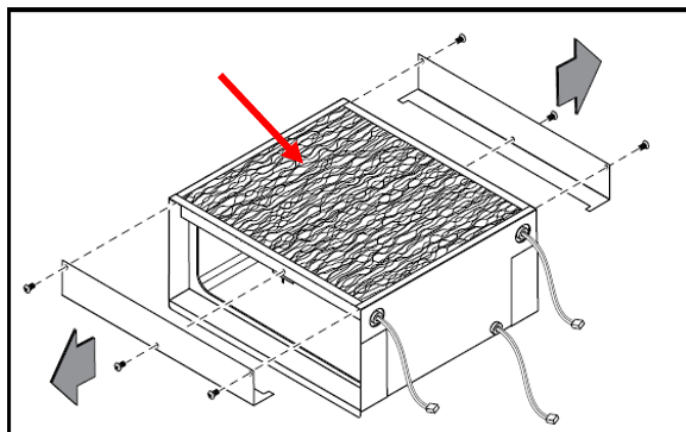
IX. GROUND 6: Claim 55 Would Have Been Obvious Over the IRHS Documents in View of Fortmann'967 and/or Fortmann'197

A. Claim 55: the food holding bin of claim 54 wherein an insulative material is provided between the second and the fifth heating elements

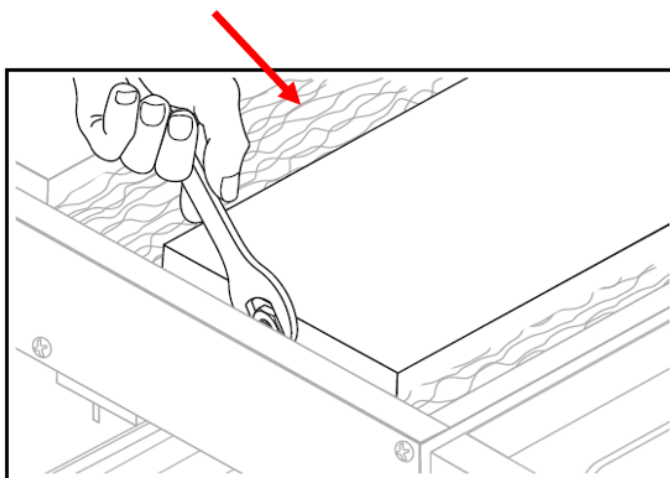
580. As discussed above with respect to Ground 1, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents to arrive at the claimed food holding bin of Claim 54.

581. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 55 further requiring that “an insulating material is provided between the second and the fifth heating elements.”

582. The IRHS Service Manual shows thermal insulation in some of its views and instructs the removal and reinstallation of the insulation in the shelf of the IRHS Holding Unit during replacement of heat sink heating elements and temperature sensors. EX1008: 17-18 (“9. Invert the liner deck assembly upside-down, then remove and retain the insulation” and “12. ... replace the insulation”), 22-23.



EX1008: 25.



EX1008: 26.

583. While insulation of the IRHS Holding Unit would presumably be located between the first and second sets of independently controllable heating elements, so as to permit the heat to reach the intended food holding compartment while limiting unintended heat migration between the food holding compartments, the IRHS Service Manual does not explicitly give the location of the insulation with respect to heating elements.

584. Fortmann'967 teaches a food holding system or cabinet (10) for keeping food warm that is similar to the IRHS Holding Unit. EX1018: 1:5-7 (“[t]his invention relates to a system that defines a conditioned environment, as for treating and/or maintaining the treated state of food items”), 4:19-26, Fig. 1.

585. Within the Fortmann'967 cabinet (10), stacked food treatment spaces (16, 18, 20, 22) receive trays (32) of food and each space (16, 18, 20, 22) has two heaters (44, 48) which heat the tops and bottoms of the trays (32). EX1018: 3:64-65, 4:4-11, 4:22-26 (“a heater 44, which conducts heat through a heat sink 46 to the bottom wall 24, and a separate heater 48 which conducts heat through a heat sink 50 to the top wall 26”), Fig. 2.

Fig. 1

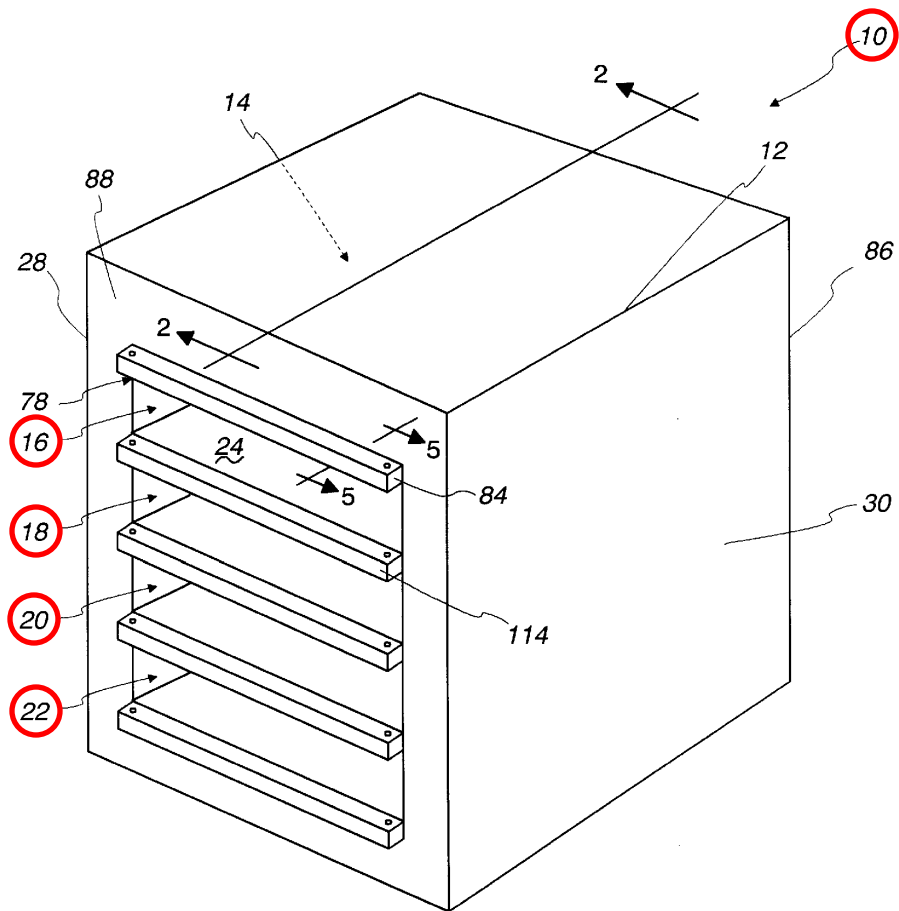
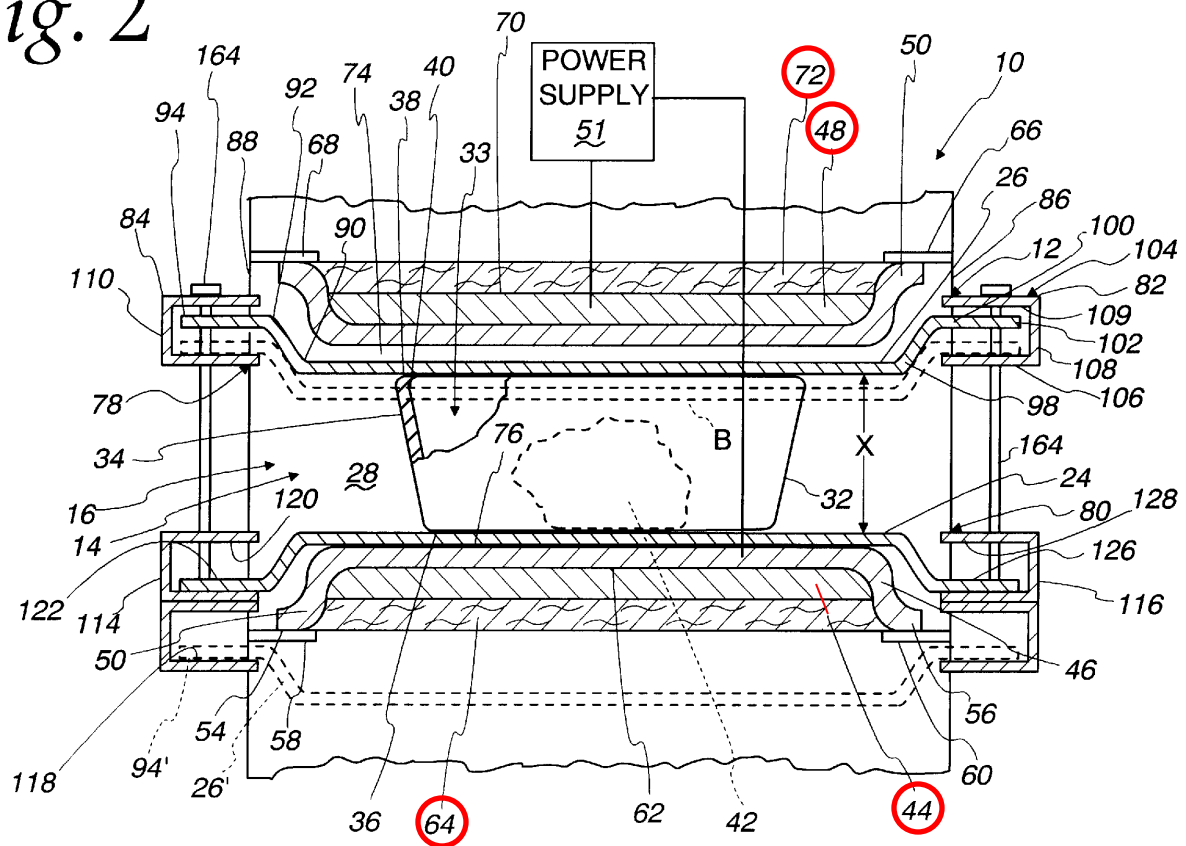


Fig. 2

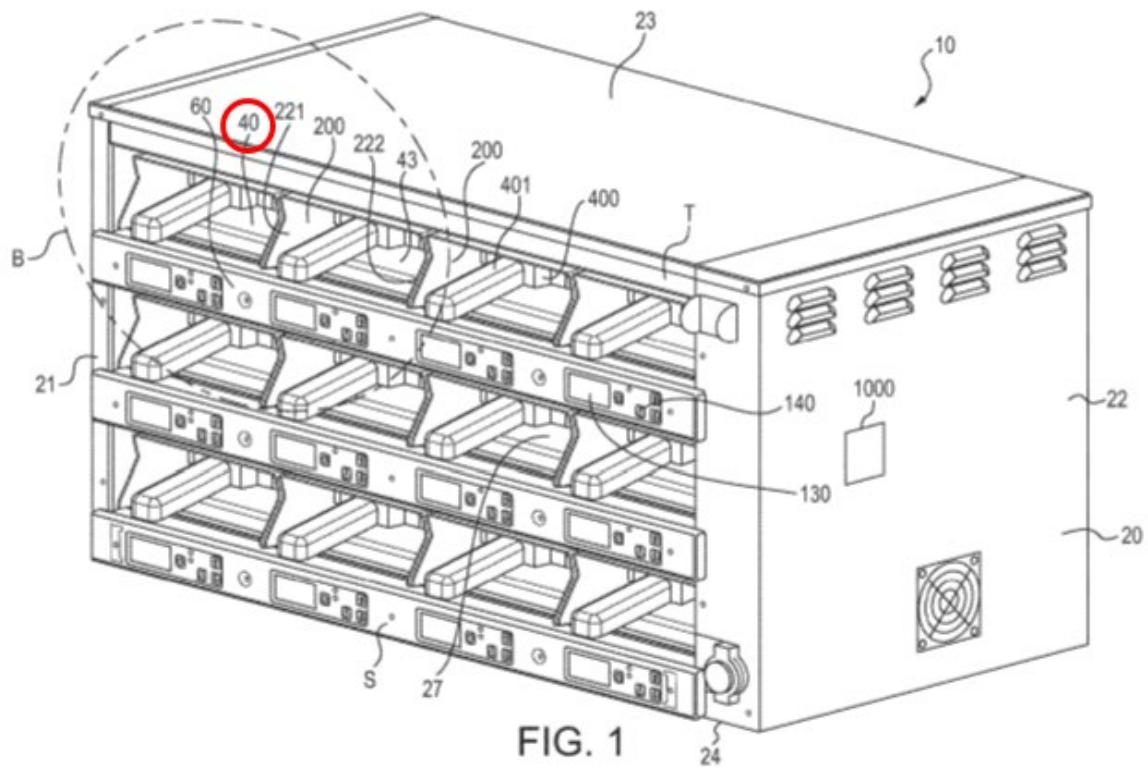


EX1018: Figs. 1 and 2 (annotated).

586. Each heater (44, 48) of Fortmann'967 is backed by insulation (64, 72), which directs the heat from the heaters into the food treatment space (16, 18, 20, 22). EX1018: 4:33-38 ("An insulation layer 64 fills the space 62 beneath the heater 44.... The heater 48 is nested in a space 70 defined by the heat sink 50 and covered by an insulation layer 72."), Fig. 2.

587. Similarly, Fortmann'197 explains "insulation may be provided between the upper heaters 521, 522, 523, 524 in a plate 40 and the lower heater 501 in the same plate, so that the heat generated by the respective heater travels

generally through the surface of the plate 40 proximate to the plate and not in the direction of the other heater within the plate 40.” EX1014: 9:32-37, Figs. 1 and 10.



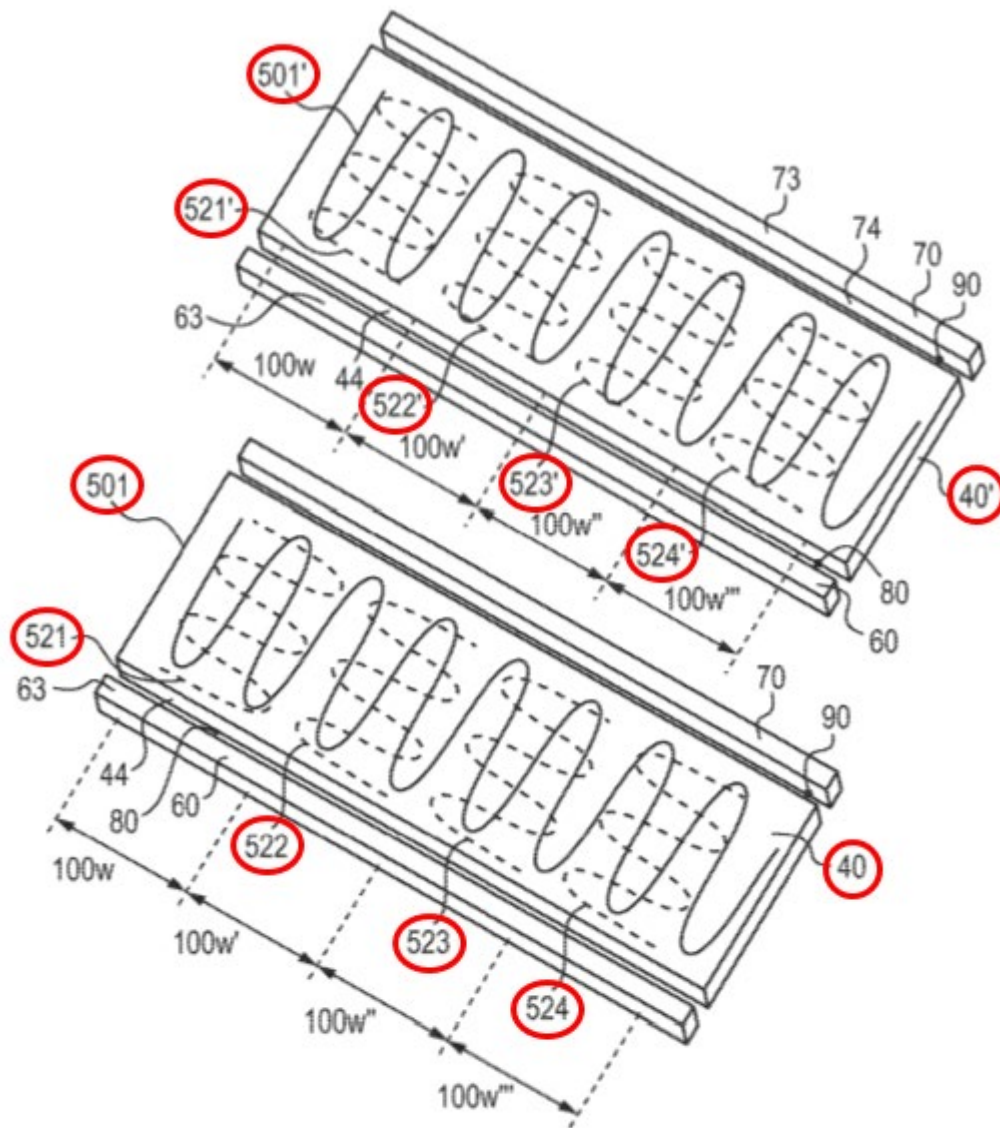


FIG. 10

EX1014: Figs. 1 and 10 (annotated).

588. It would have been obvious to arrange insulation within the shelf of the IRHS Holding Unit between the second and fifth heating elements to direct the heat generated by the lower/second heating elements into the compartment above

the shelf (i.e. first food holding compartment) and direct the heat generated by the upper/fifth heating element into the compartment below the shelf (i.e. second food holding compartment). EX1014: 9:32-37 (“insulation may be provided between the upper heaters 521, 522, 523, 524 in a plate 40 and the lower heater 501 in the same plate, so that the heat generated by the respective heater travels generally through the surface of the plate 40 proximate to the plate and not in the direction of the other heater within the plate 40”).

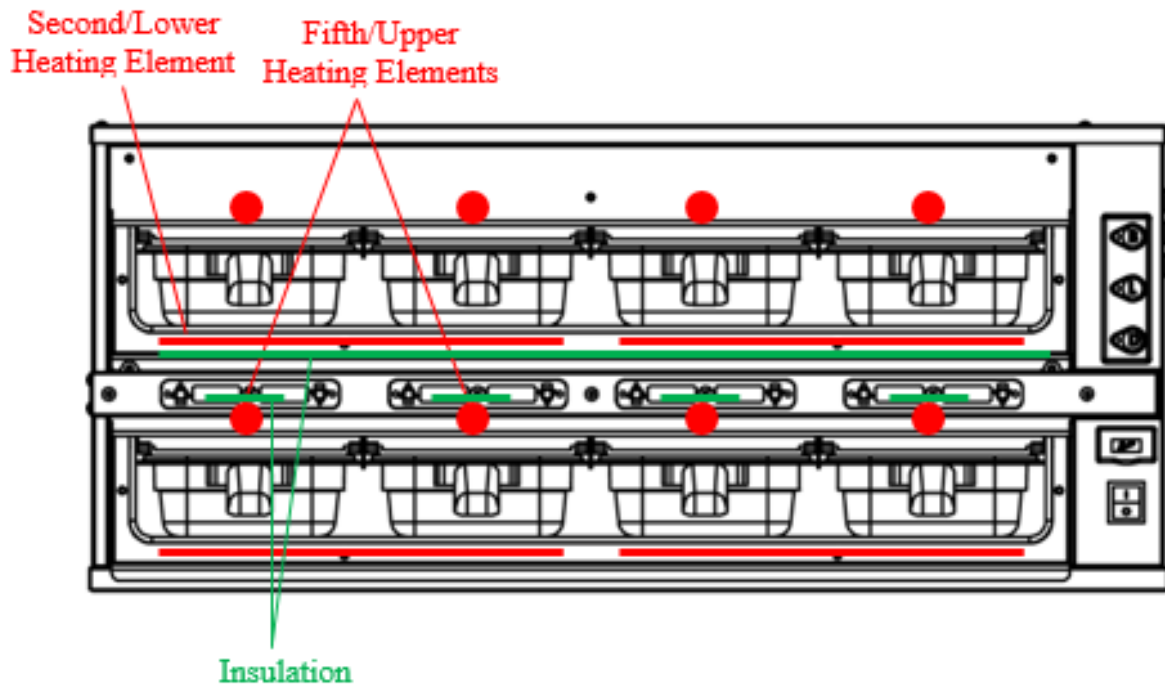
589. The insulation would further thermally separate the two compartments, thus reducing the effect of temperature in one compartment on the temperature in the other compartment, increasing heating accuracy and efficiency, and reducing power consumption.

590. This modification would have been nothing more than combining known prior art elements (the insulation of Fortmann’967 and/or Fortmann’197 with the IRHS Holding Unit) according to known methods (the arrangement taught by Fortmann’967 and/or Fortmann’197) to yield predictable results of thermally separating the upper and lower heaters in the same shelf.

591. Likewise, this modification would have also been nothing more than using a known technique (incorporating the insulation of Fortmann’967 and/or Fortmann’197) to improve a similar device (the IRHS Holding Unit) in the exact same way as taught by Fortmann’967 and/or Fortmann’197.

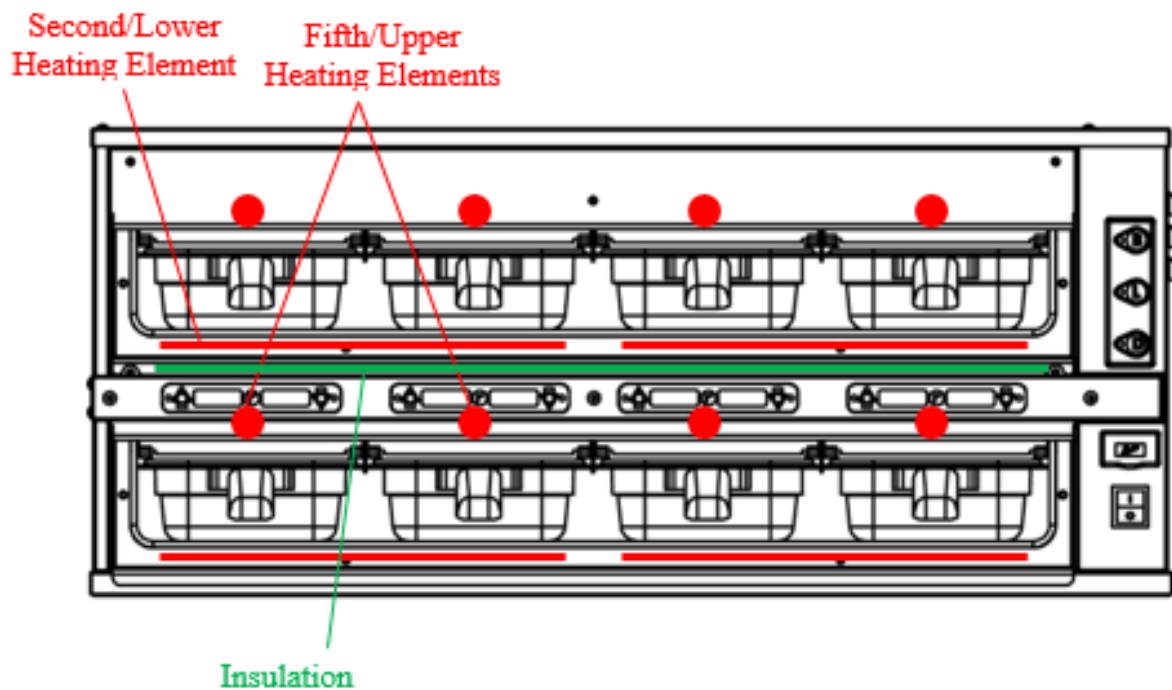
592. Moreover, there would have been a reasonable expectation of success in making this modification given (1) the similarities between the IRHS Holding Unit and the units of Fortmann'967 and Fortmann'197 (*e.g.*, all shelves having upper and lower heating elements), (2) that the IRHS Service Manual shows insulation and mentions it in the shelf, (3) that the insulating capabilities of the added insulation from Fortmann'967 or Fortmann'197 would not change, and (4) that Fortmann'967 and Fortmann'197 demonstrate placement of insulation between heating elements in a shelf would be possible. EX1018: 4:33-38; EX1014: 9:32-37.

593. Specifically, based on Fortmann'967's teachings to back each heating element with insulation (EX1018: 4:33-38), the POSA would have backed each of fifth/upper and second/lower heating elements in the shelf with insulation. A schematic illustration of the IRHS24 Holding Unit modified in this manner is shown below:



EX1005: 8 (modified, annotated to demonstrate insulation location).

594. Fortmann'197 teaches placing insulation between the upper and lower heating elements in the shelf. EX1014: 9:32-37. Based on these teachings, the POSA would place the insulation in the interior volume of the shelf (21) between the upper and lower heating elements. A schematic illustration of the IRHS24 Holding Unit modified in this manner is shown below:



EX1005: 8 (modified, annotated to demonstrate insulation location).

595. In either configuration, the modified IRHS Holding Unit would have had insulation in the shelf, which would have been arranged between the second and the fifth heating elements.

596. Accordingly, the POSA would have found it obvious to modify the IRHS Holding Unit disclosed in the IRHS Documents in view of Fortmann'967 and/or Fortmann'197 to arrive at the claimed food holding bin of Claim 55.

X. GROUND 7: Claims 42-53 Would Have Been Obvious According to Grounds 1, 3, or 8-10 in Further View of Prince Castle and/or Reese Even to the Extent the IRHS Documents Are Found Not to Sufficiently Teach the Comparative Energy Outputs of the Heating Elements

597. Claim Element 42.g (“wherein the first independently controllable heating element is adapted to output more heat energy than the second heating element”) concerns the comparative energy outputs of the heating elements. These limitations are listed as follows:

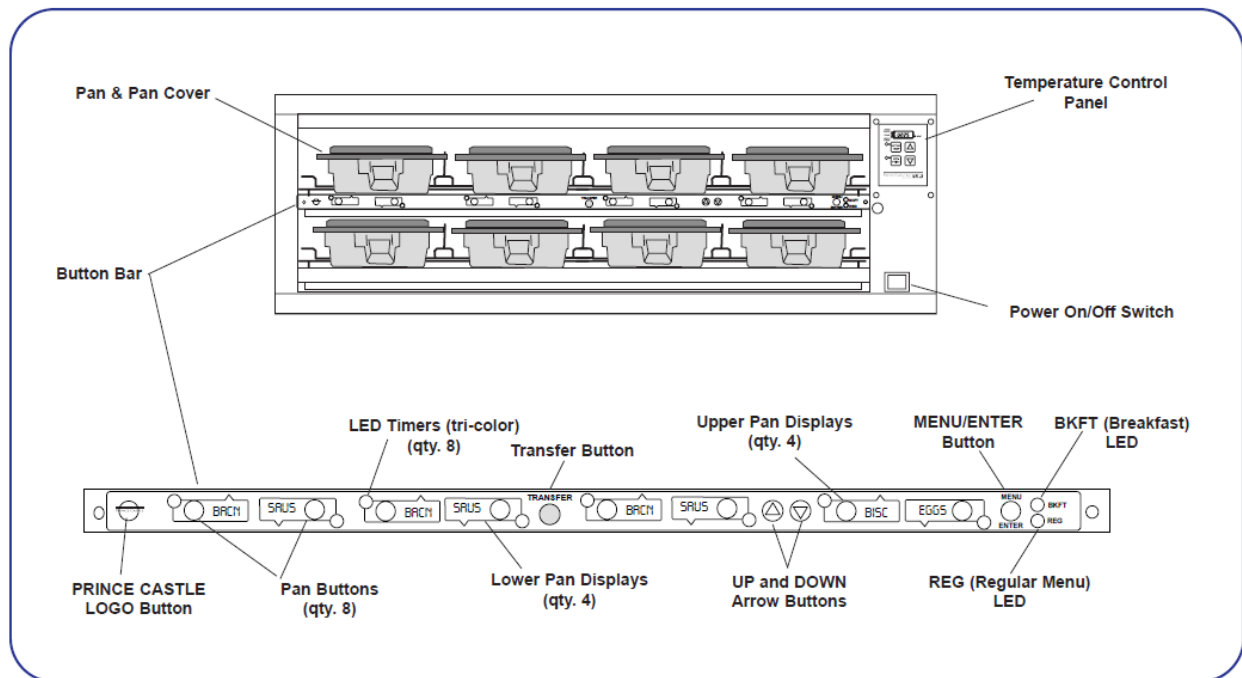
598. As discussed in Paragraphs 319-324 above with Respect to Ground 1, it is my opinion that the POSA would have recognized that as disclosed by the IRHS Documents the heating element disposed at the top portion of the food holding compartments were adapted to output more heat energy than the heating elements disposed at the bottom portion of the food holding compartments. If it is determined that the IRHS Documents do not sufficiently describe the comparative energy outputs of the heating elements, the claimed comparative energy outputs would have still been obvious in view of Prince Castle and/or Reese.

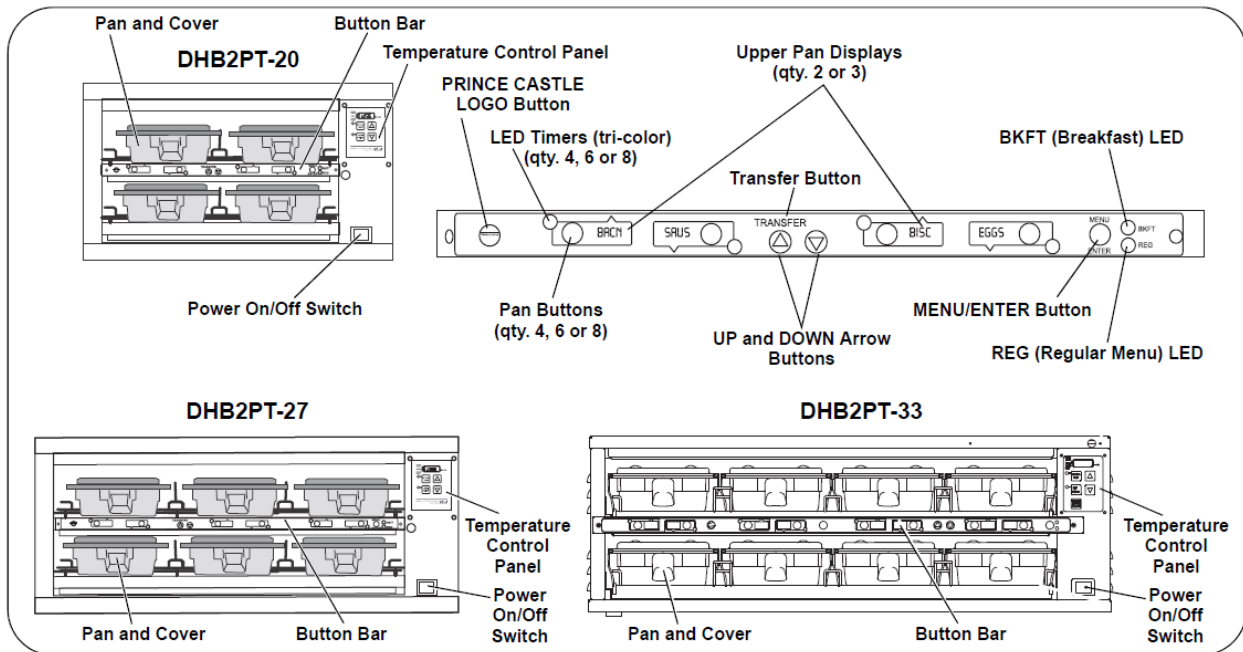
599. Similar to the IRHS Holding Unit, Prince Castle (EX1009) discloses a Product Holding Bin where each compartment has “an upper and lower heater.” EX1009: 22, 40.

600. Prince Castle expressly teaches adapting the heating element disposed at the top portion of the food holding compartments to output more heat energy

than the heating elements disposed at the bottom portion of the food holding compartments.

601. Specifically, the 2006 and 2010 Operation Manuals of Prince Castle both explain that “[t]he factory pre-set for the upper heaters is 225°F” (with a max setting of 275°F) and “[t]he factory pre-set for the lower heaters is 195°F” (with a max setting of 225°F). EX1009: 22, 40.





EX1009: 19, 36.

The unit has two shelves, each with an upper and lower heater (four heaters total).
 The factory pre-set for the upper heaters is 225°F.
 The factory pre-set for the lower heaters is 195°F.
 Each upper heater has a programmable range of 150° – 275°F.
 Each lower heater has a programmable range of 150° – 225°F.
 Use the control below and the following steps to set the setpoint temperature for each heater.

UPPER SHELF LED
 This LED will be lit to indicate upper shelf is selected.

PROG LED
 This LED will be lit to indicate unit is in Program Mode.

LOWER SHELF LED
 This LED will be lit to indicate lower shelf is selected.

ACTUAL TEMP BUTTON and LED
 Press to display actual temperature for the selected heater. LED will be lit when actual temperature is displayed.

SETPOINT BUTTON and LED
 Press to display setpoint temperature of a selected heater. LED will be lit when setpoint temperature is displayed.

TEMPERATURE DISPLAY
 NOTE: The unit is preset to display temperature in Fahrenheit. To display in Celsius, press and hold the DOWN Arrow button immediately after turning on the power switch. To switch back to Fahrenheit, press and hold the UP Arrow button after turning on the power switch.

UP/DOWN ARROW BUTTONS
 Used with other buttons to scroll through heater and temperature selections.

PRINCE CASTLE LOGO BUTTON
 Press to enter temperature selections.

CAUTION
 DISPLAYED TEMPERATURES ARE HEATER TEMPERATURES AND DO NOT INDICATE ACTUAL FOOD TEMPERATURES.

NOTE: To reset all times and temperatures to the factory settings, turn the unit off, then press and hold the UP and DOWN Arrow buttons simultaneously while turning the unit back on. A "P" will appear in the display and all times and temperatures will be reset to original factory settings.

EX1009: 40 (annotated).

602. As discussed above, the IRHS Documents teach that the upper heating element (IR bulb) of the IRHS Holding Unit can be selectively activated by the user to provide a limited period of increased heat output, independent of the other heating elements. EX1006: 1 (“IR Turbo Boost for instant shot of IR energy”); EX1007: 22 (“Utilize ‘Turbo Boost’ for a quick shot of heat to the product”).

603. Similar to the IRHS Documents, Reese also teaches a product holding unit with upper IR heating elements having a turbo boost function to increase heat output “to re-crisp breaded (fried) food, to melt cheese on fries, to melt cheese on burger patties, to brown grilled food products, and/or to brown burger patties” before serving. EX1027: ¶¶[0001], [0019] (“deliver an increased amount of heat to the food”), [0021], [0025].

604. While the IRHS Documents do not describe specific uses of the IR Turbo Boost in application, Reese provides the understanding of how the IR Turbo Boost would be used and why Duke would have included such capabilities in the IRHS Holding Unit.

605. It would be understood by the POSA that a turbo boost capable of re-crisping fried food, melting cheese, or browning food as discussed would require significantly more heat than would be desirable for food holding, as maintaining such heat beyond a short burst would result in the food overcooking.

606. It would have further been desirable for the first/upper IR heating elements in a food holding to output more heat energy than second/lower conduction elements as needed for the first/upper IR heating elements to overcome several issues.

607. The IR heating elements are spaced apart from the food. Because IR energy intensity drops significantly as distance increases (even over a few inches), the IR heating element would be required to output considerably more heat energy than conductive heating elements (with nearly 100% of the heat energy being transferred by direct conduction) to ensure enough IR energy “hits” the food.

608. Additionally, IR heating elements radiate IR energy in all directions. Even with reflectors, a portion of that heat energy is lost to the surrounding air and the structure of the holding unit. This loss of energy is compensated for by operating the IR heating elements at higher heat energy output levels.

609. Further, moisture evaporates from the surface of food as it sits, which creates a cooling effect. Top IR heating elements would need to provide enough energy to counteract this surface cooling and keep the top of the food at a warm temperature. Thus, the bottom heat would be kept lower just to maintain internal temperature, while the top IR heating elements would be required to do the heavy lifting of maintaining surface temperature and texture (keeping fried foods crispy, for example).

610. Accordingly, it would have been obvious to adapt each upper heating element of the IRHS Holding Unit—including the IRHS24 Holding Unit—be to output more heat energy than the lower heating elements in view of the IRHS Documents, Prince Castle and/or Reese.

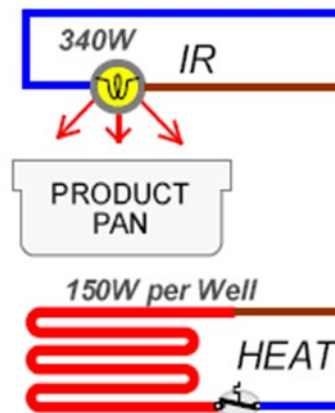
611. The POSA would have had the first/upper IR heating elements output more heat energy than the second/lower heating elements (higher target temperature, turbo boost heat, and/or higher wattage rating (EX1008: 64)) to help overcome the distance between the upper IR heating elements and the food, to counteract evaporative cooling, to maintain food surface temperature and texture, to compensate for the upper IR energy radiating in all directions, and/or to permit the cook “to re-crisp breaded (fried) food, to melt cheese on fries, to melt cheese on burger patties, to brown grilled food products, and/or to brown burger patties” with the first/upper IR heating elements. EX1027: ¶[0021]; EX1006: 1 (“Upper IR emitters provide optimum environment for holding of all fried foods resulting in extended hold time, moist protein, and crispy breading.”).

612. Adapting the first/upper heating elements to output more heat energy than the second/lower heating element would also allow more direct heat on the food to “provide optimum environment” while “minimiz[ing] temperature distribution from top to bottom.” EX1006: 1 (“[d]ual technology heating to reduce

temperature variance from top to bottom”); EX1007: 51 (“deliver a consistently hot pan of product, from top to bottom”).

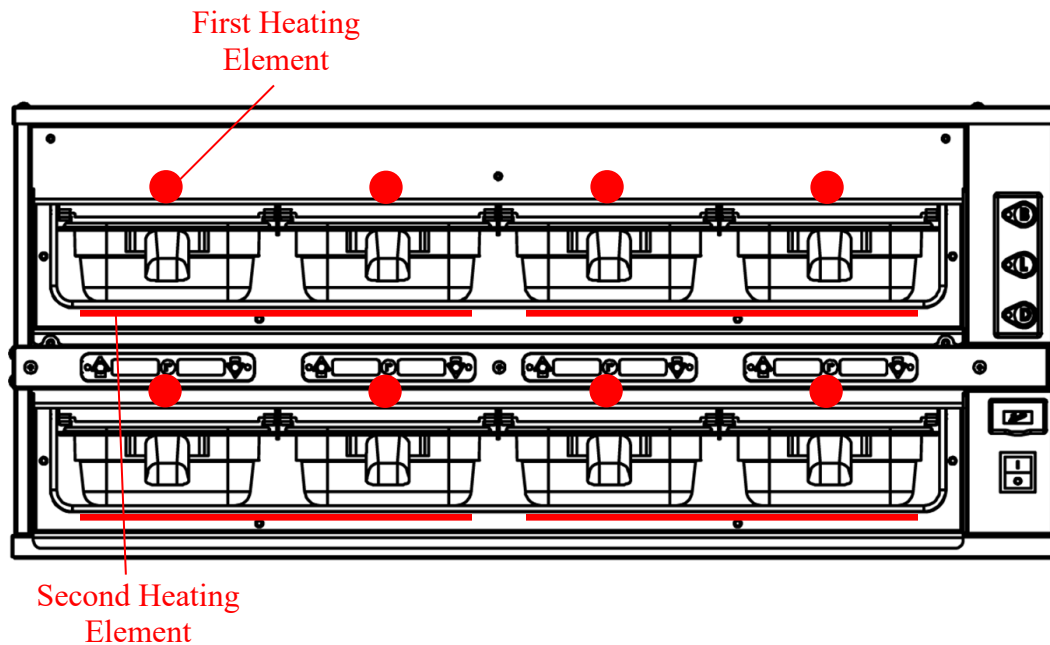
613. This would have been nothing more than the application of a known technique (upper heating elements outputting more heat energy than lower heating elements per Prince Castle) to improve a similar device (IRHS Holding Unit) in the same way (higher setpoint temperatures for upper heating elements relative to lower heating elements).

614. The POSA would have had a reasonable expectation of success given the IR first/upper heating elements operate independently of the second/lower heating elements, can pulse on and off as needed, and are higher wattage (340W) than the heat sink heating elements (150W per well or 300W per element). EX1006: 1 (“Individually controlled IR emitters pulse on and off for controlling optimum amount of energy being applied to the food”).



EX1008: 64.

615. In implementation, each upper heating element (i.e., first heating element) of the IRHS24 Holding Unit being adapted to output more heat energy than each lower heating element (i.e., second heating element) via having a higher target temperature, turbo boost functionality, and/or higher wattage rating.



EX1005: 8 (annotated).

616. Higher temperatures mean more heat energy. Having the upper/first IR heating elements operate at a higher target temperature than the lower/second heating elements means the upper/first IR heating elements are outputting more heat energy to maintain the higher temperature than the lower/second heating elements.

617. Moreover, activating the turbo boost function would further increase the heat energy output of the upper/first IR heating elements “to re-crisp breaded (fried) food, to melt cheese on fries, to melt cheese on burger patties, to brown grilled food products, and/or to brown burger patties” right before serving.

EX1027: ¶¶[0019] (“deliver an increased amount of heat to the food”), [0021].

618. The claim limitation of Claim 42.g concerning the comparative energy outputs of the heating elements is met by Prince Castle and/or Reese.

619. Accordingly, to the extent that there is any doubt that the IRHS Documents disclose that the first heating elements disposed at the top portion of the food holding compartments were adapted to output more heat energy than the second heating elements disposed at the bottom portion of the food holding compartments as required by Claim Limitation 42.g, the POSA would have found it obvious to modify the IRHS Holding Unit disclosed in the IRHS Documents in view of the IRHS Documents, Prince Castle, and/or Reese to arrive at the food holding bin as claimed.

620. As such, Independent Claim 42 and Claims 43-53—which depend from Claim 42—would have been obvious for at least the reasons explained in Grounds 1 and 3 above and Grounds 9-11 below in further view of Prince Castle and/or Reese.

XI. GROUND 8: Claim 15 Would Have Been Obvious Over the IRHS Documents in View of Hartfelder, Shei'099, Jones, Fortmann'197, and/or McMillan

A. Claim 15: the food holding bin of claim 14, wherein the latch is located between the first food holding zone and the second food holding zone

621. As discussed above with respect to Ground 2, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents with the teachings of Hartfelder and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

622. While Ground 2 addresses the inclusion of latches that would secure the covers or lids suspended above each pan holding location in place to prevent them from being inadvertently moved, it does not address locating the latches between the first food holding zone and the second food holding zone. Instead, with respect to the IRHS 24, Ground 2 addresses locating the latches between the two pan holding locations within with each of the food holding zones.

623. It would have been obvious to make each pan holding location of the IRHS Holding Unit its own heating zone in view of Jones, Fortmann'197, and/or McMillan, in which case the latches as discussed in Ground 2 would be located between a first food holding zone and a second food holding zone.

624. Jones teaches that the food holding cabinet (12b) is configured to receive four food trays (14) in an upper left tray location (ULTL), an upper right

tray location (URTL), a lower left tray location (LLTL), and a lower right tray location (LRTL) arranged in an upper heating compartment (UHC) and a lower heating compartment (LHC), respectively. EX1012: ¶[0072], Fig. 1B.

625. Jones teaches that each respective heating compartment (e.g., adjacent upper left and upper right heating compartments) can be configured to have a dedicated upper heater and a dedicated lower heater. EX1012: ¶[0096].

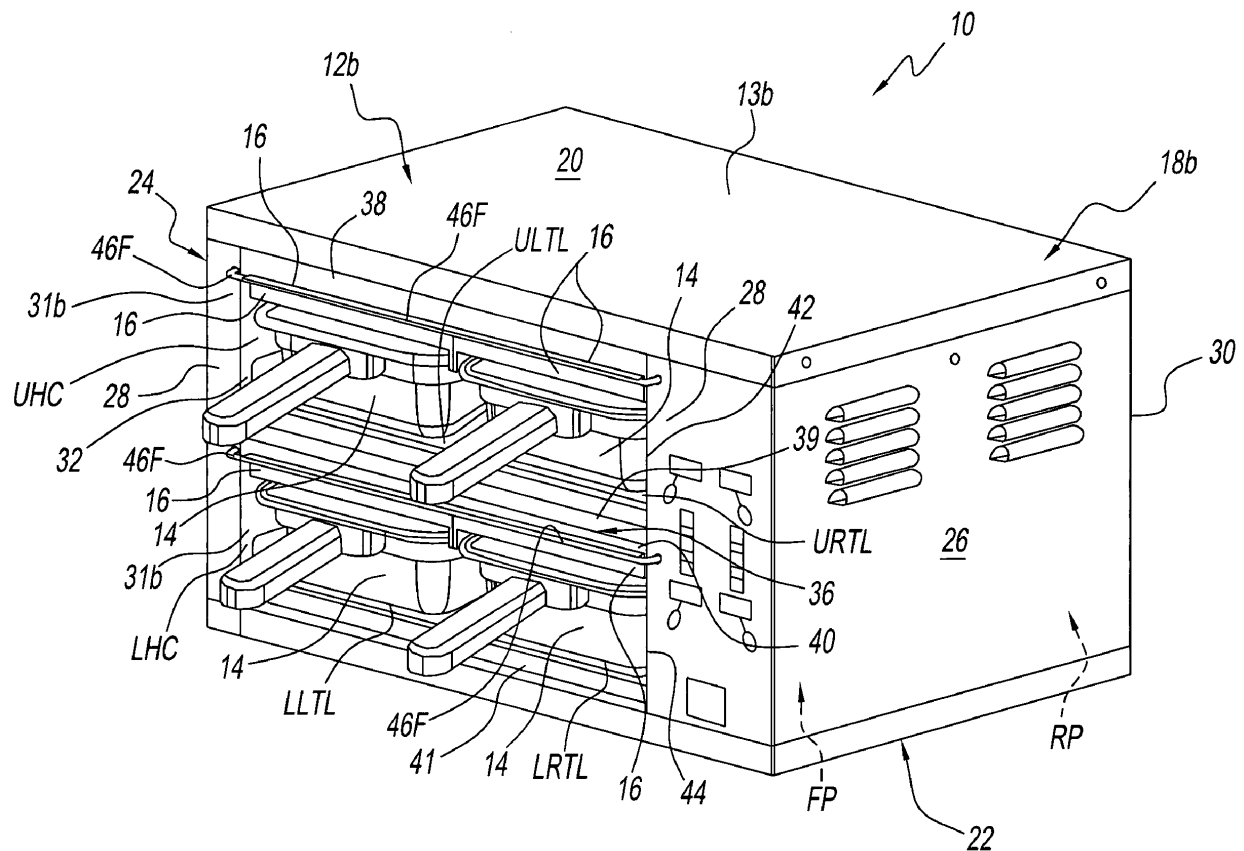


Fig. 1B

EX1012: Fig. 1B.

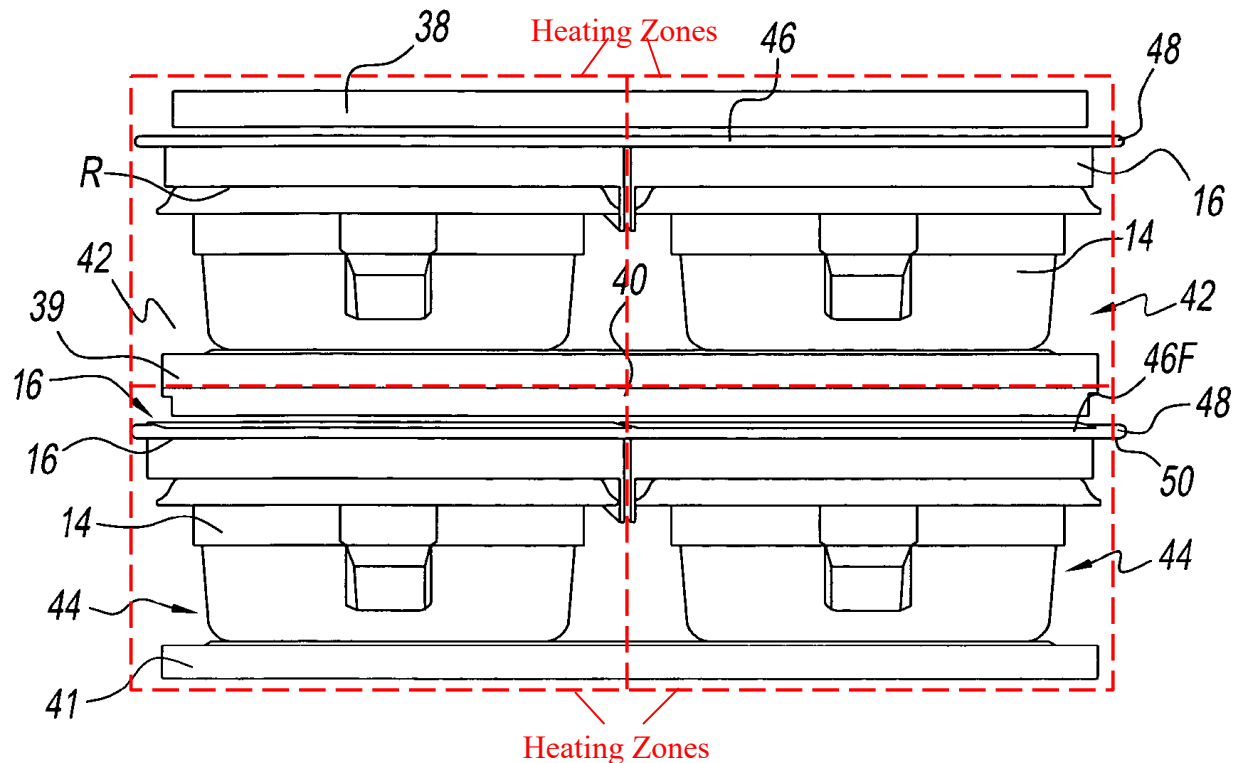
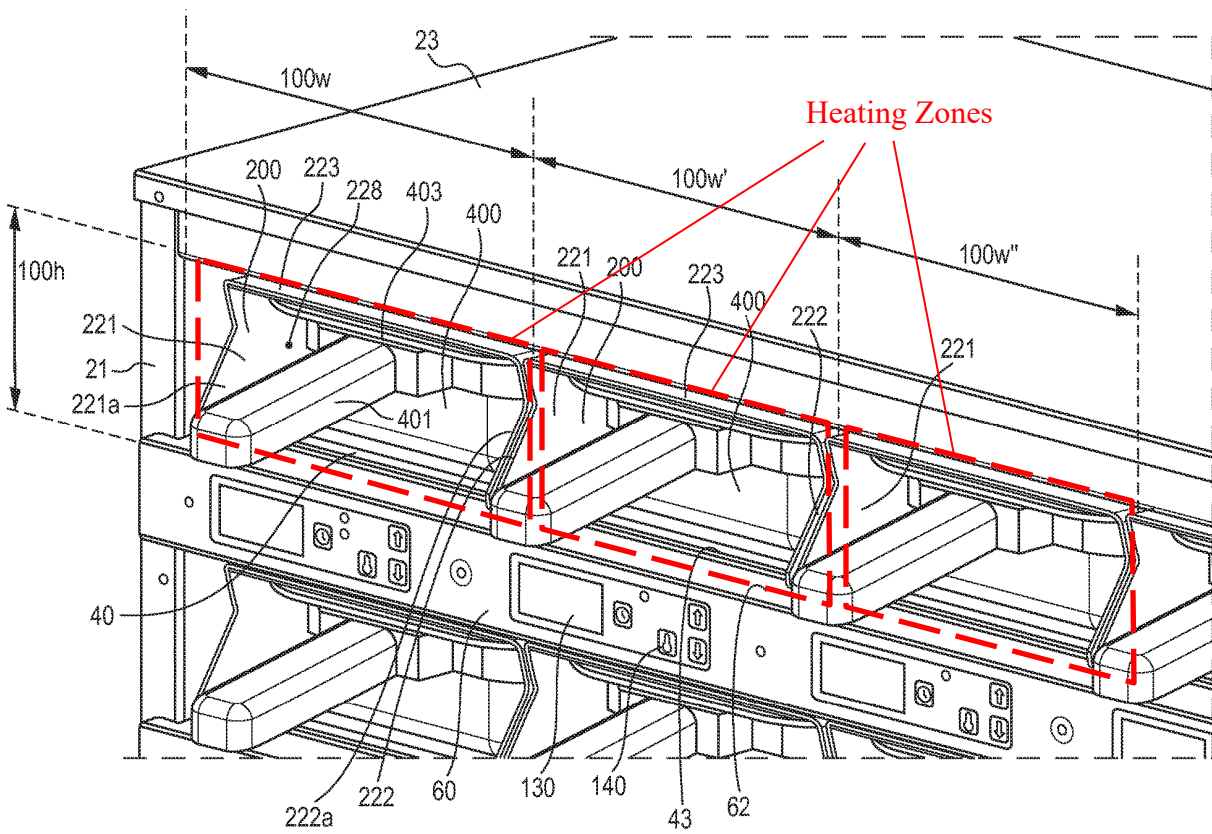


Fig. 1G

EX1012: Fig. 1G (annotated).

626. Similarly, Fortmann'197 teaches that the food holding cabinet (10) includes shelves (40) with a plurality of discrete heating zones (100). EX1014: 3:6-19.

627. Each discrete heating zone of Fortmann'197 is configured to receive a respective food pan (400) and includes a discrete upper heater (501) above the food pan and a discrete lower heater (501) below the food pan. EX1014: 3:6-26, 8:63-67 ("the plate 40 may include multiple heaters 501, such as one heater 501 per discrete heating zone 100"), 9:1-19.



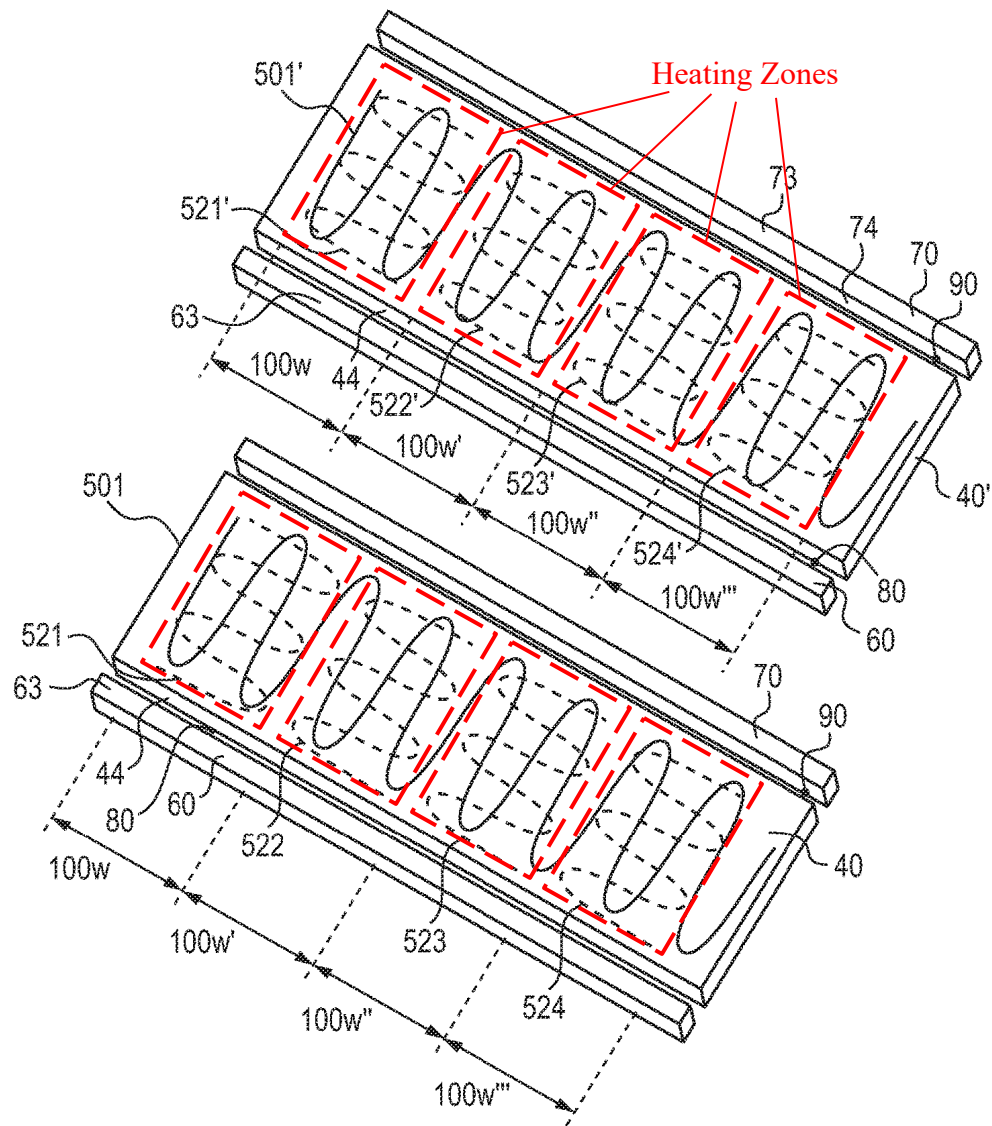
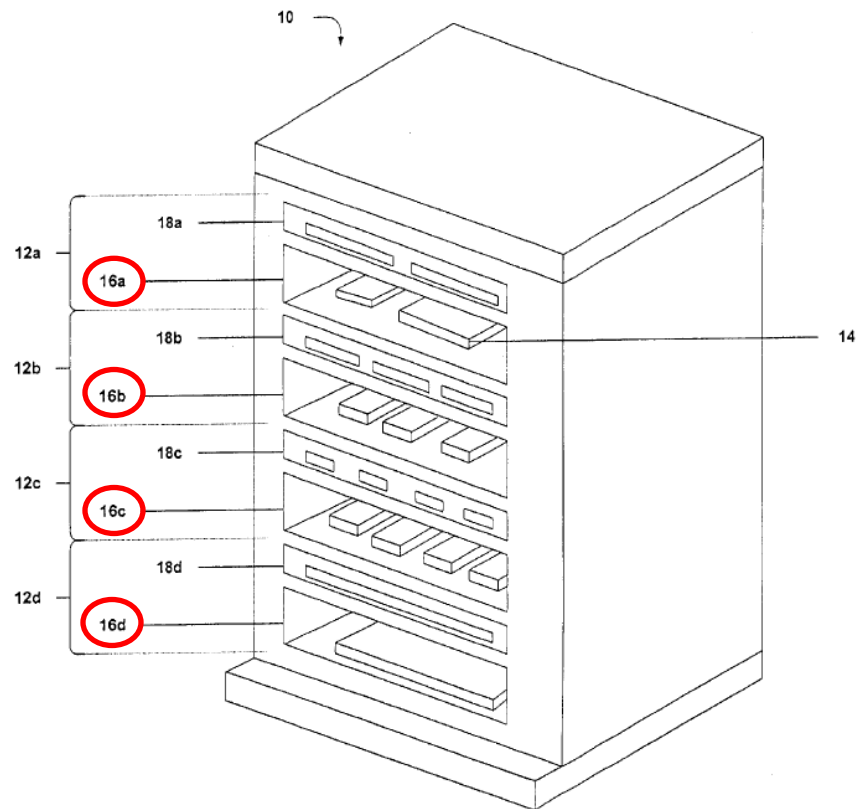


FIG. 10

EX1014: Figs. 2 and 10 (annotated).

628. Lastly, McMillan teaches upper and lower heater plates (27a, 27b) that include multiple heating elements for zoned heating across the width of a food holding compartment or passageway (16a-d) “such that different portions of the

passageway 16a may be set to different temperatures.” EX1019: 4:36-52. “In this way, the temperature of each passageway may be maintained according to the number and types of food product to be stored. For example, the passageway 16a may be set to store four different types of food products at four different temperatures.” EX1019: 4:48-52.



629. As disclosed in the IRHS Documents, the IRHS24 Holding Unit already has discreet independently controllable upper heating elements. EX1005: 16 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 25; EX1006: 1 (“[z]oned bottom heat” and “individually controlled IR emitters” for top heat); EX1007: 53 (“Precise holding for each product in an optimized environment tailored to that product” and “Total well independence allows freedom in product placement in the IRHS”).

630. It would have been obvious to modify the IRHS24 Holding Unit so that instead of “[z]oned bottom heat”, each discrete pan holding location would have independently controllable lower heating elements; thereby making each pan holding location/bay its own heating zone, in view of Jones, Fortmann’197, and/or McMillan.

631. This modification would further the IRHS’s goal of “precisely control[ling] the environment in each pan, allowing for customized settings for each food product” by providing each pan with its own heating zone. EX1005: 16; EX1007: 51 (“allows unlimited menu flexibility as each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold”), 53 (“[t]otal well independence allows freedom in product placement in the IRHS”).

632. This would increase the overall number of temperature zones, increasing the flexibility to hold more types of food at the same time. EX1019: 1:36-45 (“fast food restaurants [] face challenges [to] maintain a large volume of different food products ... [at] different storage temperatures”), 1:46-48 (“there exists a need for a holding cabinet ... structured and arranged to maintain multiple categories of food products”), 4:45-52.

633. This modification would have been nothing more than the application of a known technique (providing independent upper and lower heating elements for each pan holding location) to improve a similar device (IRHS24 Holding Unit) in the same way (making each pan holding location its own heating zone).

634. There would have been a reasonable expectation of success in making this modification given that (1) the similarities between the IRHS Holding Unit and the holding unit of Jones, Fortmann’197, and McMillan (e.g., all units with compartments for warming trays/pans of food via heating elements), (2) the function of IRHS heating elements would not change, and (3) Jones, Fortmann’197, and McMillan demonstrate individual heating of adjacent zones within a compartment was possible. EX1012: ¶[0096]; EX1014: 3:6-26, 8:63-67, 9:1-19; EX1019: 4:36-52.

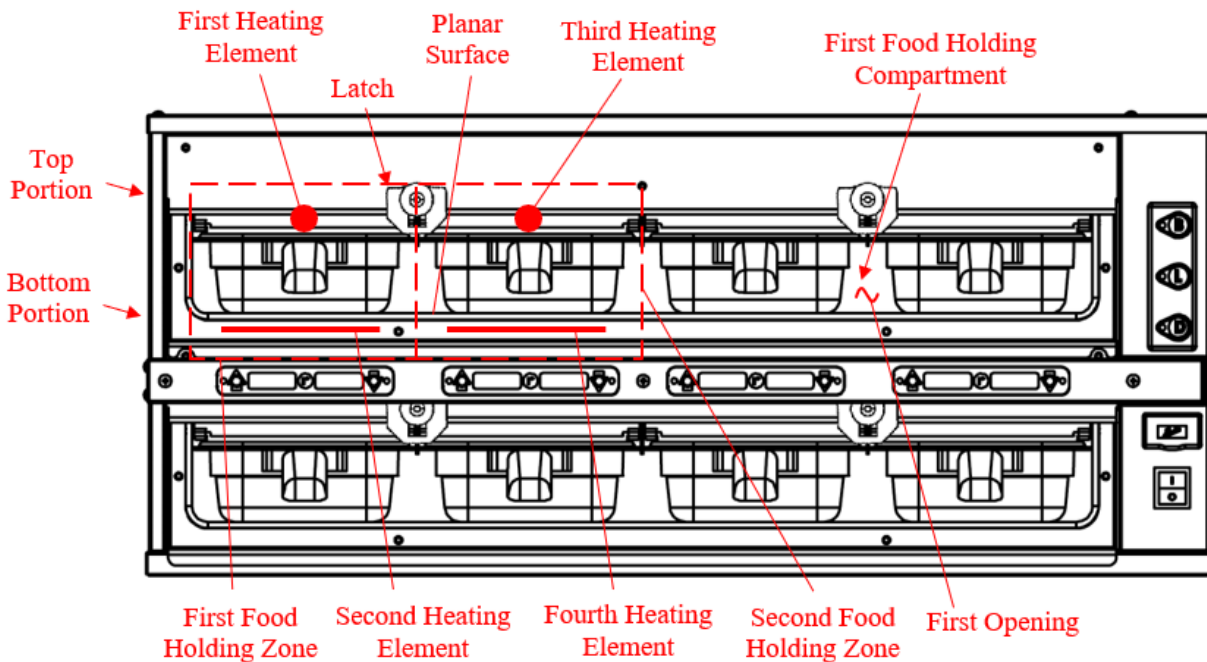
635. One way of implementing this modification would be to resize the existing lower heating elements of the IRHS Holding Unit to extend under only one

pan holding location (instead of two pan holding locations) and duplicate the resized lower heating elements (for a total of four lower heating elements for the first/upper food holding compartment) for each pan holding location in the first/upper food holding compartment. In implementing this modification, the POSA would connect the additional lower heating elements to the controller, maintaining their independent control.

636. In this Ground 7, the limitations of Claims 14 would still be met for at least the reasons explained in Paragraph 492-497 with respect to Ground 2. For example, the further modified IRHS24 Holding Unit would still meet the following limitations as demonstrated in the modified and anotated Figure 8 below:

- 14.c: “a rotatable latch disposed adjacent the first opening;”;
- 14.e.1: “a first food holding zone formed in the first food holding compartment,”;
- 14.e.2: “the first food holding zone having an independently controllable first heating element disposed at a top portion of the first food holding compartment, and an independently controllable second heating element disposed at a bottom portion of the first food holding compartment;”;
- 14.f.1: “a second food holding zone formed in the first food holding compartment,”;
- 14.f.2: “the second food holding zone having an independently controllable third heating element disposed at the top portion of the first food holding compartment and an independently controllable fourth heating element disposed at the bottom portion of the first food holding compartment;”;
- 14.g.1: “wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface and”

- 15: “The food holding bin of claim 14, wherein the latch is located between the first food holding zone and the second food holding zone.”



EX1005: 8 (modified, annotated).

637. Accordingly, the POSA would have found it obvious to modify the IRHS Holding Unit disclosed in the IRHS Documents in view of Hartfelder, Shei’099, Jones, Fortmann’197, and/or McMillan to arrive at the claimed food holding bin of Claim 15.

XII. GROUND 9: Claims 1-29 and 31-66 Would Have Been Obvious According to Grounds 1-7 or Grounds 9-10 in Further View of Veltrop and Shei’155 Even to the Extent the IRHS Documents Are Found Not to Sufficiently Teach the Claim Limitations Concerning the Material of Construction of the Heatsink or its Conductivity

638. Within the claims of the ’981 Patent, there were several claim limitations of Claims 1, 4, 11, 14, 17, 24, 27, 32, 39, 42, 44, 51, 54, 57, and 64 that

concern the material of construction of the substantially planar surfaces/upper plates of the shelf and their ability to conduct thermal energy. These limitations are listed as follows:

- 1.c.3: “the substantially planar surface comprising a thermally conductive material”;
- 4: “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction”;
- 11: “wherein the substantially planar surface comprises aluminum.”
- 14.d.3: “the substantially planar surface comprising a thermally conductive material”;
- 17: “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction”;
- 24: “wherein the substantially planar surface comprises aluminum”;
- 27.c.3: “the substantially planar surface comprising a thermally conductive material”;
- 32: “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction”;
- 39: “wherein the substantially planar surface comprises aluminum”;
- 42.c.3: “the substantially planar surface comprising a thermally conductive material”;
- 44: “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction”;
- 51: “the substantially planar surface comprises aluminum”

- 54.c.3: “the substantially planar surface comprising a thermally conductive material”;
- 54.i.2: “the second and fourth heating elements are disposed in the shelf and in thermal communication with the first side”;
- 54.j.1: “wherein the shelf comprises an upper thermally conductive plate, a lower thermally conductive plate, a fifth heating element, and a sixth heating element”;
- 57: “wherein the first and third heating elements provide heat energy through radiation, the second and fourth heating elements provide heat energy through conduction, and the fifth and sixth heating elements provide heat energy through radiation”; and
- 64: “wherein the substantially planar surface comprises aluminum.”

639. As discussed above, it is my opinion that the POSA would recognize the IRHS Documents—and more particularly the IRHS Specifications (EX1006)—taught the Heatsink (i.e., the “substantially planar surface” and “upper thermally conductive plate”) as being composed of anodized aluminum—a thermally conductive material—thus meeting these limitations. EX1006: 1 (“[a]nodized aluminum HeatSink”).

640. If it is determined that the IRHS Documents do not sufficiently describe the IRHS material of construction of the substantially planar surfaces and/or their thermal conductivity, the claims would have still been obvious in view of Veltrop and/or Shei’155.

641. Veltrop teaches that the heater wire (67) is conductively coupled to the upper plate (51) via mechanical attachment, such as by thermally conductive

adhesive or clamps. EX1022: ¶¶ [0025], [0050] (“The heat transfer devices disclosed herein are thermally coupled to the shelf 52, preferably by way of mechanical attachment to at least one of the plates 51 and 53. Mechanical attachment and the resultant thermal coupling is preferably accomplished by a thermally-conductive adhesive, however, clamps that are attached to a plate by screws driven into a plate can also be used.”).

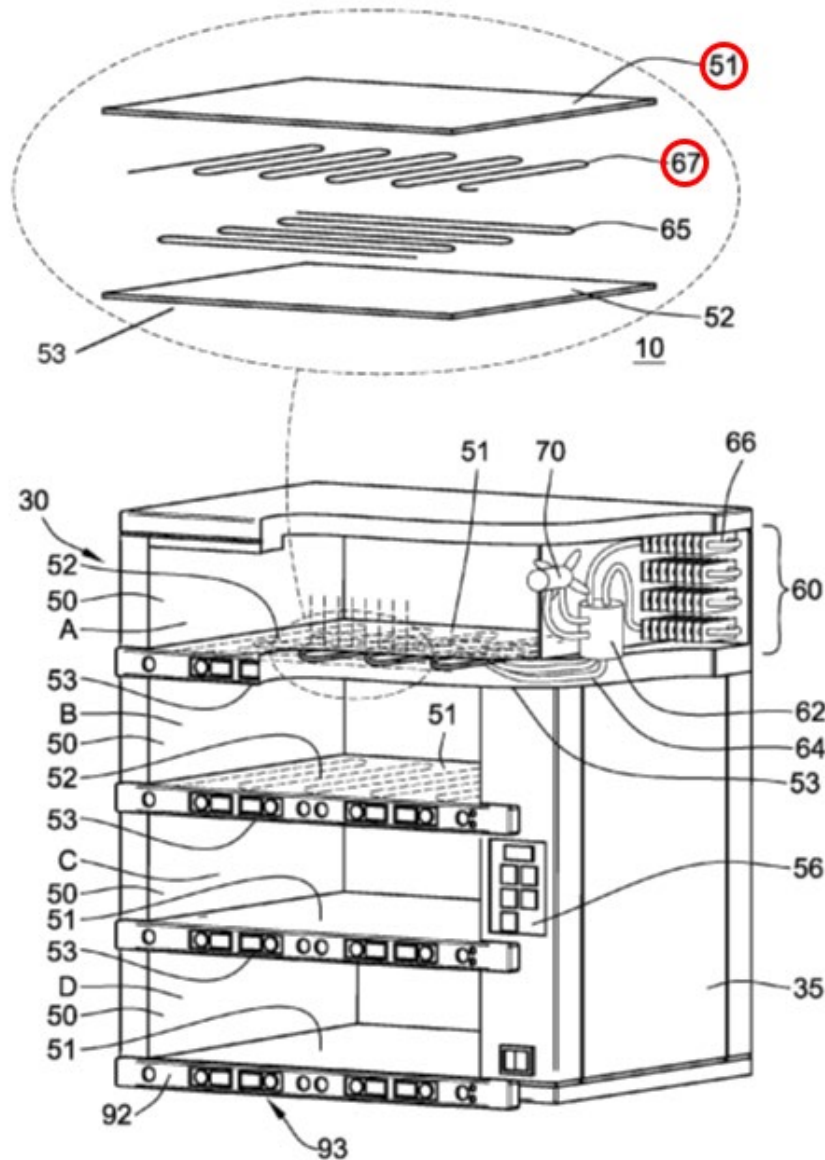
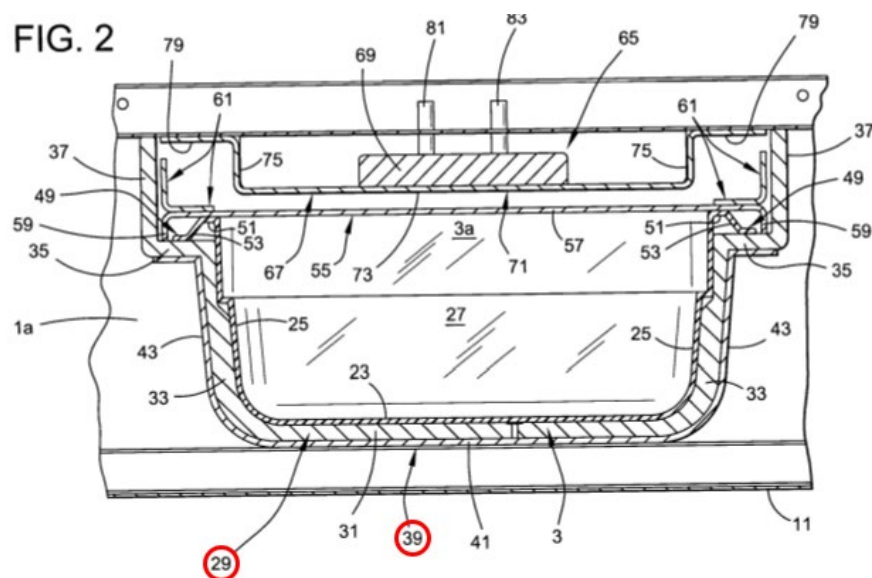


FIG. 2

EX1022: Fig. 2 (annotated).

642. Shei'155 similarly teaches an electrical resistance heating element (39) conductively coupled to the heat sink (29) via contact with the bottom of the heat sink. EX1016: ¶[0039] (“An electrical resistance heating element generally

designated 39 having a bottom component 41 contacting the bottom of the heat sink”).



EX1016: Fig. 2 (annotated).

643. It would have been obvious for the lower heating elements of the IRHS Holding Unit (*i.e.*, second and fourth independently controllable heating elements) to be conductively coupled to the heatsink plates in view of Veltrop and/or Shei’155 because conduction is an effective and efficient means of transferring the heat from the lower heating elements to the heat sinks and into the food in the pans. EX1010: ¶[0020] (“bottom sheet 23 may be in contact with the heater 60 to allow for conductive heat transfer thereto”); EX1016: Fig. 2, ¶[0039] (“[a]n electrical resistance heating element generally designated 39 having a bottom component 41 contacting the bottom of the heat sink”); EX1017: Fig. 3, 4:51-53 (“[e]ach heat sink 46 is fitted with a heater which may take the form of a

flexible heating element 76 of the electrical resistance type. It extends almost the full length of the heat sink 44, covering the flat bottom surface 54 of the bottom wall 50 [of the heat sink]”); EX1020: ¶[0020] (“thermally-conductive shelves”); EX1022: ¶[0050] (“[t]he heat transfer devices disclosed herein are thermally coupled to the shelf 52, preferably by way of mechanical attachment to at least one of the plates”).

644. This would have been nothing more than selecting the technique of Veltrop and Shei’155—the construction of the floor of the food holding chambers—for the heat sink of the IRHS Holding Unit (which already appears to have a similar construction for its heatsink) to ensure that the conductive heat transfers from the heating elements to the heat sink and into the food in the same way.

645. There would have been a reasonable expectation of success given that the IRHS Holding Unit, Veltrop, and Shei’155 are all food warming cabinets and conduction was a well-known technique of heating food pans. EX1010: ¶[0020] (“bottom sheet 23 may be in contact with the heater 60 to allow for conductive heat transfer thereto”); EX1016: Fig. 2, ¶[0039] (“[a]n electrical resistance heating element generally designated 39 having a bottom component 41 contacting the bottom of the heat sink”); EX1017: Fig. 3, 4:51-53 (“[e]ach heat sink 46 is fitted with a heater which may take the form of a flexible heating element 76 of the

electrical resistance type. It extends almost the full length of the heat sink 44, covering the flat bottom surface 54 of the bottom wall 50 [of the heat sink]”); EX1020: ¶[0020] (“thermally-conductive shelves”); EX1022: ¶[0050] (“[t]he heat transfer devices disclosed herein are thermally coupled to the shelf 52, preferably by way of mechanical attachment to at least one of the plates”).

646. In implementing this modification, the IRHS Holding Unit’s lower heating elements would heat the food pans through conduction (*e.g.*, the lower heating elements conductively heat the IRHS Holding Unit’s heatsink plates which conductively heat the food pans resting on the heatsink plates).

647. Moreover, Veltrop teaches that the upper plates (51) of its shelves (52) are made of aluminum. EX1022: ¶[0023] (“thermally-conductive plates 51 and 53 are preferably made of aluminum,”), Fig. 2.

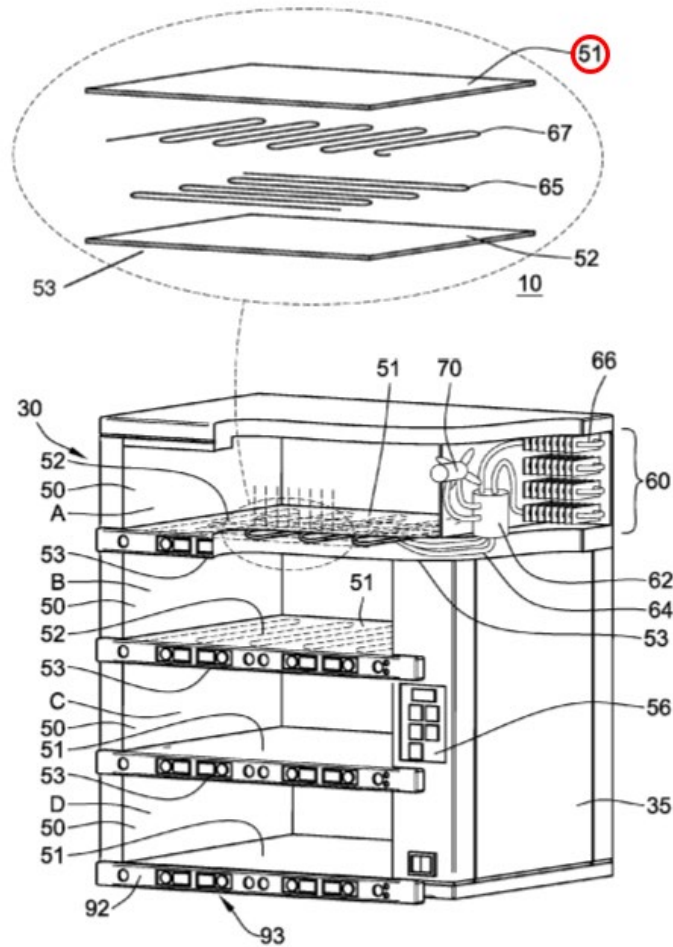


FIG. 2

EX1022: Fig. 2 (annotated).

648. Shei'155 likewise teaches constructing its heat sink (29) out of aluminum. EX1016: ¶[0039] (“heat sink 29, which is made of aluminum”).

649. Just as it would have been obvious to select thermally conductive material to make the IRHS heatsink plates, more specifically, aluminum would have been a preferred material for such structures as it “conducts heat well.”

EX1017: 3:32-33; EX1022: ¶[0023]; EX1020: ¶¶[0021]-[0023] (in the context of

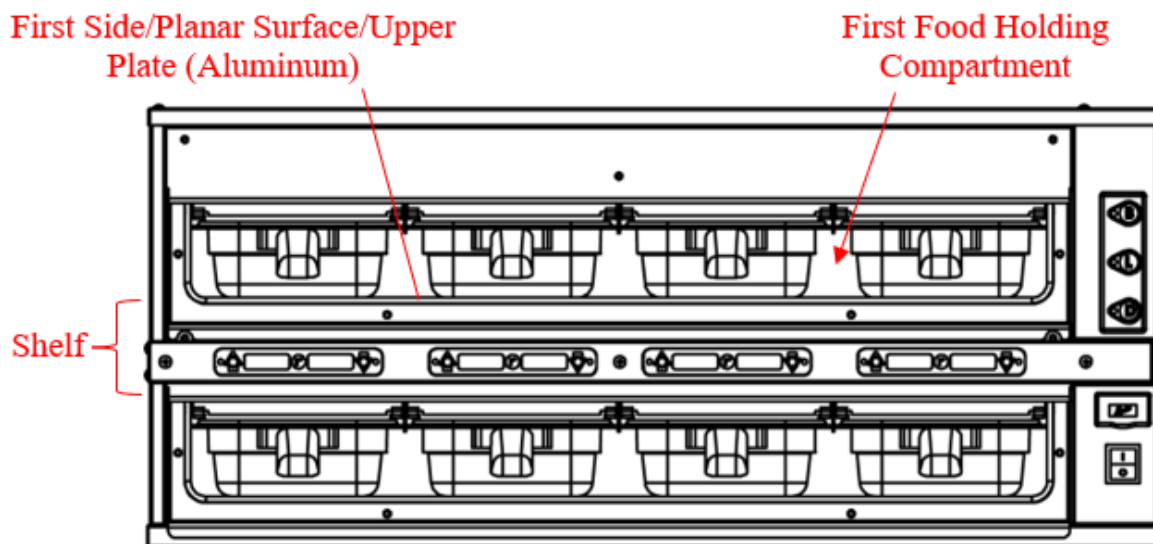
individually controllable heating zones A-C across a shelf (21), disclosing that “shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf 21 into the compartment”); EX1021: ¶¶[0020]-[0022] (in the context of individually controllable heating zones A-C across a shelf (21), disclosing that “shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf 21 into the compartment”).

650. Further, making the heatsink plates of aluminum, instead of heavier materials such as glass and stainless steel, would reduce the weight of the unit (making it easier to ship) and reduce cost.

651. The use of aluminum, specifically, would have been nothing more than the use of a known material (aluminum from Veltrop and Shei’155) to improve—to the extent it was not sufficiently disclosed—a similar device (the heatsink plates of the IRHS Holding Unit) in the same way (aluminum surfaces for supporting food tray/pans for localized heating).

652. In making this modification, the IRHS Holding Unit’s heatsink plates would be made of aluminum, thereby making the first and second planar surfaces and the upper plate of the IRHS Holding Unit (which are formed by the heatsink)

comprise aluminum, a thermally conductive material. This is illustrated with the IRHS24 Holding Unit below.



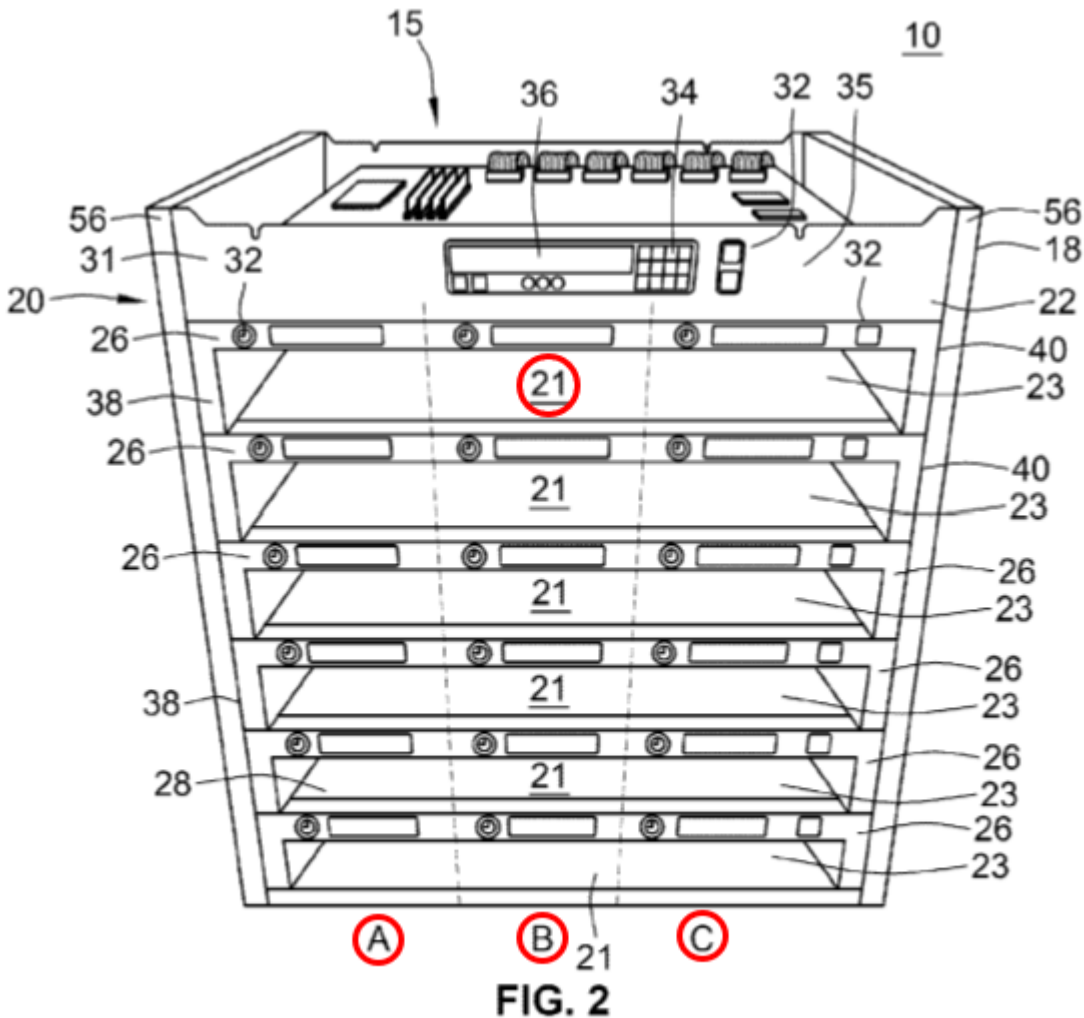
EX1005: 8 (annotated).

653. There would have been a reasonable expectation of success given the IRHS Holding Unit, Veltrop, and Shei'155 are all food warming cabinets and the well-known suitability of aluminum in the art, including for shelves having different temperature zones. EX1016: ¶[0039] (“heat sink 29, which is made of aluminum”); EX1020: ¶¶[0021]-[0023] (in the context of individually controllable heating zones A-C across a shelf (21), disclosing that “shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf 21 into the compartment”); EX1021: ¶¶[0020]-[0022] (in the context of individually controllable heating zones A-C across a shelf

(21), disclosing that “shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf 21 into the compartment”); EX1022: ¶[0023] (“thermally-conductive plates 51 and 53 are preferably made of aluminum”).

654. The fact that the heatsinks span multiple heating zones which may have different temperature setpoints would not have discouraged the POSA from using thermally conductive materials generally, or aluminum more specifically.

655. As demonstrated by U.S. Publication No. 2011/0114618 (“Chung”), the POSA knew that heat sinks with multiple heating zones could be made of aluminum. EX1020: ¶¶[0021]-[0023]. Specifically, the shelves (21) of Chung were made of aluminum despite that each of its shelves (21) were divided into three separately controlled temperature zones (A, B, C). EX1020: ¶[0021]; EX1020: ¶[0022] (“[t]emperature control of the separate zones A, B and C is accomplished by using separate temperature control elements in each zone, and which are thermally coupled preferentially to one zone over the others. By way of example, zone A in a first shelf has a heater embedded in the shelf and centered in the “A” zone. It therefore provides most of its heat output into the A zone.”).

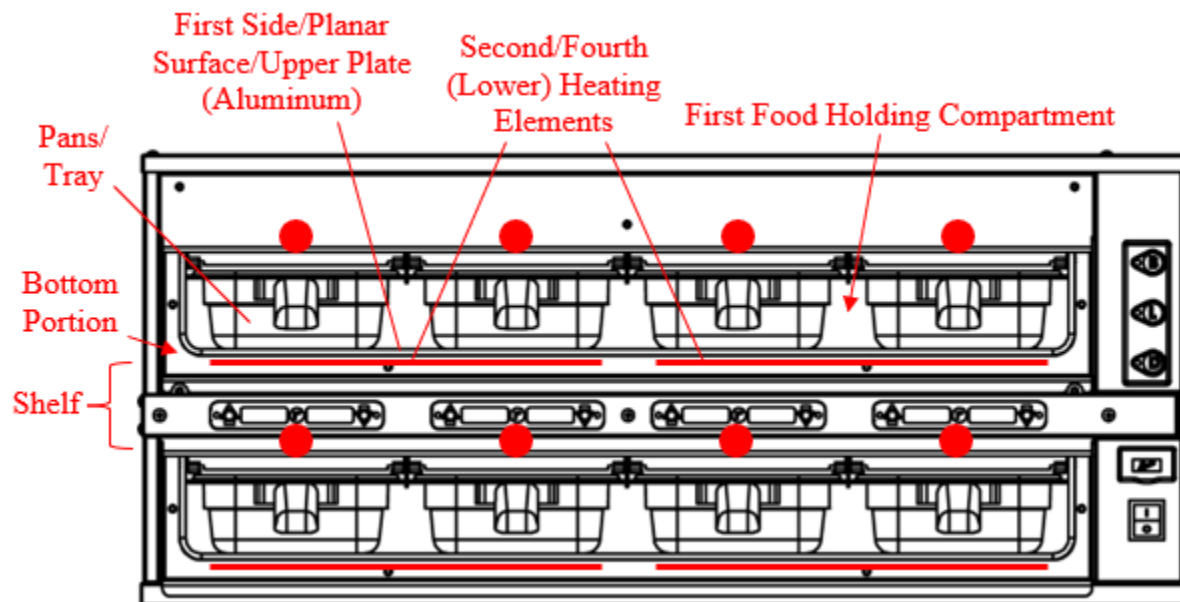


EX1020: Fig. 2 (annotated).

656. The claim limitations of Claims 1, 4, 11, 14, 17, 24, 27, 32, 39, 42, 44, 51, 54, 57, and 64 that concern the material of construction of the substantially planar surfaces/upper plates of the shelf and their ability to conduct thermal energy are met by Veltrop and/or Shei'155.

657. Accordingly, to the extent that there is any doubt that the IRHS Documents disclose the substantially planar surfaces/upper plates as meeting these

limitations, the POSA would have found it obvious to modify the IRHS Holding Unit disclosed in the IRHS Documents in view of Prince Castle and/or Reese to arrive at the food holding bin as claimed. As such, Claims 1-29 and 31-66 would have been obvious for at least the reasons explained in Grounds 1-8 above and Grounds 10-11 below in further view of Veltrop and/or Shei'155.



EX1005: 8 (annotated).

XIII. GROUND 10: Claims 1-29 and 31-66 Would Have Been Obvious According to Grounds 1-8 or Ground 10 in Further View of Hartfelder and/or Veltrop Even to the Extent the IRHS Documents Are Found Not to Meet the “Panel” and “Substantially Planar Surface” Limitations

658. Within the claims of the '981 Patent, there were several claim limitations of 1, 7, 9, 10, 14, 20, 22, 23, 27, 35, 37, 38, 42, 47, 49, 50, 54, 60, 62, and 63 that concern identifying the “panels” of the chassis or certain “substantially planar surfaces.” These limitations are listed as follows:

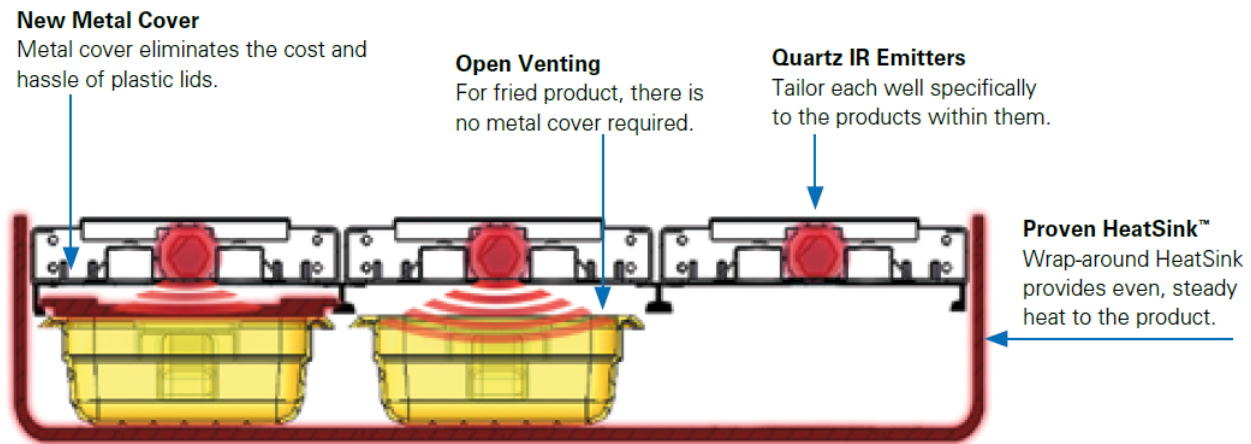
- 1.a: “a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face”;
- 1.b.1: “a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, and a shelf”;
- 1.c.1: “a substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment”;
- 1.g.1: “wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface”;
- 7.b: “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening”;
- 9: “wherein the substantially planar surface is a continuous surface”;
- 10: “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones”;
- 14.a: “a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face”;
- 14.b.1: “a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, and a shelf”;
- 14.d.1: “a substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment”;

- 14.g.1: “wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface”;
- 20.b: “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening”;
- 22: “wherein the substantially planar surface is a continuous surface”;
- 23: “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones”;
- 27.a: “a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face”;
- 27.b.1: “a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, and a shelf”;
- 27.c.1: “a substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment”;
- 27.f.1: “wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface”;
- 35.b: “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening”;
- 37: “wherein the substantially planar surface is a continuous surface”;

- 38: “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones”;
- 42.a: “a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face”;
- 42.b.1: “a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, and a shelf”;
- 42.c.1: “a substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment”;
- 42.f.1: “wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface”;
- 47.b: “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening”;
- 49: “wherein the substantially planar surface is a continuous surface”;
- 50: “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones”;
- 54.a: “a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face”;
- 54.b.1: “a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, and a shelf”;

- 54.c.1: “a substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment”;
- 54.f.1: “wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface”;
- 54.g.1: “further comprising a second food holding compartment disposed below the first food holding compartment within the chassis, the second food holding compartment being defined by the first side panel, the second side panel, and the shelf”;
- 54.i.1: “wherein the shelf is located between the first and second food holding compartments, the shelf comprises a first side and a second side, the first side facing into the first food holding compartment, the second side facing into the second food holding compartment”;
- 54.j.1: “wherein the shelf comprises an upper thermally conductive plate, a lower thermally conductive plate, a fifth heating element, and a sixth heating element”;
- 60.b: “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening”;
- 62: “wherein the substantially planar surface is a continuous surface”; and
- 63: “the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones”.

659. The IRHS Documents explain the heat sink wraps upwardly on the left and right sides as shown below:



EX1007: 53.

660. In my opinion the construction of the IRHS Holing Unit with wrap-around heat sinks are consistent with the claimed “panels” of the chassis and “substantially planar surfaces” as claimed in the ’981 Patent, such that the IRHS Documents sufficiently disclose the claim limitations. If it is determined that the IRHS Documents do not sufficiently meet the claim limitations, the claims would have still been obvious in view of Hartfelder and/or Veltrop.

661. Hartfelder teaches a food warming apparatus (10) with upper and lower heating compartments (24, 26) having flat heat sinks (*e.g.*, lower compartment surfaces (30)). EX1013: ¶[0030]. Heaters below the lower compartment surfaces (30) heat the food pans through the lower compartment surfaces. EX1013: ¶[0037] (“each heating system includes one or more resistive heaters for heating its respective compartment from above and/or from below.... Heating compartment 24 may also be heated through lower compartment surface

30 by similar heater plates. Heating compartment 26 may be heated in a similar manner.”).

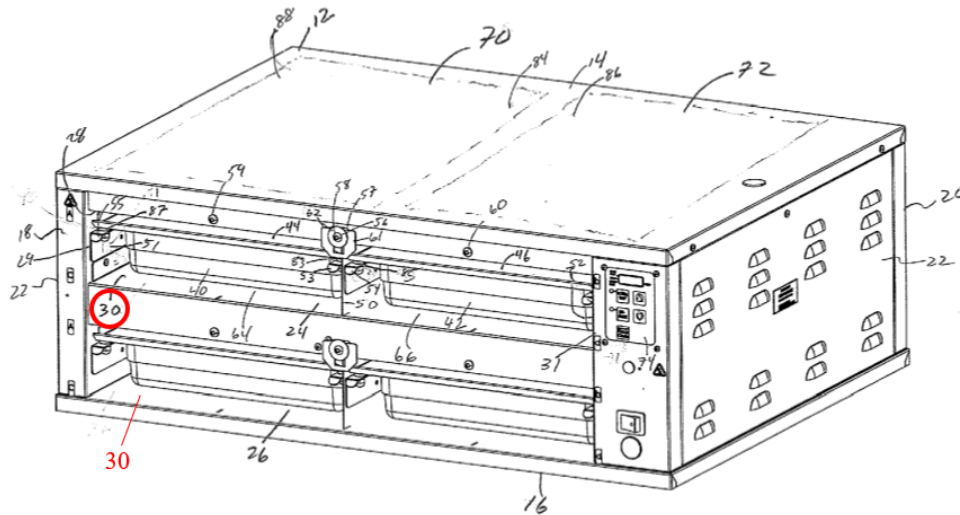


FIGURE 1

EX1013: Fig. 1 (annotated).

662. Veltrop teaches a food holding cabinet (10) with shelves (52) having flat heat sinks. The shelves (52) have flat thermally conductive plates (51) that support the food items and are heated from below by an electrically resistive heater wire (67). EX1022: ¶¶[0016] (“Food items can be placed onto a shelf 52”), [0022] (“thermally conductive plates or sides 51”), [0025] (“the heater wire 67 ... [is] in thermal communication with at least one of the plates 51 and 53 such that when the wire 67 temperature rises due to an electric current flow, it provides heat energy into the plates 51 and/or 53, to which the wire 67 is thermally coupled to”).

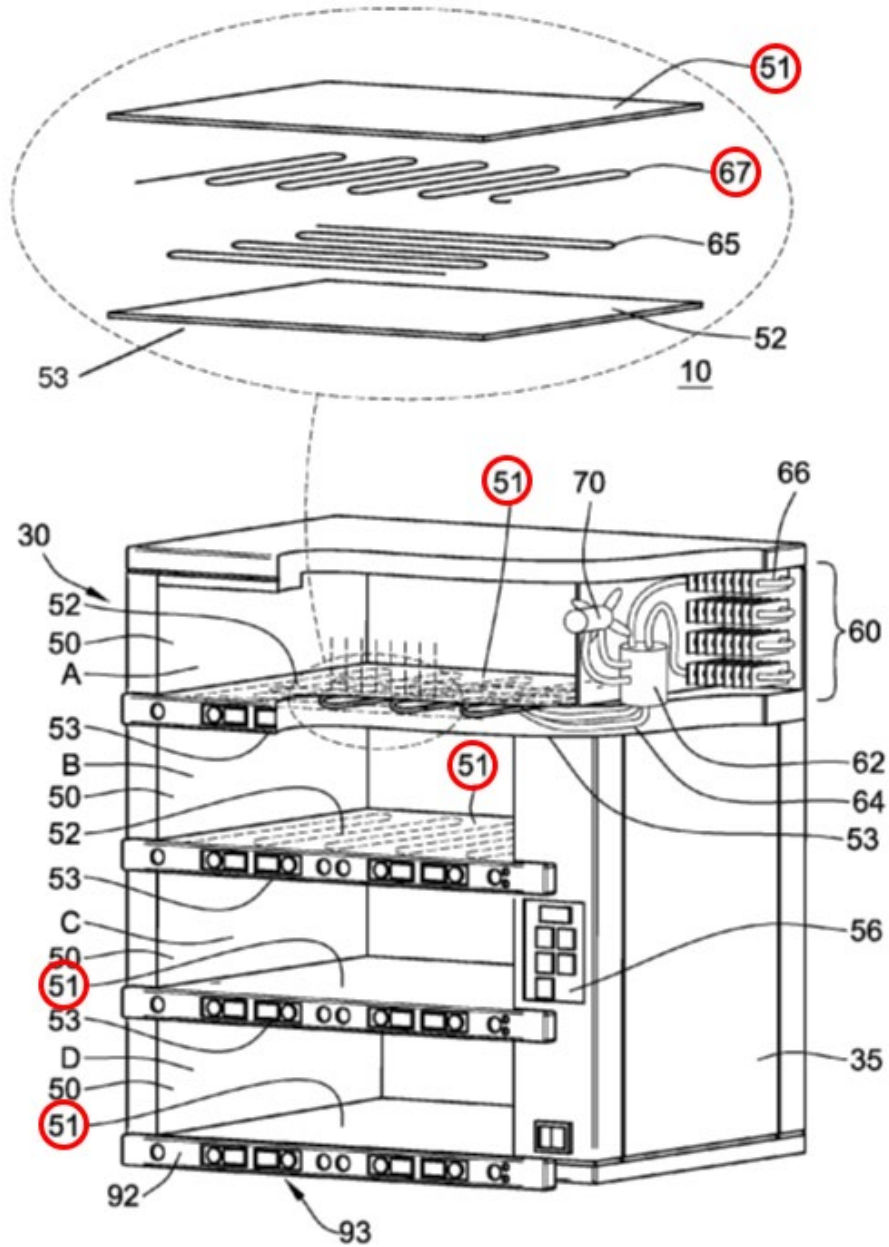


FIG. 2

EX1022: Fig. 2 (annotated).

663. It would have been obvious to modify the heatsink of the IRHS Holding Unit to be fully planar as taught by Hartfelder and/or Veltrop, rather than

wrapping heat sink upwardly on the left and right sides as doing so could provide advantages.

664. Eliminating the upward wrapping of the heat sink would allow for a reduced width of the IRHS Holding Unit, furthering the IRHS Holding Unit's goal to have a small footprint. EX1007: 53 ("Smaller footprint allows IRHS to fit into smaller spaces").

665. This configuration would also reduce costs to manufacture the IRHS Holding Unit (less material, easier to construct as it would not require bending the heat sink, etc.) and to ship it than the existing configurations (smaller package, less weight), thereby reducing the overall cost.

666. This modification would provide more uniform heating of food in the left-most and right-most pans in that the food across the width of the pan would be heated more evenly. For example, the food in the left-most pan, instead of being heated from the left side and bottom (promoting more heat on the left side) would be heated only from the bottom (promoting more evenly distributed across the bottom). The wrap-around configuration of the heatsink results in the food in the pan toward the outer side (e.g., adjacent the portion of the heatsink that extends upward) receiving more heat than other food in the pan, resulting in uneven heating. Removing the upwardly extending sides of the heatsink eliminates this problem.

667. This would also provide better heating consistency across all the pans (compartment sides vs. middle).

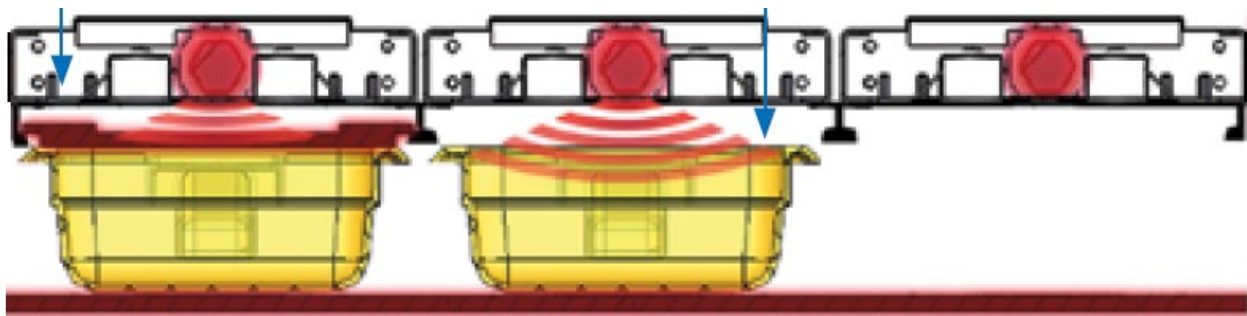
668. While the IRHS Catalog explains the “[w]rap-around HeatSink provides even, steady heat to the product,” the configuration of the heat sink results in the pans on either end receiving more heat from the heat sink than the pans in the middle. The portions of heat sink that wrap upwardly on the left and right sides result in the heat sink heating the pans on either end from both the bottom and the side. In contrast, the pans in the middle are heated from only the bottom by the heat sink.

669. A flat heat sink, on the other hand, would result in all the pans being heated in a similar fashion (just from below by the heat sink) to provide a more consistent supply of heat to all the pans in a zone. Heating across all the pans in a heating zone (*e.g.*, across the compartment, or across the two left pans or the two right pans heated from below by the same heating element) would be more consistent. This allows the two pans on the left that are both heated by one heating element to receive the same amount of heat from the heating element. Likewise, this allows the two pans on the right that are both heated by one heating element to receive the same amount of heat from the heating element. This prevents the same food product in the two food pans from being unevenly heated—*e.g.*, the food in one pan being heated more than the same food in the other pan.

670. This modification would have been nothing more than the application of a known technique (flat heat sink configuration of Hartfelder or Veltrop) to improve a similar device (the IRHS Holding Unit) in the same way (by using a flat heat sink for each food holding compartment).

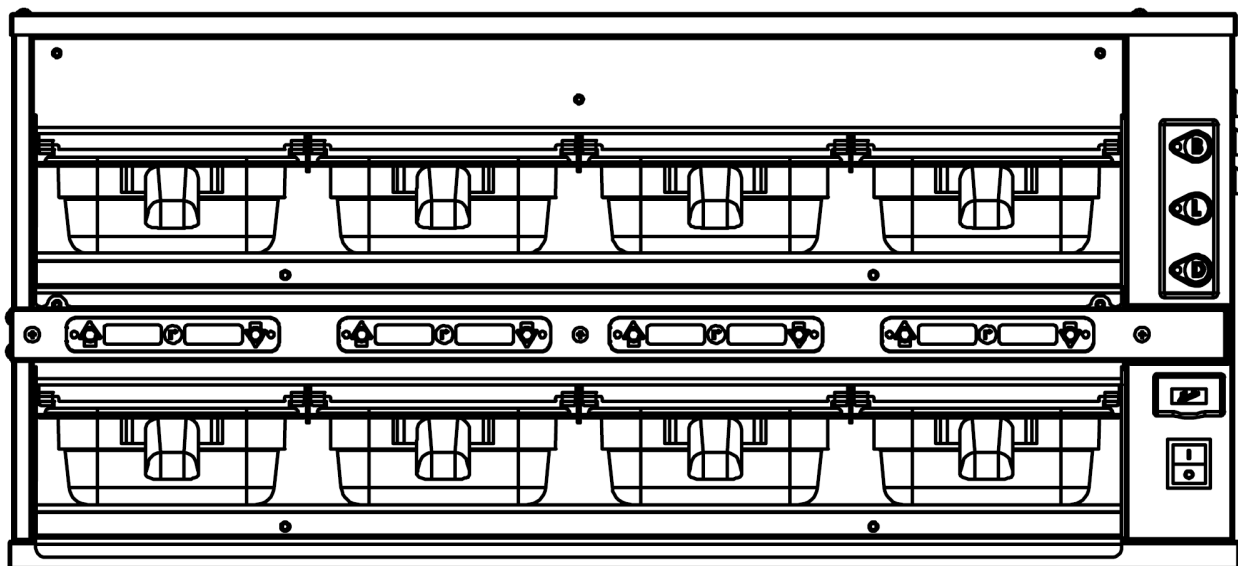
671. There would have been a reasonable expectation of success in making this modification given this modification requires only minor reconfiguration of some parts, within the POSA's capabilities, and because prior art demonstrates it was possible. EX1013: Fig. 1; EX1022: Fig. 2; EX1020: ¶¶[0021]-[0023].

672. A representative illustration of the modified heat sink is shown below:

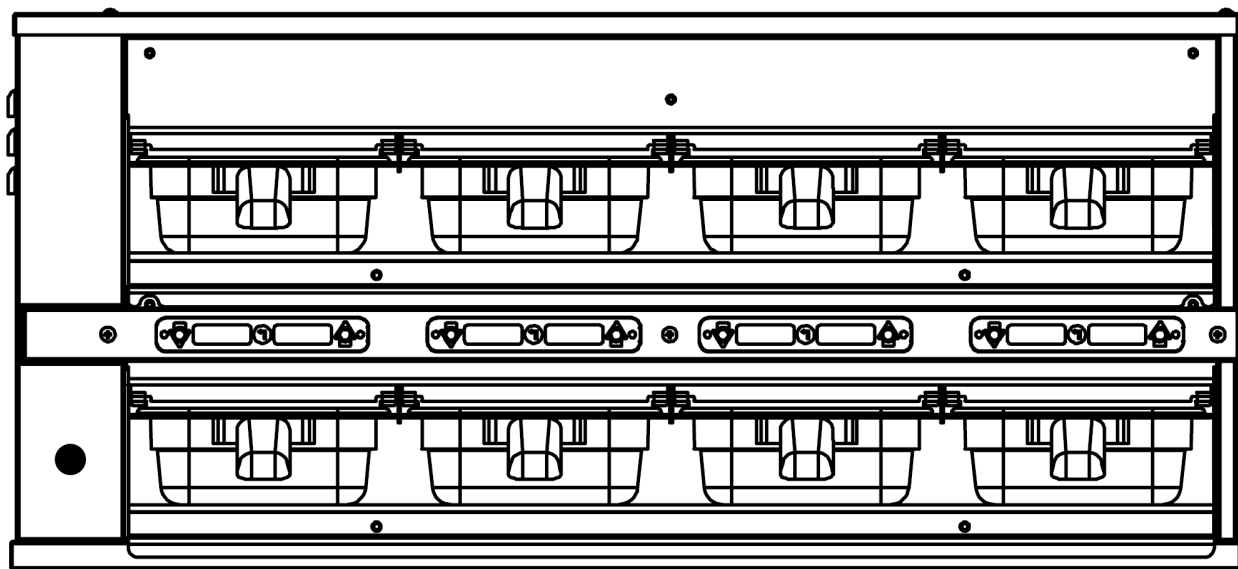


EX1007: 53 (modified)

673. Representative illustrations of the IRHS24 Holding Unit modified to have flat heat sinks are shown below:



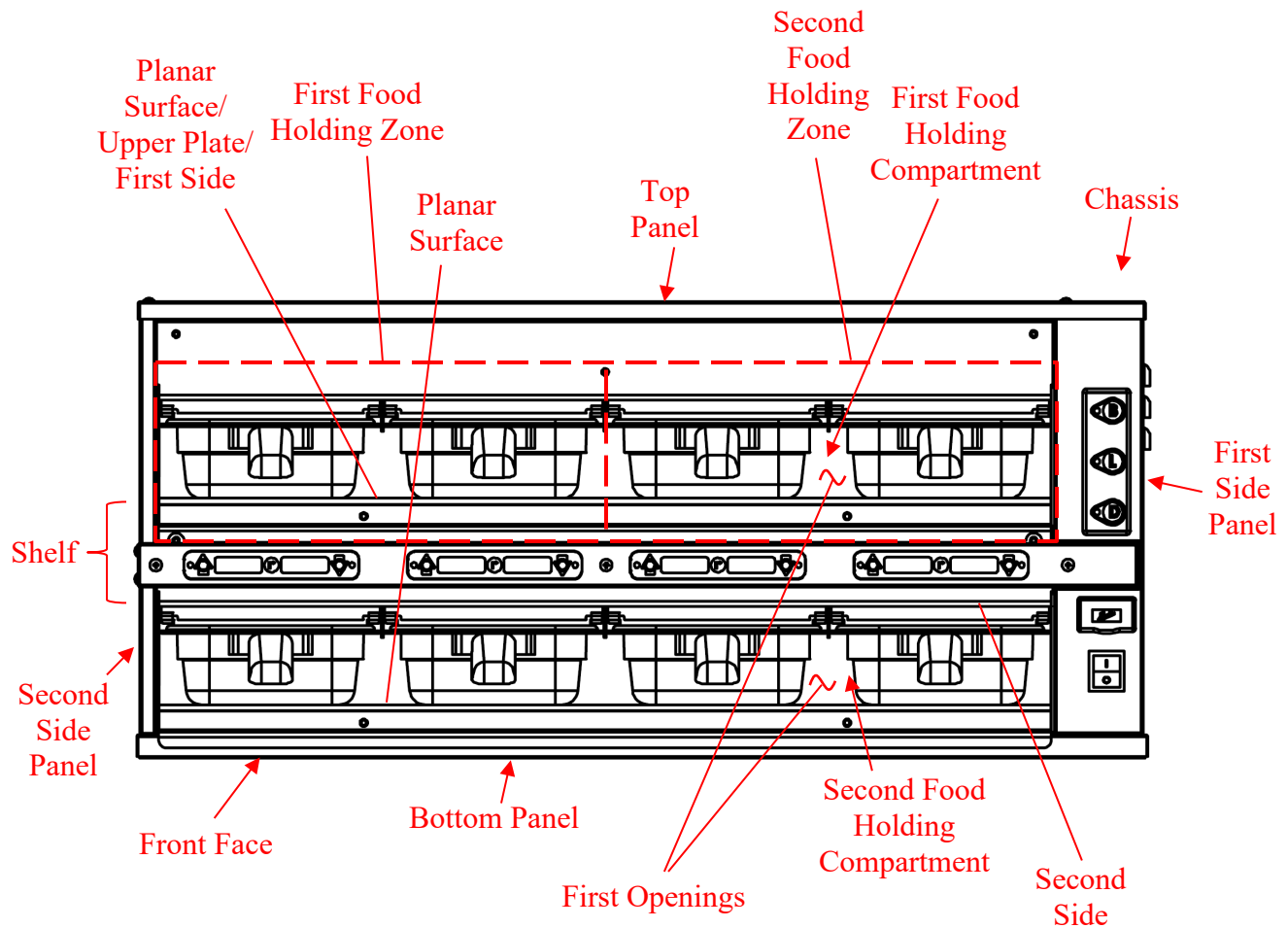
EX1005: 8 (modified-front).



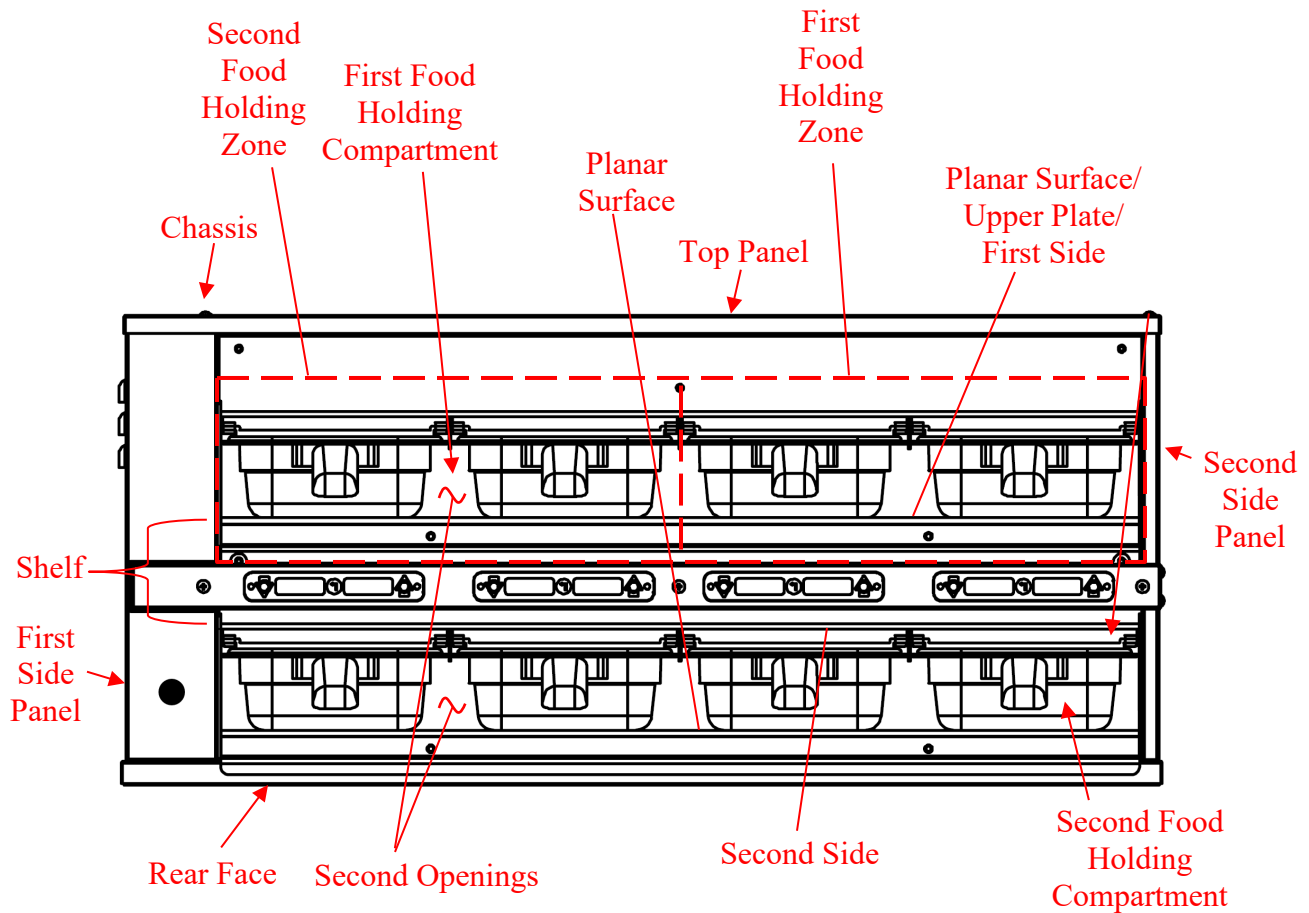
EX1005: 8 (modified-rear).

674. Under the modification of the IRHS Holding Unit in view of Hartfelder or Veltrop, the limitations of claims 1-29 and 31-66 are obvious for at least the reasons Grounds 1-9 above or Ground 11 below, with the further modified IRHS Holding Unit rendering obvious the limitations of the claims as

demonstrated by the representative illustrations of the IRHS24 Holding Unit
modified to have flat heat sinks (as shown below):



EX1005: 8 (modified-front).



EX1005: 8 (modified-rear).

XIV. GROUND 11: Claims 5, 6, 8, 18, 19, 21, 33, 34, 36, 45, 46, 48, 58, 59, and 61 Would Have Been Obvious as According to Grounds 1-2, 6, and 8-9 in Further View of Vaseloff and McMillan Even to the Extent the IRHS Documents Are Found Not to Meet the Dedicated Display Limitations

675. Within the claims of the '981 Patent, there were several claim limitations of Claims 5, 6, 8, 18, 19, 21, 33, 34, 36, 45, 46, 48, 48, 59, and 61 that specify the configuration of the user/graphical interface and displays. These limitations are listed as follows:

- 5/18.a/33.b/45.b/58.b: “the first bezel comprises[/comprising] dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone”;

- 6/19/34/46/59: “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone”; and
- 8.a.2/21.a.2/36.a.2/48.a.2/61.a.2: “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones”.

676. As discussed above, it is my opinion that the POSA would recognize that the IRHS Holding Unit—and more specifically the IRHS24 Holding Unit—as disclosed in the IRHS Documents meets these claim limitations.

677. If the user/graphical interface and displays disclosed in the IRHS Documents are deemed not to sufficiently meet the claimed configurations, it would have been obvious to modify the IRHS Holding Unit in view of Vaseloff and McMillan as explained below.

678. Vaseloff teaches a food holding device (30) includes upper and lower rows each having two temperature-controlled pan locations (34). EX1026: 2:60-63.

679. Similar to the timer bar of the IRHS Holding Unit, the Vaseloff food holding device (30) has a timer module (32). EX1026: 2:60-63, 3:48-49, Figs. 3, 4, 10.

680. The food holding device (30) includes upper and lower rows each having two temperature-controlled pan locations (34). EX1026: 2:60-63.

681. The timer module (32) includes display devices (60), timer status indicators (62), and timer buttons (64). EX1026: 3:48-51.

682. Each display device (60) is grouped with a corresponding timer status indicator (62) and timer button (64), and these groupings are positioned near and associated with a particular pan location (34) as confirmed by a visual indicator arrow (66) that points up or down to the pan location. EX1026: 4:5-6, 4:20-22, 4:26-33, 4:48-49, 6:51-52.

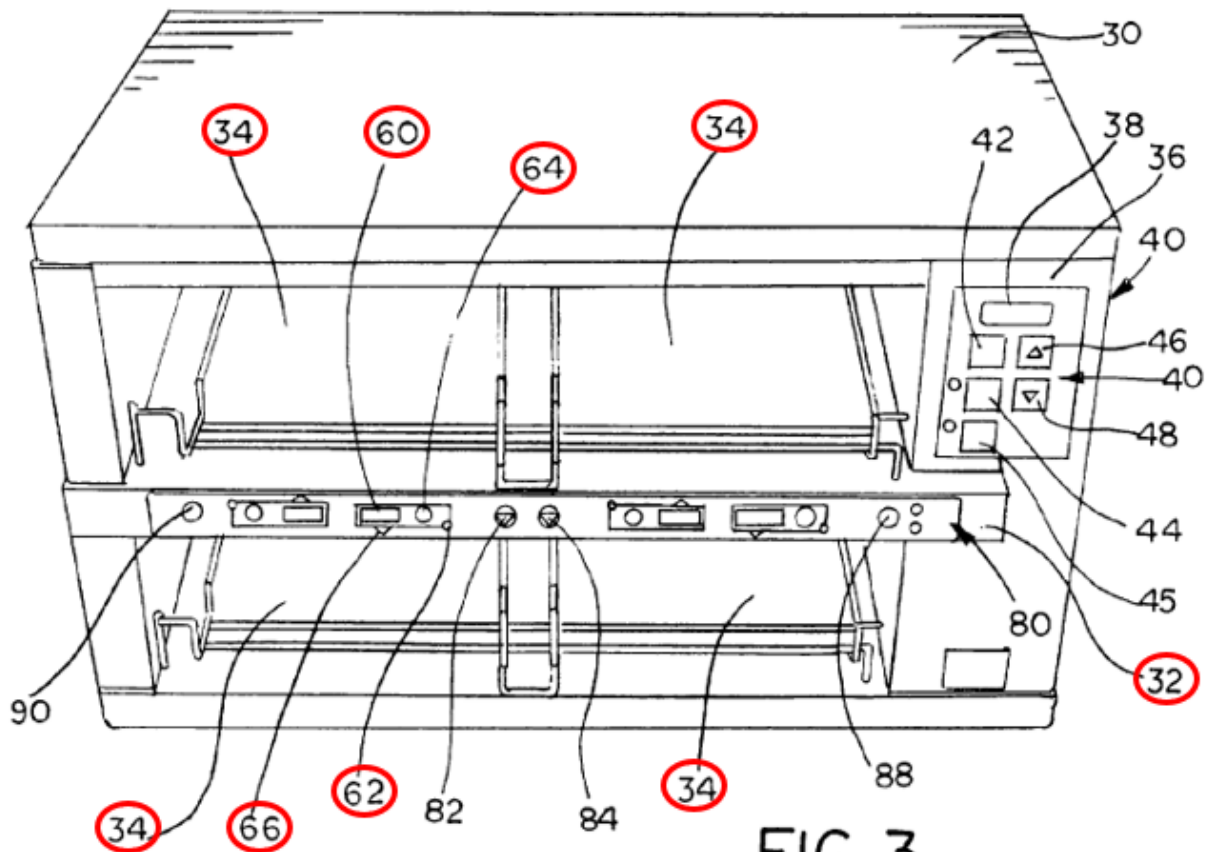
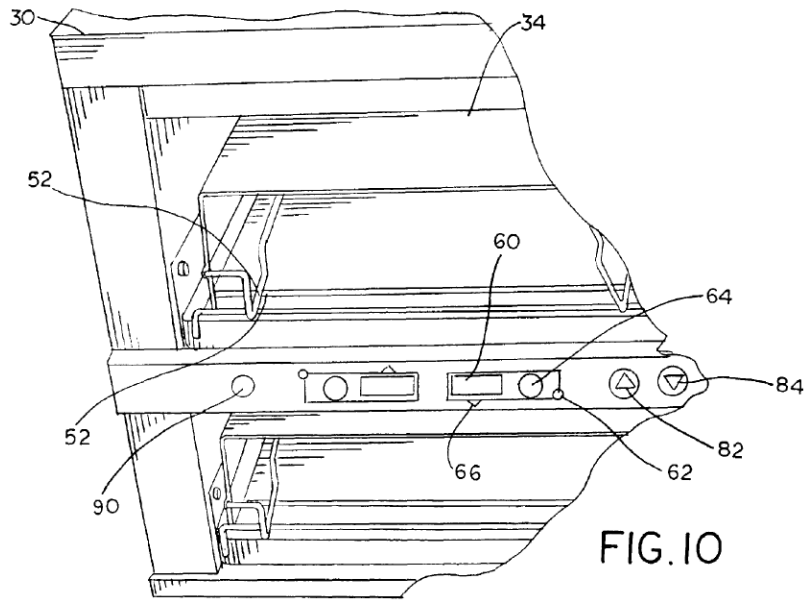


FIG. 3



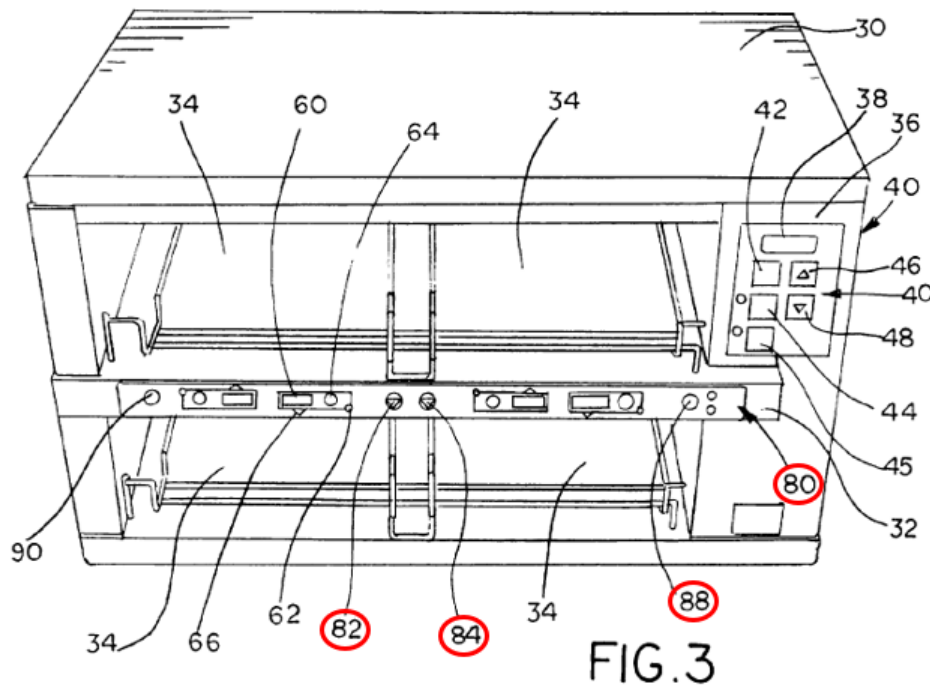
EX1026: Figs. 3 and 10.

683. The display devices (60) of Vaseloff display the identity of the food (e.g., “EGGS”) held at each pan location (34) and “can display or indicate a variety of information about the food.” EX1026: 4:5-15.

684. The timer button (64) activates/deactivates a hold timer, and the timer status indicator (62) includes an LED capable of flashing and emitting any color for indicating statuses such as “standby”, “food product has expired”, “timing in progress”, and “near expiration and oldest food product of its kind”. EX1026: 6:51-52, 4:50-59; 6:1-25.

685. Each timer module (32) of Vaseloff includes a programming system including an input system (80). EX1026: 7:21-25. The programming system may use the display devices (60) for the pan locations. EX1026: 7:26-28. The input system (80) includes up-arrow and down-arrow buttons (82, 84) “for increasing

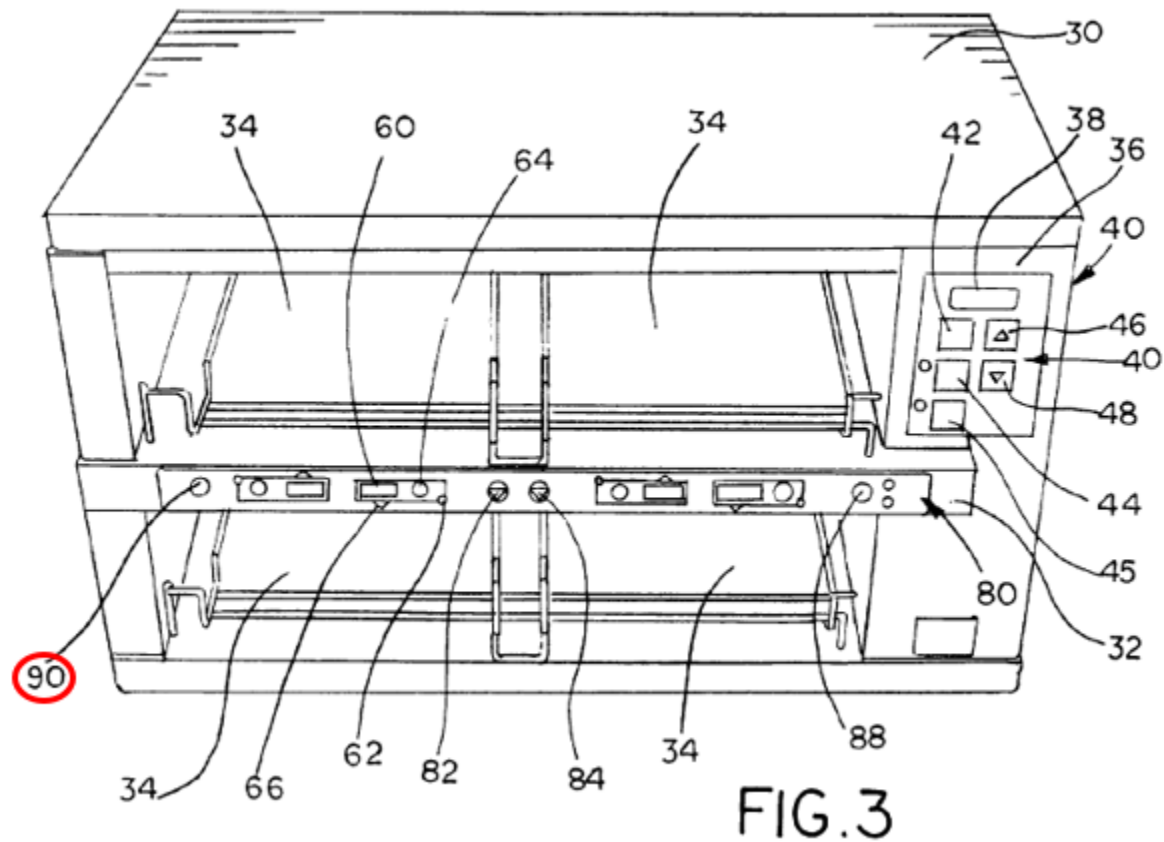
and decreasing the value of a parameter, or scrolling up and down through a list of parameters.” EX1026: 7:29-32. The programming system further permits the selection of a pre-programmed “activity menu” (*e.g.*, breakfast) via use of an activity button (88) to assign an arrangement of food types to the plurality of pan locations. EX1026: 7:46-8:50.



EX1026: Fig. 3 (annotated).

686. Vaseloff further includes a transfer button (90) which facilitates a transfer process in which a user transfers a food pan from one pan location (34) to another and the timer module (32) transfers information associated with the food pan (*e.g.*, hold time, temperature settings) to the new pan location for updating the

temperature settings and displayed information. EX1026: 6:51-7:20, 9:27-64;
10:26-33.



EX1026: Fig. 3 (annotated).

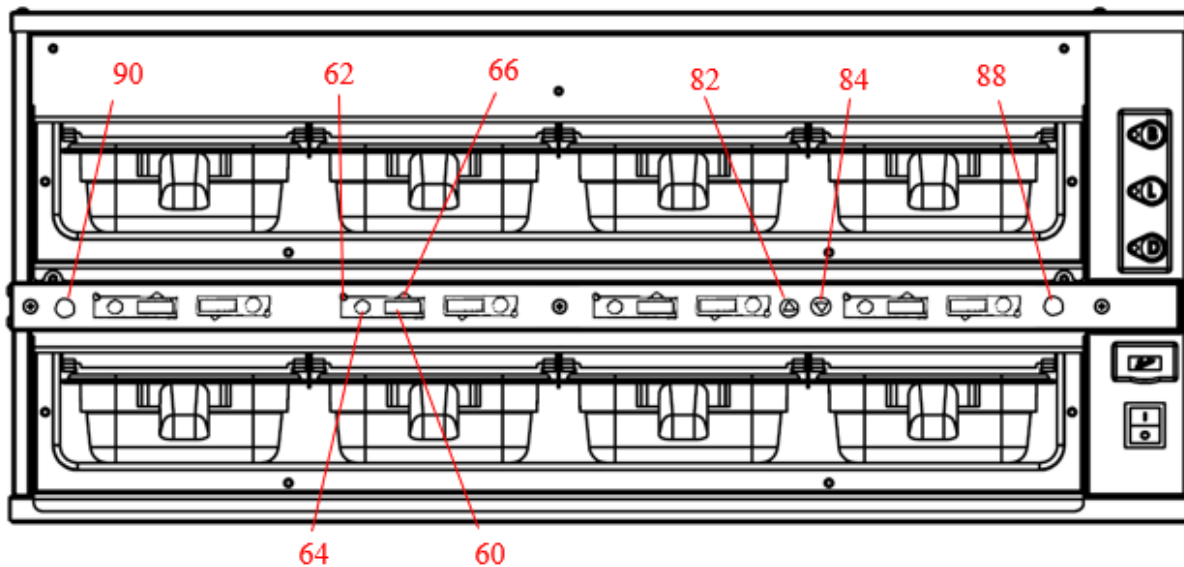
687. In view of Vaseloff, it would have been obvious to replace the controls of the IRHS timer bars with Vaseloff's timer module controls (in the housing of the IRHS timer bar). For example, each IRHS24 Holding Unit control/display group (below left) would be replaced by two groups (below right) of Vaseloff's display devices (60), timer status indicators (62), timer buttons (64), and indicator arrows (66).



EX1007: 8

EX1026: Fig. 10

688. A representative front view of the modified IRHS24 Holding Unit with a modified IRHS24/Vaseloff timer bar controls is shown below. The rear view would be similar.



EX1005: 8 (modified-front).

689. The POSA would make these modifications because the Vaseloff control system would add convenience and flexibility, such as the pan transfer capability.

690. Additionally, some users may find the Vaseloff controls to be more intuitive, to display more information, and/or to more clearly display or associate

information with the respective pan locations. EX1026: 4:20-22, 4:26-29, 57-58, 6:1-25, 6:65-7:20; 11:35-38.

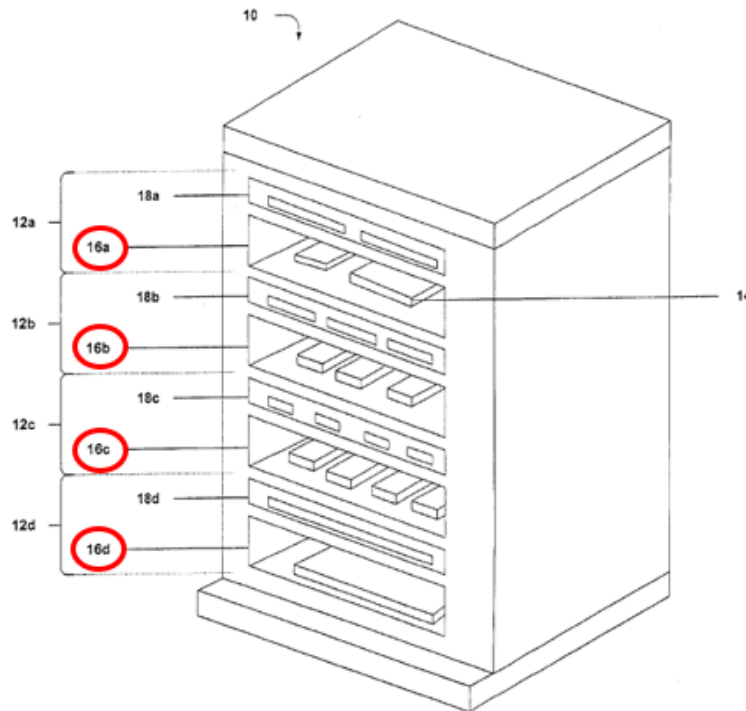
691. Modifying the IRHS timer bars in view of Vaseloff would have been nothing more than the application of a known technique (Vaseloff timer bar controls) to improve a similar device (the timer bars of the IRHS Holding Units) in the same way (specifically by incorporating one-to-one corresponding displays and controls for each individual pan location).

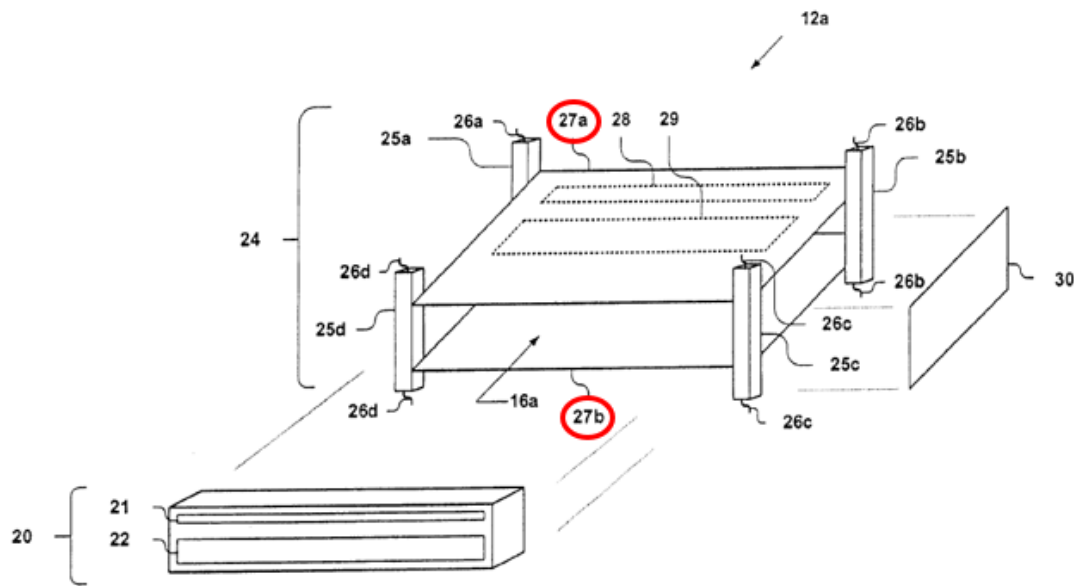
692. The POSA would have had a reasonable expectation of success in making such a modification because the food holding units and their intended operation are similar. Vaseloff expressly explains that “one of ordinary skill in the art will appreciate the flexibility and versatility of the disclosed food timing system for it can be applied to any food preparation and storage device that is typically used in restaurants.” EX1026: 11:35-38.

693. When implementing this modification, the POSA would have connected Vaseloff’s timer module controls (*e.g.*, transfer button (90), arrow buttons (82, 84), and each display/control grouping, including display device (60), timer status indicator (62), timer button (64)) to the IRHS Holding Unit’s controller. EX1005: 25. It would have been within the skill in the art to modify the connections to and/or programming of the controller to accommodate the Vaseloff timer module controls.

694. McMillan also teaches a food holding cabinet (10) including several food passageways (16a-16d). EX1019: 2:49-52, 2:65-67.

695. Each passageway of McMillan includes upper and lower heater plates (27a, 27b). EX1019: 4:36-52.





EX1019: Figs. 1 and 2 (annotated).

696. Each food passageway of McMillan has a display panel (18a-d) having a food product display (180a-d) for each food holding location. EX1019: 9:58-61, 10:5-10.

697. Each food product display (180a-d) includes a message area (183a-d) for displaying information to the user, such as name of the food products and the holding temperature (actual holding temperature and/or set holding temperature). EX1019: 10:10-33 (“message areas 183a-d may display alpha-numeric messages to an operator regarding the stored food products 14.... For example, when a food product is selected, the message display areas 183a-d may present a description (e.g., name, category) of the selected food product.... When the temperature is set,

the message display areas 183a-d may present a numeric value indicating the current and/or set temperature.”).

698. McMillan teaches that the upper and lower heater plates (27a, 27b) “may be individually controlled to maintain a certain temperature set by an operator” and that the upper and lower heater plates may include heating elements configured for zoned heating across the width of the compartment “such that different portions of the passageway 16a may be set to different temperatures.”

EX1019: 4:36-52.

699. The display panel (18a-d) includes arrow keys (184, 185), a temperature key (187) for the user to display temperature information and/or enter operational changes, and a program key (188) for the user to set the holding temperatures. EX1019: 10:43-58 (“The up and down arrow keys 184, 185 allow an operator to increase and decrease displayed values (*e.g.*, temperature, time) or change selections.... The temperature/enter/page key 187 may respond to user input and allow an operator to display temperature information, enter operational changes, and/or scroll to different pages. The program key 188 may respond to user input and may allow an operator to change or select food products, meals, product positions, and/or holding temperatures.”).

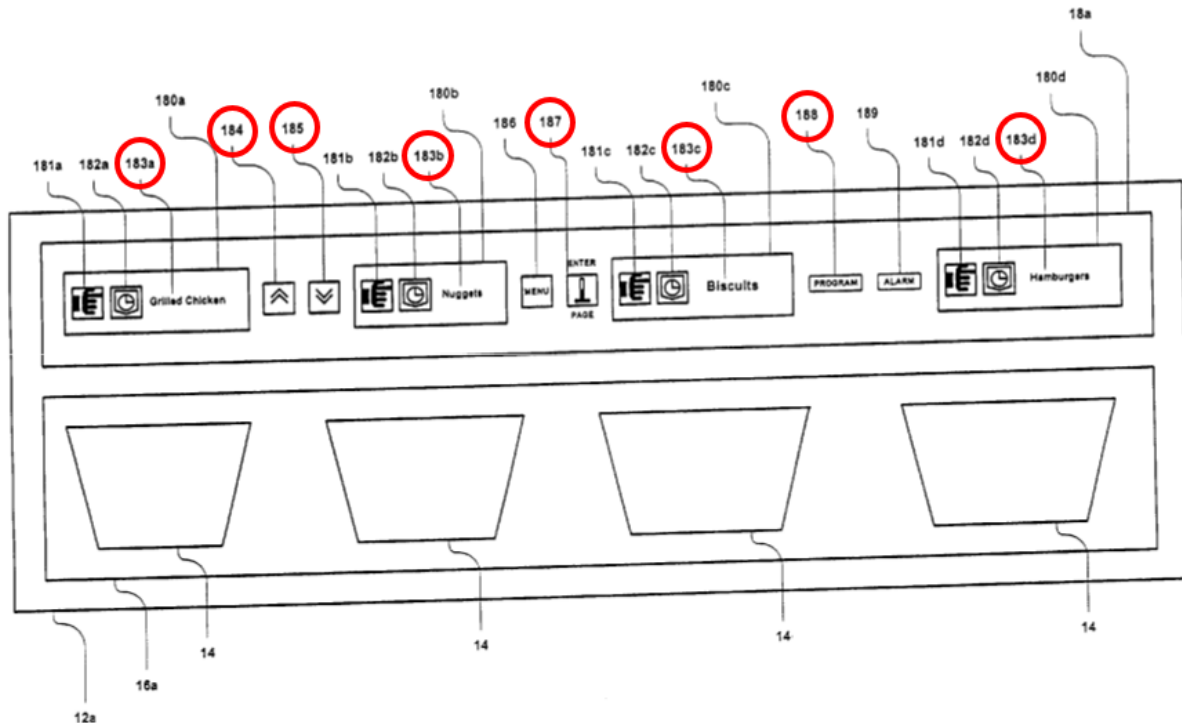


Fig. 5a

EX1019: Fig. 5a (annotated).

700. Because McMillan provides additional detail regarding the ability to display current temperatures and setpoint temperatures in the display device (60) for each pan location, it would have been obvious to further modify the IRHS24/Vasloff timer bars to incorporate these teachings of McMillan. EX1019: 10:30-32 (“display areas [] may present a numeric value indicating the current and/or set temperature”).

701. Moreover, it would have been obvious to enable the timer bars to change the setpoint temperature as taught by McMillan. EX1019: 10:43-58 (“allow an operator to change or select ... holding temperatures”).

702. The IRHS24/Vaseloff timer bar includes up-arrow and down-arrow buttons (82, 84) similar to McMillan's arrow keys (184, 185). In further incorporating the teachings of McMillan, the POSA would have enabled the IRHS24/Vaseloff arrow buttons (82, 84) (described by Vaseloff as "for increasing and decreasing the value of a parameter, or scrolling up and down through a list of parameters") to "allow an operator to increase and decrease displayed values (*e.g.*, temperature, time) or change selections." EX1026: 7:30-32; EX1019: 10:46-48.

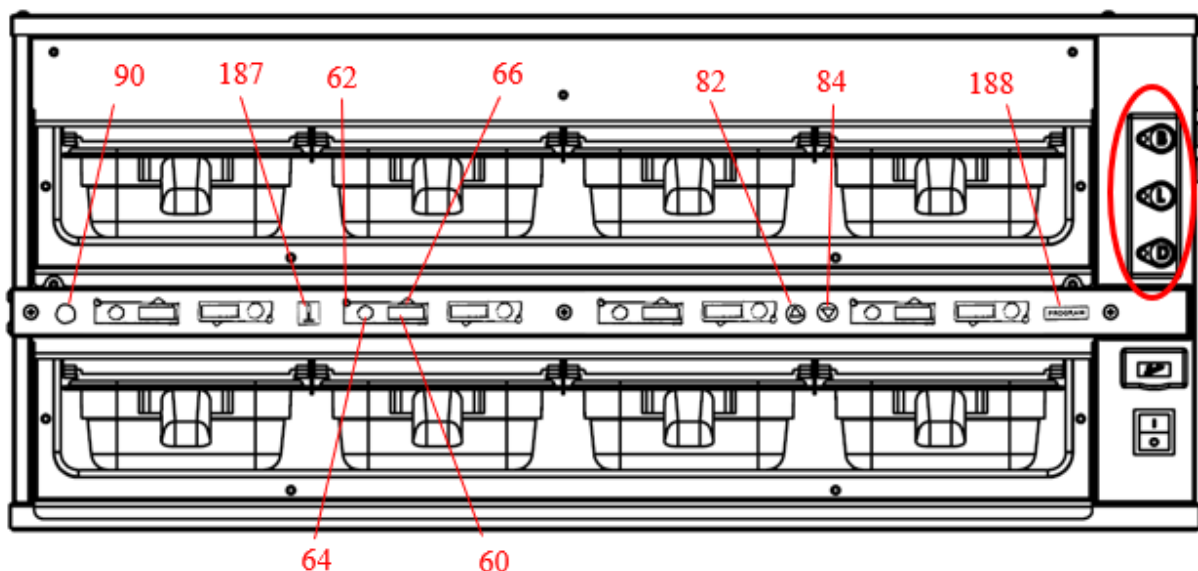
703. It would have thus been obvious per McMillan to incorporate a temperature button (187) to permit a user to "allow a user to display temperature information, enter operational changes, and/or scroll to different pages" and/or a program button (188) to permit the user to "change or select ... holding temperatures." EX1019: 10:52-58. The POSA would know how to implement the temperature button and program button as physical buttons. EX1026: 2:60-3:19 (teaching physical programming buttons).

704. The POSA would know how to implement the temperature button and program button as physical buttons. EX1026: 2:60-3:19 (teaching physical programming buttons).

705. Moreover, it would have been obvious to replace the IRHS24/Vaseloff activity button (88) with McMillan's temperature button (187) and/or program button (188), or to otherwise omit the activity button (88), because

the IRHS24 Holding Unit already includes a daypart interface serving the purpose of the activity button (88) (selecting a daypart to populate the pan location displays with an arrangement of pre-programmed food types). EX1026: 7:46-8:39; Paragraph 48.

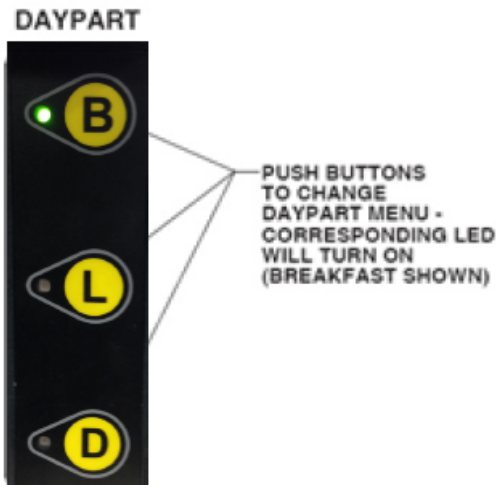
706. Specifically, the POSA would operatively connect the existing IRHS24 daypart interface to the IRHS24/Vaseloff timer bar (as in the IRHS24 Holding Unit) to permit selection of a daypart. The IRHS daypart interface provides a dedicated and simpler solution for selecting a daypart with dedicated LEDs for indicating the active daypart.



EX1005: 8 (modified-front, annotated).

OPERATION – CHANGE DAYPARTS

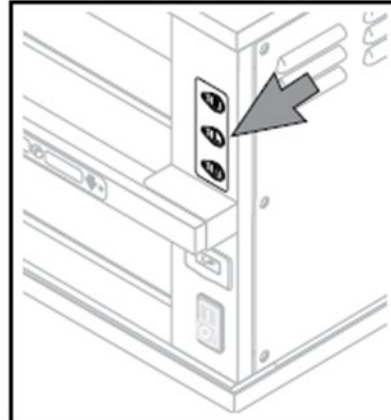
Select the appropriate Daypart Button to switch between Breakfast, Lunch, and Dinner menus.



EX1005: 16.

DAYPART SWITCH

The Daypart Switch is used to control the temperatures of various food products, up to three different time periods a day. It is located on the Control Panel and is accessed from inside the control compartment.



EX1008: 29.

707. The POSA would further program the IRHS24/Vasloff timer bars to permit a user to display the current and setpoint temperatures for each pan location in the associated display (60) and to change the setpoint temperature for individual

pan locations by use of the up-arrow and down-arrow buttons (82, 84), the temperature button (187), and/or the program button (188), similar to the teaching of McMillan. EX1019: 10:6-8, 10:20-33, 10:42-58.

708. For example, a first press of the temperature button (187) would cause each display (60) to display a current temperature of its associated pan location, a second press of the temperature button (187) would cause each display (60) to display a setpoint temperature of its associated pan location, the program button (188) would be pressed as needed to cycle through the displays (60) (*e.g.*, from left to right) to select a desired display/pan location for temperature programming, and the arrow buttons (82, 84) would be pressed to adjust the displayed setpoint temperature for that pan location.

709. Thus, temperature display and setting per McMillan would provide an easy, fast, and intuitive way for a user to see current temperatures and setpoint temperatures displayed where the user would associate them with the corresponding pan location. EX1019: 1:29-35, 1:38-49, 10:6-10; EX1026: 4:20-22, 4:25-30.

710. This would also allow the user to change the holding temperatures in real time as needed, such as to accommodate real time changes in the types of food being held, rather than being limited to the web-based programming that is transferred to the unit via a USB drive. EX1005: 19 (“Able to program via USB

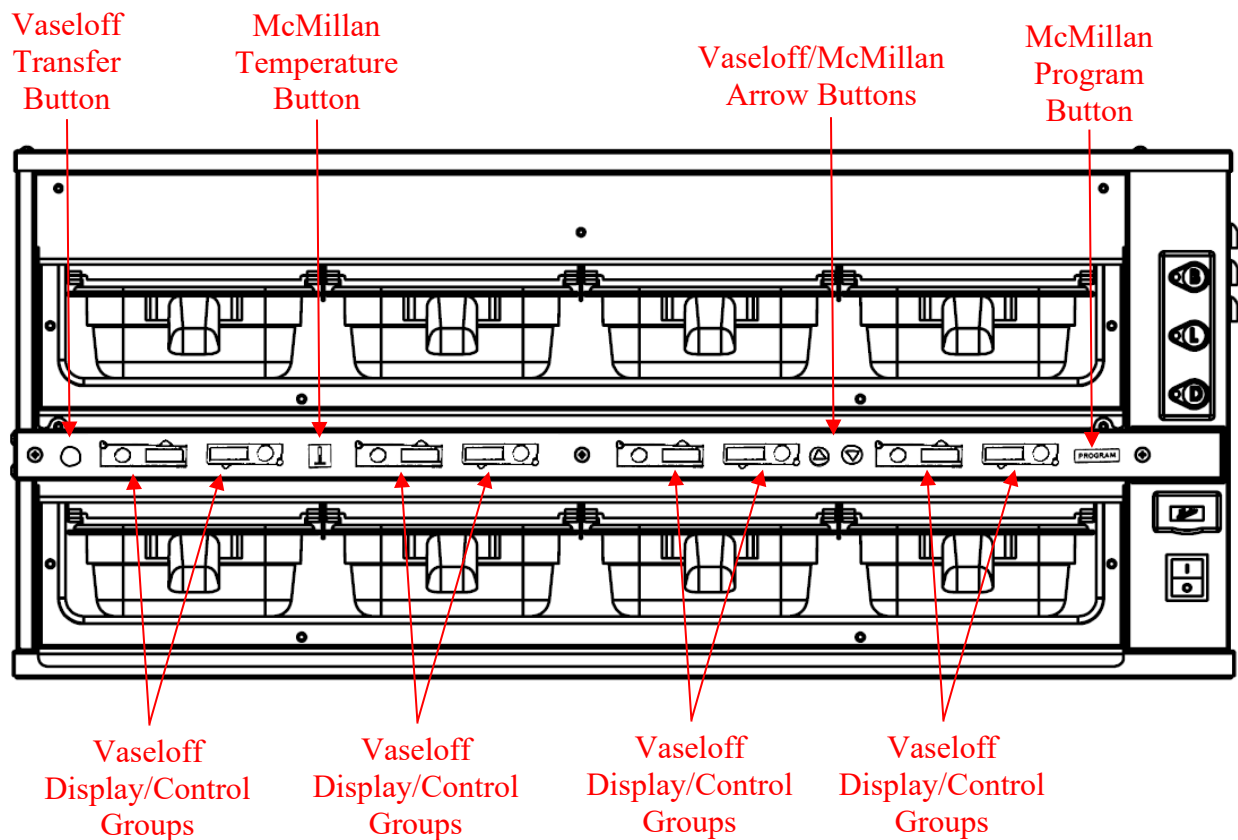
Port”); EX1007: 33 (“USB Drive: Allows for web programing updates for your [] IRHS holding unit[]”).

711. This would have been nothing more than the application of a known technique (actual and set-point temperature display and changing set-point temperature of McMillan) to improve a similar device (IRHS24/Vaseloff) in the same way (display actual and set-point temperatures for each pan holding location to a user and provide the ability for the user to change the set-point temperature).

712. There would have been a reasonable expectation of success in modifying the IRHS/Vaseloff timer bars because the timer bars already include displays for displaying various parameters and controls for scrolling or incrementing/decrementing parameters similar to McMillan’s arrow and program keys, the functions would be incorporated as taught in McMillan and use existing IRHS24 temperature sensors, and McMillan showed it was possible. EX1026: 4:10-12, 7:26-32. When implementing this modification, the POSA would have connected McMillan’s controls (e.g., temperature button (187), program button (188)) to the IRHS24’s controller. EX1005: 25. The POSA would have been able to make any changes to the IRHS Holding Unit’s controller and software to implement this ability to display and change temperatures. EX1019: 6:15-19 (“The main controller 34 may interface with the memory 32 and execute the

control program. Under the direction of the control program, the main controller 34 may control the operation of the shelving unit 12a.”).

713. IRHS24 modified in view of Vaseloff and McMillan is shown below:



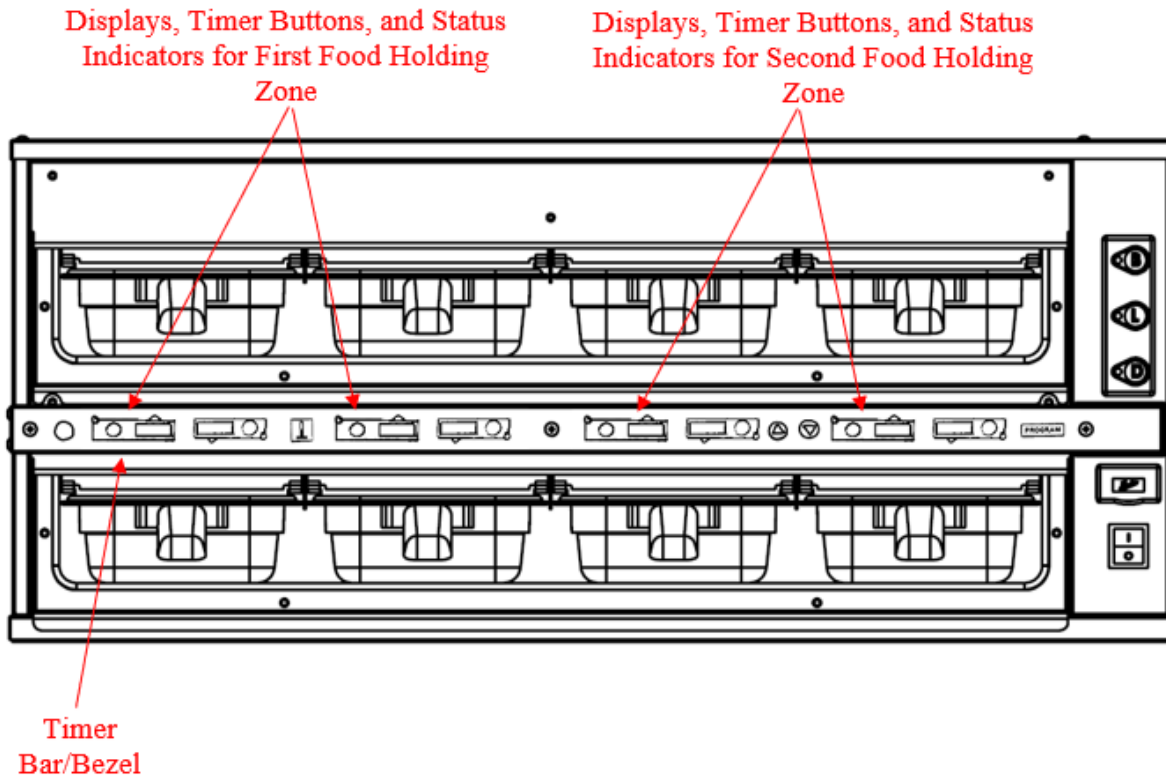
EX1005: 8 (modified-front, annotated).

714. The claim limitation of “the first bezel comprises[/comprising] dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” of Claims 5, 18.a, 33.b, 45.b, and 58.b are met where the incorporated Vaseloff timer bar controls have display devices (60) for each zone which display the set temperature of the zone per McMillan. EX1019: 10:30-32.

715. The claim limitation “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” of Claims 6, 19, 34, 46, and 59 are met where the IRHS24/Vaselloff timer bar displays show the name of the food item stored in the zone.

716. The claim limitation “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” of Claims 8.a.2, 21.a.2, 36.a.2, 48.a.2, and 61.a.2 are met where the incorporated Vaselloff timer bar controls has display devices (60) and timer buttons (64) for each zone.

717. Under the modification of the IRHS Holding Unit in view of Vaselloff and McMillan, the limitations of claims 5, 6, 8, 18, 19, 21, 33, 34, 36, 45, 46, 48, 48, 59, and 61 are obvious for at least the reasons Grounds 1-10 above, with the limitations further being obvious as demonstrated by the representative illustration of the IRHS24 Holding Unit below. In view of Vaselloff and McMillan, it would have been obvious for the first bezel to have dedicated displays that display a temperature setting for a corresponding food holding zone.



EX1005: 8 (modified-front, annotated).

XV. GROUND 12: Claims 1, 2, 4-10, 12-15, 17-23, 25-28, 32-38, 40, 41, 54, 55, 57-63, 65, and 66 Would Have Been Obvious Over Fortmann'748 in view of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099

718. Fortmann'748 teaches a warming cabinet (10) for keeping food in trays (100) warm before serving. EX1010: ¶¶[0002], [0014], Fig. 1.

719. The cabinet (10) has a plurality of shelves (21) dividing the warming volume (18) into separate compartments that are disclosed as being capable of receiving multiple trays (100) of food. EX1010: ¶¶[0014]-[0015], Figs. 1 and 6.

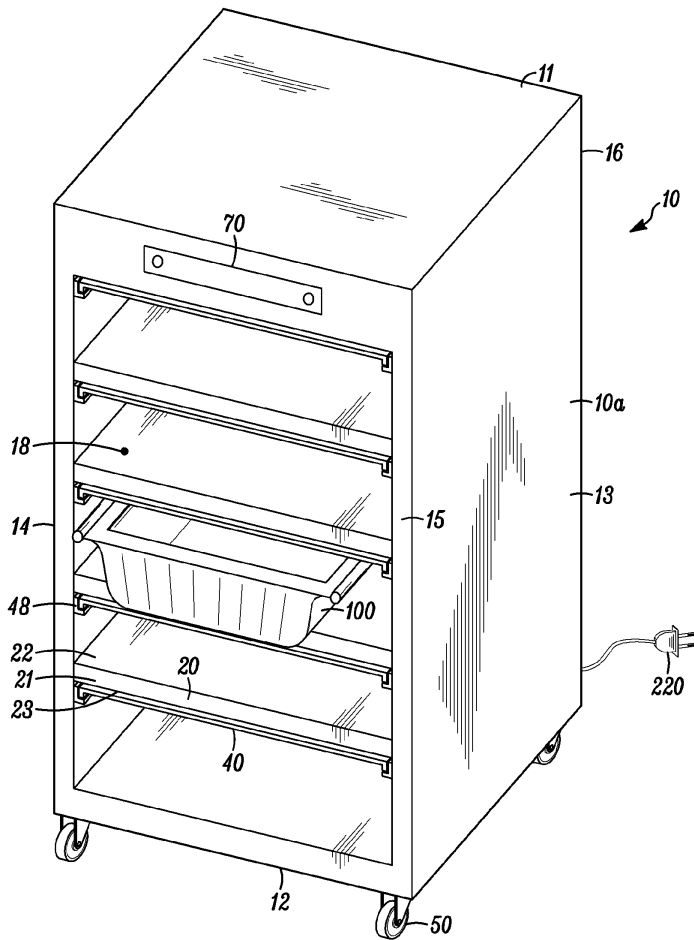


FIG. 1

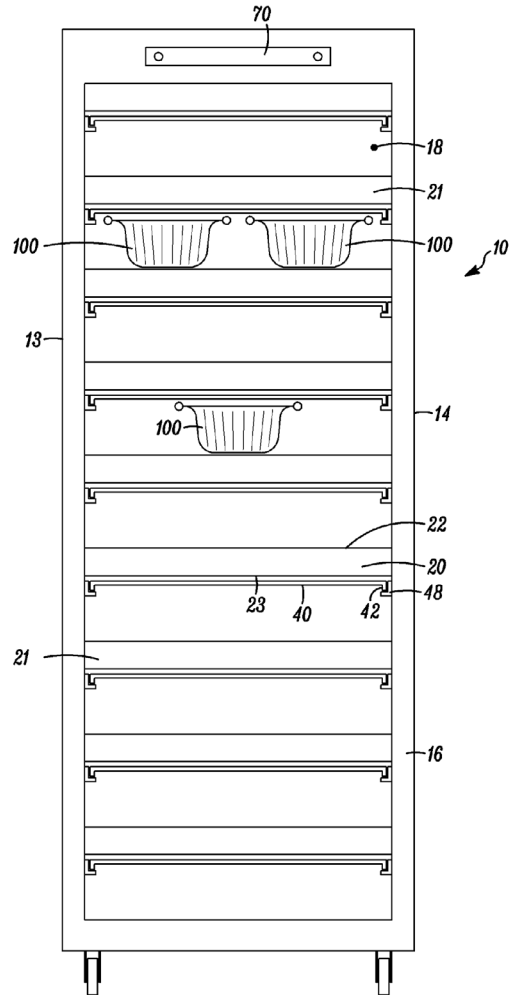


FIG. 6

EX1010: Figs. 1 and 6.

720. Notably, claims of the '981 Patent mix and match a number of independent features and design choices (*e.g.*, number and configuration of food holding bays, location and configuration of the controls, location and configuration of the heating elements, inclusion of lid holding shelves and latches to secure the lids in place, and independent temperature control of the food holding bays) that were already known in the art.

721. Fortmann’748 thus presents the base structure of a food holding cabinet which a POSA would have considered ripe to incorporate specific design choices and advancements from other food holding cabinets such as those taught by the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099.

A. Modifications of Fortmann’748

1. 2x4 Configuration

722. While Fortmann’748 does not explicitly disclose a 2x4 configuration (eight pan locations/bays arranged in a 2x4 grid) as recited by the claims of the ‘981 Patent, such a configuration would have been both consistent with and obvious in light of the teachings of Fortmann’748.

723. Fortmann’748 explains the cabinet (10) “may be 5-6 feet tall” in one embodiment but further explains that other embodiments “may be only about 1-2 feet tall and configured to rest upon a table or other elevated surface within the establishment.” EX1010: ¶[0014].

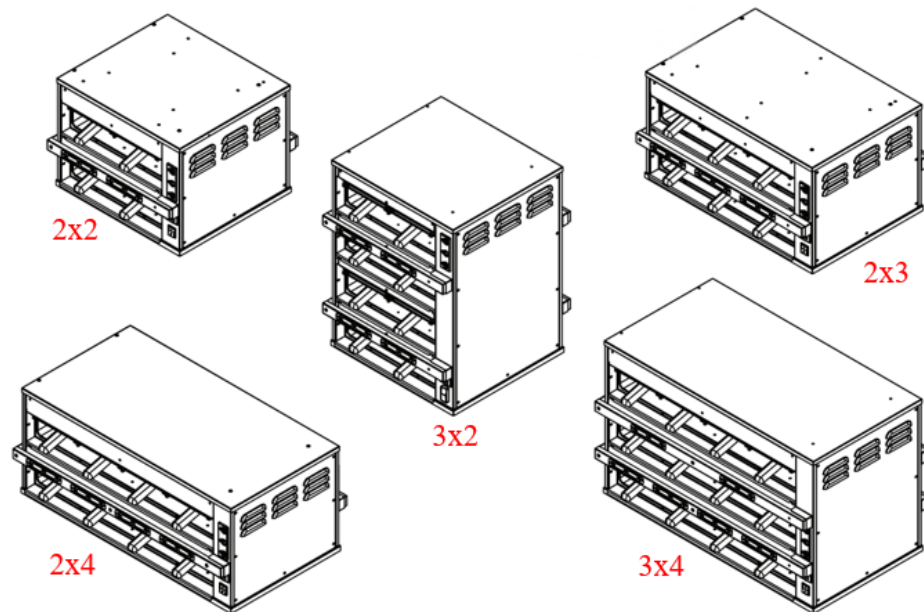
724. Fortmann’748 teaches the cabinet (10) may contain any number of compartments for receiving trays (100). EX1010: ¶[0016] (the cabinet “may include 2, 5 (FIG. 1), 10 (FIG. 6), or another number of vertically spaced shelves 21 within the warming volume 18”).

725. Fortmann’748 also explains the shelves (21) of the cabinet (10) can have a “sufficient width to accept *two or more* standard 12 inch wide restaurant warming pans therewithin in a side by side relationship.” EX1010: ¶[0015] (emphasis added), *see also* ¶ [0014] (identifying that instead of 12 inch wide warming pans the cabinet could be designed to accept “trays, pizza boxes, or the like”).

726. The IRHS Documents teach a family of tabletop food holding units of different configurations, such as 2x2 (four pan locations arranged in a 2x2 grid), 3x2 (six pan locations arranged in a 3x2 grid), 2x3 (six pan locations arranged in a 2x3 grid), 2x4 (eight pan locations arranged in a 2x4 grid), and 3x4 (twelve pan locations arranged in a 3x4 grid). EX1005: 1; EX1006: 1; EX1007: 55-57.

MODELS

IRHS22
IRHS23
IRHS24
IRHS34
IRHS42



EX1005: 1 (annotated).

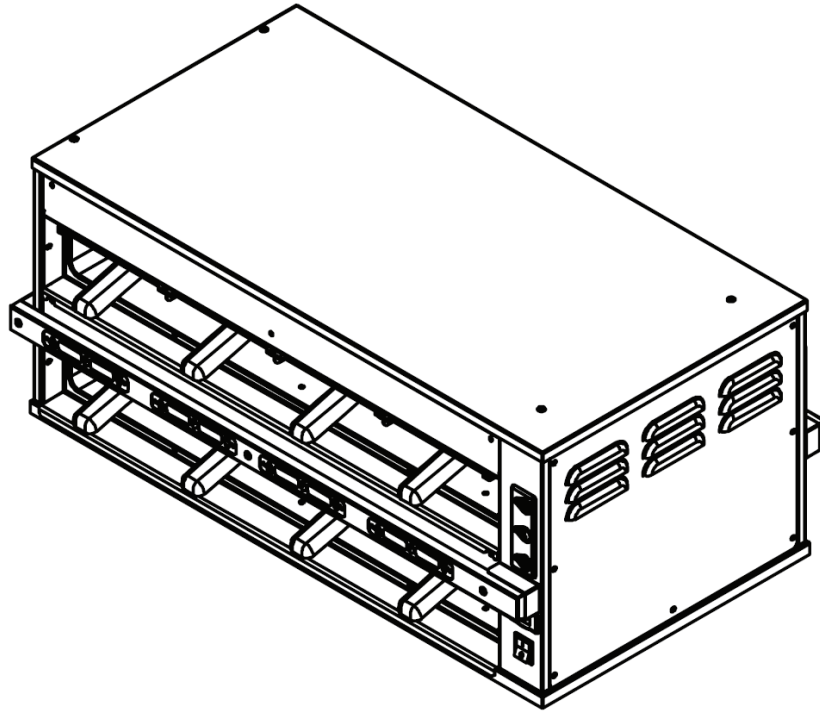
727. In view of the IRHS Documents, it would have been obvious to configure Fortmann’748’s cabinet (10) to have only two compartments, with each compartment having four relatively narrow pan holding locations (*i.e.*, modifying Formann ‘748’s cabinet to specifically have a 2x4 configuration holding eight relatively narrow pan holding locations arranged in a 2x4 grid (two rows, four columns)).

728. A two row configuration would make the Fortmann’748 cabinet (10) “only about 1-2 feet tall” and therefore more suitable to “rest upon a table” in a commercial kitchen. EX1010: ¶[0014]; EX1007: 53 (“Smaller footprint allows IRHS to fit into smaller spaces”).

729. This configuration would also make Fortmann’748’s cabinet (10) cheaper to manufacture (less material, reduces parts, etc.) and cheaper to ship (smaller package, less weight) than the configurations shown in Figs. 1 and 6 of Fortmann’748, thereby reducing the overall cost.

730. Reconfiguring Fortmann’748’s cabinet (10) to have a 2x4 configuration per the IRHS Documents would have been an obvious design choice, as this was a common configuration in the art as shown below. EX1013: ¶¶[0028] (“exemplary food warming apparatus 10 with two heating compartments”), [0030] (“two trays in each compartment, it is to be understood that the compartments may be sized to accommodate a greater or fewer number of trays”); EX1015: ¶¶[0024]

(“four heating compartments, it is to be understood that a food warming apparatus could be provided with a greater or fewer number of heating compartments”),
[0026] (“two trays in each compartment, it is to be understood that the compartments may be sized to accommodate a greater or fewer number of trays”).



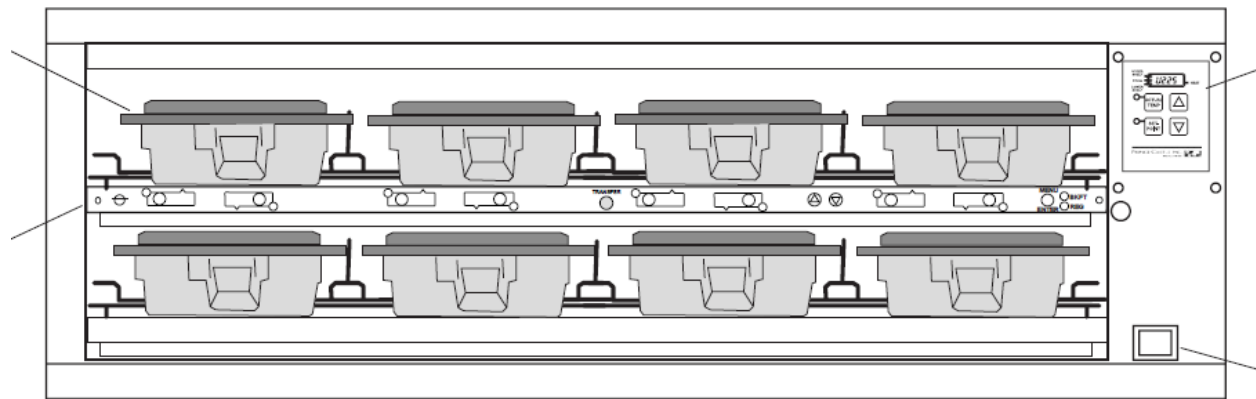
EX1005: 1.



EX1007: 56.



8-PAN HORIZONTAL (4 WIDE
X 2 HIGH) – PASS-THRU
HOLDING BIN WITH
MENUTRAK



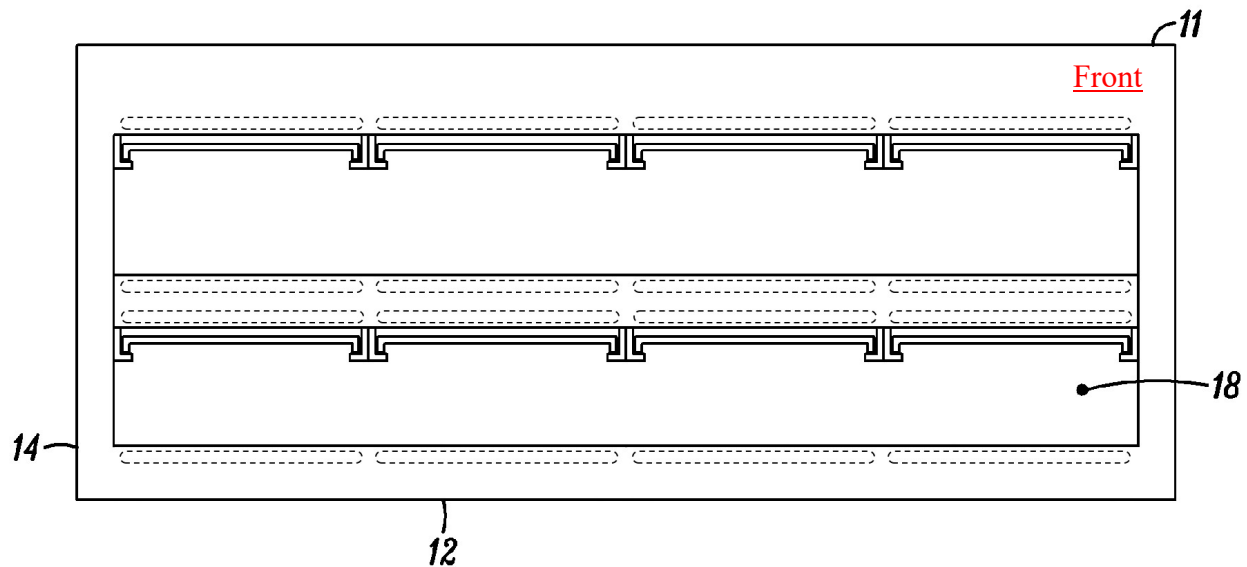
EX1009: 11, 19.

731. The selection of a 2x4 pan holding location/bay configuration would have been nothing more than the application of a known configuration (the 2x4 pan holding location/bay configuration of the IRHS Documents) to a similar device (Fortmann'748's cabinet) implemented in the same way (Fortmann'748's cabinet with eight pan holding locations/bays for warming pans of food).

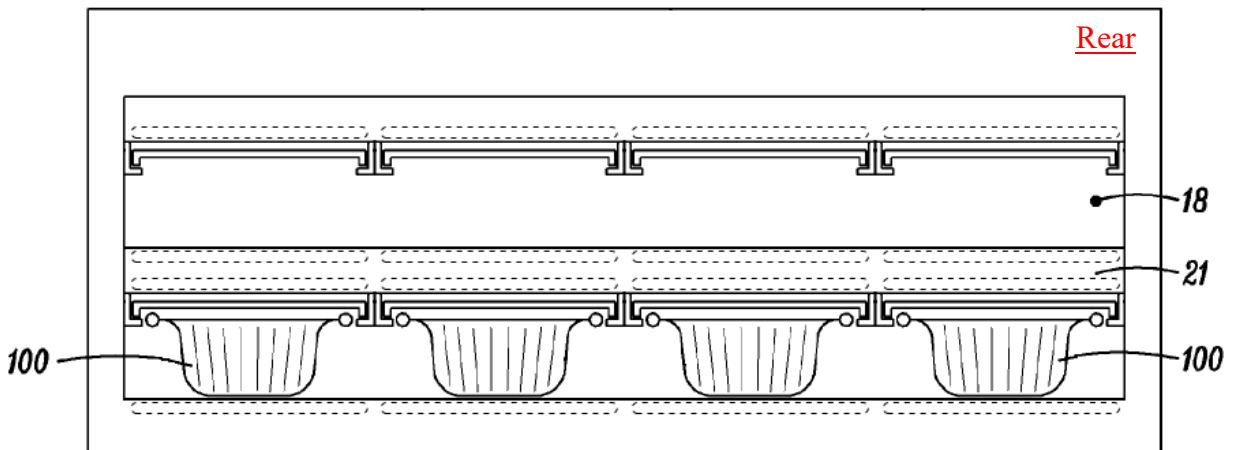
732. There would have been a high expectation of success in making this modification given the similarities between Fortmann'748's cabinet and IRHS Documents' food holding unit (*e.g.*, both receive pans/trays of food to warm).

Fortmann'748 already describes that its cabinet can be made smaller to “rest upon a table” (EX1010: ¶[0014]), and such a modification would merely require removing otherwise duplicated components (*e.g.*, extra shelves) and changing the size of components (*e.g.*, changing the size of the body (10a)). EX1005: 1; EX1006: 1; EX1007: 55-57.

733. Representative illustrations² of Fortmann'748's cabinet modified to have a 2x4 configuration are shown below:



² These illustrations include further modifications as explained below.



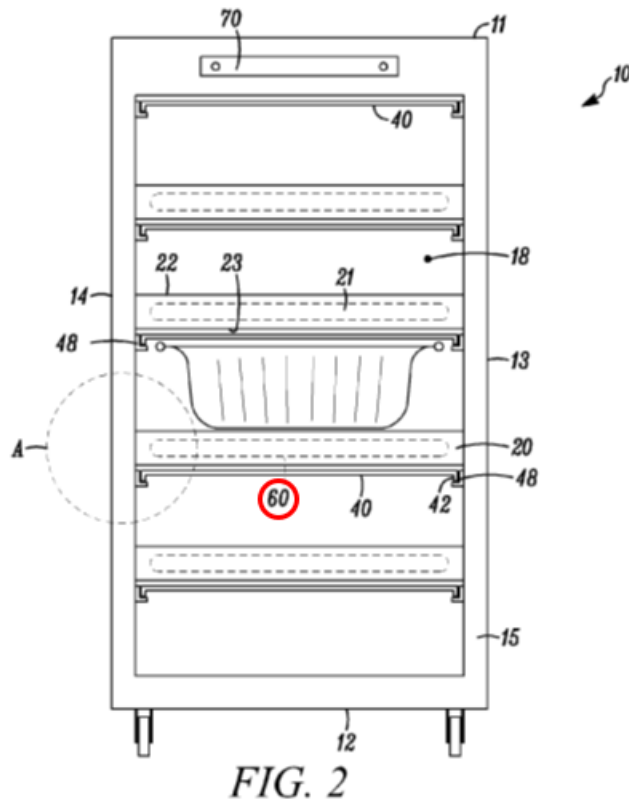
EX1010: Figs. 2 and 6 (modified, annotated).

2. Multiple Temperature Zones per Compartment

734. Each shelf (21) of Fortmann’748’s cabinet (10) includes “one or more heaters 60 ... that are disposed within the internal volume [of the] shelf 21.”

EX1010: ¶[0019], Fig. 2.

735. Each shelf’s one or more heaters (60) are “shown schematically” in Figs. 2 and 3 and are independently controllable relative to the heaters of other shelves “to establish two or more heat zones of differing temperatures within the warming volume [18].” EX1010: ¶¶[0019], [0021], [0024], [0027].



EX1010: Fig. 2 (annotated).

736. As such, for Fortmann’748 the shelves (21) divide the warming volume (18) into multiple compartments, with at least each compartment acting as its own temperature zone.

737. Fortmann’748 teaches that the heaters 60 may be disposed so as to make contact with “at least the upper sheet 22 forming the shelf 21” and also “may contact the lower sheet 23 forming the shelf 21” such that it would provide heat to both the compartment above the shelf (21) and to the compartment below the shelf (21).

738. As each shelf (21) was taught to “include[] one *or more* heaters 60” the POSA would have contemplated that a shelf with more than one heater could have multiple temperature zones, thus creating multiple temperature zones per compartment.

739. Whereas the POSA would have contemplated creating multiple temperature zones per compartment based on Fortmann’748 alone, each of Jones (EX1012), Fortmann’197 (EX1014), the IRHS Documents (EX1005-1008), and McMillan (EX1019) expressly teach this.

740. Jones teaches a food holding cabinet (12b) with an upper heating compartment (UHC) and a lower heating compartment (LHC), each for receiving food trays (14). EX1012: ¶¶[0069], [0072], Fig. 1B. The upper and lower heating compartments (UHC, LHC) are separated by a shelf (36). EX1012: ¶[0072], Fig. 1B.

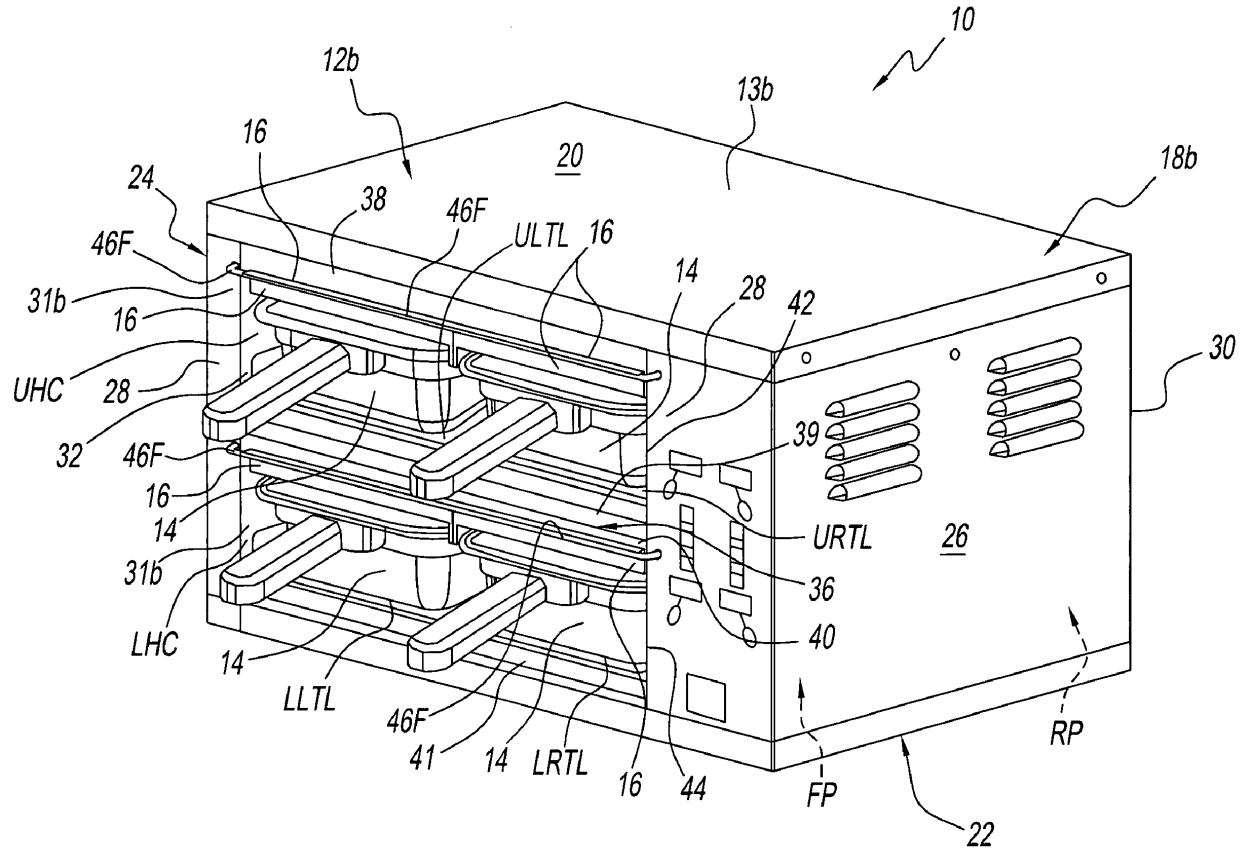


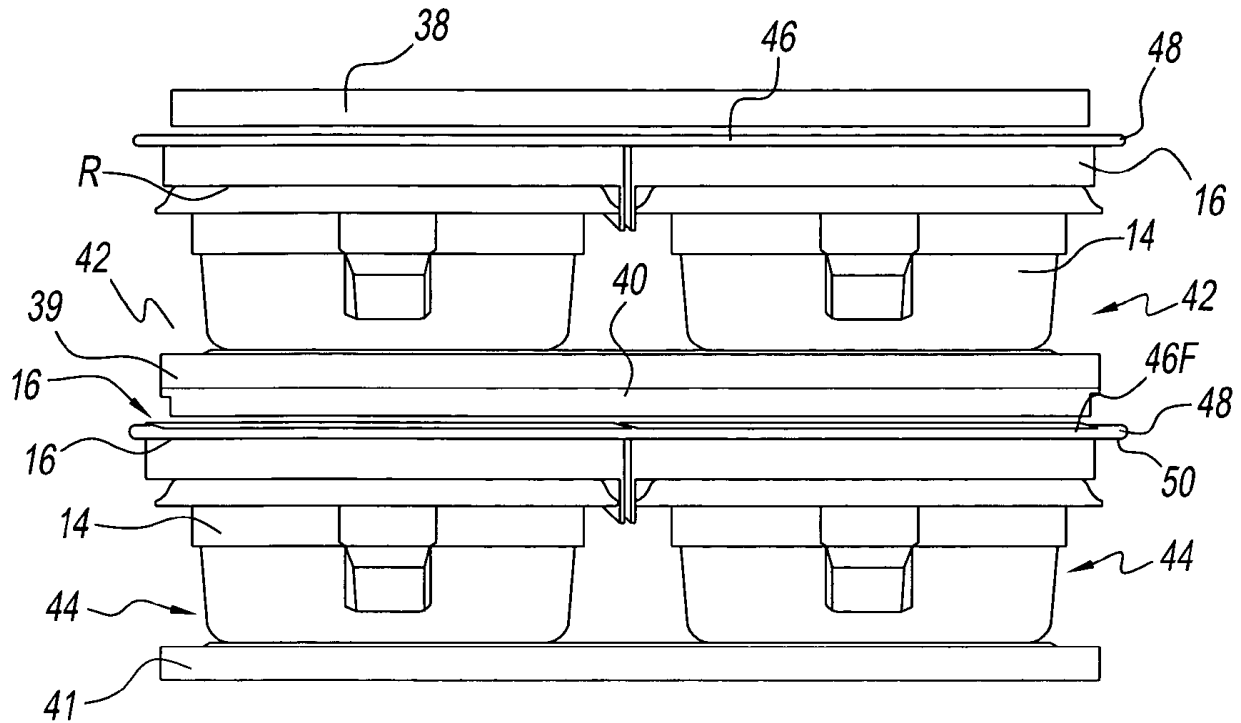
Fig. 1B

EX1012: Fig. 1B.

741. The food holding cabinet (12b) receives four food trays (14).

EX1012: ¶[0072], Fig. 1B. The upper heating compartment (UHC) has an upper left tray location (ULTL) and an upper right tray location (URTL) that each receive a food tray (14). EX1012: ¶[0072], Fig. 1B. The lower heating compartment (LHC) has a lower left tray location (LLTL) and a lower right tray location (LRTL) that each receive a food tray (14). EX1012: ¶[0072], Fig. 1B.

742. To heat the tray locations, Jones's food holding cabinet (12b) has upper heaters (38, 40) and lower heaters (39, 41) for each heating compartment (UHC, LHC). EX1012: ¶[0073], Fig. 1G.



EX1012: Fig. 1G.

743. In a preferred embodiment, Jones explains, instead of one upper heater (38, 40) and one lower heater (39, 41) for each heating compartment (UHC, LHC), each tray location (ULTL, URTL, LLTL, LRTL) includes discrete upper and lower heaters:

“In preferred embodiments, for example, in food holding cabinet 12b of FIG. 1B, there are *eight heaters, one mounted above and another mounted below each of the upper left and right tray locations*, and *one mounted above and another mounted below each of the lower left and right tray locations*.” EX1012: ¶[0096] (emphasis added).

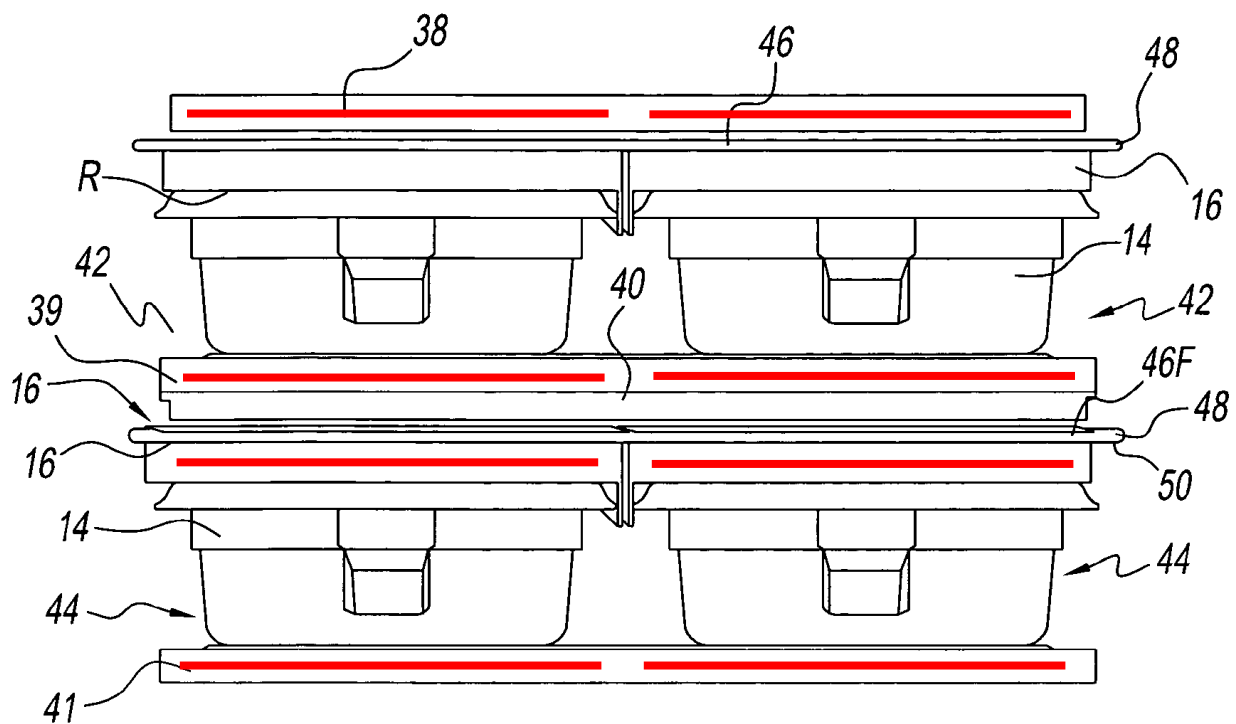


Fig. 1G

EX1012: Fig. 1G (annotated).

744. Jones further teaches customizing the temperature settings for each food type and that the temperature in the tray locations (zones) can be different based on the temperature presets for the particular types of food held in each location. EX1012: ¶[0098] (“assigns the holding parameters, top and bottom temperature ... to the product name, so wherever the product name is displayed, the holding parameters follow”, and “temperature settings for the top and bottom heater that are set to the product name and no matter how many locations have the same product name displayed [1 location up to all locations]”), Fig. 19 (“Select Product Name to be held in Display Location. Each display may have the same

discrete independently controllable lower heater (501) below the food pan.

EX1014: 3:19-27, 8:63-67 (“the plate 40 may include multiple heaters 501, such as one heater 501 per discrete heating zone 100”), 9:1-19, 9:50-65.

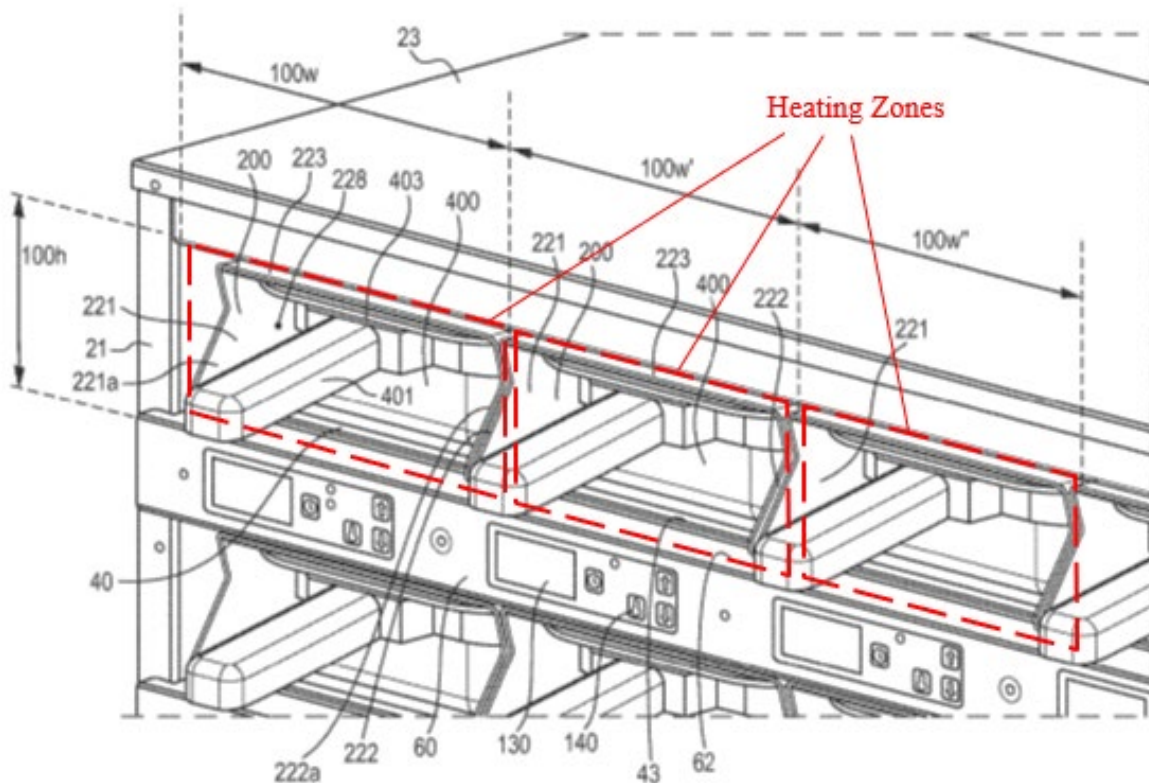


FIG. 2

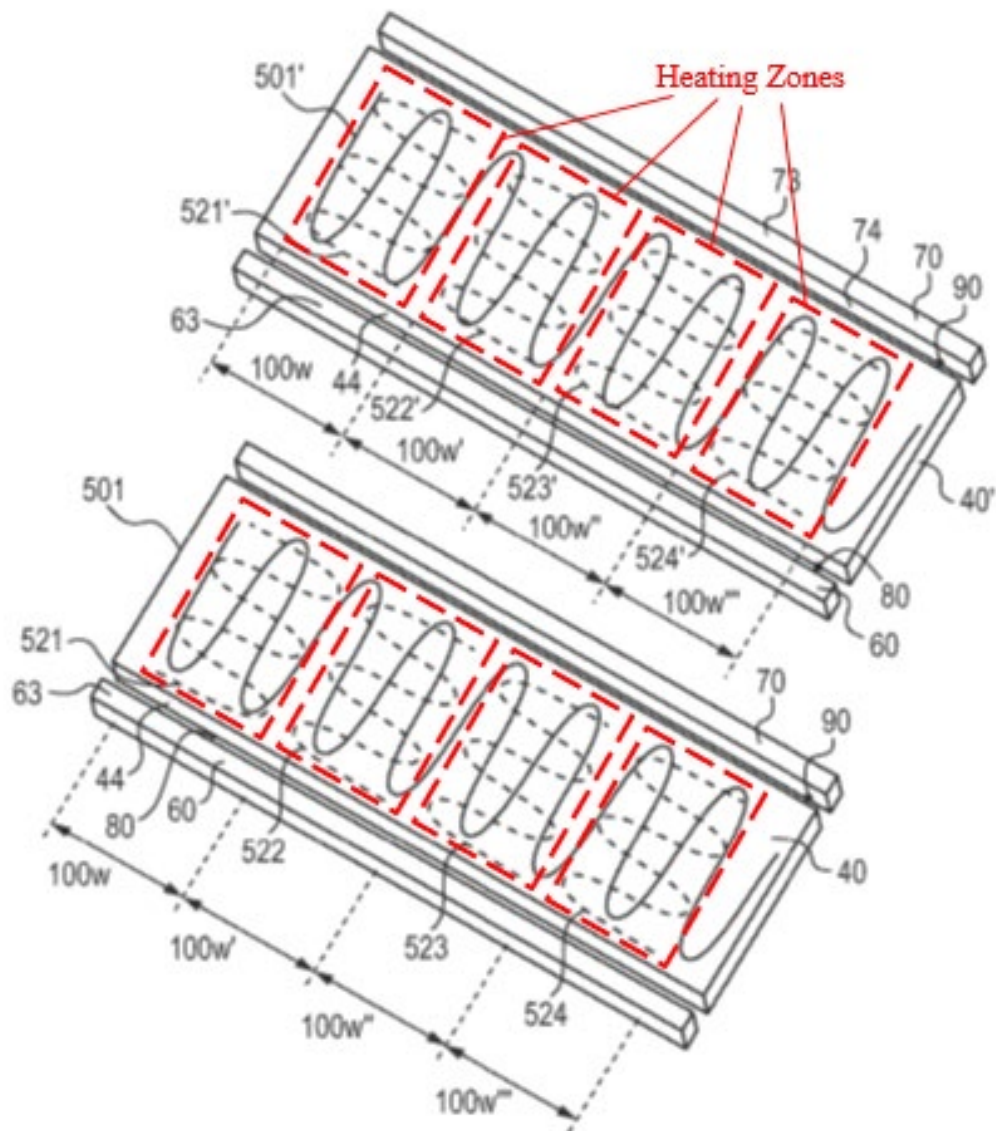
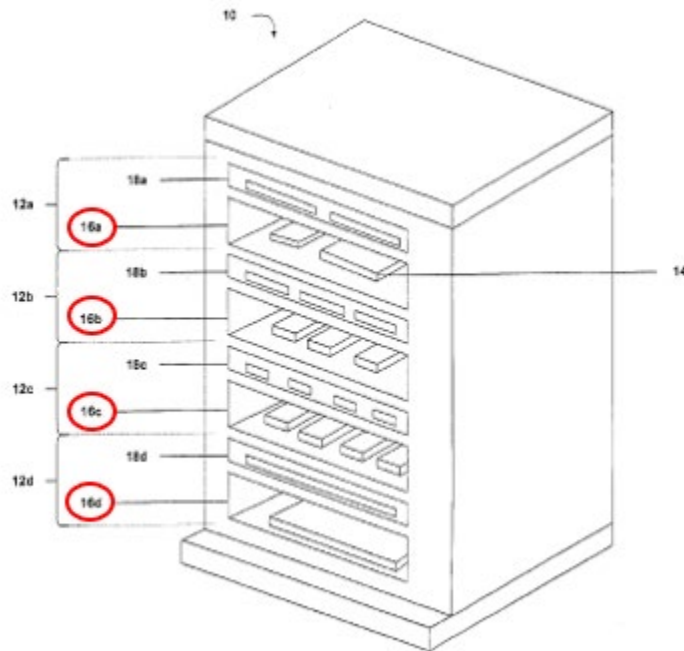


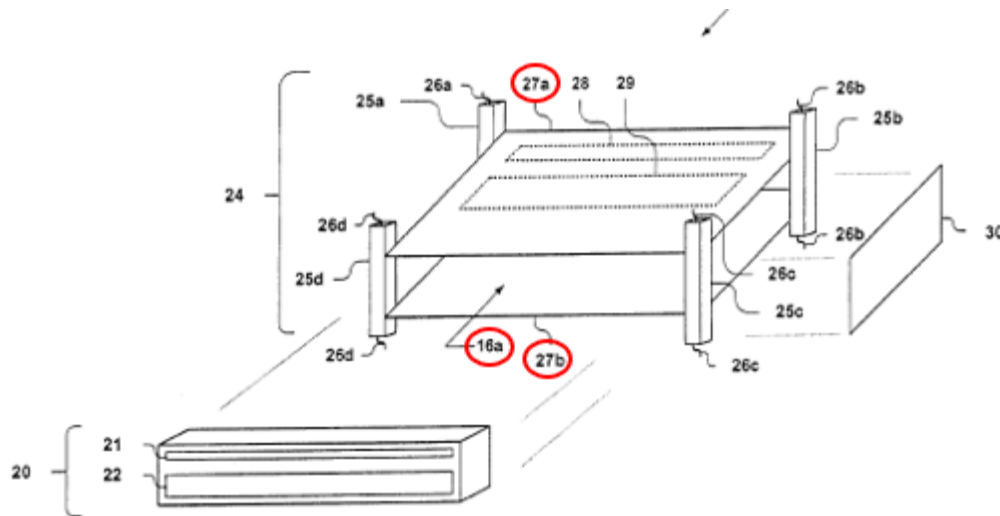
FIG. 10

EX1014: Figs. 2 and 10 (annotated).

747. Lastly, McMillan teaches upper and lower heater plates (27a, 27b) that include multiple heating elements for zoned heating across the width of a food

holding compartment or passageway (16a-d) “such that different portions of the passageway 16a may be set to different temperatures.” EX1019: 4:36-52. “In this way, the temperature of each passageway may be maintained according to the number and types of food product to be stored. For example, the passageway 16a may be set to store four different types of food products at four different temperatures.” EX1019: 4:48-59.





EX1019: Figs. 1 and 2 (annotated).

748. It would have been obvious to modify the Fortmann’748 cabinet to provide multiple independently controlled heating zones across each compartment, as taught by Jones, Fortmann’197, and/or McMillan.

749. Fortmann’748 already discloses heating two compartments (*e.g.*, upper and lower compartments) independently. EX1010: ¶¶[0022], [0024].

750. This modification would further Fortmann’748’s goal of heating “zones” for “food products that require different warming temperatures” by providing multiple temperature zones within the same compartment. EX1010: ¶[0024]; EX1019: 1:36-45 (“fast food restaurants [] face challenges [to] maintain a large volume of different food products ... [at] different storage temperatures”), 1:46-48 (“there exists a need for a holding cabinet ... structured and arranged to maintain multiple categories of food products”), 4:45-52.

751. This would increase the overall number of temperature zones for same cabinet size and enable each compartment of Fortmann’748’s cabinet to receive pans of food requiring different warming temperatures, increasing the flexibility for each compartment and the cabinet to hold more types of food at the same time. EX1007: 51 (“allows unlimited menu flexibility as each food product has tailored settings to control the thermal path of the food, leading to optimal quality, consistency and extended hold”), 53 (“[t]otal well independence allows freedom in product placement in the IRHS”); EX1019: 1:38-40 (“Each type of food product may present different requirements. For example, different foods may require different storage temperatures”).

752. This configuration would also “provide improved temperature separation between tray or bin locations” and “more accurate temperature control between products.” EX1012: ¶[0096].

753. This would also allow users to “precisely control the environment in each pan, allowing for customized settings for each food product.” EX1005: 16.

754. Further, to the extent Fortmann’748’s top compartment does not have heaters above it and Fortmann’748’s bottom compartment does not have heaters below it, this modification would add these heaters in the top wall (11) and bottom wall (12), thereby providing more uniform heating, better food quality, and extended hold time for the top and bottom compartments as is provided in the

compartments between the shelves (21). EX1006: 1 (“minimize temperature distribution from top to bottom of pan”); EX1005: 4 (“[e]xtended hold times with improved food quality and consistency were achieved through the innovative combination of two proven, patented Duke technologies: InfraRed and HeatSink. This new technology allows you to precisely control the environment in each pan”); EX1007: 53 (“[i]mproved temperature consistency throughout the pan through the unique use of dual holding technologies”).

755. This modification would merely require duplicating and resizing Fortmann’748’s existing heaters (60) around the compartments so that each zone within the compartments includes both upper and lower heaters.

756. This modification would have been nothing more than the application of a known technique (the inclusion of upper and lower heating elements per heating zone of Jones, Fortmann’197, and/or McMillan) to improve a similar device (the Fortmann’748 cabinet) in the same way (providing independent temperature control of each heating zone via each zone’s upper and lower heating elements).

757. There would have been a high expectation of success in making this modification given:

- (1) Fortmann’748 already teaches heating a compartment with heaters built into the shelf and a zone-capable control system (EX1010: ¶[0027]);

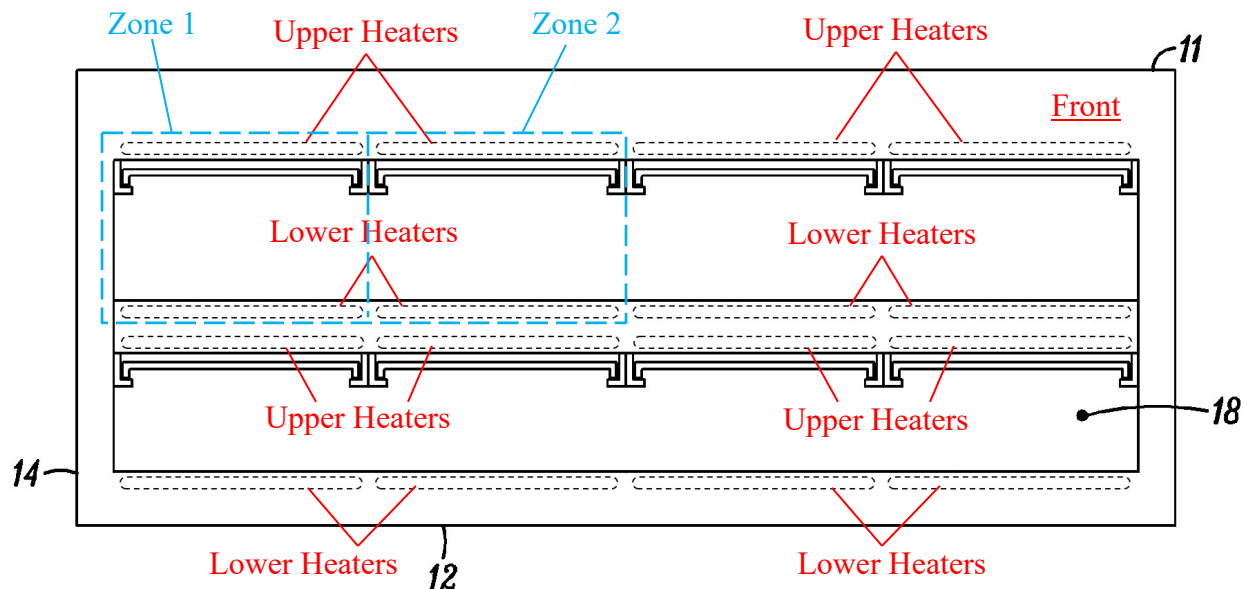
- (2) Fortmann'748 already teaches that each shelf (21) may “include[] one or more heaters 60”;
- (3) Fortmann'748 already teaches that the heaters (60) could provide heating to the compartments both above and below the shelf (21);
- (4) the similarities between the Fortmann'748 cabinet and the holding unit of Jones, Fortmann'197, and McMillan (*e.g.*, all units with at least two compartments for warming trays/pans of food via heating elements);
- (5) that the function of Fortmann'748's heaters would not change; and
- (6) Jones, Fortmann'197, and McMillan each demonstrate that individual heating of adjacent zones within a compartment was possible.

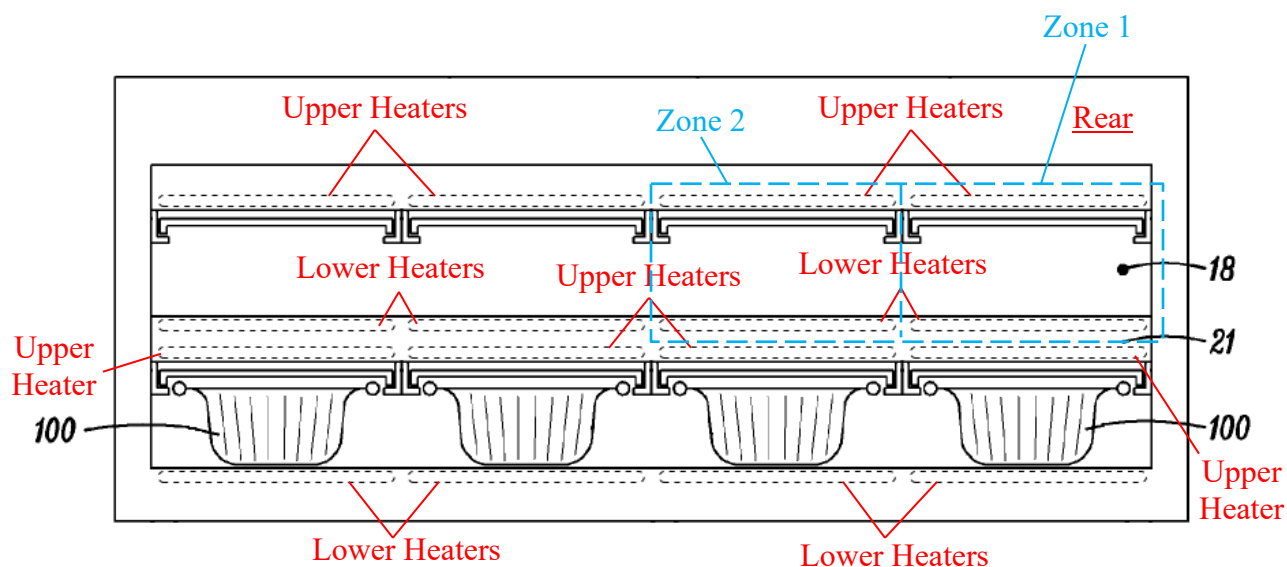
758. Additional prior art references demonstrate that there was a motivation within the field to include multiple heating zones across a shelf and that such configurations were already known to be readily feasible.

759. For example, the shelves (21) in U.S. Publication No. 2011/0114618 (“Chung”) were divided into three separately controlled temperature zones (A, B, C). EX1020: ¶[0022]. Chung explains “[t]emperature control of the separate zones A, B and C is accomplished by using separate temperature control elements in each zone, and which are thermally coupled preferentially to one zone over the others. By way of example, zone A in a first shelf has a heater embedded in the shelf and centered in the “A” zone. It therefore provides most of its heat output into the A zone.” EX1020: ¶[0022].

760. Jones, Fortmann'197, and McMillan teach *each* pan holding location/bay within a compartment having a distinct upper and lower heating element. EX1012: ¶[0096]; EX1014: 3:19-27, 8:63-67, 9:1-19; EX1019: 4:36-59.

761. Based on the teachings from Jones, Fortmann'197, and McMillan, the POSA would have found it obvious to duplicate the existing heaters (60) of Fortmann'748 so that each pan holding location has distinct upper and lower heaters. Schematic illustrations of the 2x4 Fortmann'748 cabinet modified to have upper and lower heaters for each pan holding location are shown below:

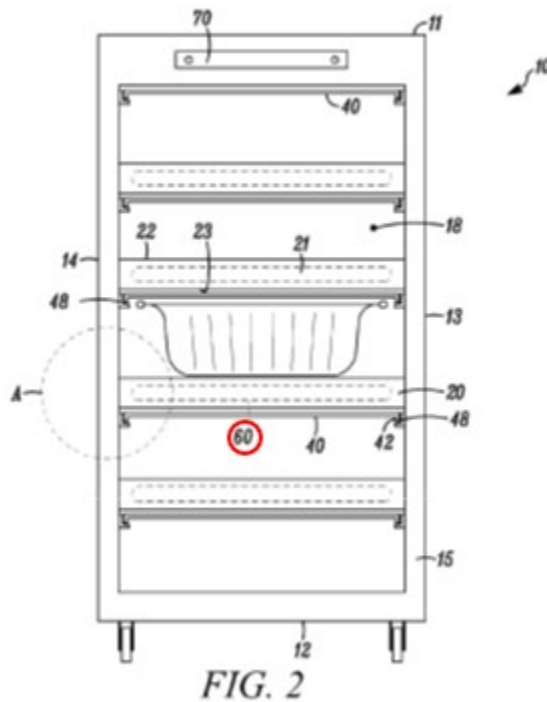




EX1010: Figs. 2 and 6 (modified, annotated).

3. Independently Controllable Top and Bottom Heaters per Zone

762. Fortmann'748's heaters (60) are taught to be independently controllable from one another. EX1010: ¶¶[0021] ("each shelf 21 may include one or more heaters 60 that are controlled separately from the heaters 60 that are disposed in conjunction with the remaining shelves 21"), [0027] ("the controller may selectively provide or secure current to the one or more heaters 60 disposed within each zone to control the temperature of the zone").



EX1010: Fig. 2 (annotated).

763. Jones, Fortmann'197, the IRHS Documents, and McMillan likewise teach food holding zones that are independently controllable from one another, providing more particularized descriptions of their disclosed controls configurations which the POSA would have been motivated to incorporate with respect to the Fortmann'748 cabinet as modified in Paragraphs 722-761 (Ground 12 Section XV(A)(1)-(2)) above.

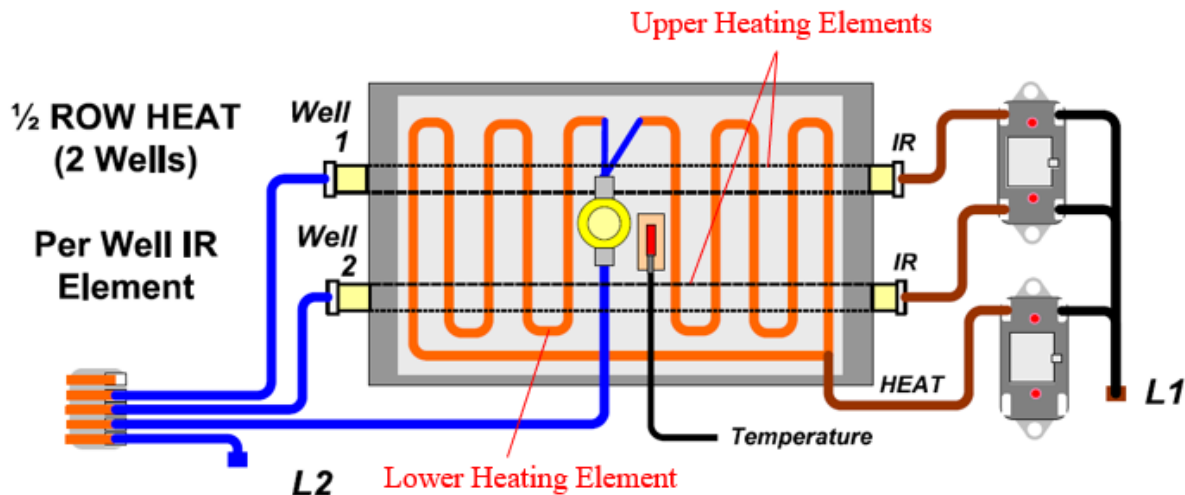
764. Jones teaches that upper and lower heaters for the food holding zones are independently controllable.

765. Jones explains its “control features of the invention provide control over ... upper and lower heat settings that are ... programmed into the software for each product name.” EX1012: ¶[0098].

766. Jones describes control operations in which an operator can independently set the temperatures of the upper and lower heating elements separately. EX1012: ¶[0130] (“Use ‘Up’ and ‘Down’ Arrows to Set Upper Heater Temperature” and “Use ‘Up’ and ‘Down’ Arrows to Set Lower Heater Temperature”).

767. Similarly, Fortmann’197 has independently controllable upper and lower heaters for each of its zones. EX1014: 8:63-67 (“the plate 40 may include multiple heaters 501, such as one heater 501 per discrete heating zone 100, with the controller 1000 controlling the heat to each heater 501 to maintain the desired temperature in the specific discrete heating zone”), 9:50-65 (“[t]he upper heaters 521, 522, 523, 524 may be individually controlled to maintain the temperature within the respective discrete heating zone 100 associated with the heater”), 9:59-65 (“the instructions inputted by the user ... may be used by the controller 1000 to operate the respective upper heater (and lower heater 501 in embodiments where the lower heater (or a portion of the lower heater may be controlled)[]) as necessary to maintain the desired temperature within the zone”).

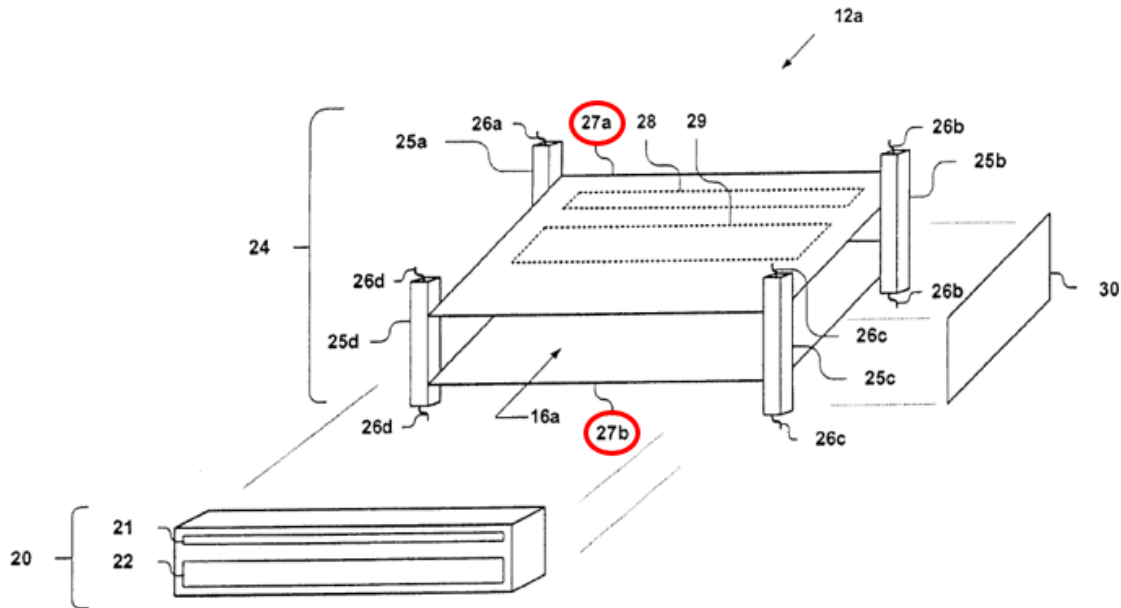
768. Likewise, the IRHS Documents teach the upper (IR bulb) and lower (electrical resistance heating element) heaters for each zone which are independently controllable from one another, as explained in Paragraphs 138-162 above (Ground 1 claim limitation 1.d.2).



EX1005: 25 (annotated).

769. Lastly, McMillan states “[e]ach of the heater plates 27a, 27b may be individually controlled to maintain a certain temperature set by an operator.”

EX1019: 4:40-42. As shown below, heater plate “27a” is heating a food holding zone above a shelf (i.e., a lower heater for the food holding zone above the shelf) and heater plate “27b” is heating a food holding zone below a shelf (i.e., an upper heater for the food holding zone below the shelf).



EX1019: Fig. 2 (annotated).

770. It would have been obvious to make the upper and lower heaters of each zone of Fortmann’748’s cabinet as modified in Paragraphs 722-761 above to be independently controllable, as taught by Jones, Fortmann’197, IRHS Documents, and/or McMillan.

771. This adaptation would have provided “more accurate temperature control between products” and “limit temperature bleed over between [zones].”

EX1012: ¶[0096].

772. This adaptation would have also enabled “precise[] control [of] the environment in each pan, allowing customized settings for each food product” and provided “the ability to maintain gold standard sensory attributes at drastically extended hold times while delivering hotter food to [] customers.” EX1005: 4 (explaining the benefits of the IRHS heatsink and IR bulbs); EX1007: 10 (“Tailor

each well specifically to the products within them, providing unlimited flexibility per well”).

773. Independently controllable upper and lower heaters would have also “minimize temperature distribution from top to bottom of [the] pan” in the zone to improve temperature consistency. EX1006: 1; EX1007: 53 (“[i]mproved temperature consistency”).

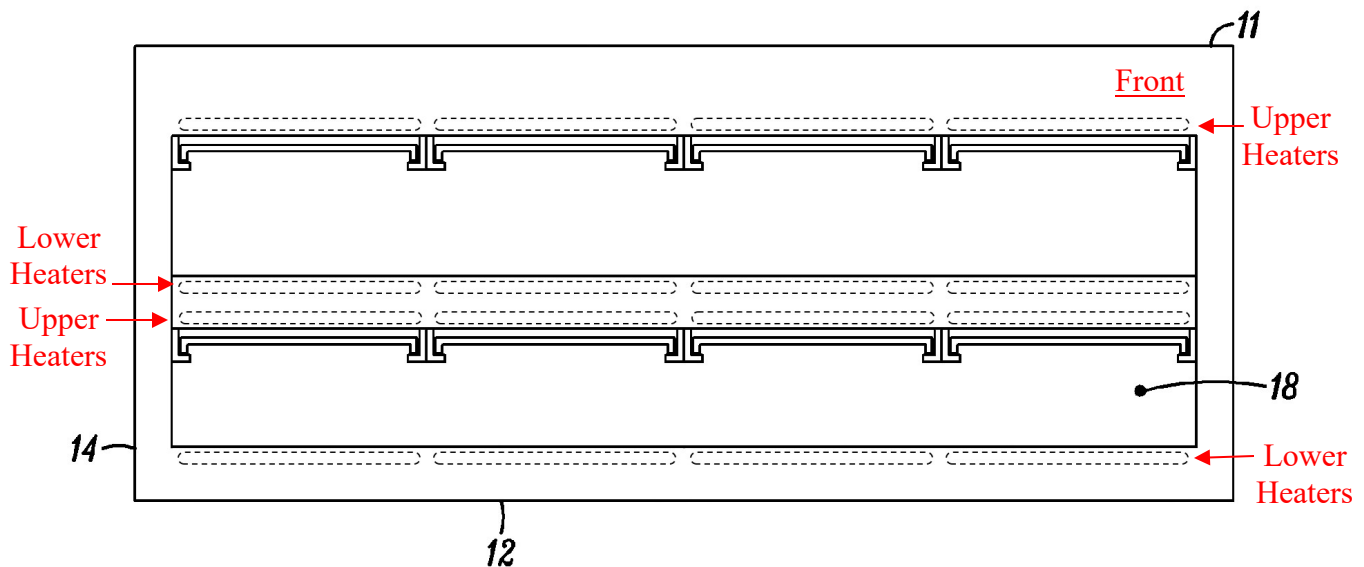
774. Additionally, having independently controllable upper and lower heaters of each zone of the modified Fortmann’748’s cabinet would have “offer[ed] maximum flexibility in setting the precise food holding temperatures.” EX1009: 16. This would have allowed the upper and lower heaters of each zone to be set to different temperatures as needed for certain food products (*e.g.*, eggs) which may have higher quality where the overhead heating is set differently than the heating from underneath. EX1028: 39 (teaching the upper heating temperature for eggs is 160°F and the lower heating temperature for eggs is 180°F).

775. This modification would have been nothing more than the application of a known technique (the independently controllable upper and lower heaters per heating zone of Jones, Fortmann’197, IRHS Documents, and/or McMillan) to improve a similar device (Fortmann’748’s cabinet) in the same way (incorporating independent temperature control of each heating zone via each zone’s independently controllable upper and lower heaters).

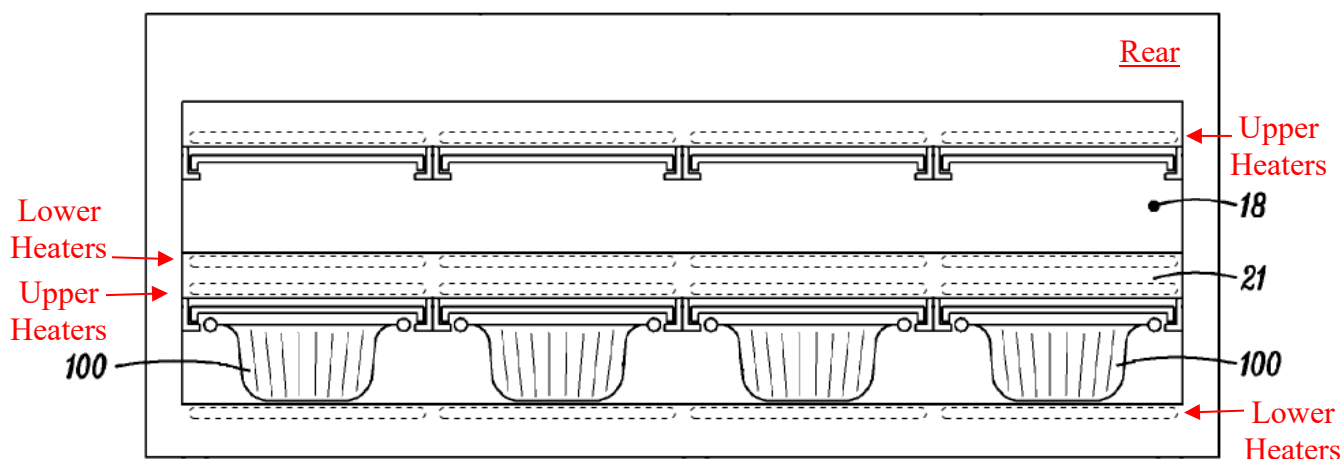
776. There would have been a high expectation of success in making this modification given:

- (1) the similarities between the Fortmann'748 cabinet and the holding unit of Jones, Fortmann'197, IRHS Documents, and McMillan (e.g., all units with two or more compartments for warming trays/pans of food via heating elements);
- (2) Fortmann'748 has a zone-capable control system. EX1010: ¶[0027]; and
- (3) that Jones, Fortmann'197, IRHS Documents, and McMillan demonstrate it is feasible to independently control upper and lower heaters. EX1005: 16; EX1006: 1; EX1007: 53; EX1012: ¶[0096]; EX1014: 8:63-67, 9:50-65; EX1019: 4:36-59.

777. Representative illustrations³ of Fortmann'748's cabinet modified to demonstrate each food holding zone having independently controllable upper and lower heaters as shown below:



³ These illustrations include further modifications as explained below.



EX1010: Figs. 2 and 6 (modified, annotated).

778. Fortmann’748 teaches a control system having “one [or] more sensors disposed in each heating zone,” “an input device for the user to select the desired temperature [] within the heating zone” and a “controller [that] selectively provide[s] or secure[s] current to the one or more heaters 60 disposed within each zone to control the temperature of the zone.” EX1010: ¶[0027]. The control system thus “adjusts the heat output within each zone to achieve the desired temperature.” EX1010: ¶[0027].

779. When modifying the Fortmann’748 cabinet to have multiple heating zones per compartment by adding independent upper and lower heaters for each zone and to have the upper and lower heaters for each zone to be independently controllable, the POSA would have operatively coupled all the heaters to Fortmann’748’s control system. EX1010: ¶[0027].

780. Fortmann'748's controller is already able to operate heaters independently in different zones and therefore would have been understood to be capable of operating the additional heaters independently as well. EX1010: ¶¶[0021] (“one or more heaters 60 that are controlled separately from the heaters 60 that are disposed in conjunction with the remaining shelves 21”), [0024] (“establish two or more heat zones of differing temperatures within the warming volume, to allow food products that require different warming temperatures to be simultaneously disposed within the cart 10”) ; [0027] (“a control system configured to adjust the heat output within each zone to achieve the desired temperature. In some embodiments, the controller may selectively provide or secure current to the one or more heaters 60 disposed within each zone to control the temperature of the zone”).

781. When implementing the modifications, the POSA or a member of his/her interdisciplinary team would have been able to make any minor programming changes to Fortmann'748's controller, as taught by Jones, Fortmann'197, IRHS Documents, and McMillan, to:

- (1) independently control the upper and lower heaters for each zone to provide the multiple independently controlled heating zones across each compartment of Fortmann'748's modified cabinet; and
- (2) make the upper and lower heaters of each zone independently controllable.

782. As corroborated by Fortmann'197, the POSA would have “appreciated that controllers [were] well known [as being] capable of controlling one or more heaters based upon feedback systems to maintain a monitored location (such as a discrete heating zone) within a temperature range.” EX1014: 9:65-10:2.

4. Modified Controls

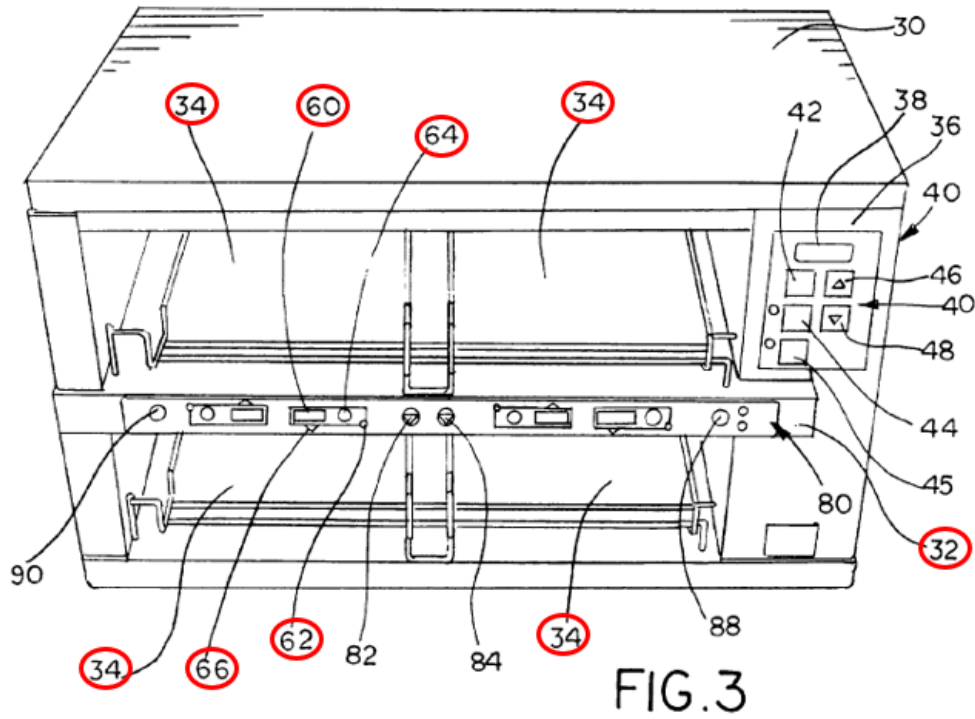
783. Fortmann'748 describes its control system as having a generic “input device for the user to select the desired temperature [] within the heating zone” and “a display that provides an indication of a temperature upon or proximate to each of the plurality of shelves 21 (or representative shelves within a specific heat zone).” EX1010: ¶[0027].

784. While Fortmann'748 describes a generic input device and display, Vaseloff provides more specific descriptions of its input devices and displays that would be compatible with and improve upon Fortmann'748.

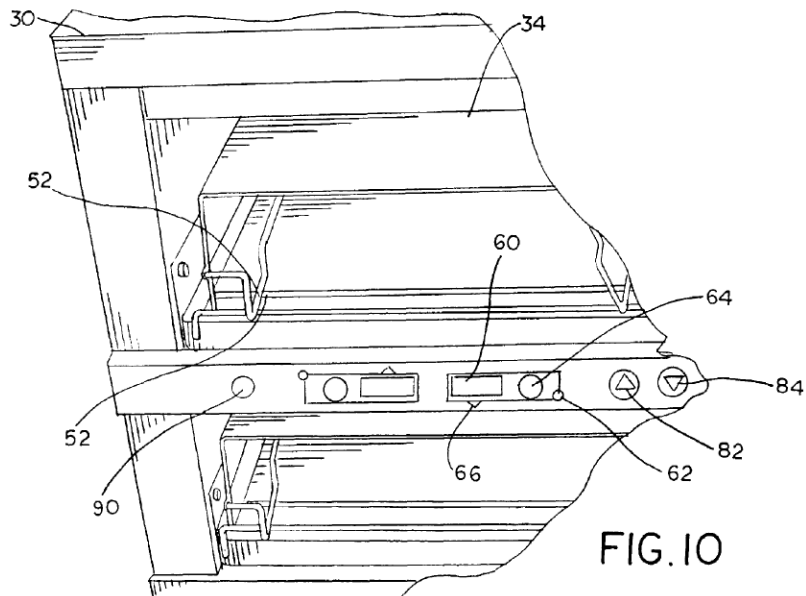
785. Vaseloff teaches a food holding device (30) having a timer module (32). EX1026: 2:60-63, 3:48-49, Figs. 3, 4, 10.

786. The timer module (32) includes display devices (60), timer status indicators (62), and timer buttons (64). EX1026: 3:48-51. Each display device (60) is grouped with a corresponding timer status indicator (62) and timer button (64), and these groupings (*e.g.*, display/control groups) are positioned near and associated with a particular pan location (34) as confirmed by a visual indicator

arrow (66) that points up or down to the pan location. EX1026: 4:5-6, 4:20-22, 4:26-33, 4:48-49, 6:51-52.



EX1026: FIG. 3 (annotated).



EX1026: Fig. 10.

787. The display devices (60) display the identity of the food (*e.g.*, “EGGS”) held at each pan location (34) and “can display or indicate a variety of information about the food.” EX1026: 4:5-15. For example, the timer button (64) activates/deactivates a hold timer, and the timer status indicator (62) includes an LED capable of flashing and emitting any color for indicating statuses such as “standby”, “food product has expired”, “timing in progress”, and “near expiration and oldest food product of its kind”. EX1026: 6:51-52, 4:50-59; 6:1-25.

788. The POSA would have recognized Vaseloff’s display devices (60), timer status indicators (62), and timer buttons (64) as suitable examples of the generic input device and display in Fortmann’748’s control system.

789. In view of Vaseloff, the POSA would have considered it obvious to incorporate Vaseloff’s display/control groups (*e.g.*, each set of display device (60), timer status indicator (62), timer button (64), and indicator arrow (66)) into Fortmann’748’s modified cabinet for each pan holding location.

790. In incorporating Vaseloff’s display/control groups, each pan holding location/ bay would have its own display/control group (*e.g.*, display device (60), timer status indicator (62), timer button (64), and indicator arrow (66)). EX1019: 3:21-23 (“each display panel 18a-d may be configured to convey information corresponding to the number of different categories or types of food products”).

791. Providing each pan holding location with its own display/control group would visually associate the controls with the pan holding location, making it easier and quicker for the user to identify the controls (*e.g.*, display device (60), timer status indicator (62), and timer button (64)) for each pan holding location. EX1026: 4:20-22 (“display devices 60 are positioned on the timer modules 32 such that a user can visually determine which display device 60 is associated with which holding compartment”); EX1019: 10:5-10 (“the holding cabinet user interface includes food product displays 180a-d for conveying information regarding the stored food products. The location of the food product displays 180a-d corresponding to the position of the food products within the passageway 16a”).

792. Providing each pan holding location with its own display/control group would thus improve the user’s interaction with the cabinet by making it more intuitive for the user to associate the information shown by the display with a specific pan holding location and to identify the input device associated with the pan holding location (*e.g.*, to start a hold timer for the particular pan). EX1026: 4:25-30 (“a user of the food holding device 30 can intuitively determine the association of the display device 60 with its associated holding compartment”), 6:51-55 (“a timer may also be activated/deactivated by an associated timer button 64”).

793. Moreover, as Vaseloff's display devices (60) display the identity of the food (*e.g.*, "EGGS") held at each pan holding location, and Vaseloff's indicators (62) indicate food/timer status, adopting Vaseloff's display/control group would intuitively identify the type of food at or to be placed in each pan holding location and facilitate food inventory/timing management (*e.g.*, discard expired food, cook more food) including first-in-first-out operations. EX1026: 4:5-15, 4:48-6:25.

794. Adopting Vaseloff's display/control groups would have been nothing more than combining known prior art elements (display/control groups of Vaseloff and the cabinet of Fortmann'748) according to known methods (the arrangement taught by Vaseloff) to yield predictable results (display/control groups on the cabinet with controls associated with each pan holding location).

795. This would have also been nothing more than an application of a known technique (the display/control groups of Vaseloff) to a known device (the cabinet of Fortmann'748) in the same way (incorporating the display/control groups on the cabinet with controls associated with each pan holding location/by).

796. The POSA would have been motivated to adopt Vaseloff's display/control groups and had a high expectation of success because the food holding units are similar.

797. As Vaseloff explains, “one of ordinary skill in the art will appreciate the flexibility and versatility of the disclosed food timing system for it can be applied to any food preparation and storage device that is typically used in restaurants.” EX1026: 11:35-38.

798. Moreover, there would have also been a high expectation of success in making this modification given

- (1) the similarities between the Fortmann’748 cabinet and the unit of Vaseloff (*e.g.*, all units with compartments for warming trays/pans of food via heating elements),
- (2) Fortmann’748’s control system already uses a generic input device and display, and
- (3) Vaseloff’s display/control groups would function in generally the same way when incorporated into Fortmann’748’s cabinet.

799. When implementing this adaptation, the POSA would have connected each of Vaseloff’s display/control groups, including display device (60), timer status indicator (62), and timer button (64), to Fortmann’748’s controller as taught by Fortmann’748 and Vaseloff. EX1010: ¶[0027] (“control system may include or operate in conjunction with a display” and “control system 200 may include or communicate with an input device”); EX1026: 2:17-20 (“the food timing system further includes a centralized processor and a centralized memory for managing the connectivity, information sharing, and coupled operations of the timer modules 32”).

800. The POSA or a member of his/her interdisciplinary team would have further suitably modified the connections to and/or programming of Fortmann'748's controller to accommodate the Vaseloff display/control groups.

801. Moreover, when modifying Fortmann'748's cabinet to include Vaseloff's display/control groups, it would have been obvious to arrange the Vaseloff display/control groups on both the front and back of Fortmann'748's cabinet as taught by Fortmann'197, IRHS Documents, and/or McMillan.

802. Each of Fortmann'197, the IRHS Documents, and McMillan teach providing displays and controls on both the front and back sides of pass-through warming cabinets. EX1005: 8, 20, 25; EX1006: 2; EX1007: 54, 56; EX1008: 61; EX1014: 3:51-55, 4:25-37; EX1019: 3:44-47, 4:15-17.

803. Fortmann'748 cabinet is a pass-through design that allows food pans to be inserted and removed from both the front and back of the unit. EX1010: ¶[0014].

804. Providing Vaseloff's display/control groups on both the front and back of Fortmann'748's cabinet would allow for viewing information (*e.g.*, temperature) and for controlling of cabinet (specifically, each pan holding location) operation (*e.g.*, timer) from either the front or back side. EX1014: 4:32-37 ("where the plurality of displays 130 and inputs 140 are provided on both the front and rear end walls 60, 70, the respective displays 130 may be operated simultaneously, and

one or both of the inputs 140 may be configured to accept user instructions”); EX1019: 5:42-44 (“the control system 30 may transmit display commands to the display screen 21 of a front and/or rear bezel assembly 20 for displaying particular information”); EX1024: 11:34-38 (“control and display areas 264A-D [on the inlet side I] are replicated on outlet side O as control and display areas 266A-D and are controllable from either inlet side I or outlet side O for the convenience of the restaurant personnel”).

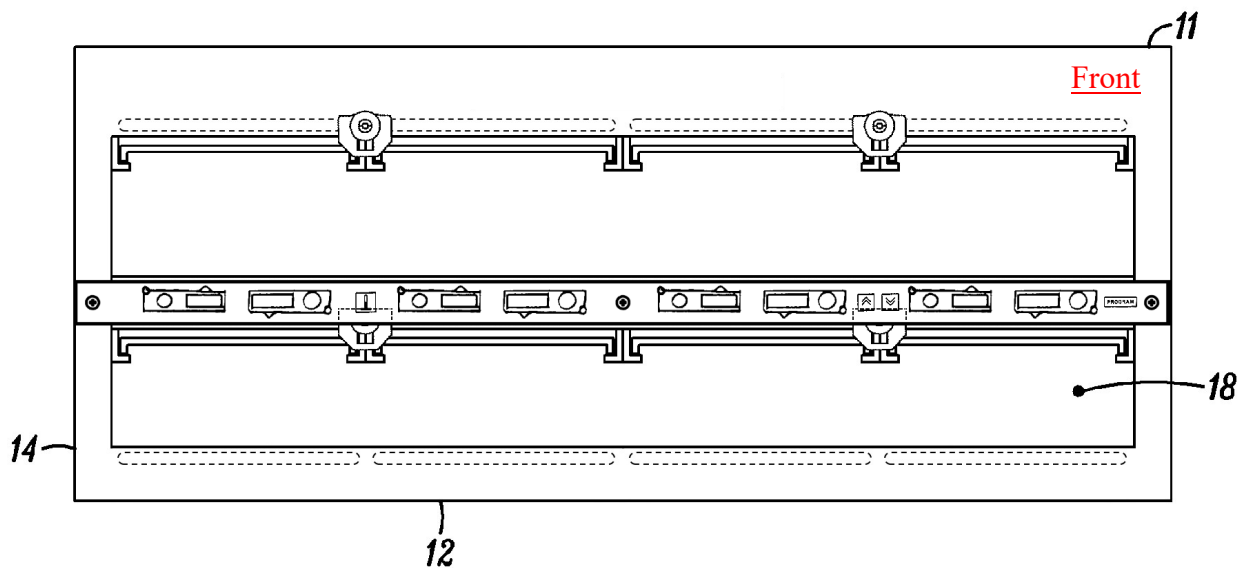
805. This would thus allow users on both sides of the cabinet to coordinate proper use of the food in the cabinet. EX1029: 5:19-23 (“[b]ecause both the front side and rear side of the cabinet 10 have displays, operators on the front side and operators at the rear side view substantially identical information to coordinate proper use of the food in the cabinet”).

806. Providing Vaseloff’s display/control groups on both the front and back of Fortmann’748’s cabinet would have been nothing more than the application of a known technique (arranging displays and controls on both the front and rear of a cabinet per Fortmann’197, IRHS Documents, and/or McMillan) to improve a similar device (the Fortmann’748 cabinet) in the same way (enabling operators on the front and/or rear side of the cabinet to view information and control the operation of the cabinet).

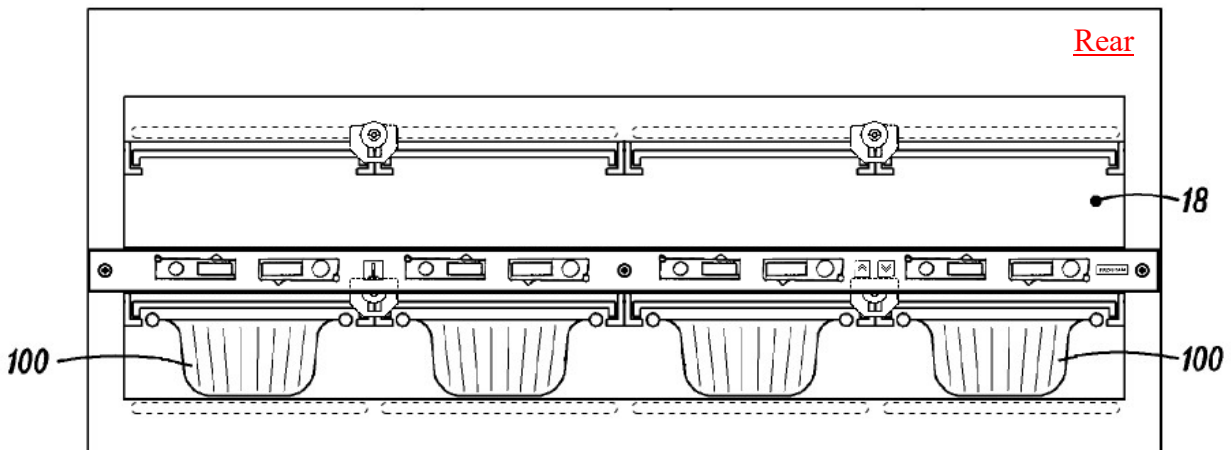
807. There would have been a high expectation of success in making these modifications given

- (1) the similarities between the Fortmann'748 cabinet and the units of Fortmann'197, IRHS Documents, and McMillan (*e.g.*, each disclose units with compartments for warming trays/pans of food via heating elements); and
- (2) that Vaseloff's display/control groups would still function in generally the same way.

808. Representative illustrations⁴ of the 2x4 Fortmann'748 cabinet modified to have Vaseloff's display/control groups are shown below:



⁴ These illustrations include further modifications as explained below.



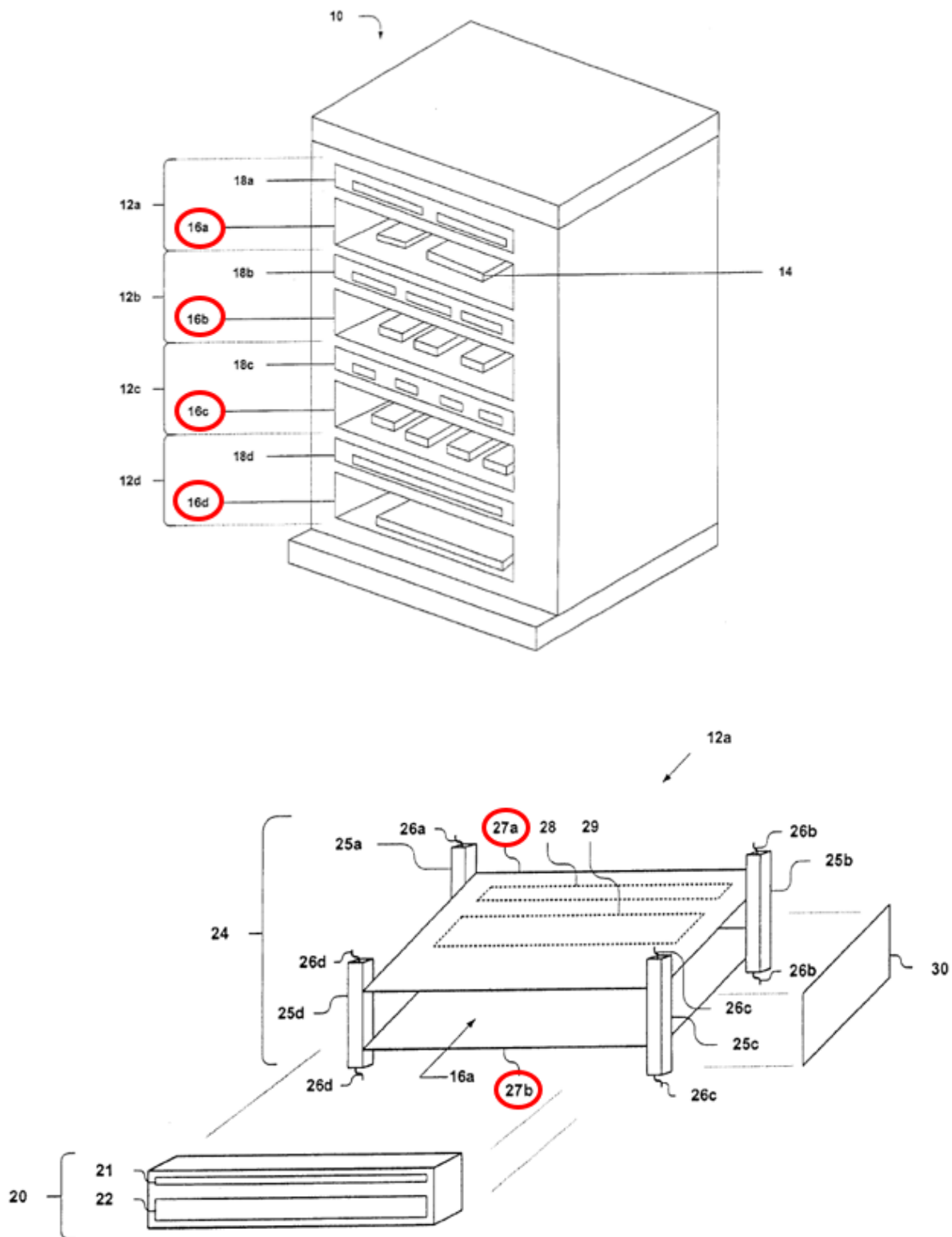
EX1010: Figs. 2 and 6 (modified).

5. Temperature Control

809. Fortmann’748 describes its control system as having a generic “input device for the user to select the desired temperature [] within the heating zone” and “a display that provides an indication of a temperature upon or proximate to each of the plurality of shelves 21 (or representative shelves within a specific heat zone).” EX1010: ¶[0027].

810. While Fortmann’748 describes a generic input device and display for providing temperature control, McMillan provides more specific descriptions as to how such devices and displays could be configured and operated.

811. McMillan teaches a food holding cabinet (10) including several food passageways (16a-16d). EX1019: 2:49-52, 2:65-67. Each passageway includes upper and lower heater plates (27a, 27b). EX1019: 4:36-52.



EX1019: Figs. 1 and 2 (annotated).

812. McMillan teaches the upper and lower heater plates (27a, 27b) “may be individually controlled to maintain a certain temperature set by an operator” and that the upper and lower heater plates may include heating elements configured for zoned heating across the width of the compartment “such that different portions of the passageway 16a may be set to different temperatures.” EX1019: 4:36-52.

813. To accomplish this, each of McMillan’s food passageways has a display panel (18a-d) having a food product display (180a-d) for each food holding location. EX1019: 9:58-61, 10:5-10.

814. Each of these food product displays (180a-d) include a message area (183a-d) for displaying information to the user, such as the name of the food product being held in the food holding location and the holding temperature (actual holding temperature and/or set holding temperature). EX1019: 10:10-33 (“message areas 183a-d may display alpha-numeric messages to an operator regarding the stored food products 14.... For example, when a food product is selected, the message display areas 183a-d may present a description (*e.g.*, name, category) of the selected food product.... When the temperature is set, the message display areas 183a-d may present a numeric value indicating the current and/or set temperature.”).

815. McMillan’s display panel (18a-d) includes arrow keys (184, 185), a temperature key (187) for the user to display temperature information and/or enter

operational changes, and a program key (188) for the user to set the holding temperatures. EX1019: 10:43-58 (“The up and down arrow keys 184, 185 allow an operator to increase and decrease displayed values (*e.g.*, temperature, time) or change selections.... The temperature/enter/page key 187 may respond to user input and allow an operator to display temperature information, enter operational changes, and/or scroll to different pages. The program key 188 may respond to user input and may allow an operator to change or select food products, meals, product positions, and/or holding temperatures.”).

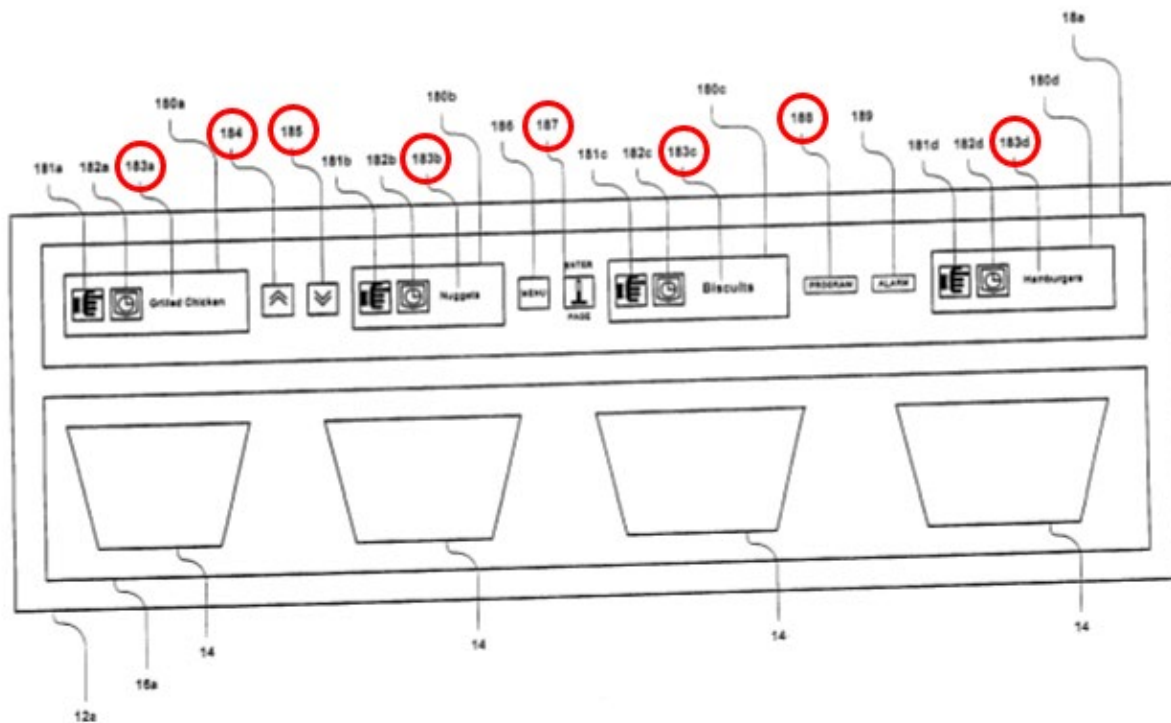


Fig. 5a

EX1019: Fig. 5a (annotated).

816. The POSA would have found it obvious to modify the display devices of Vaseloff (and/or programming of Fortmann’748’s control system) to include the ability to display current temperatures and setpoint temperatures in the display device (60) for each pan location as taught by McMillan. EX1019: 10:30-32 (“display areas [] may present a numeric value indicating the current and/or set temperature”).

817. Moreover, in view of McMillan, it would have been obvious to incorporate McMillan’s controls to change the setpoint temperatures. EX1019: 10:43-58 (“allow an operator to change or select ... holding temperatures”). Fortmann’748 generally explains its input device allows “the user to select a desired temperature within the specific ... heat zone” and McMillan provides a specific example of how this can be implemented. EX1010: ¶[0027].

818. Incorporation of McMillan’s controls for displaying and setting temperature would have provided an easy, fast, and intuitive way for a user to see current and setpoint temperatures in a manner associating them with the corresponding pan location/bay. EX1019: 1:29-35, 1:38-49, 10:6-10; EX1026: 4:20-22, 4:25-30.

819. Incorporation of McMillan’s controls for displaying and setting temperature would have also allowed the user to change the holding temperatures as needed, such as to accommodate changes in the types of food being held.

820. In making this modification, it would have been obvious for the POSA to incorporate McMillan's arrow keys (184, 185) to "allow an operator to increase and decrease displayed values (*e.g.*, temperature, time) or change selections," as taught by McMillan. EX1026: 7:30-32; EX1019: 10:46-48.

821. It would have been further obvious for the POSA to incorporate McMillan's temperature button (187) to "allow a user to display temperature information, enter operational changes, and/or scroll to different pages" and/or the program button (188) to permit the user to "change or select ... holding temperatures." EX1019: 10:52-58.

822. It would have been well within the skill in the art to implement the arrow keys, temperature button, and program button as physical buttons. EX1026: 2:60-3:19 (teaching physical programming buttons), 7:29-32 (teaching physical up-arrow and down-arrow buttons).

823. It would have been obvious to the POSA to program Fortmann'748's controller, as modified in view of Vaseloff, to permit a user to display the current and setpoint temperatures for each pan location in the associated display (60) and to change the setpoint temperature for individual pan locations/bays by use of the up-arrow and down-arrow buttons (184, 185), the temperature button (187), and/or the program button (188), similar to the teachings of McMillan. EX1019: 10:6-8, 10:20-33, 10:42-58.

824. For example, a first press of the temperature button (187) could cause each display (60) to display a current temperature of its associated pan location. Additional presses of the temperature button (187) could cause each display (60) to display an upper setpoint temperature then a lower setpoint temperature of its associated pan location. The program button (188) could be pressed as needed to cycle through the displays (60) (*e.g.*, from left to right) to select a desired pan location for temperature programming and the arrow buttons (184,185) could be pressed to adjust the displayed setpoint temperature for that pan location.

825. Implementation of McMillan's control operations would have been nothing more than the application of a known technique (incorporating actual and set-point temperature display and the operations to change the set-point temperature of McMillan) to improve a similar device (Fortmann'748's cabinet) in the same way (displaying actual and set-point temperatures for each pan holding location to a user and providing the ability for the user to change the set-point temperature).

826. There would have been a high expectation of success in making these modifications given:

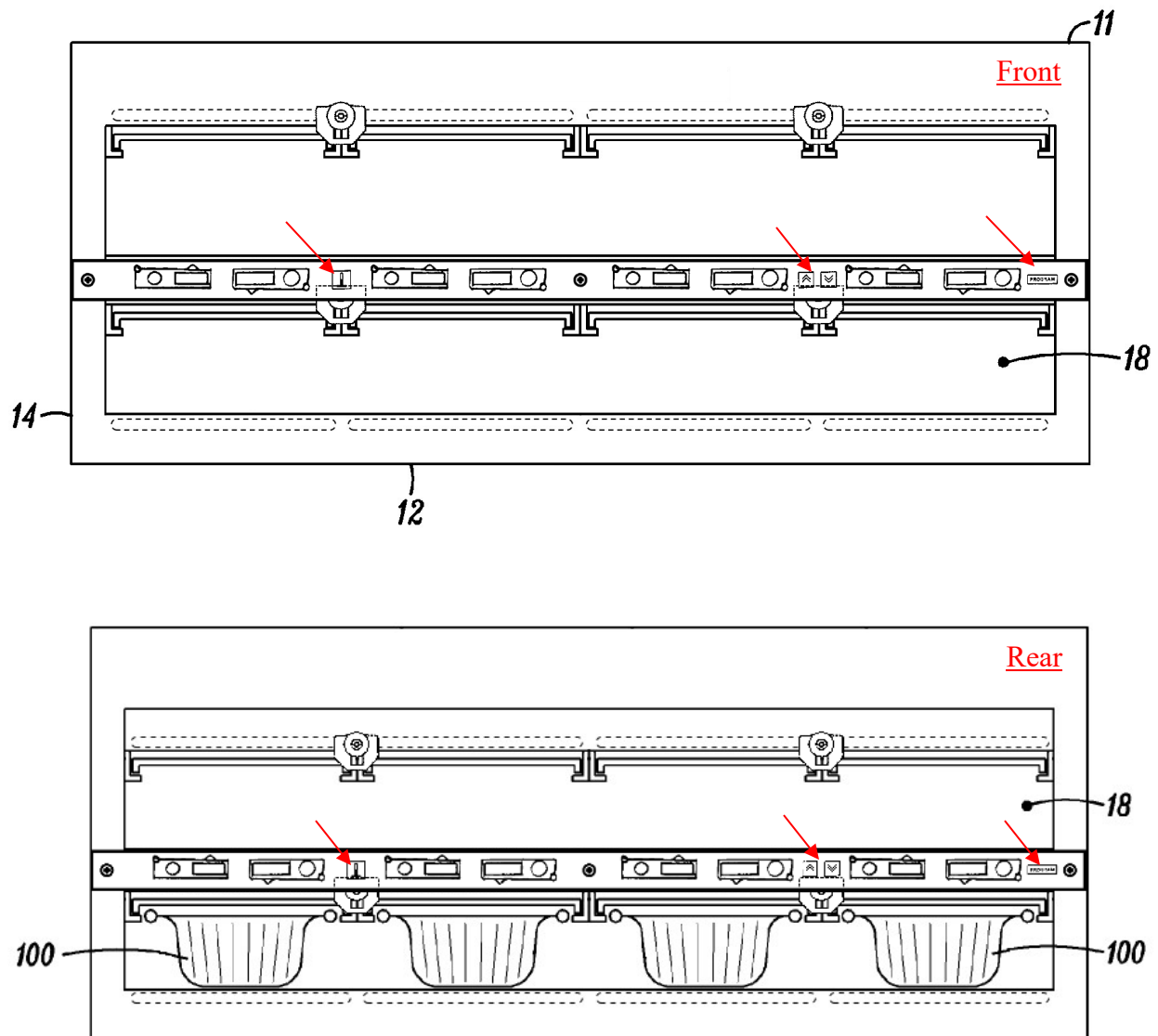
- (1) the similarities between the Fortmann'748 cabinet, Vaseloff's unit, and the unit of McMillan (*e.g.*, all units with compartments for warming trays/pans of food via heating elements);
- (2) that Vaseloff's display devices are already able to display numeric values (EX1026: 4:10-12, 7:26-32); and
- (3) McMillan's buttons would function in generally the same way when incorporated into Fortmann'748's cabinet.

827. When implementing this modification, it would have been obvious to the POSA to connect McMillan's controls (*e.g.*, arrow keys (184, 185), temperature button (187), program button (188)) to Fortmann'748's controller. EX1010: ¶[0027].

828. It would have been within the skill in the art to make any changes to Fortmann'748's controller and software to implement this ability to display and change temperatures. EX1019: 6:15-19 ("The main controller 34 may interface with the memory 32 and execute the control program. Under the direction of the control program, the main controller 34 may control the operation of the shelving unit 12a.").

829. Representative illustrations⁵ of the 2x4 Fortmann'748 cabinet modified to have McMillan's controls (*e.g.*, arrow buttons, temperature button, program button) are shown below:

⁵ These illustrations include further modifications as explained below.



EX1010: Figs. 2 and 6 (modified).

6. Timer Bar/Bezel

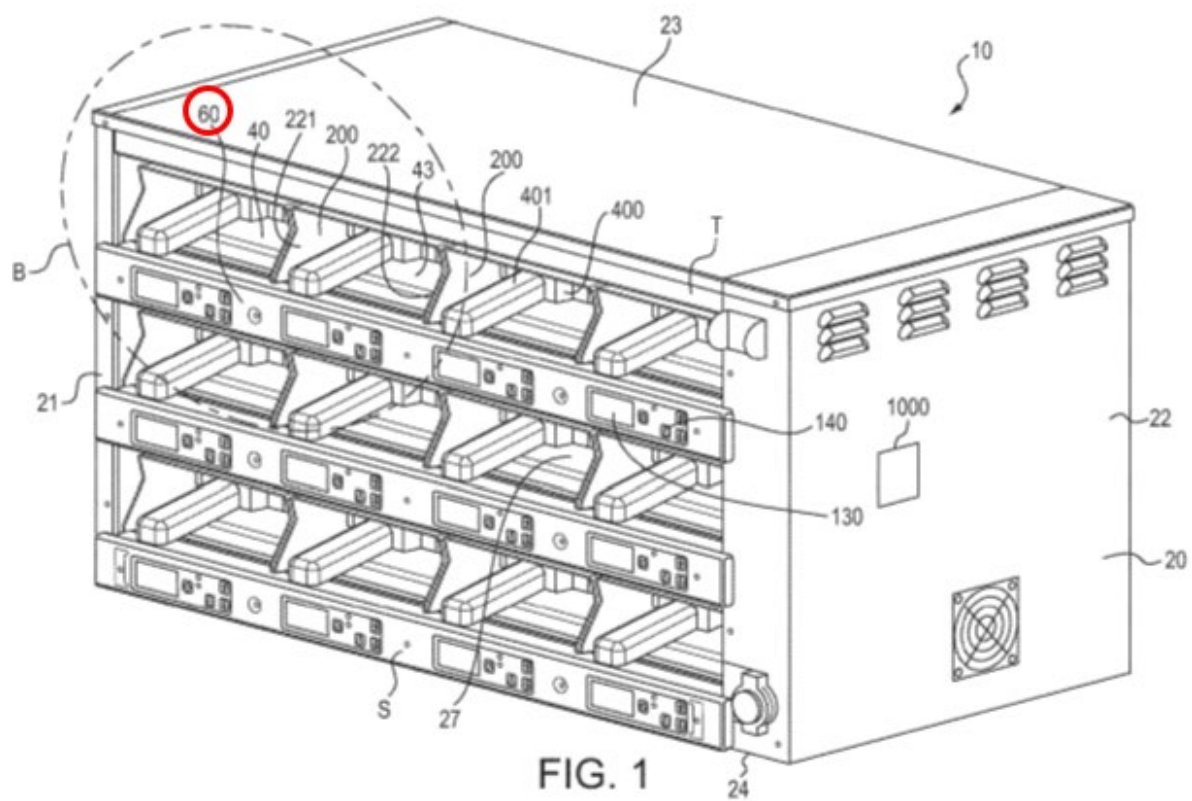
830. As discussed above it would have been obvious to the POSA to modify Fortmann'748's cabinet to include Vaseloff's display/control groups and buttons per McMillan.

831. It would have further been obvious to locate these display/control groups and buttons on a timer bar or timer bezel as taught by Fortmann'197, the IRHS Documents, and Hartfelder.

832. Fortmann'197's holding cabinet (10) has control bars (60) spaced forward of the shelves (40) and control bars (70) spaced rearward of the shelves. EX1014: 2:58-59, 3:28-30, 3:55-56, 4:18-37, Figs. 1-3 and 5.

833. An "air gap" (80, 90) is established between each control bar (60) and its corresponding shelf. EX1014: 3:36-39, 4:18-25.

834. As shown below, each control bar (60, 70) includes "a display 130 and input 140 that is associated with each discrete heating zone 100." EX1014: 3:51-55, 4:25-32, Figs. 1-3. The user would interact with the displays (130) and inputs (140) to control each respective heating zone. EX1014: 4:32-37, 9:56-65.



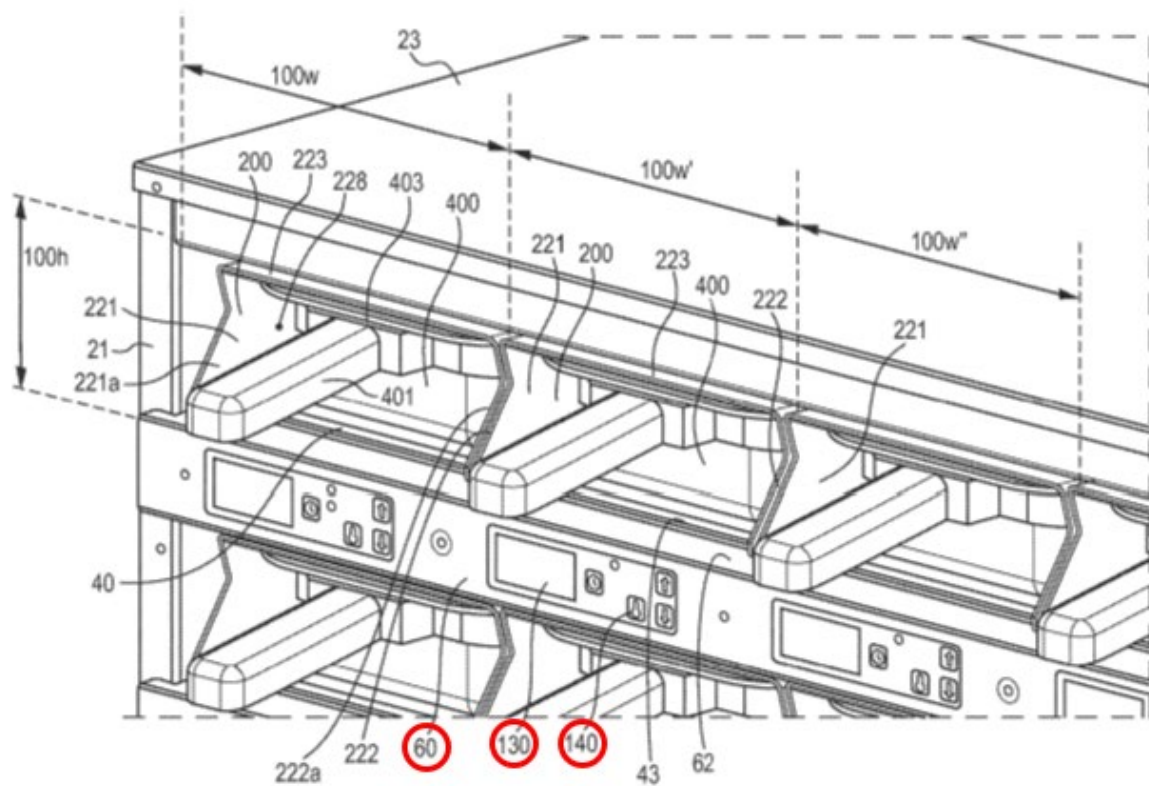


FIG. 2

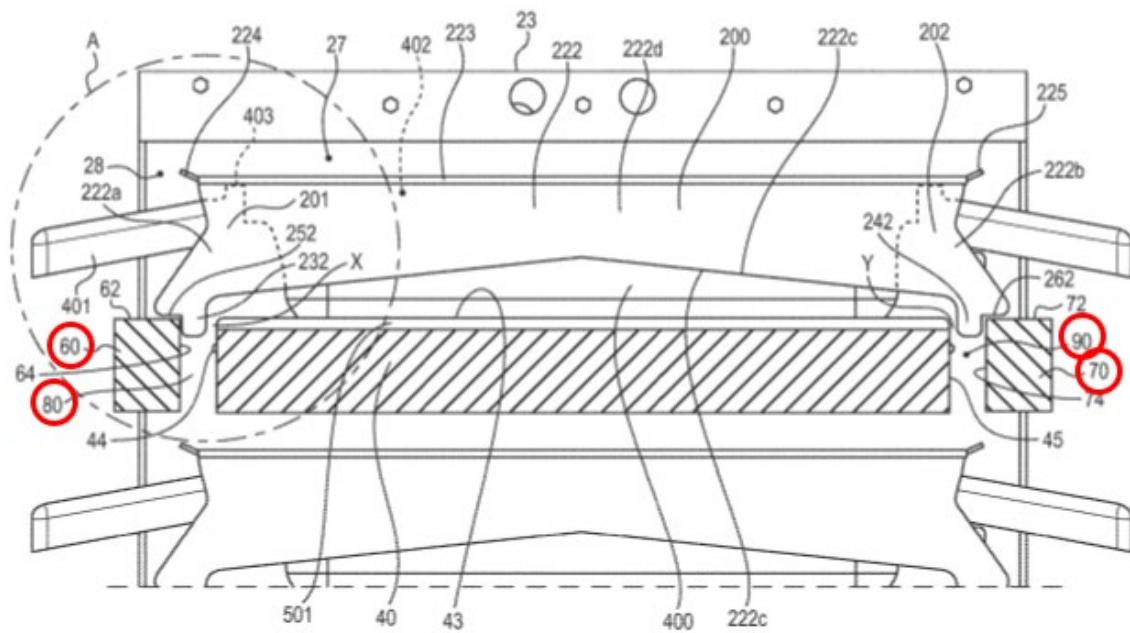
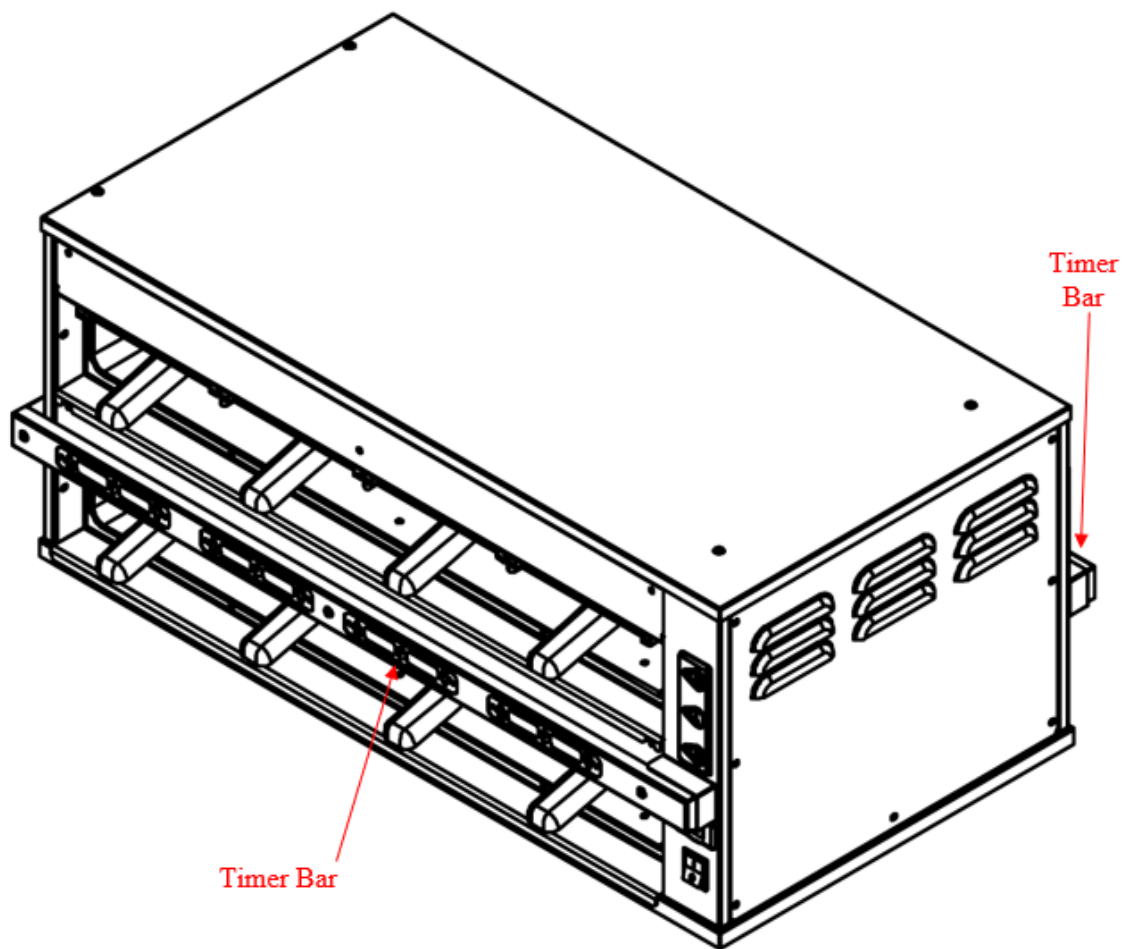


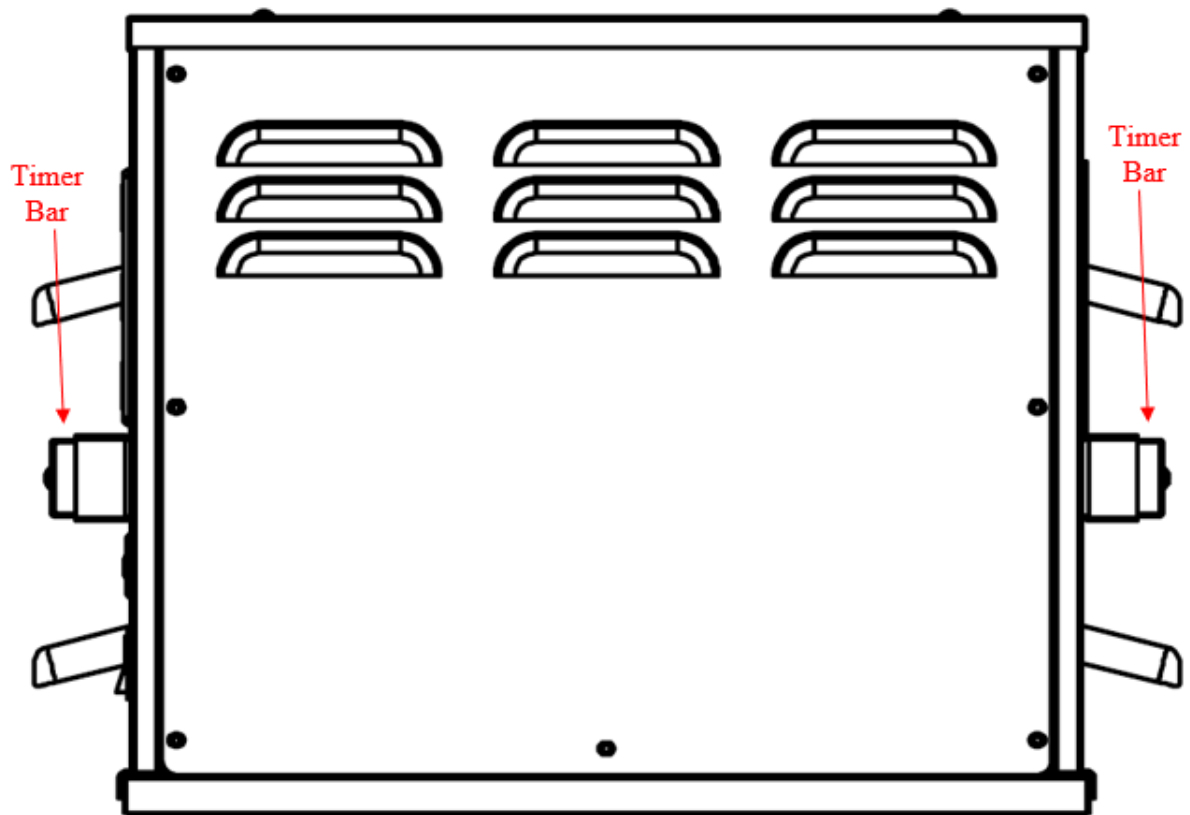
FIG. 5

EX1014: Figs. 1, 2, and 5 (annotated).

835. Similarly, the IRHS Documents teach a holding unit with front and rear control (timer) bars. EX1005: 4 (“Duke timer bar and control system”), 7, 20 (“TIMER BAR”), 25 (“FRONT TIMER BARS” and “REAR TIMER BARS”); EX1006: 1 (“[a]lphanumeric displays to indicate product description, temp and hold time”); EX1007: 51 (“more robust Duke timer bars”), 52, 54 (“Duke Timer Bar ... Double-sided”), 56 (“Controls ... Double”).

836. The timer bars as disclosed in the IRHS Documents have buttons and displays for each pan holding location that allow the user to input commands and view information (*e.g.*, food name, temperature, etc.) for each pan holding location. EX1005: 16-17 (“Pan Display ... Displays Product Name and Hold Time Remaining,” “DISPLAY LINK, HOLD TIME, TEMPERATURE,” “This indicates the Heat Sink Temperature for BURG”); EX1006: 1

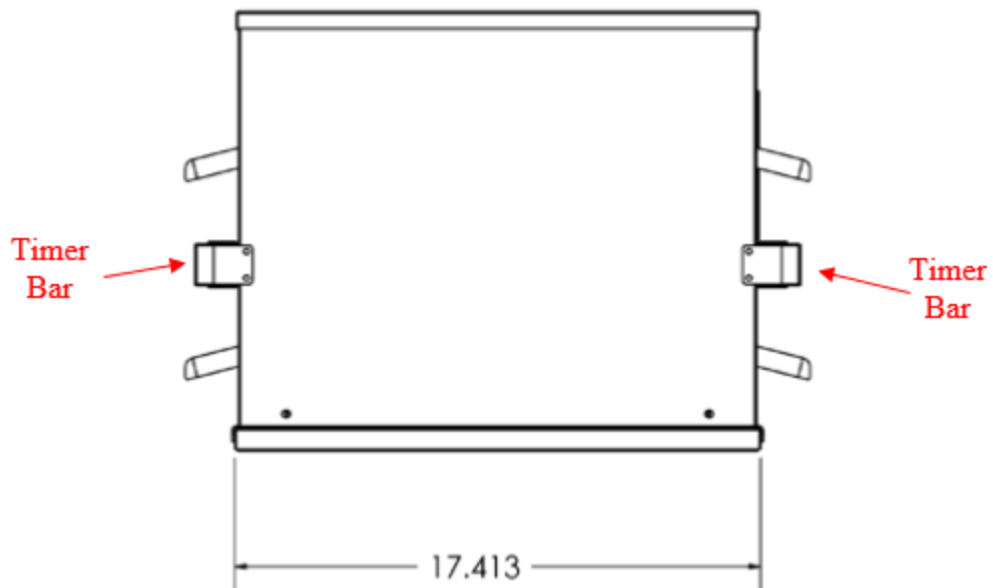




EX1005: 8 (annotated).



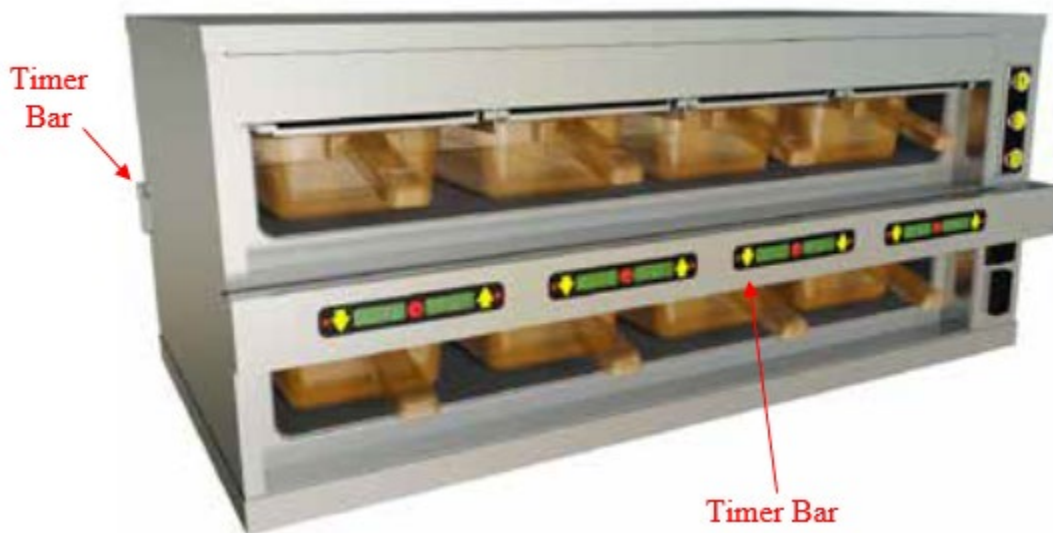
EX1005: 17.



EX1006: 1-2 (annotated).



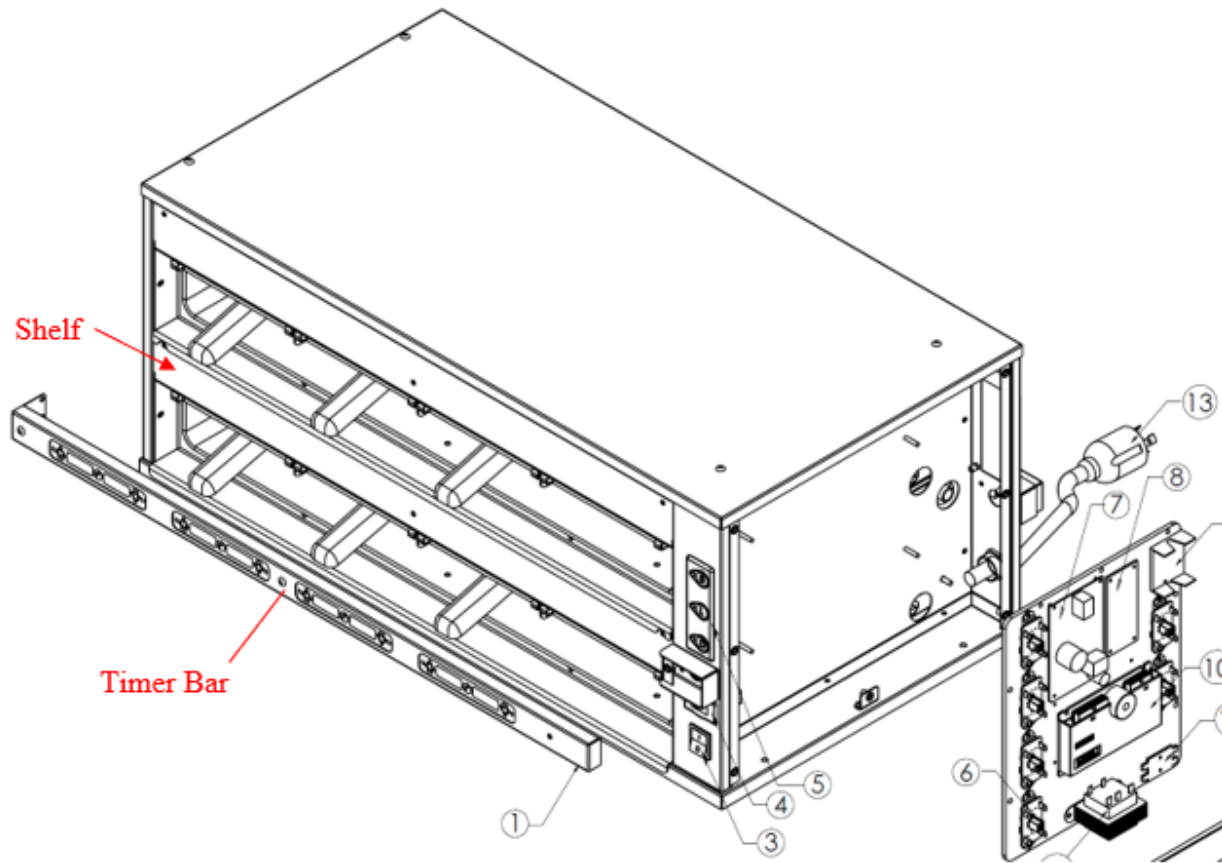
Timer Bar



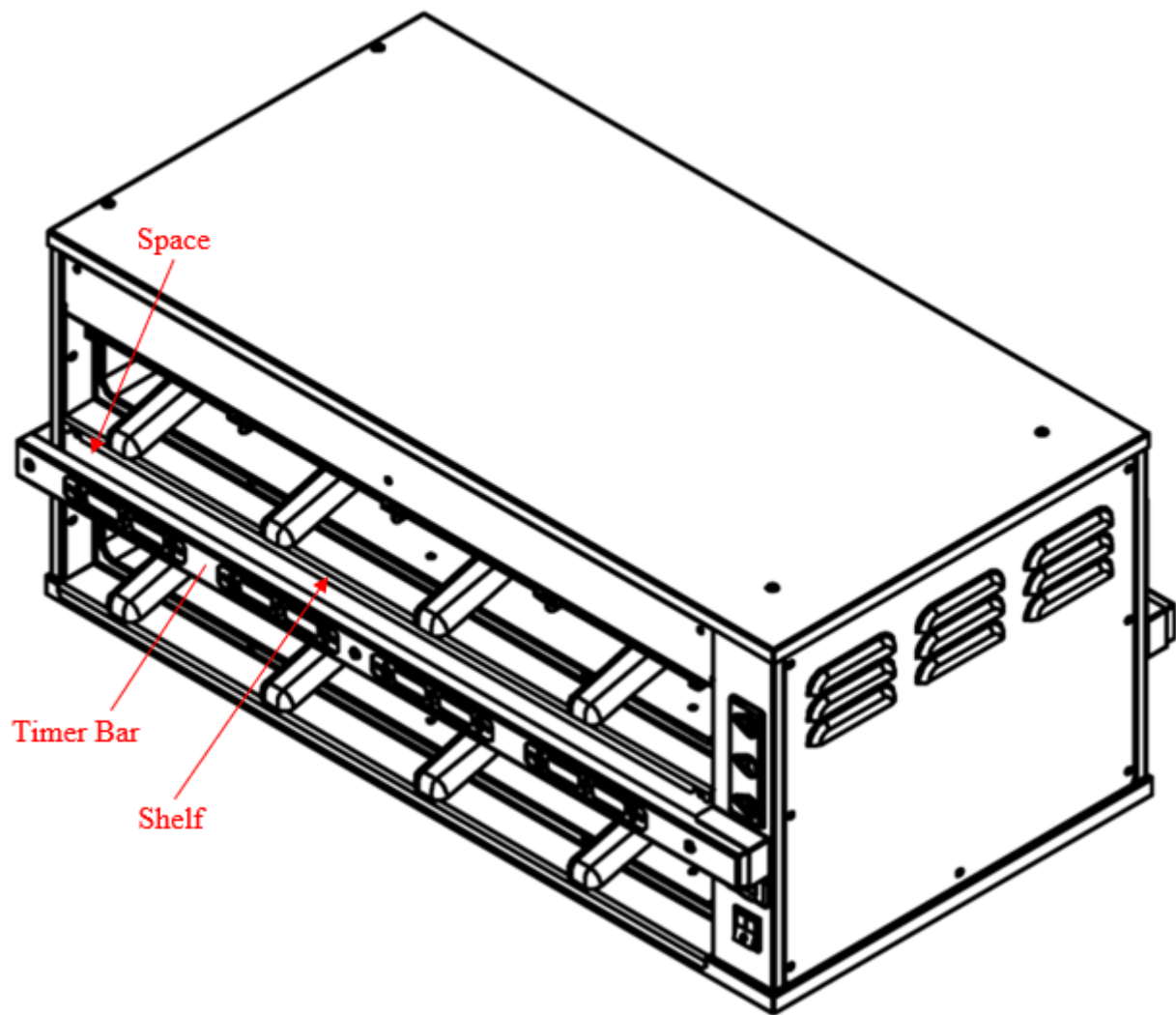
Timer Bar

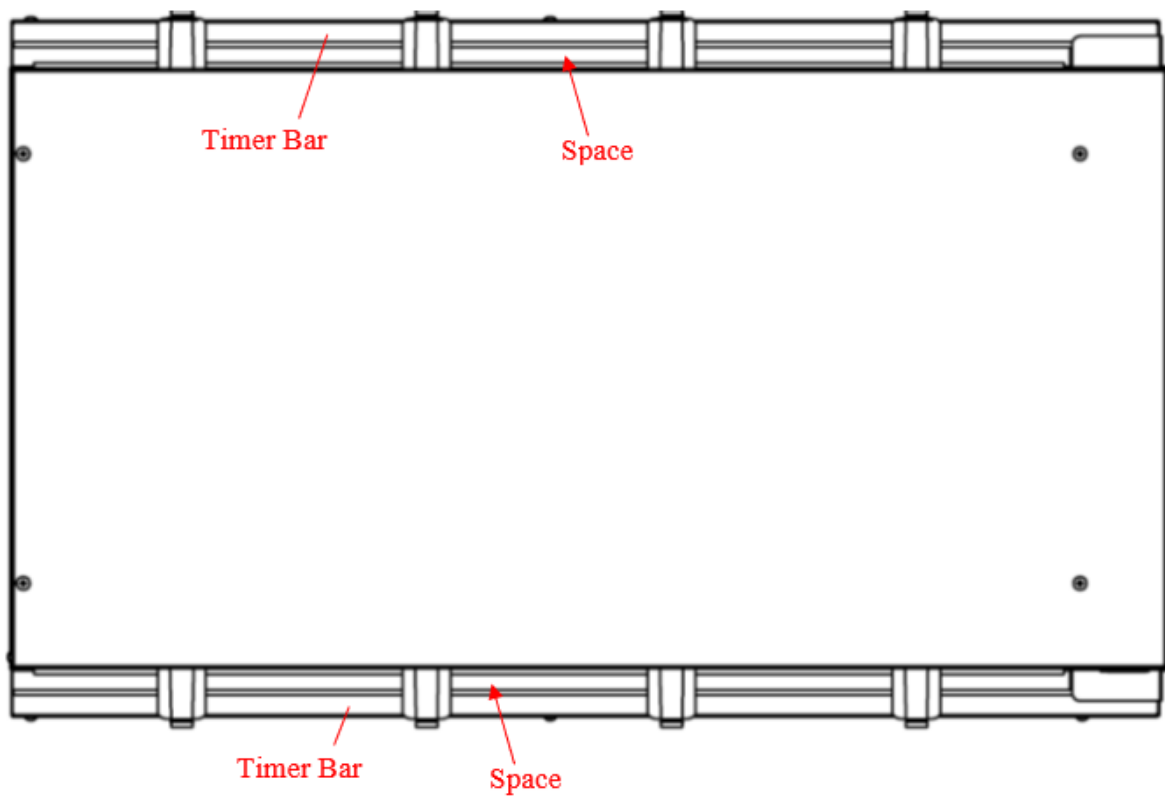
EX1007: 52, 56 (annotated).

837. The front and rear timer bars of the IRHS Documents are spaced apart from the shelf.

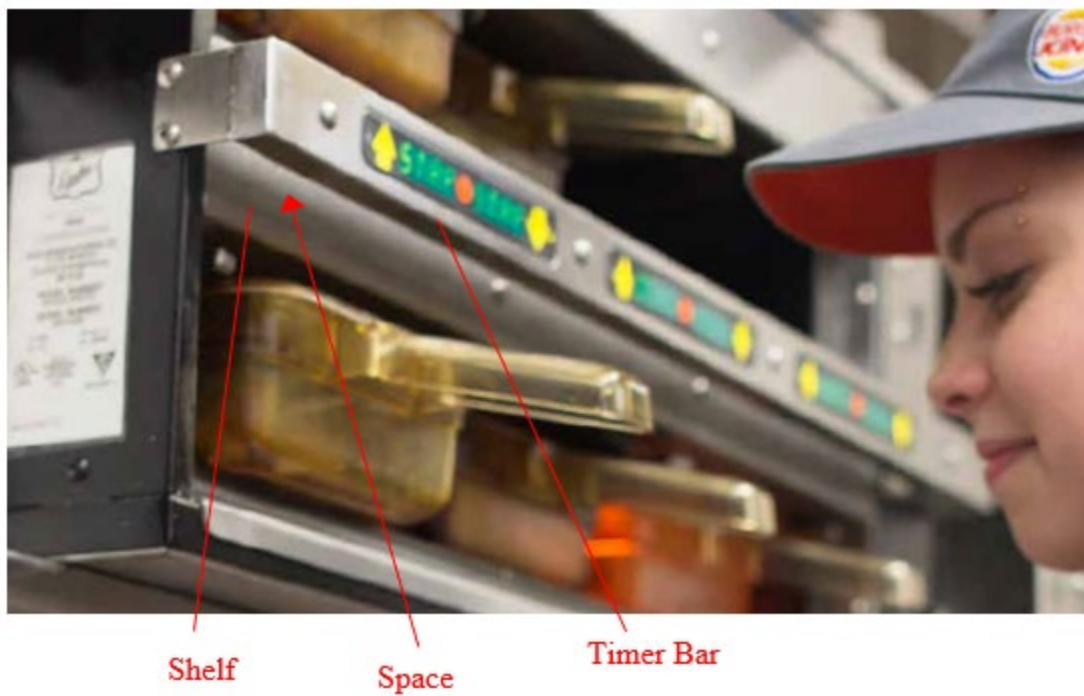


EX1005: 19 (annotated).



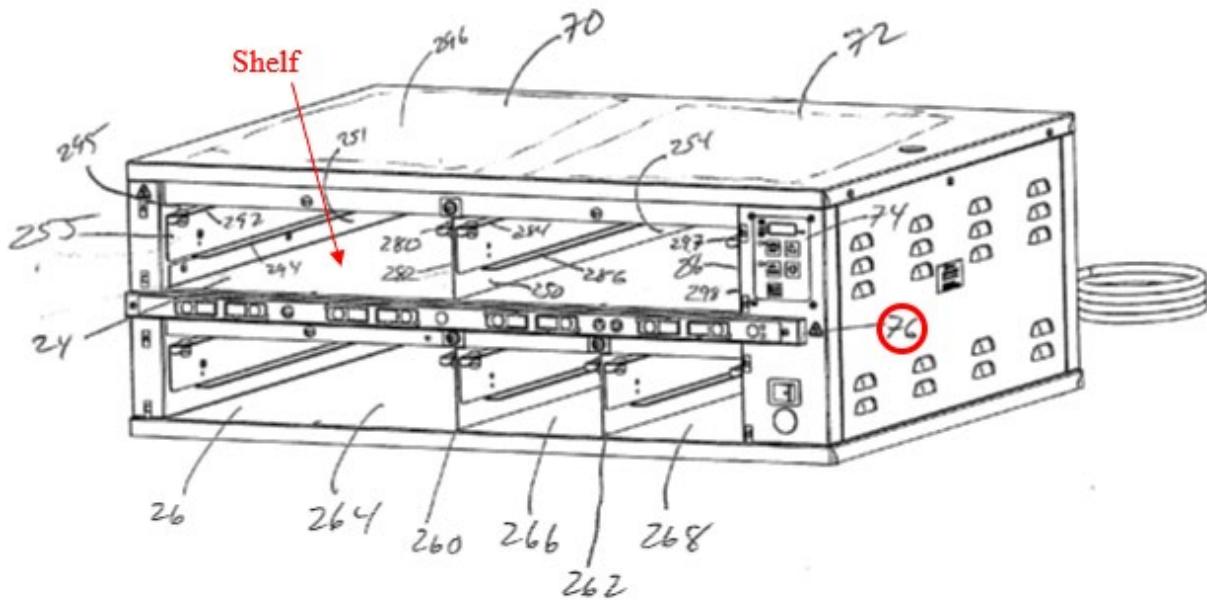


EX1005: 8 (annotated).



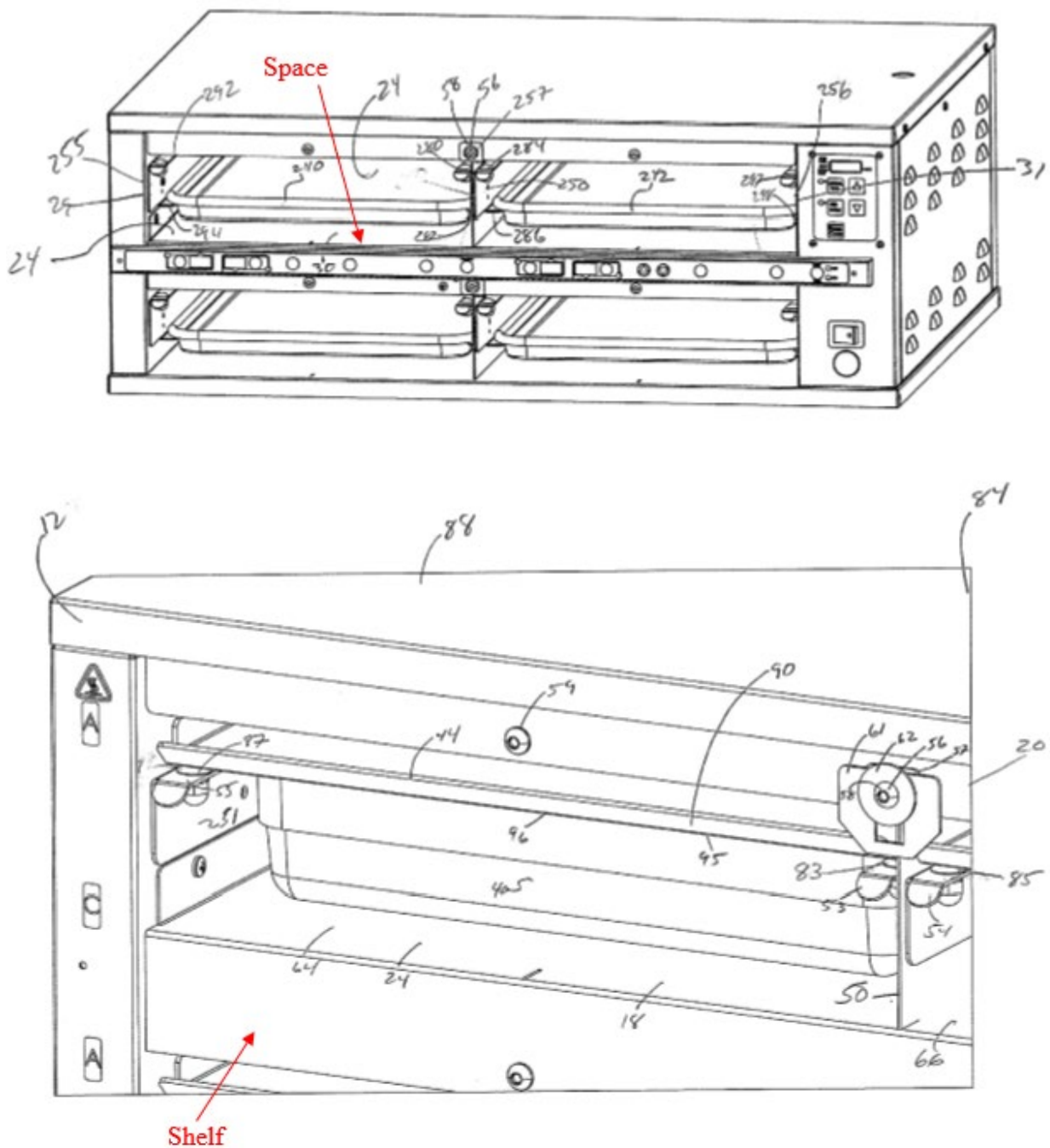
EX1007: 28 (annotated).

838. Hartfelder (EX1013) similarly teaches a food warming apparatus (10) having an interface bar (76) in front of a shelf for housing displays and controls.



EX1013: Fig 3.

839. Similar to Fortmann'197 and the IRHS Documents, the interface bar (76) of Hartfelder is spaced apart from the shelf. EX1013: Figs. 3, 4, and 9 (showing the front of the shelf spaced rearward of the front of the cabinet).



EX1013: Figs. 4 and 9 (annotated).

840. The POSA would have found it obvious to modify Fortmann'748's cabinet—modified to incorporate Vaseloff's display/control groups and McMillan's buttons/keys—such that the display/control groups and buttons would

be located in the timer bar housings in view of Fortmann'197, IRHS Documents, and/or Hartfelder.

841. As taught by Fortmann'197, IRHS Documents, and Hartfelder, the front and rear timer bars would each be spaced apart from the shelf or front/rear face of Fortmann'748's modified cabinet. This arrangement would protect Vaseloff's display/control groups and McMillan's buttons/keys from heat generated by the heaters in Fortmann'748's shelf. EX1019: 3:52-55 (using "thermal barriers (not shown) to protect the display screen 21 from excessive temperatures"), 3:55-57 (explaining that the space allows "convection air flow" between the timer bars and the shelf further "protect[ing] the display screen 21 from excessive temperatures"); EX1029: 2:4-11 (explaining "control circuitry has a shortened useful life span" when "located proximate to the heat source in the food warmer"), 5:41-49 ("locating the display drivers 30a-d remotely, the majority of the display control circuitry and the operator interface circuitry is located away from the heater plates 18a and 18b in cooler portions of the cabinet body ... result[ing] in an extended service life of the circuitry"); *see also* EX1014: 3:32-36 (teaching placing the timer bars "out of the internal volume of the cabinet, which is the heated environment.").

842. Moreover, arranging Vaseloff's display/control groups and McMillan's buttons/keys in the timer bars would facilitate easy access to the

electronics for maintenance, repair, and/or replacement. EX1008: 12-15; EX1013: Figs. 1-4 and 9 (Figs. 1, 2, and 9 showing interface bar not installed, Figs. 3 and 4 showing interface bar installed).

843. Locating the display/control groups and buttons in timer bar housings would have been nothing more than the application of a known technique (the spaced timer bars of Fortmann'197, IRHS Documents, and/or Hartfelder) to improve a similar device (the Fortmann'748 cabinet) in the same way (incorporating front and rear timer bars on the cabinet for housing the displays/controls for the pan holding locations).

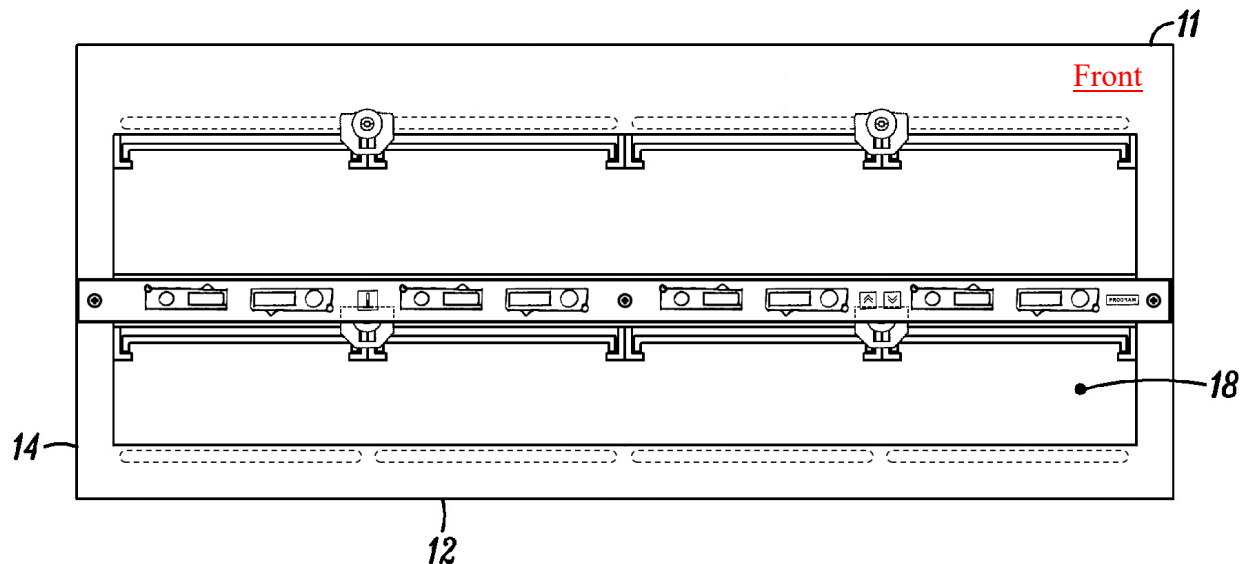
844. There would have been a high expectation of success in making this modification given:

- (1) the similarities between the Fortmann'748 cabinet and the units of Fortmann'197, IRHS Documents, and Hartfelder (*e.g.*, units with compartments for warming trays/pans of food via heating elements); and
- (2) the functionality of display/control groups and buttons as incorporated from Vaseloff and McMillan would not change.

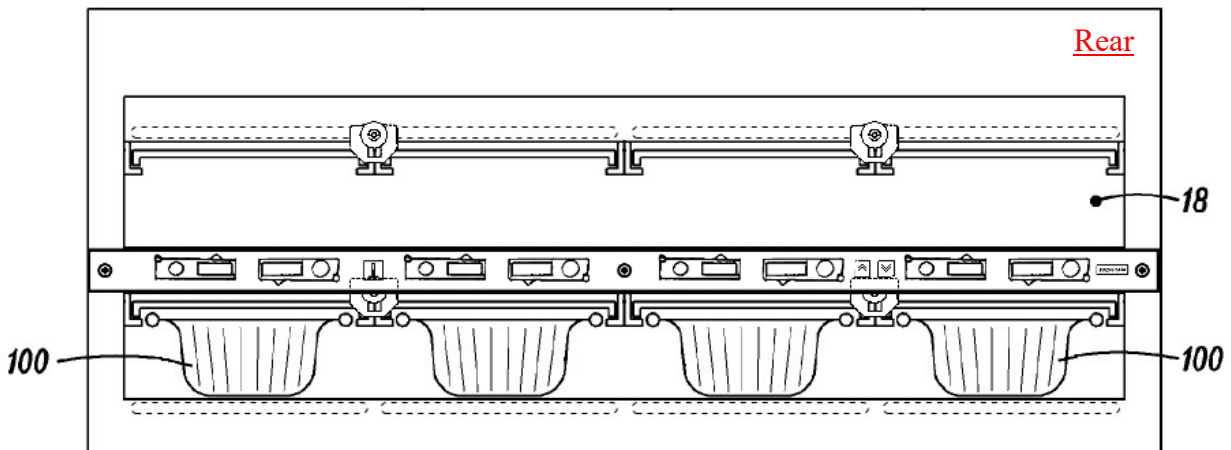
845. It would have been understood by the POSA that the timer bars could be added to either a single side (*i.e.*, just a front timer bar) or both sides (*i.e.*, both front and rear timer bars) of the Fortmann'748 cabinet. Adding the timer bar on both sides of the Fortmann'748 cabinet would add the flexibility of operating the cabinet and changing its settings from either side, but at the tradeoff of increasing the cost.

846. In implementing this modification, the POSA would attach the front and rear timer bars to the chassis of Fortmann'748's cabinet proximate to the front and rear faces, respectively, as taught by Fortmann'197, IRHS Documents, and/or Hartfelder. EX1005: 8; EX1006: 1; EX1007: 28, 52, 56; EX1008: 12; EX1013: Fig. 3; EX1014: Figs. 1-3.

847. Representative illustrations⁶ of the 2x4 Fortmann'748 cabinet modified to have front and rear spaced timer bars are shown below:



⁶ These illustrations include further modifications as explained below.



EX1010: Figs. 2 and 6 (modified).

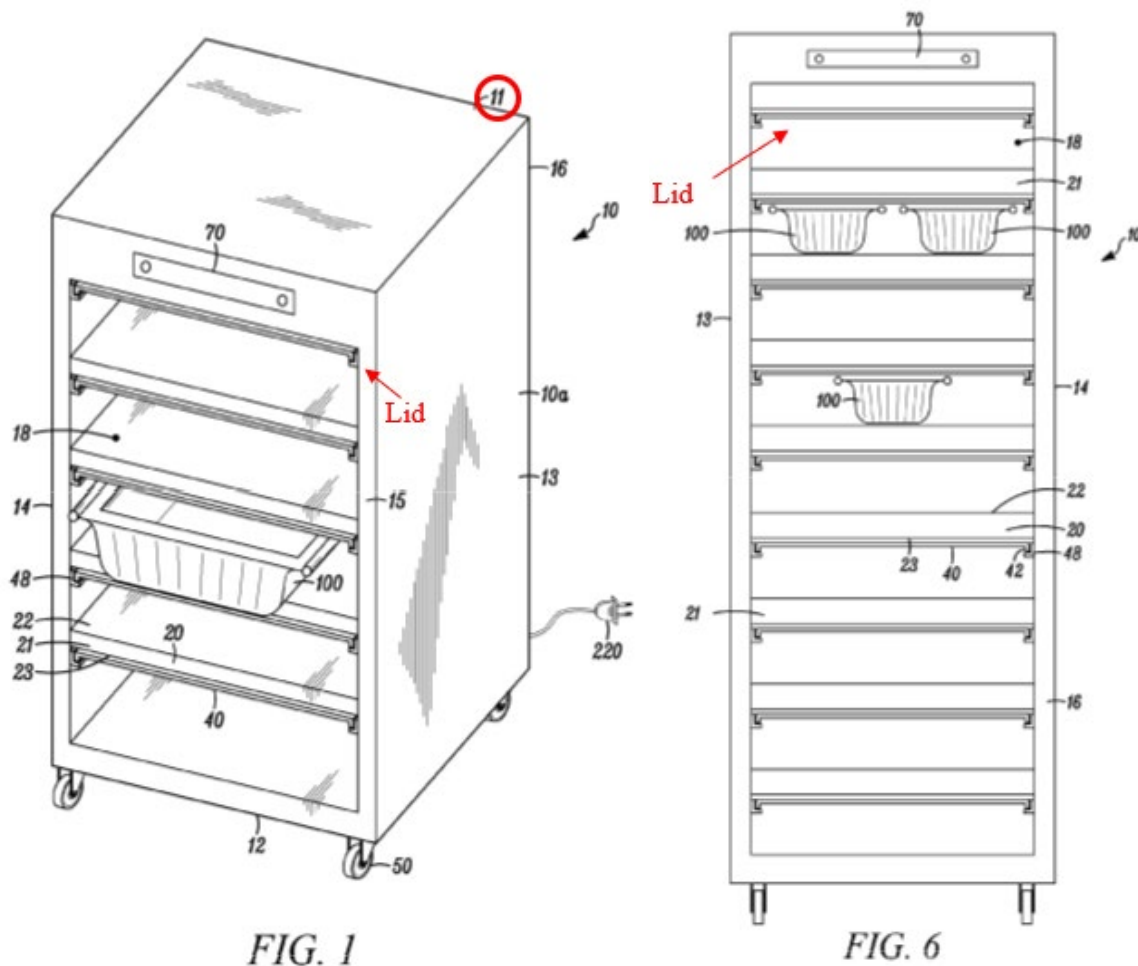
7. Discrete Lids for Each Pan Holding Location

848. Each compartment of Fortmann’748’s cabinet includes a single lid or cover (40). EX1010: ¶[0017] (“[t]he plurality of shelves 21 may each include a removable and slidable cover 40 that is disposed in conjunction with and below each shelf 21 (with the exception of the bottom shelf 21, with a cover 40 also provided above the upper-most shelf)” and “[a]n additional cover 40 may be slidably disposed at the top of the warming volume 18 to enclose a pan 100 that is disposed upon the upper-most shelf 21”).

849. The lids (40) maintain heat and moisture in the pans (100). EX1010: ¶[0017] (“[t]he cover 40 is configured to provide a lid to each restaurant or hotel pan 100 that is placed onto the shelf 21 within the warming volume 18 such that the heat from the food products disposed within the pan 100 (and the heat of the residual heat of the pan 100 itself) is substantially prevented from escaping due to

convective heat transfer. The cover 40 additionally substantially encloses the one or more pans 100 disposed upon the shelf 21 therebelow, which maintains any moisture or water vapor within the pan 100 to prevent the warmed food disposed within the pan 100 from drying”).

850. The lids (40) are further removeable. EX1010: ¶[0017] (“removable and slidable cover”), Fig. 4.



EX1010: Figs. 1 and 6 (annotated).

851. While Fortmann'748's cabinet only includes a single lid or cover (40) per food holding compartment, the prior art is replete with cabinets that include discrete lids for each pan/pan holding location). Jones, Fortmann'197, and the IRHS Documents provide examples of such prior art. EX1012: ¶[0072] ("a food tray cover 16 above each respective upper left tray location ULTL and upper right food tray location URTL, and ... a food tray cover above each respective lower left and lower right food tray locations, LLTL and LRTL"), Fig. 1B; EX1014: 4:50-53, Figs. 1-4; EX1005: 8; EX1006: 1 ("HeatSink cover"), 2; EX1007: 53 ("Metal Cover"), 58 ("Cover allows better heat transfer and greater seal assurance; critical to maintain food quality with extended hold times"); EX1014: 7:31-32 ("covers 200 ... configured to partially enclose one of the discrete heating zones 100").

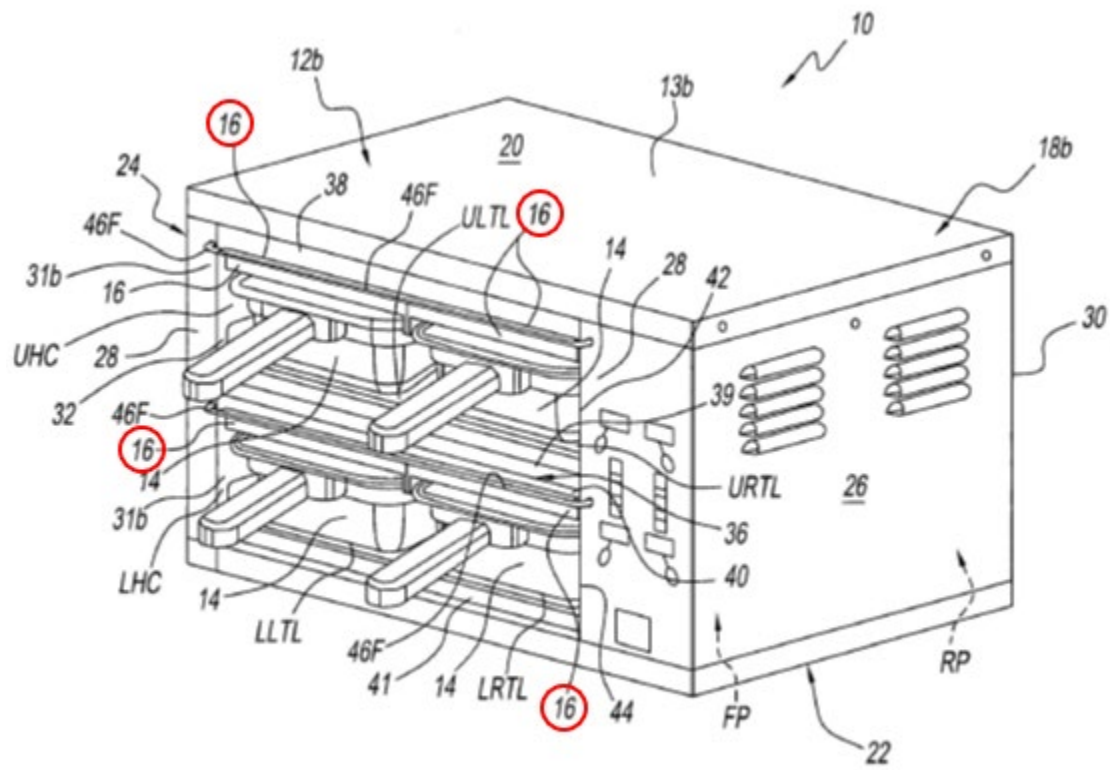
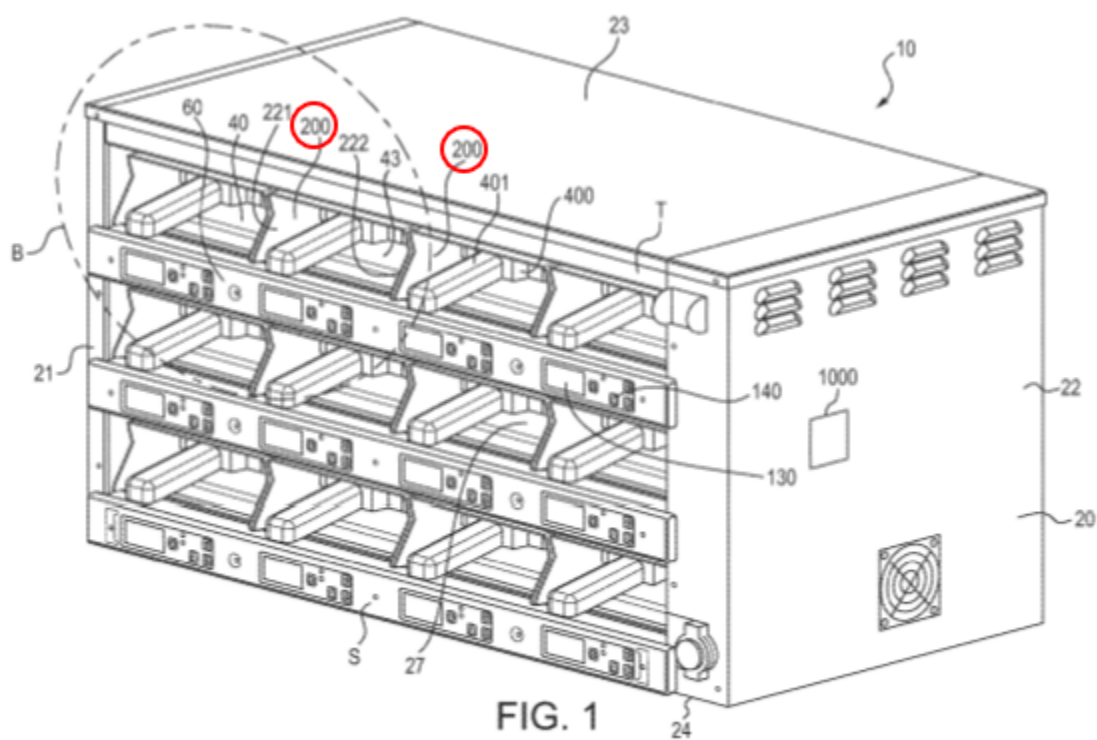
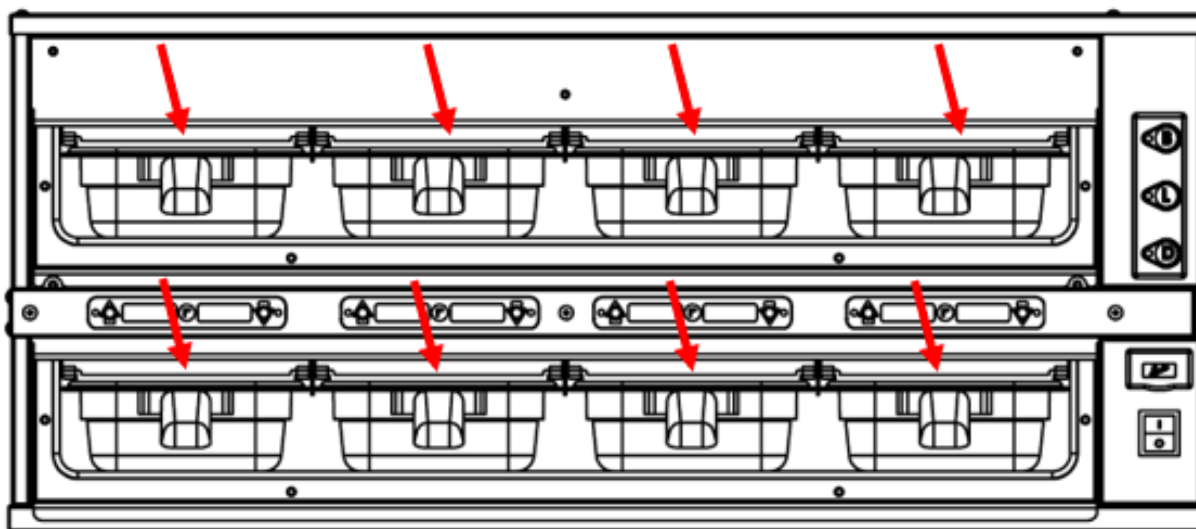


Fig. 1B

EX1012: Fig. 1B (annotated).



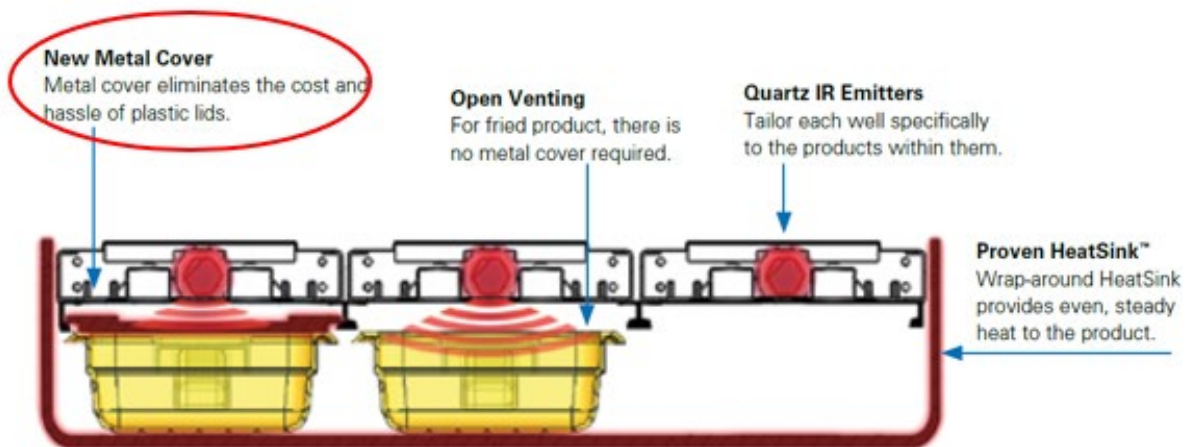
EX1014: Fig. 1 (annotated).



EX1005: 8 (annotated).



EX1006: 2 (annotated).



EX1007: 53 (annotated).

852. It would have been obvious to modify the Fortmann'748 cabinet to have discrete lids for each pan holding location (instead of a single lid per compartment), as taught by Jones, Fortmann'197, and/or the IRHS Documents.

853. This modification would further Fortmann'748's goal of having "zones" for different types of food by allowing the lids for individual pans to be selectively removeable, increasing the flexibility for the cabinet and each compartment to hold more types of food (more temperature/moisture combinations) at the same time. EX1010: ¶[0024].

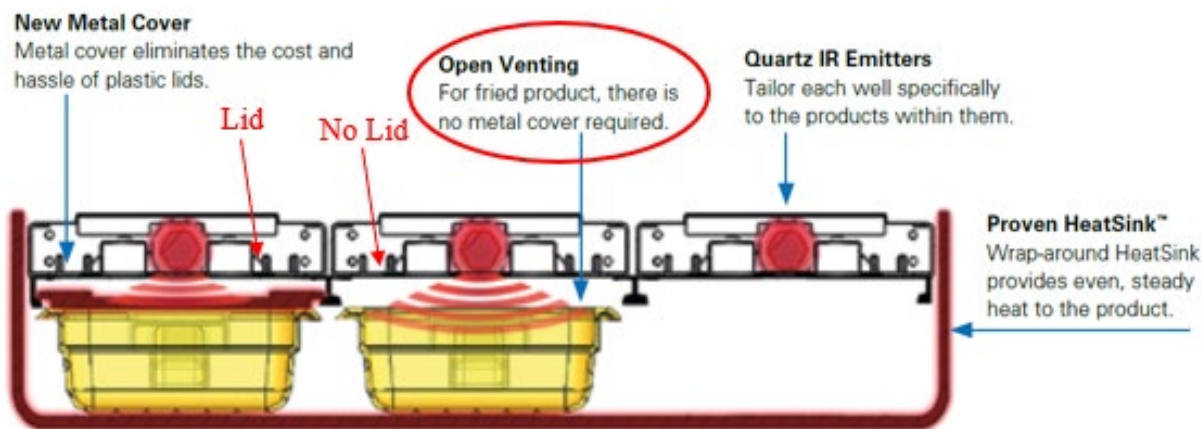
854. For example, for certain types of food (*e.g.*, non-fried foods such as burgers and grilled chicken) it would have been desirable to maintain the moisture from the food in the food pan/tray with a lid. EX1016: ¶[0003] ("[a]s the food loses moisture due to evaporation, flavor is lost. This affects the texture and taste of the product. For example, chicken meat fibers will dry out and become tough"); EX1017: 6:45-47 ("[s]ome of these foods, such as hamburger patties, [lose] their taste and texture with loss of moisture"); EX1014: 7:50-56 ("when it is desired to heatingly store food products in a moist environment, the cover 200 may be installed in the discrete heating zone such to enclose [] the opening 402 into the pan 400 and to prevent moisture from the food products within the pan 400 from leaving the pan 400").

855. In yet other examples, it may be desired for the food pan to be uncovered to allow moisture from the food (*e.g.*, fried foods such as fried chicken) to vent to keep the food crispy or prevent it from becoming soggy. EX1013: ¶[0044] ("food portions, such as fried foods or breads like biscuits, [] are

maintained uncovered to prevent the previously cooked food portions from becoming soggy”); EX1017: 6:47-48 (“[o]ther[] [foods], such as fried chicken fillets, biscuits, and eggs become soggy if stored in an abundance of moisture”); EX1007: 53 (“Open Venting For fried product, there is no metal cover required”); EX1014: 7:61-67 (“where a relatively dry environment is desired, the cover 200 may be removed from the discrete heating zone 100 to allow any moisture within the food product disposed within the opening 402 of the pan 400 to travel away from the pan 400”).

856. It thus would have been obvious to modify Fortmann’748’s cabinet to have individual lids for each food pan/tray in order to provide more flexibility in food placement, more discrete and better control over venting/sealing, and ability to hold more food types at different holding combinations (temperature/venting). EX1007: 53; EX1019: 1:36-39 (“fast food restaurants [] face challenges [to] maintain a large volume of different food products ... [that] present different [holding] requirements”), 1:43-45 (“As the number of offered food products increases, so does the complexity of a system capable of maintaining all the different types of food products.”).

857. For example, by incorporating individual lids for each food pan/tray the user could then keep the lids in the compartment for the non-fried foods and remove the lids from the compartment for the fried foods.



EX1007: 53 (annotated).

858. Moreover, discrete lids for each pan holding location are smaller, making the lids easier to move and clean.

859. Furthermore, when holding foods where moisture retention is desired (e.g., burgers), having discrete lids for each food pan/tray allows each lid to form a better seal and eliminate influence that other food pans/trays could have on the seal. EX1007: 10 (“Completely sealed metal cover”), 21 (“covers for individual control”), 58 (“greater seal assurance; critical to maintain food quality with extended hold times”).

860. For example, if each pan is provided its own discrete lid, the movement of one pan to add or remove food would not affect the seal of a lid on any of the other pans.

861. Adding discrete lids for each food pan/tray would merely require duplicating and resizing Fortmann’748’s lids to cover one pan (100) and

duplicating Fortmann'748's tracks (48) across the compartments to hold the additional lids.

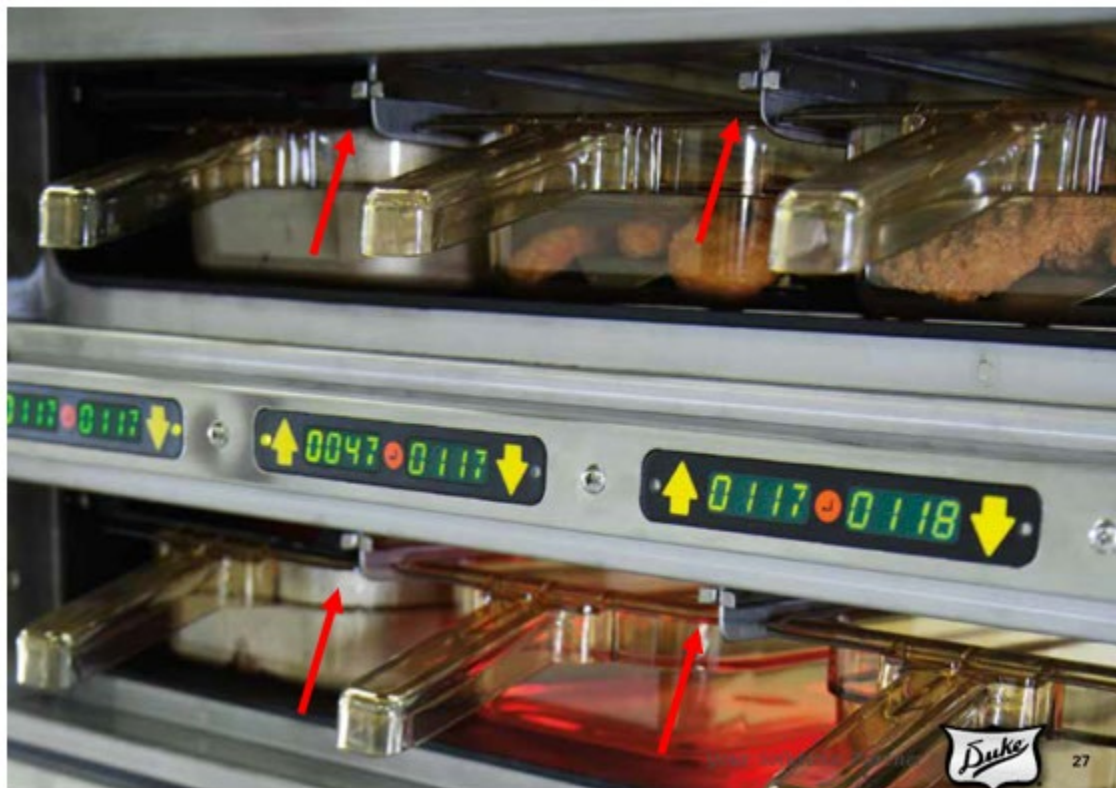
862. In duplicating the tracks (48), it would have been obvious to secure them to the overlying structure, as taught by Fortmann'748. EX1010: ¶[0018] (“a track 48 may be fixed directly to the respective shelf 21 and is disposed beneath each of the right and left sides of the shelf 21”).

863. Moreover, in view of the IRHS Documents, the POSA would have known to simply duplicated the Fortmann'748 lid holding shelves across the width of the compartment to provide suitable support structure in locations/orientations for holding left and right sides of the individual lids.

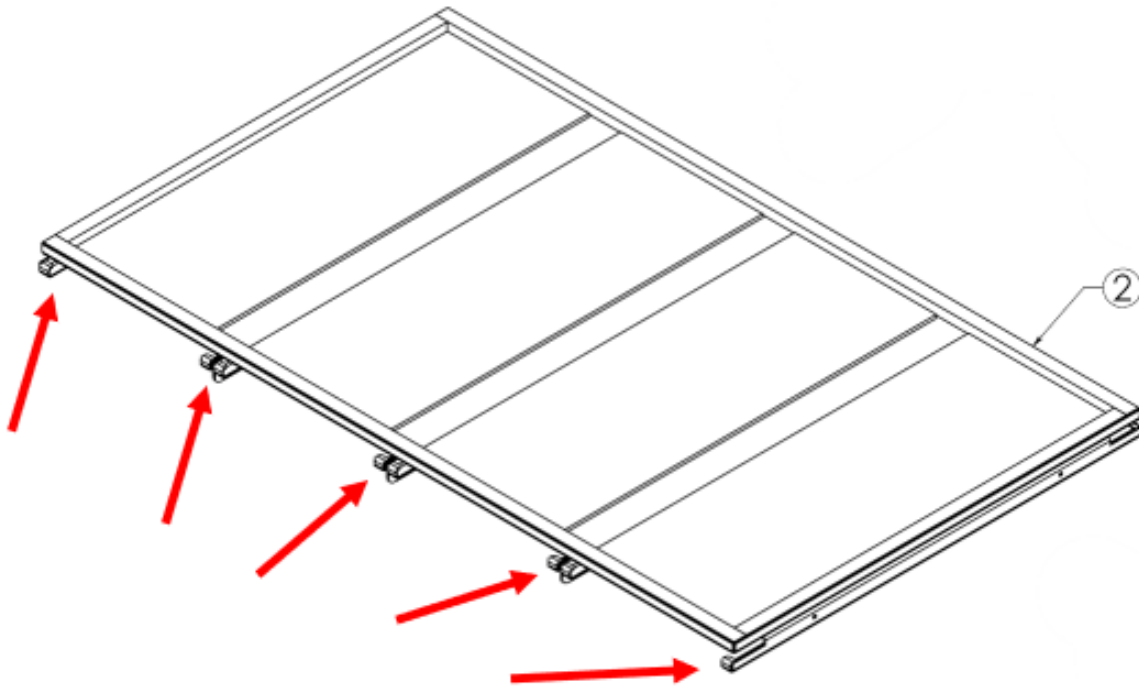
864. Specifically, the IRHS Documents disclose discrete lids and sets of lid holding shelves for each lid secured to the overhead structure (including the top panel). EX1005: 4 (“robust aluminum Heat Sink Cover for broiled foods”), 8, 20-21 (ref. no. 18); EX1007: 53 (“[m]etal cover eliminates the cost and hassle of plastic lids”), 56, 58 (“[c]over allows better heat transfer and greater seal assurance; critical to maintaining food quality with extended hold times”).



EX1006: 2 (annotated).



EX1007: 52 (annotated).



EX1005: 19 (annotated).

865. Resizing and duplicating lids and duplicating the lid holding shelves would have been nothing more than the application of a known technique (providing individual lids for each food pan/tray as taught by IRHS Documents, Jones, and/or Fortmann'197) to improve a similar device (the Fortmann'748's cabinet) in the same way (the independent lids would be supported by discrete lid supporting shelves secured to overhead structure).

866. There would have been a high expectation of success in making this modification given

- (1) the similarities between the Fortmann'748 cabinet and the holding unit of the IRHS Documents;

- (2) the function and operation of Fortmann'748's lid holding shelves would not change; and
- (3) the IRHS Documents demonstrate discrete lid holding shelves for each lid is possible. EX1012: ¶[0072], Fig. 1B; EX1014: 4:50-53, 7:31-32, Figs. 1-4; EX1005: 8; EX1006: 1-2; EX1007: 53, 58.

867. In view of Fortmann'748, it would have been obvious to directly fix the tracks (48) that support the lids (40) that are directly below top panel (11) to the top panel. Fortmann'748 discloses two ways of mounting the track (48) in the chassis (10a): (1) mounted on the side panels (13, 14), or (2) mounted on the shelves (21). EX1010: ¶[0018].

868. This arrangement would still be applicable for supporting individual lids for each food pan/tray, with the addition that because the top lid (40) does not have a shelf (21) above it, the track (48) would instead be fixed directly to the top panel (11) (the top panel substituting as the shelf in this context).

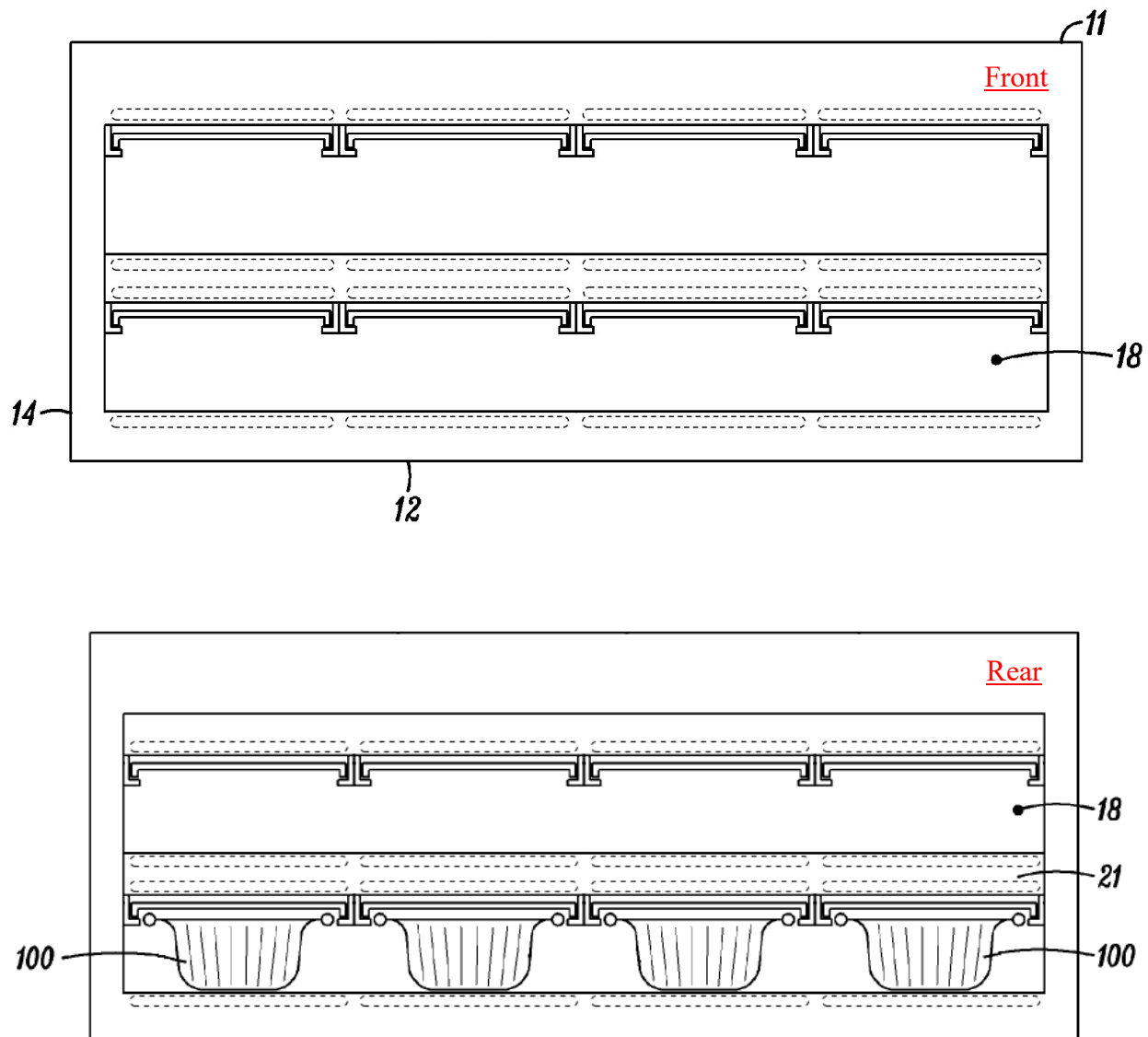
869. This would have also been the application of a known technique (Fortman'748 mounting a track to an overhead structure) to improve a similar device (the tracks for the top compartment) in the same way (mounting the top tracks to the overhead structure).

870. There would have been a high expectation of success in making this modification given

- (1) the similarities between the Fortmann'748 cabinet and the holding unit of Jones, Fortmann'197, or IRHS Documents (*e.g.*, all units with lids);

- (2) the function and operation of Fortmann'748's lids would not change; and
- (3) Jones, Fortmann'197, and IRHS Documents demonstrate individual lids for each pan holding location is possible.

871. Schematic illustrations of the 2x4 Fortmann'748 cabinet modified to have individual lids for each pan holding location are shown below:



EX1010: Figs. 2 and 6 (modified, annotated).

8. Latches

872. Each compartment of Fortmann’748’s cabinet includes a removable lid or cover (40). EX1010: ¶[0017] (“[t]he plurality of shelves 21 may each include a removable and slidable cover 40 that is disposed in conjunction with and below each shelf 21 (with the exception of the bottom shelf 21, with a cover 40 also provided above the upper-most shelf)” and “[a]n additional cover 40 may be slidably disposed at the top of the warming volume 18 to enclose a pan 100 that is disposed upon the upper-most shelf 21”).

873. The lid (40) slides along tracks (48) and can rest on the top of the pan (100). EX1010: ¶¶[0017] (“a removable and slidable cover 40”), [0018] (“the cover 40 [is] closely received within the track 48 to encourage stability within the track 48 and ease of sliding movement therewithin” and “no space between the upper edges of the pan 100 and the bottom surface of the cover 40”).

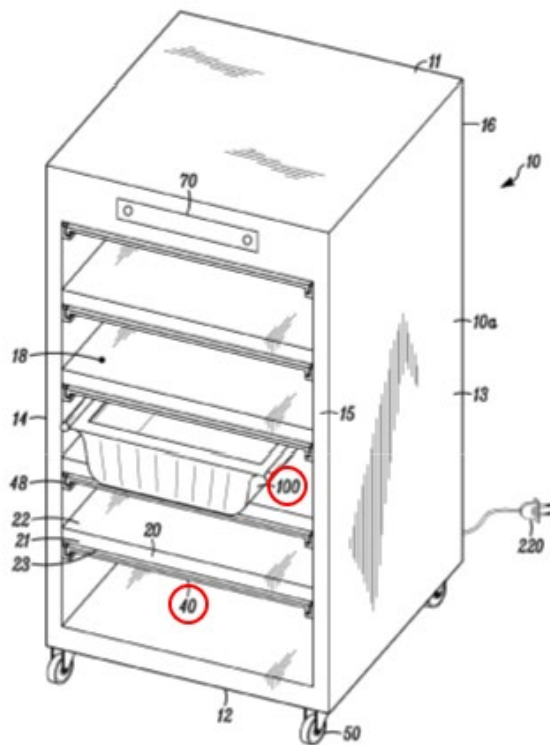


FIG. 1

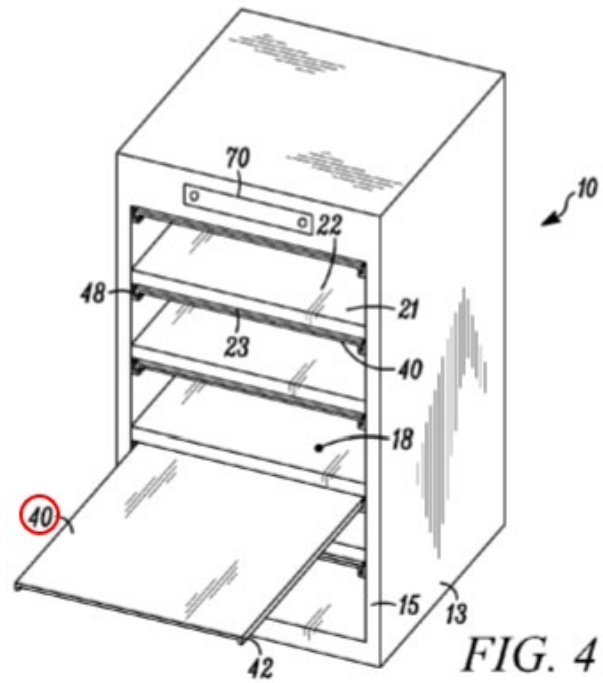


FIG. 4

EX1010: Figs. 1 and 4 (annotated).

874. Notably, similar food holding units which include covers or lids routinely include latches to secure the lid in place.

875. For example, Hartfelder teaches a food warming apparatus (10) that receives trays (40) in heating compartments (24, 26) with covers or lids (44, 46).

EX1013: ¶¶[0028] (“food warming apparatus 10”), ¶[0030] (“[e]ach of heating compartments 24 and 26 is sized to accommodate a plurality of trays, as exemplified in FIG. 1 by trays 40 and 42 in heating compartment 24. Each of trays 40 and 42 are covered by covers 44 and 46, respectively.”).

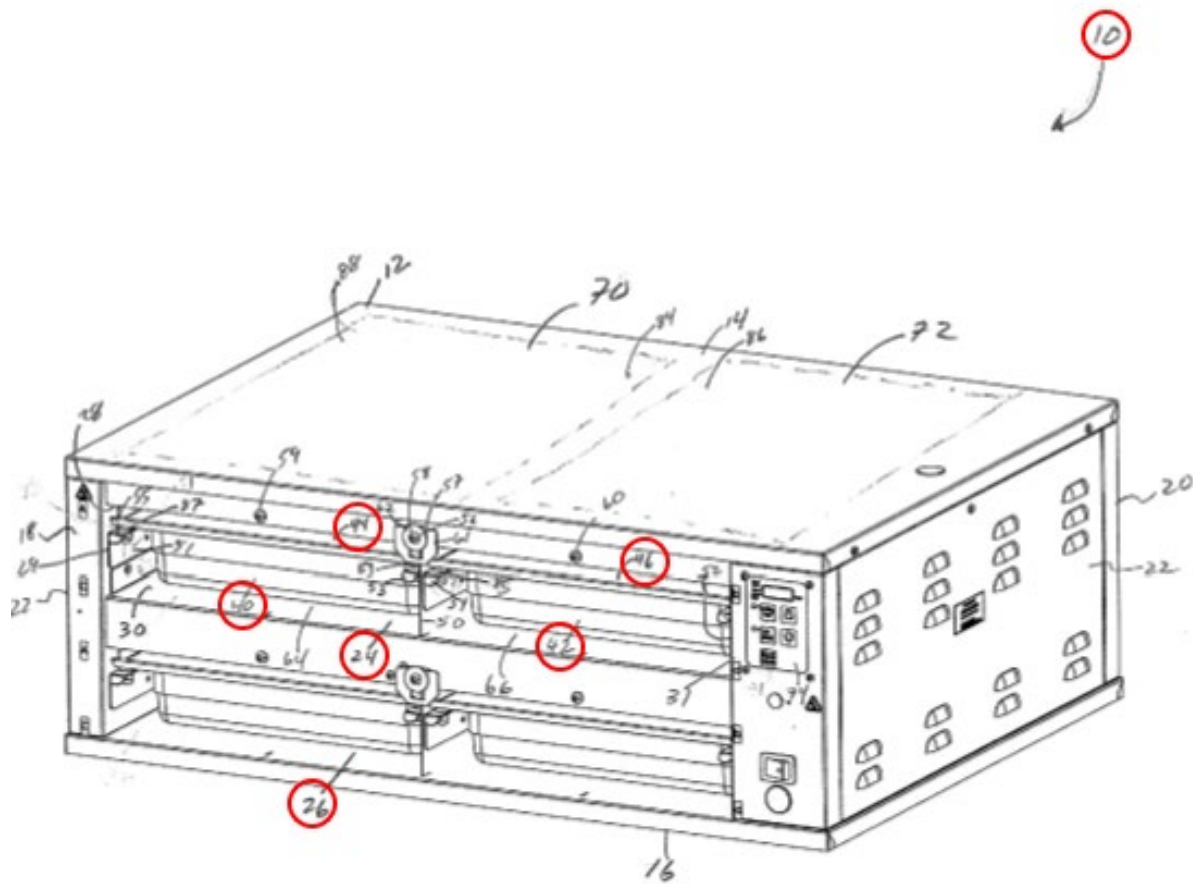


FIGURE 1

EX1013: Fig. 1 (annotated).

876. To prevent the lids (44, 46) from moving with the trays (40, 42) when the trays are removed from the heating compartment (24, 26), the Hartfelder apparatus (10) includes stop members (61) which retain the lids. EX1013: ¶[0058] (“[a]s best shown in FIG. 9, when tray 40 is withdrawn from sub-compartment 64 of heating compartment 24, front turned-up edge 90 of cover 64, acting as an

engagement edge, engages stop member 61. The engagement of engagement edge 90 with stop member 61 arrests the movement of cover 44. As the movement of cover 44 is arrested, cover 44 is retained upon within sub-compartment 64 while tray 40 is withdrawn”), Fig. 9.

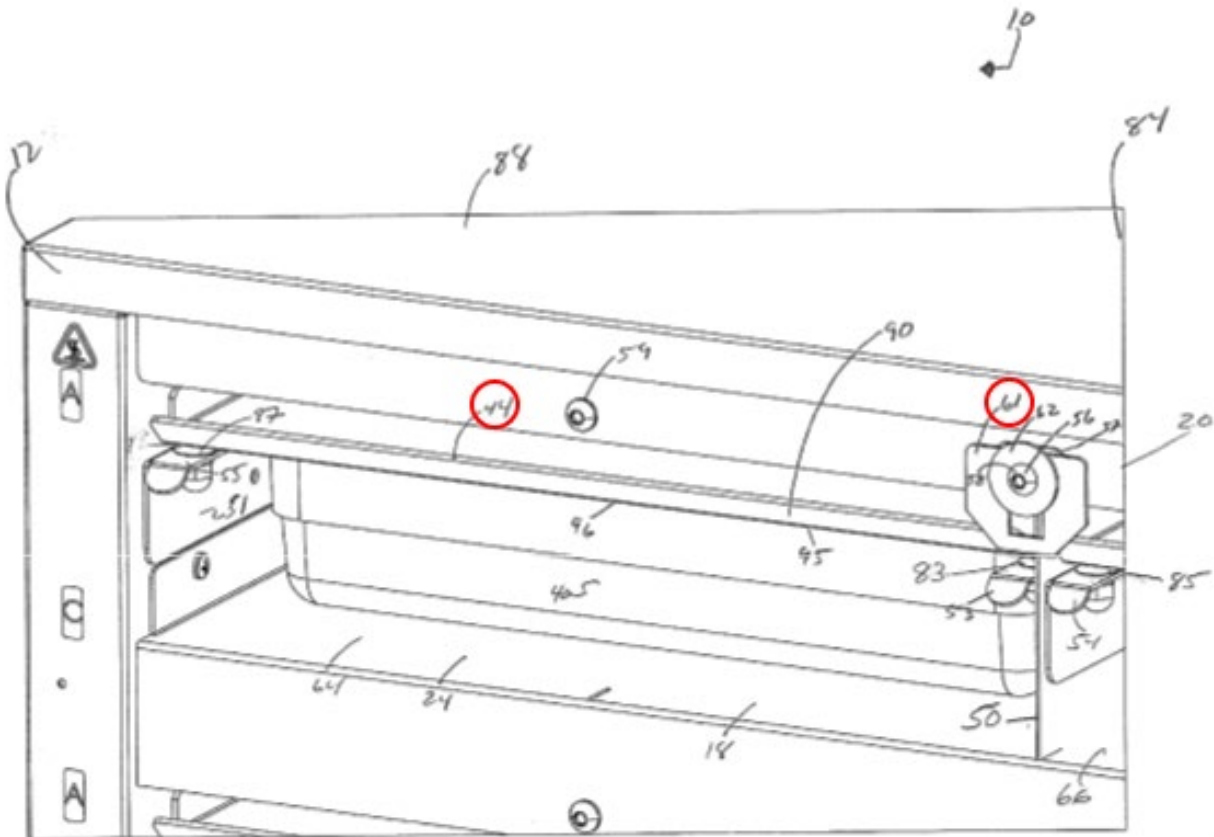


FIGURE 9

EX1013: Fig. 9 (annotated).

877. Shei’099 discloses similar stops (88) between pairs of covers (80) where the stops are biased by gravity to a cover-retaining position (to retain both

878. It would have been obvious to the POSA to modify Fortmann'748's cabinet to include Hartfelder's stop members (61) or Shei'099's stops (88) for retaining the lids of Fortmann'748's cabinet on the lid-holding shelves. EX1013: ¶[0058].

488

9, when tray 40 is withdrawn from sub-compartment 64 of heating compartment 24, front turned-up edge 90 of cover 64, acting as an engagement edge, engages stop member 61. The engagement of engagement edge 90 with stop member 61 arrests the movement of cover 44. As the movement of cover 44 is arrested, cover 44 is retained upon within sub-compartment 64 while tray 40 is withdrawn”); EX1017: 6:19-22. This would retain the lids in position to cover the pans when the pans are in the heating compartments.

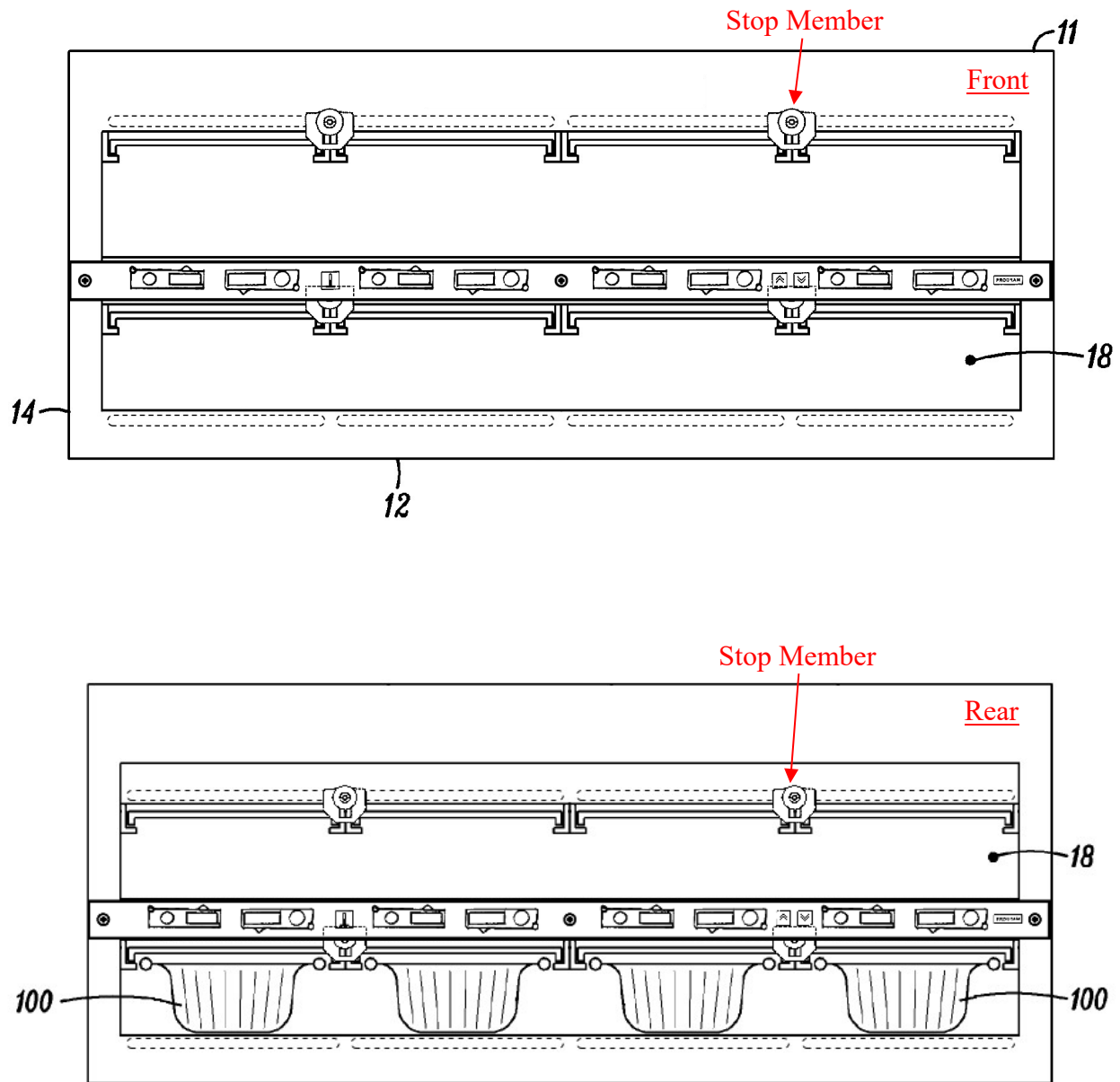
880. The addition of latches would have been nothing more than using a known technique (the incorporation of stop members of Hartfelder or Shei’099 to retain lids) to improve a similar device (the Fortmann’748 cabinet with lids) in the same way (retaining lids in place while moving food pans into and out of the food holding compartments).

881. There would have been a high expectation of success in making this modification given:

- (1) the similarities between the Fortmann’748 cabinet and Hartfelder’s and Shei’099’s unit (*e.g.*, all units with compartments for warming trays/pans of food with lids covering the trays/pans); and
- (2) that the stop member of Hartfelder or the stop of Shei’099 would perform the same function in the same way in Fortmann’748’s cabinet. EX1013: ¶[0058].

882. In making this modification, it would have been obvious to the POSA to arrange each stop member (61) or stop (88) on the face of the shelf between two lids as taught by Hartfelder and Shei’099.

883. A representative illustration of the 2x4 Fortmann'748 cabinet modified to have Hartfelder's stop members (61) for the lids is shown below. A modification implementing Shei'099's stops (88) would be similar to below, except Hartfelder's stop members (61) would be replaced with Shei'099's stops (88).



EX1010: Figs. 2 and 6 (modified, annotated).

9. Insulation

884. The heaters (60) of Fortmann'748 are disposed between top and bottom planar sheets (22, 23) of the shelf (21). EX1010: ¶[0019] (“[e]ach of the plurality of shelves 21 include[s] one or more heaters 60 ... disposed within the internal volume shelf 21 ..., the shelves 21 may include two planar sheets of thin material (such as stainless steel) that form an envelope for the heater[s] 60 to be disposed therebetween”).

885. The heater (60) is taught to be in contact with the top sheet (22) of the shelf (21) to heat the compartment above the shelf and with the bottom sheet (23) of the shelf (21) to heat the compartment below the shelf. EX1010: ¶[0019] (“the heater 60 makes surface contact with at least the upper sheet 22 forming the shelf 21 (and also the heater 60 may contact the lower sheet 23 forming the shelf 21)”).

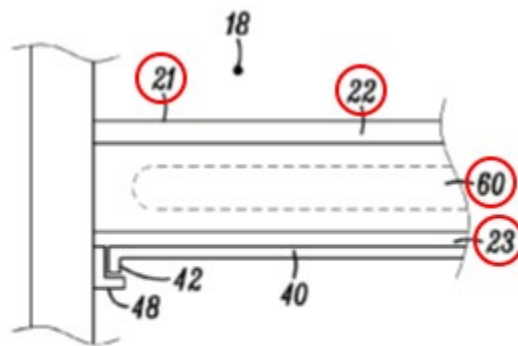


FIG. 3

EX1010: Fig. 3 (annotated).

886. In implementing the independently controllable upper and lower heater modification to Fortmann'748 discussed in Paragraphs 734-761 above, it would have been obvious to provide insulation between the upper and lower heaters as taught in the prior art.

887. For example, Fortmann'967 teaches a food holding system or cabinet (10) for keeping food warm. EX1018: 1:5-7 (“[t]his invention relates to a system that defines a conditioned environment, as for treating and/or maintaining the treated state of food items”), 4:19-26, Fig. 1.

888. Similar to Fortmann'748, the system (10) of Fortmann'967 has a plurality of vertically stacked food treatment spaces (16, 18, 20, 22) that receive a receptacle or tray (32) of food. EX1018: 3:64-65, 4:4-11, Fig. 2.

889. Each food treatment space (16, 18, 20, 22) of Fortmann'967 has two heaters (44, 48) which heat the top and bottom of the receptacle (32). EX1018: 4:22-26 (“a heater 44, which conducts heat through a heat sink 46 to the bottom wall 24, and a separate heater 48 which conducts heat through a heat sink 50 to the top wall 26”), Fig. 2.

Fig. 1

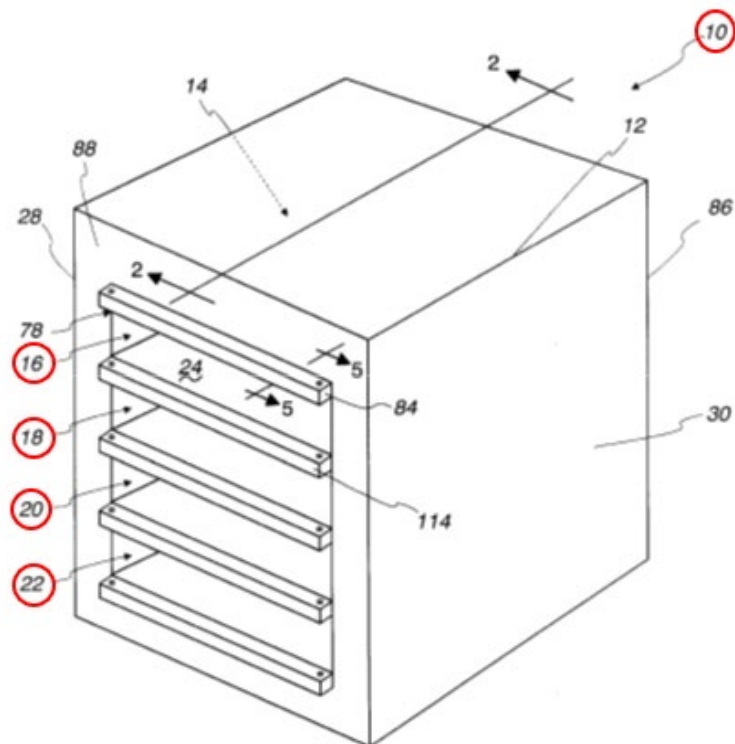
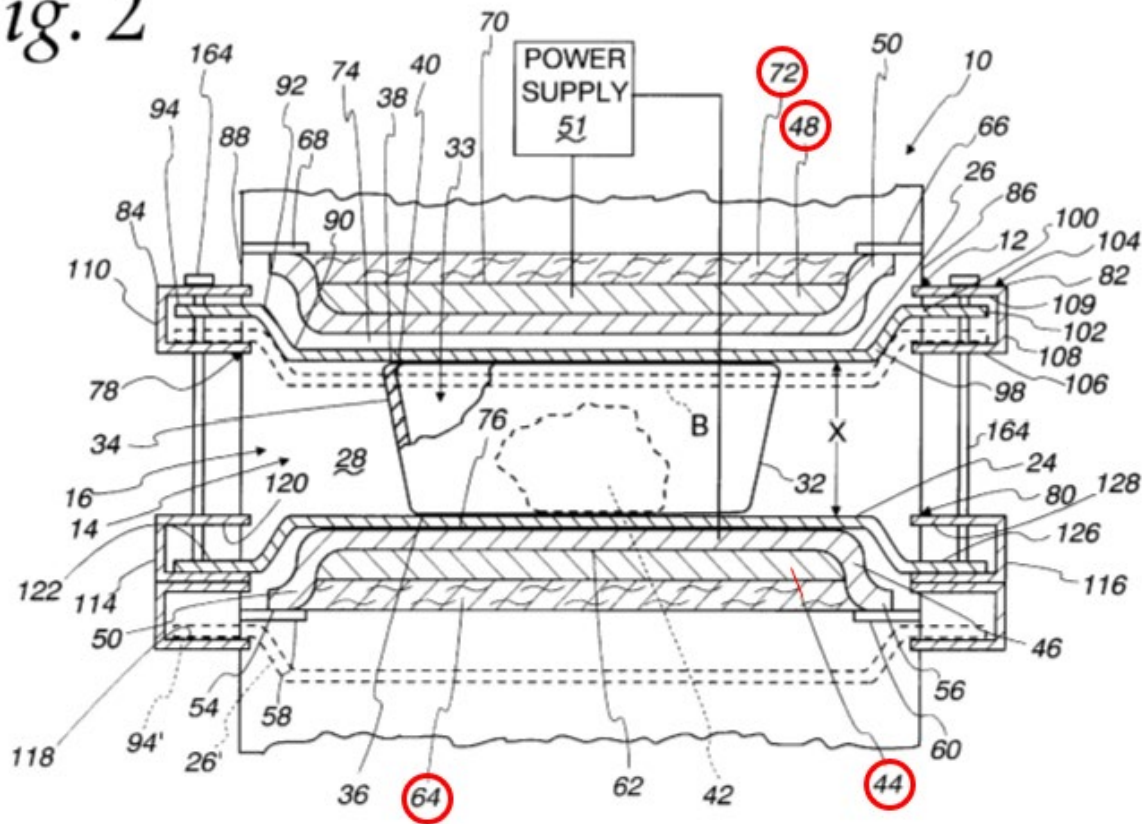


Fig. 2

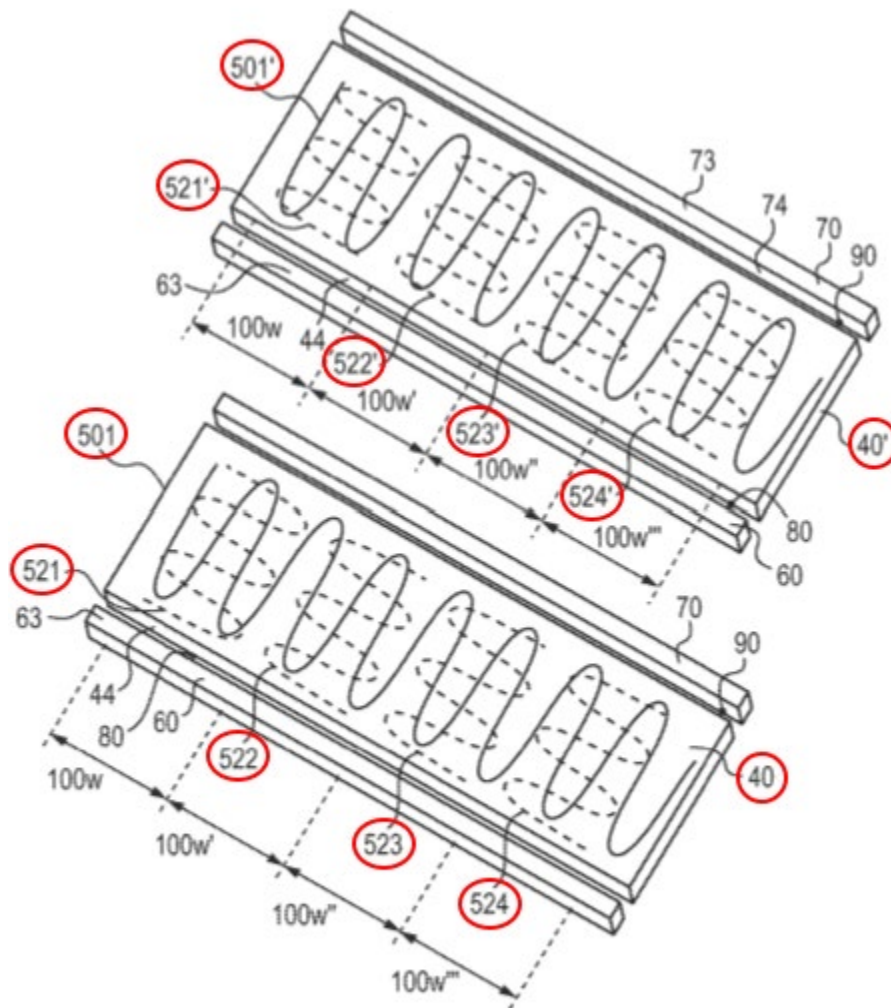


EX1018: Figs. 1 and 2 (annotated).

890. Each heater (44, 48) is backed by insulation (64, 72), which directs the heat from the heaters into the food treatment space (16, 18, 20, 22). EX1018: 4:33-38 (“An insulation layer 64 fills the space 62 beneath the heater 44.... The heater 48 is nested in a space 70 defined by the heat sink 50 and covered by an insulation layer 72.”), Fig. 2.

891. Similarly, Fortmann’197 explains that “*insulation* may be provided between the upper heaters 521, 522, 523, 524 in a plate 40 and the lower heater 501 in the same plate, so that the heat generated by the respective heater travels

generally through the surface of the plate 40 proximate to the plate and not in the direction of the other heater within the plate 40.” EX1014: 9:32-37, Fig. 10.



EX1014: Fig. 10 (annotated).

892. It would have been obvious to add insulation in the shelf of Fortmann‘748’s cabinet—as modified in view of Jones, Fortmann’197, IRHS Documents, and McMillan to incorporate separate independently controllable upper and lower heaters—to direct the heat generated by the heaters (upper

heaters) disposed at the bottom of the shelf into the compartment below the shelf and heaters (upper heaters) disposed at the top of the shelf into the compartment above the shelf. EX1014: 9:32-37 (“insulation may be provided between the upper heaters 521, 522, 523, 524 in a plate 40 and the lower heater 501 in the same plate, so that the heat generated by the respective heater travels generally through the surface of the plate 40 proximate to the plate and not in the direction of the other heater within the plate 40”).

893. The addition of insulation would also further thermally separate the two compartments, reducing the effect the temperature in one compartment has on the temperature in the other compartment.

894. Moreover, insulation would increase heating accuracy and efficiency, reducing power consumption and operating costs. EX1007: 8 (“raise restaurant profitability” and “decreasing the costs associated with running your restaurant”), 11 (“Energy Savings = Cash Flow Improvement”).

895. This modification would have been nothing more than combining known prior art elements (the insulation of Fortmann’967 and Fortmann’197 with the cabinet of Fortmann’748) according to known methods (the insulation arrangement taught by Fortmann’967 and Fortmann’197) to yield predictable results (thermally separating the upper and lower heaters in the same shelf and heating accuracy/efficiency).

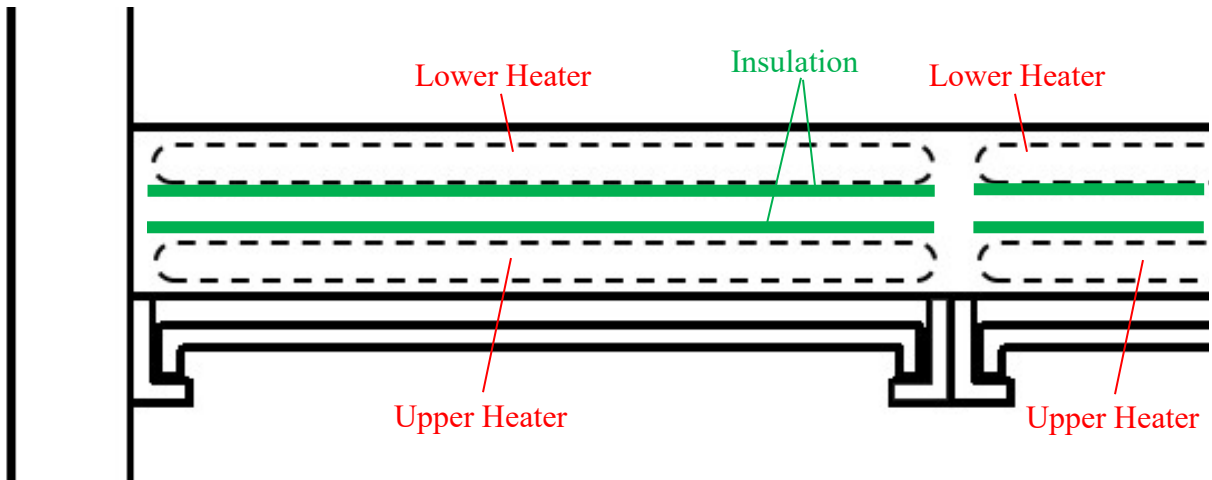
896. This modification would have also been nothing more than using a known technique (the insulation of Fortmann'967 and Fortmann'197) to improve a similar device (Fortmann'748's cabinet) in the same way (the insulation arrangements taught by Fortmann'967 and Fortmann'197).

897. There would have been a high expectation of success in making this modification given:

- (1) the similarities between the Fortmann'748 cabinet and the units of Fortmann'967 and Fortmann'197 (*e.g.*, all shelves having upper and lower heating elements);
- (2) the insulating purposes of the added insulation from Fortmann'967 or Fortmann'197 would not change; and
- (3) Fortmann'967 and Fortmann'197 demonstrate placement of insulation to promote heating in a desired direction is possible. EX1018: 4:33-38; EX1014: 9:32-37.

898. Fortmann'967 teaches backing each heater with insulation. EX1018: 4:33-38. Based on these teachings, the POSA would back each of the upper and lower heaters in the shelf with insulation.

899. An enlarged schematic illustration of the 2x4 Fortmann'748 cabinet modified in this manner is shown below:

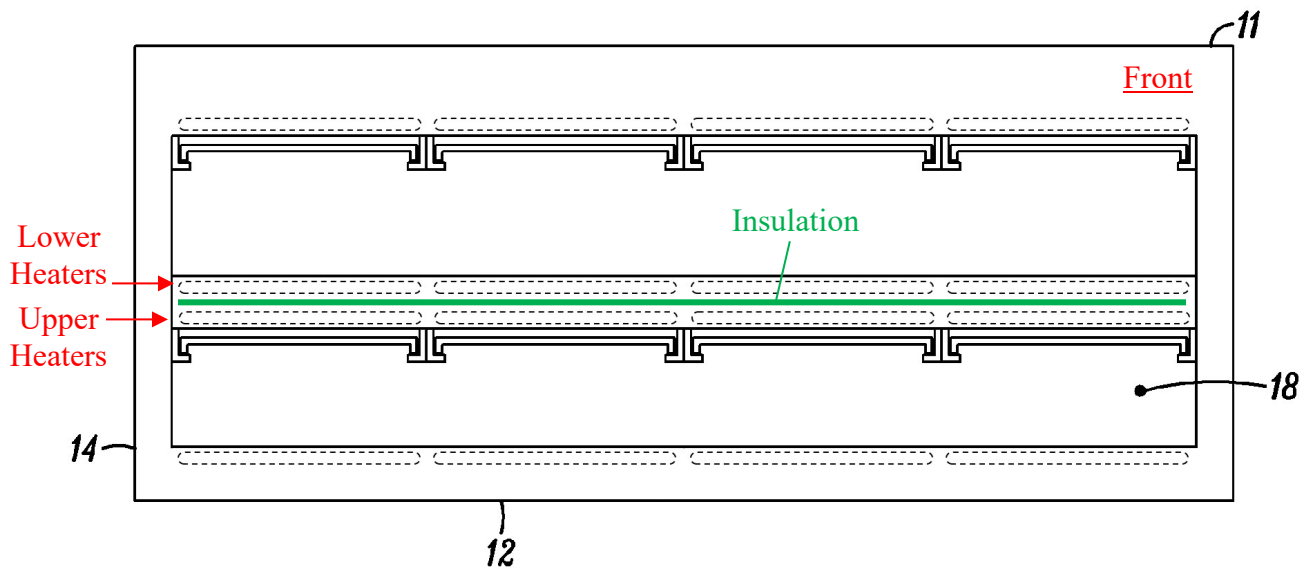
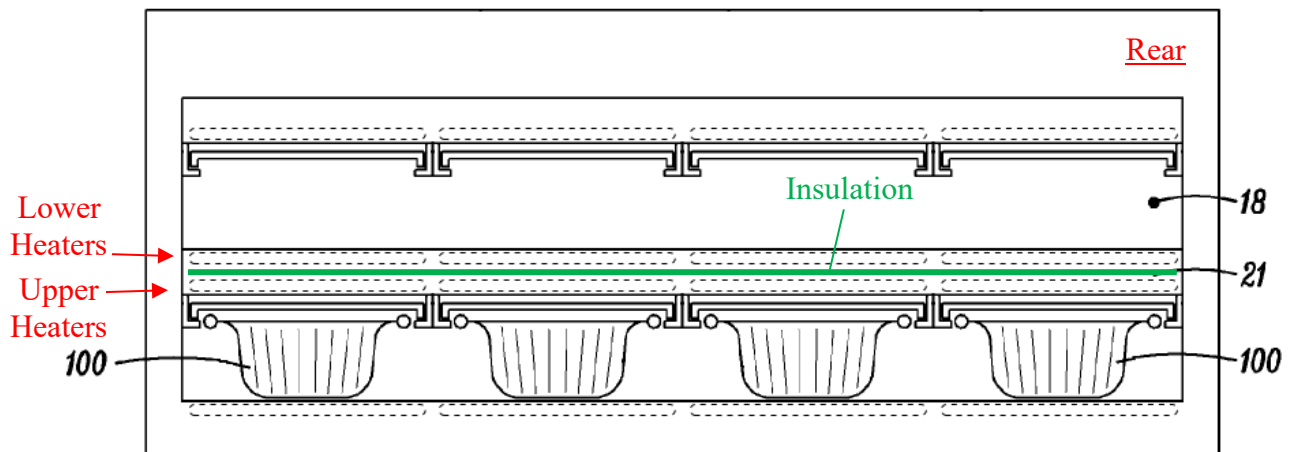


EX1010: Fig. 2 (modified, annotated, enlarged).

900. Fortmann'197 similarly teaches placing insulation between the upper and lower heating elements in the shelf. EX1014: 9:32-37.

901. Based on these teachings, the POSA would place the insulation in the interior volume of the shelf (21) between the upper and lower heaters.

902. Schematic illustrations of the 2x4 Fortmann'748 cabinet modified in this manner are shown below:



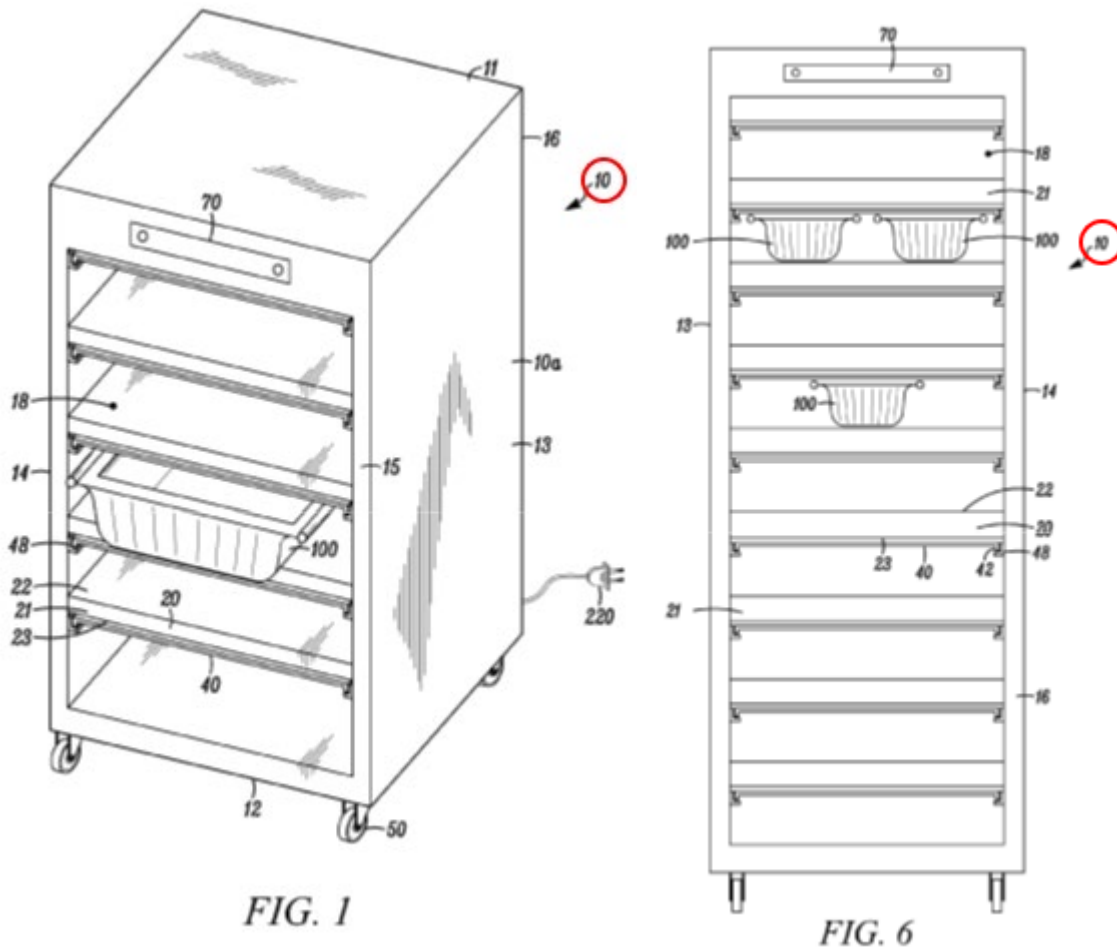
EX1010: Figs. 2 and 6 (modified, annotated).

B. Independent Claim 1

1.P: A multi-zone food holding bin comprising:

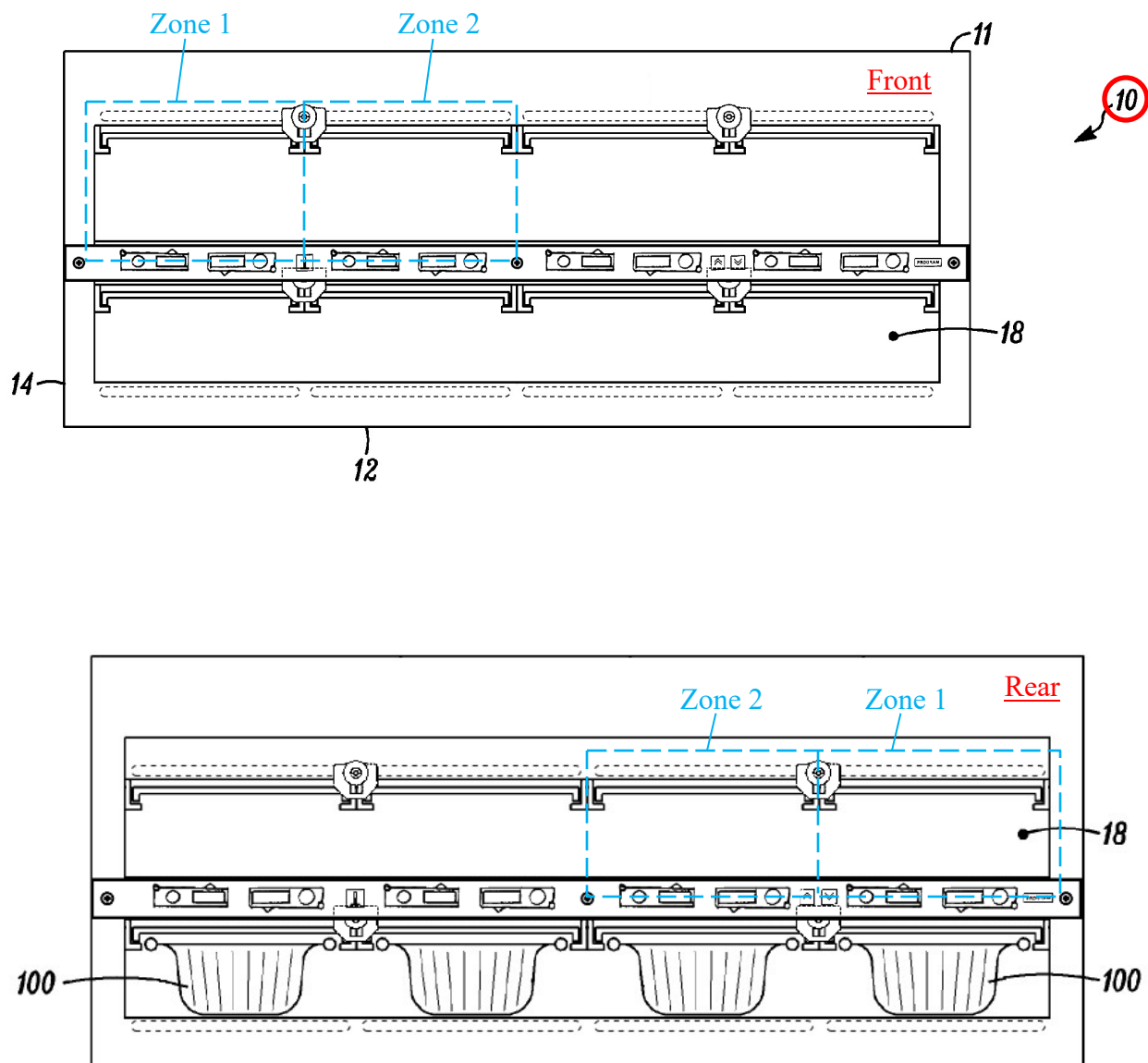
903. The POSA would recognize that Fortmann'748 discloses "a multi-zone food holding bin."

904. Specifically, Fortmann’748 teaches a food holding bin or warming cabinet (10) having multiple zones for a plurality of food pans (100). EX1010: ¶¶[0014], [0024] (“multiple heat zones”), [0027], Figs. 1 and 6.



EX1010: Figs. 1 and 6 (annotated).

905. This teaching would likewise hold true for the Fortmann’748 cabinet as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above as shown in the modified renderings below.



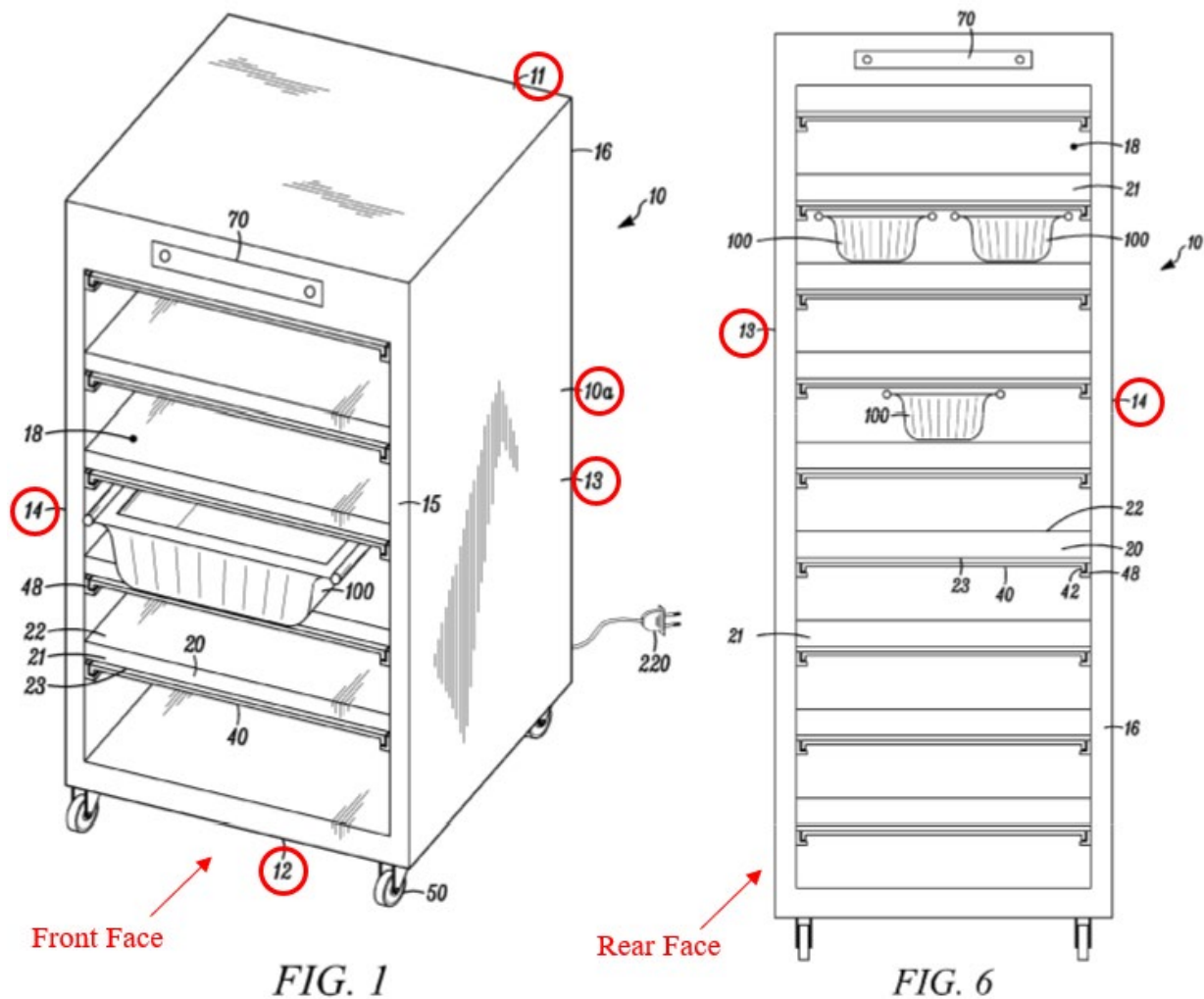
EX1010: Figs. 2 and 6 (modified, annotated).

1.a: a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face

906. The POSA would recognize that Fortmann'748 discloses the multi-zone food holding bin as having “a chassis having a top panel, a first side panel, a second side panel, a bottom panel, a front face, and an opposing rear face.”

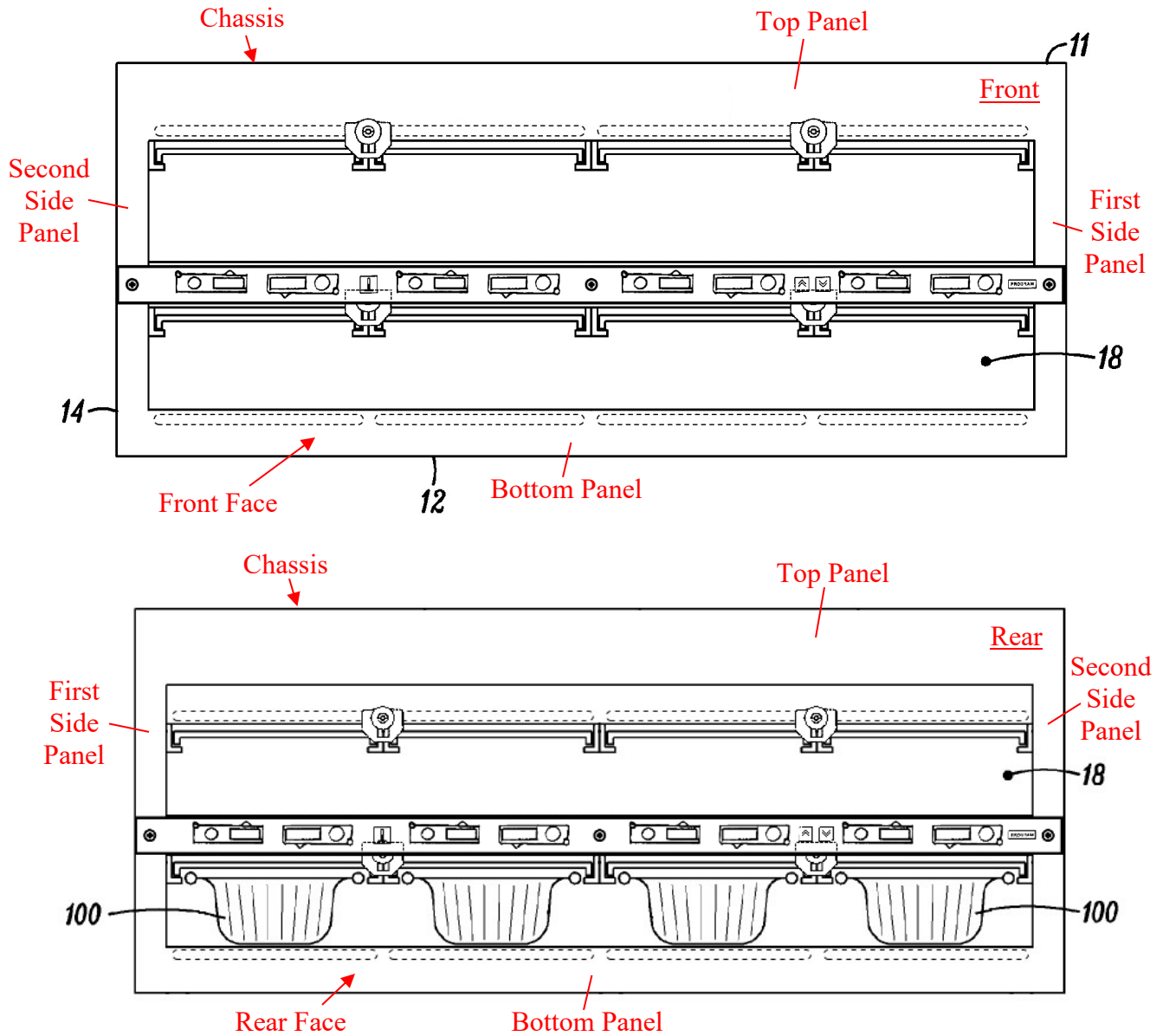
907. For example, Fortmann’748’s warming cabinet (10) has a chassis (10a) having a top panel (11), a first side panel (13), a second side panel (14), and a bottom panel (12). EX1010: ¶[0014] (“warming cart 10 includes a body 10a that is defined from a top wall 11, a bottom wall 12, a left wall 14, and a right wall 13”).

908. The cabinet (10) likewise has a front face and a rear face. EX1010: ¶[0014] (“warming cart 10 is configured with an open front side 15 and an open back side 16”), Figs. 1 and 6.



EX1010: Figs. 1 and 6 (annotated).

909. This teaching would likewise hold true for the Fortmann'748 cabinet as modified according to Paragraphs 722-902 above as shown in the modified renderings below. The modified figures throughout Grounds 12-16 represent the modifications explained in Paragraphs 722-902 (Ground 12, Section XV(A)).



EX1010: Figs. 2 and 6⁷ (modified, annotated).

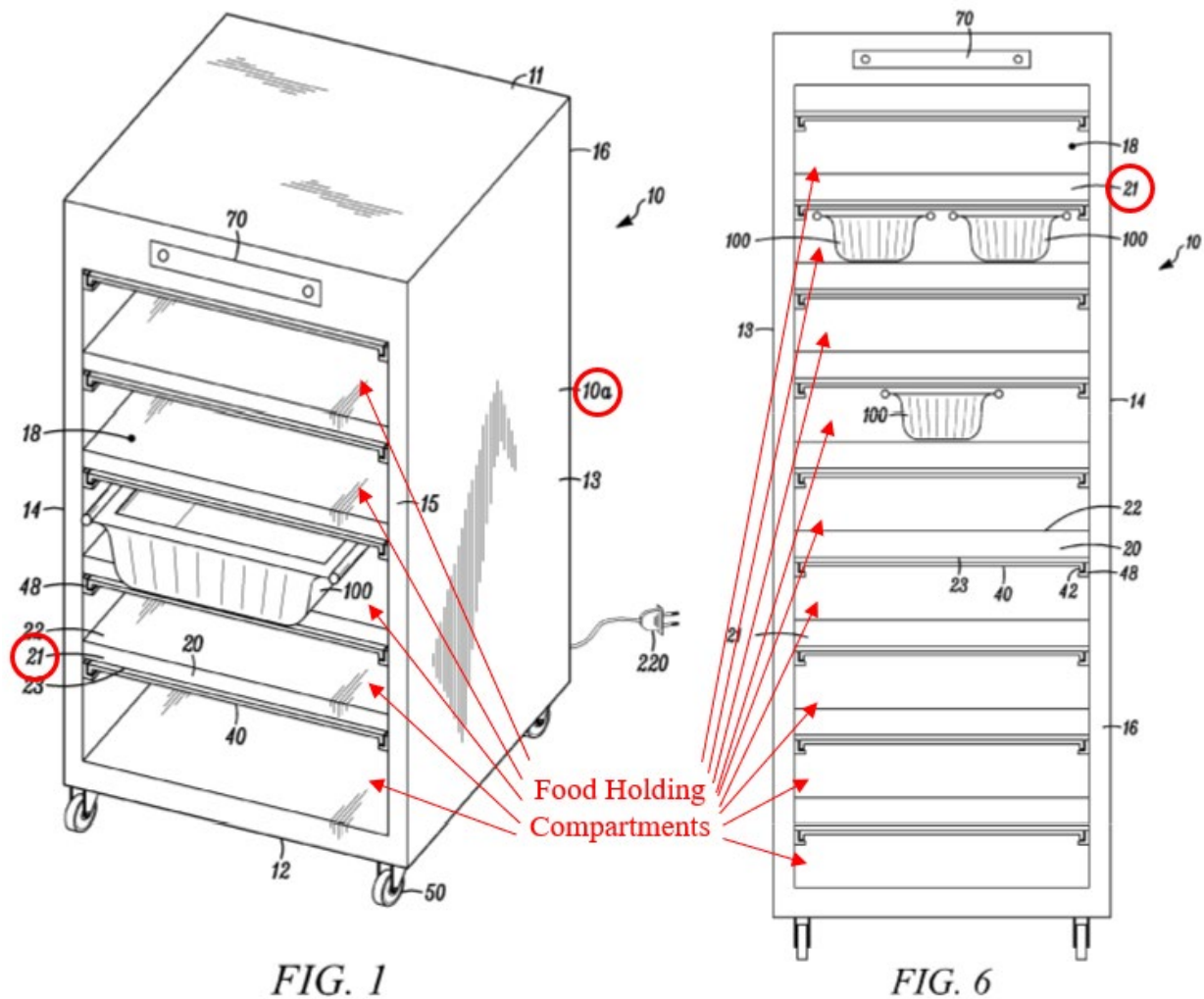
⁷ Fig. 2 is a front view and Fig. 6 is a back view of the cabinet. EX1010: ¶¶[0008], [0012].

1.b.1: a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, the top panel and a shelf

910. The POSA would recognize that Fortmann’748 discloses “a first food holding compartment within the chassis, the first food holding compartment being defined by the first side panel, the second side panel, the top panel and a shelf.”

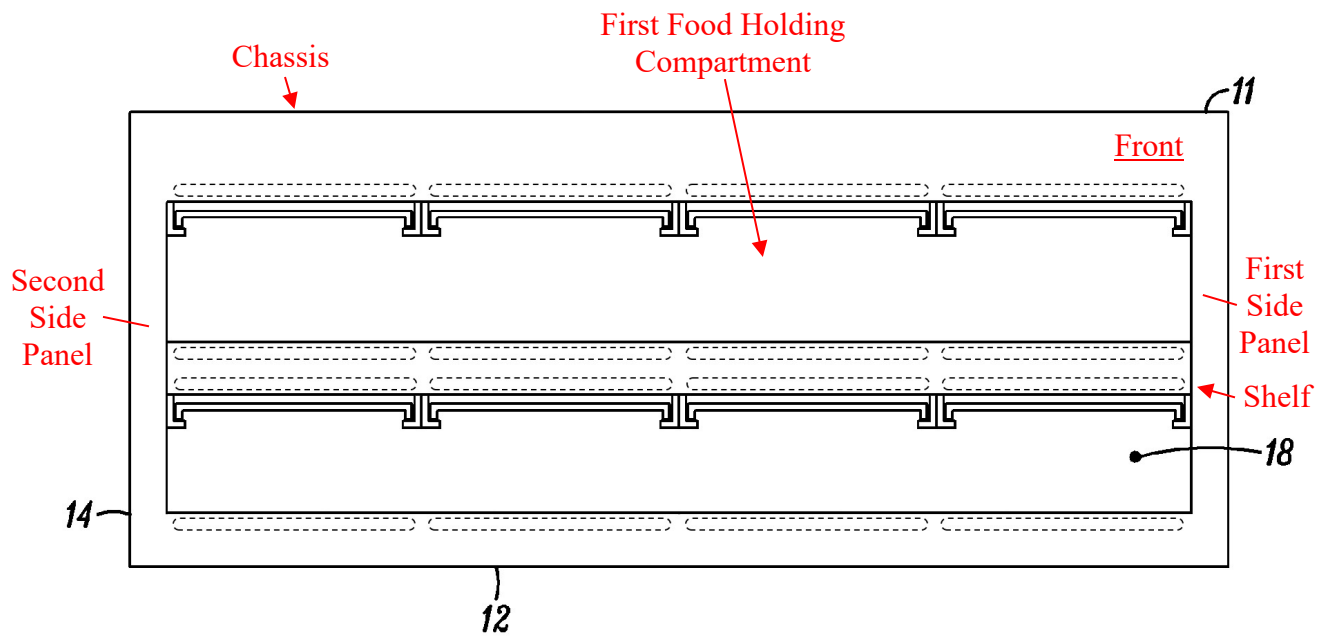
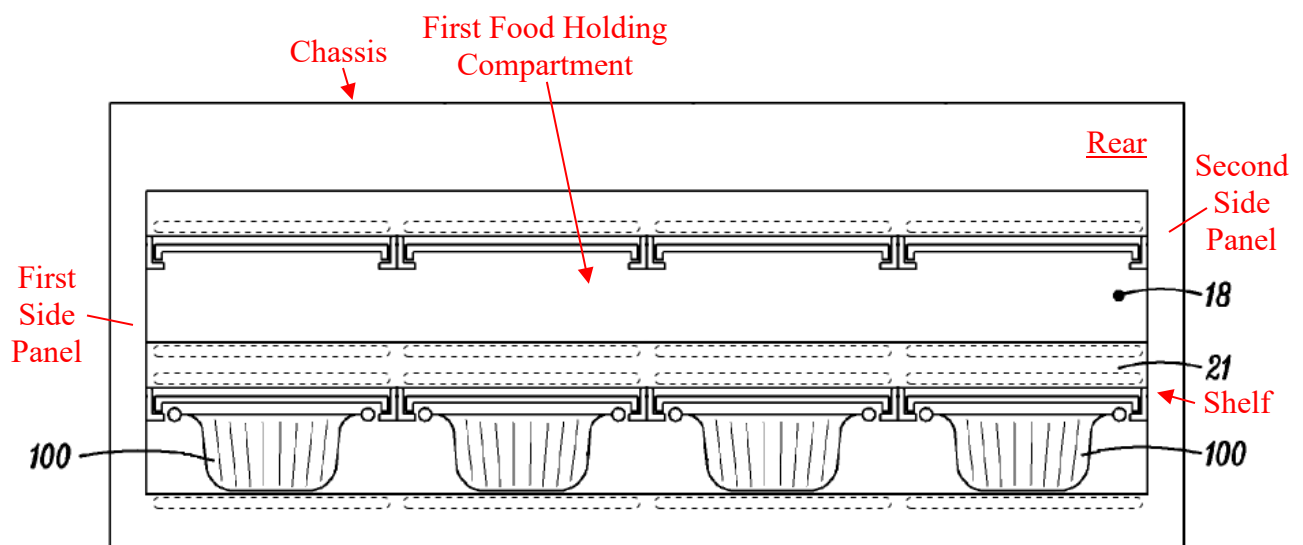
911. The chassis (10a) of Fortmann’748’s cabinet (10) has an interior volume (18) for the food pans (100). EX1010: ¶[0014], Figs. 1 and 6.

912. The cabinet (10) includes a plurality of shelves (21) dividing the interior volume (18) into a plurality of food holding compartments. EX1010: ¶[0015] (“a shelf 21 that is fixed to the right and left sides 14, 13 of the body 10a, with the top surface 22 of the shelf 21 being spaced from a bottom surface 23 of a neighboring shelf 21 a distance to allow a conventional restaurant cooking pan 100 to be inserted therebetween”), Figs. 1 and 6.



EX1010: Figs. 1 and 6 (annotated).

913. In adapting the Fortmann'748 cabinet to a 2x4 configuration as discussed at Paragraphs 722-733 (Ground 12, Section XV(A)(1)) above, the chassis (10a) of the cabinet would still have a first food holding compartment within the chassis defined by the first side panel (13), the second side panel (14), and the shelf (21).



EX1010: Figs. 2 and 6 (modified, annotated).

1.b.2: the first food holding compartment having a first opening, the first opening of the first food holding compartment being configured to allow food items to be placed into and removed from the first food holding compartment

914. The POSA would recognize that Fortmann’748 discloses the first food holding compartment as having “a first opening” and that this “first opening” is “configured to allow food items to be placed into and removed from the first food holding compartment.”

915. The first opening is larger than the food pans and allows the food pans, and thus food contained therein, to pass therethrough to be placed into and removed from the first food holding compartment. EX1010: ¶[0014] (“[t]he warming cart 10 is configured with an open front side 15 ... to allow one or more pans 100 to be quickly disposed within the cart 10 and the warming volume and removed from the cart 10 without operation of doors or other barriers found on conventional warming carts. As shown in FIGS. 1, 2, 4, and 5 the front side 15 is open to allow pans 100, trays, pizza boxes and the like to slide through the open front side 15 and within the warming volume 18 of the cart”), ¶[0015] (“the top surface 22 of the shelf 21 being spaced from a bottom surface 23 of a neighboring shelf 21 a distance to allow a conventional restaurant cooking pan 100 to be inserted therebetween”), ¶[0017] (“food products disposed within the pan 100”), ¶[0024] (“tray 100”), Figs. 1 and 6.

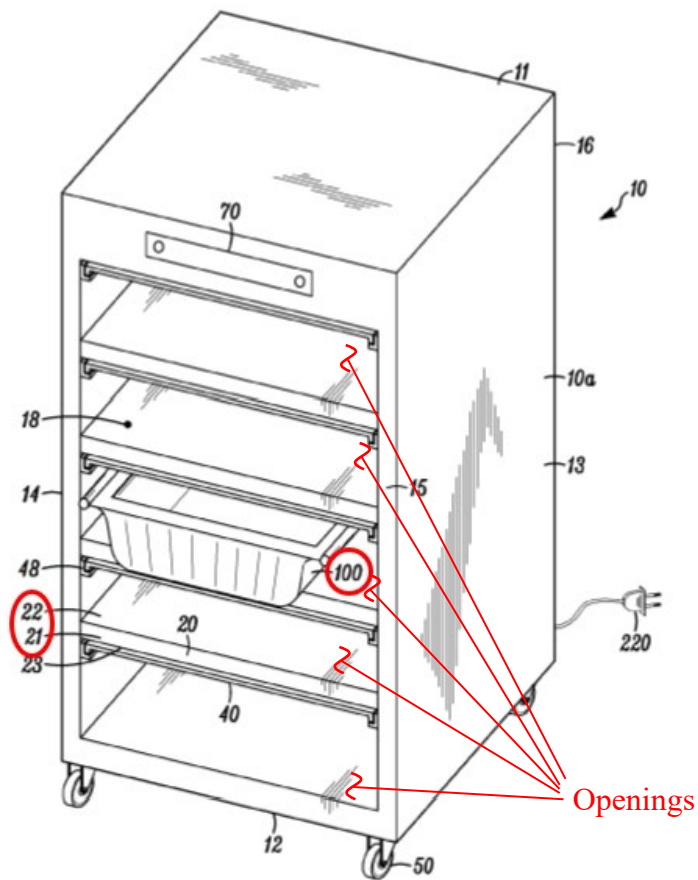
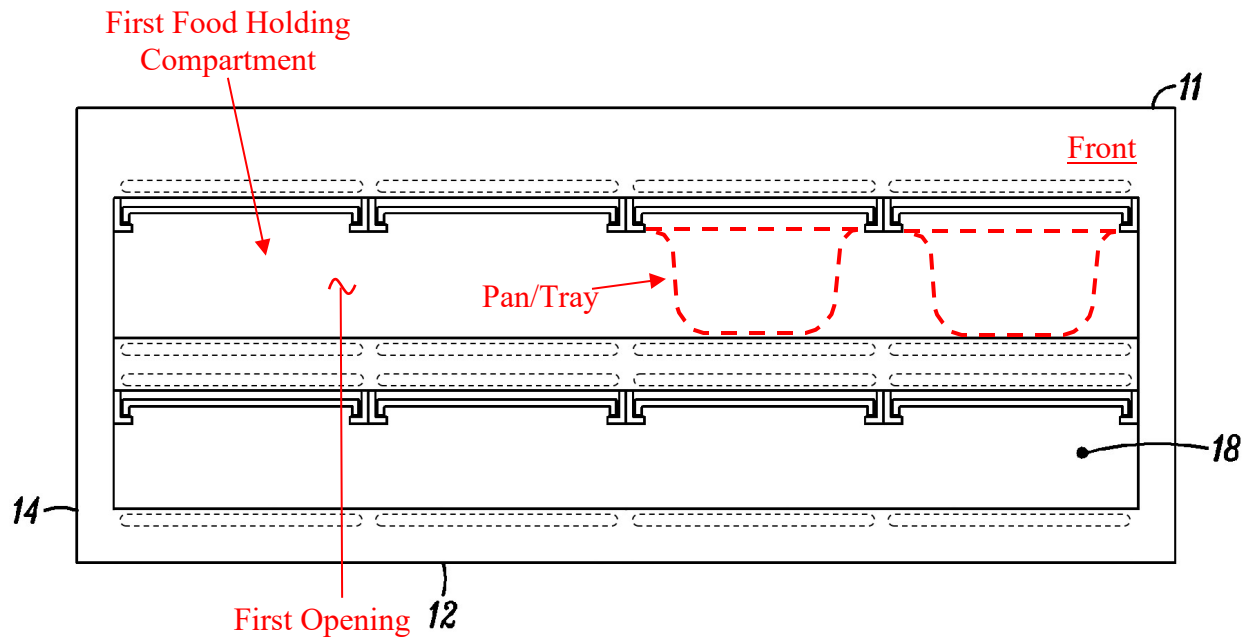


FIG. 1

EX1010: Fig. 1 (annotated).

916. This teaching would likewise hold true for the Fortmann'748 cabinet as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above as shown in the modified rendering below.

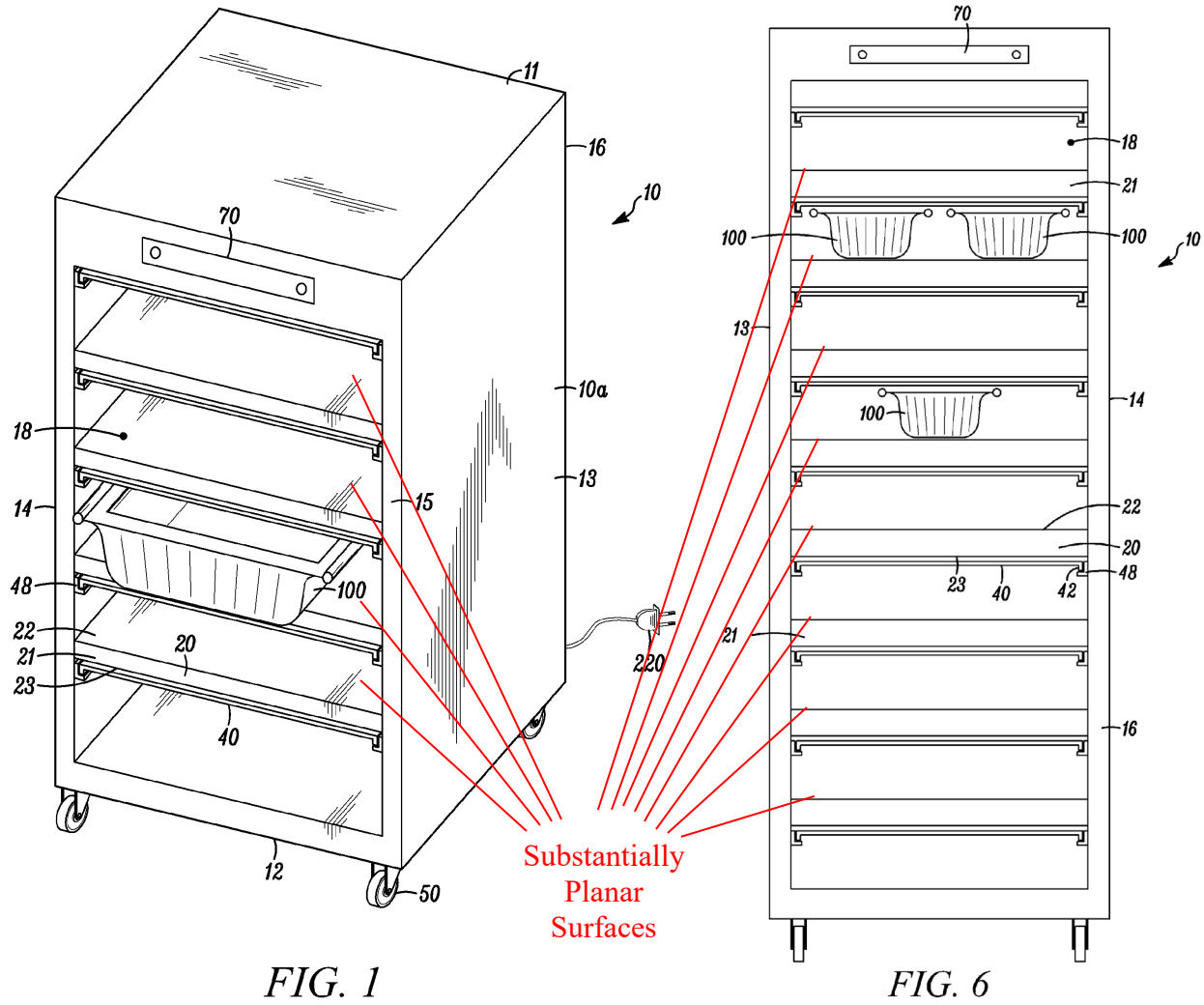


EX1010: Fig. 2 (modified, annotated).

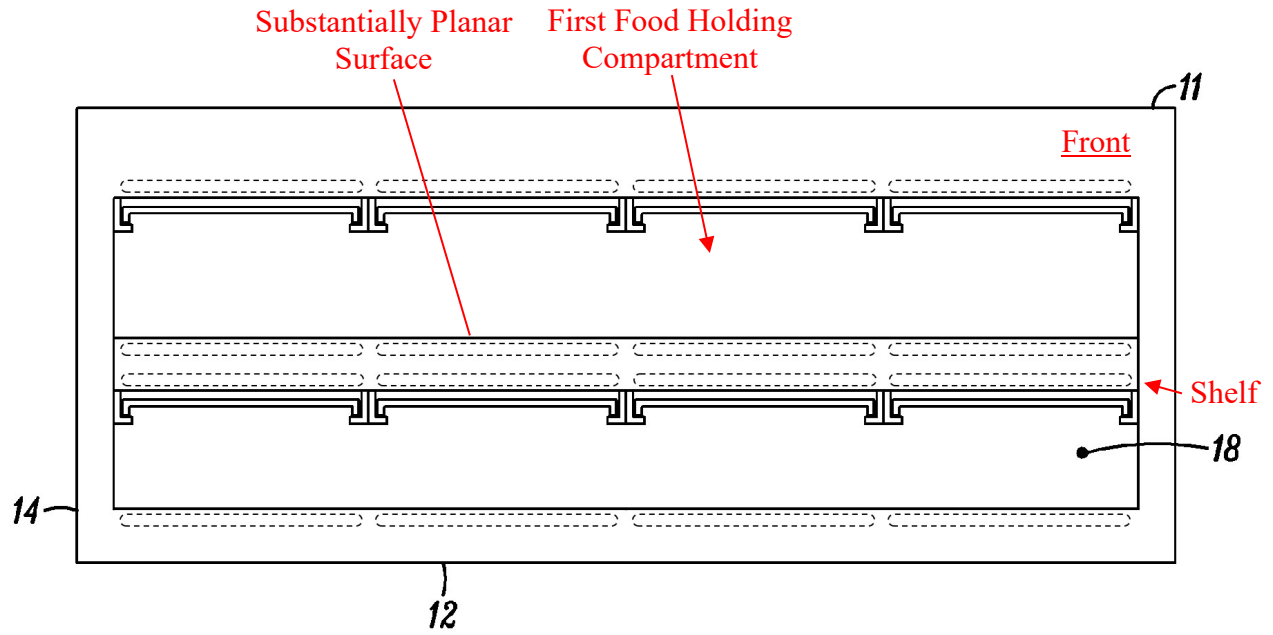
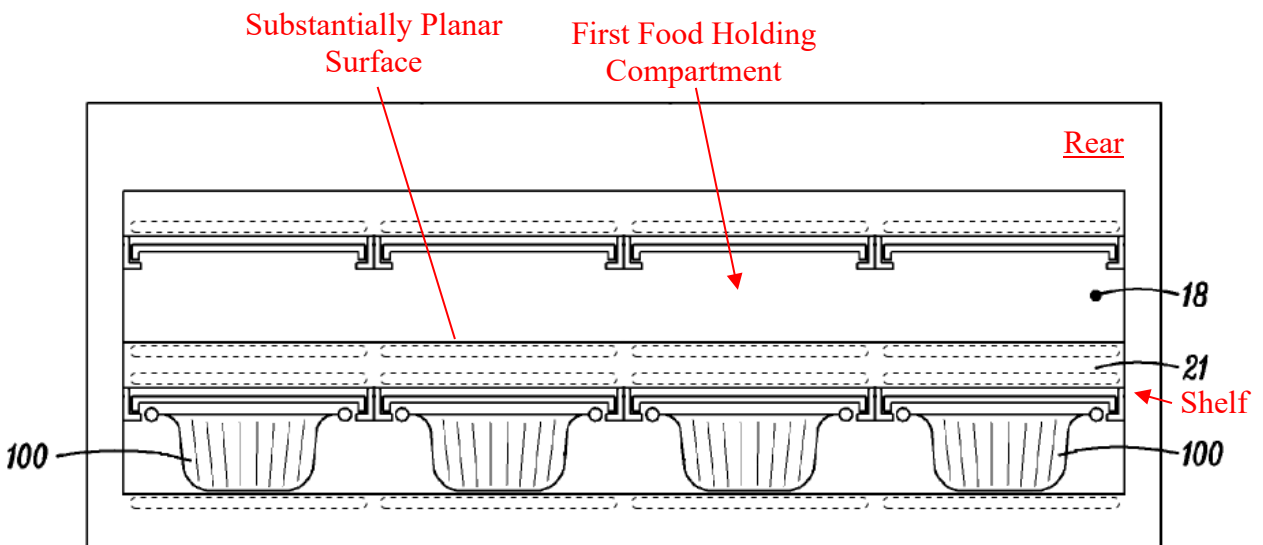
1.c.1: a substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment

917. The POSA would recognize that Fortmann’748 discloses a “substantially planar surface forming a top surface of the shelf and thus a bottom surface of the first food holding compartment.”

918. Both as disclosed in Fortmann’748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above, the top surface (22) of the shelf (21) of Fortmann’748 is shown as a planar surface and forms bottom surface of the first food holding compartment. EX1010: ¶[0015] (“with the top surface 22 of the shelf 21”), Figs. 1 and 6.



EX1010: Figs. 1 and 6 (annotated).



EX1010: Figs. 2 and 6 (modified, annotated).

1.c.2: the substantially planar surface extending completely to the first opening of the first food holding compartment

919. The POSA would recognize that Fortmann'748 discloses a “substantially planar surface extending completely to the first opening of the first food holding compartment.”

920. Both as disclosed in Fortmann'748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above, the substantially planar surface extends completely to the first opening of the first food holding compartment.

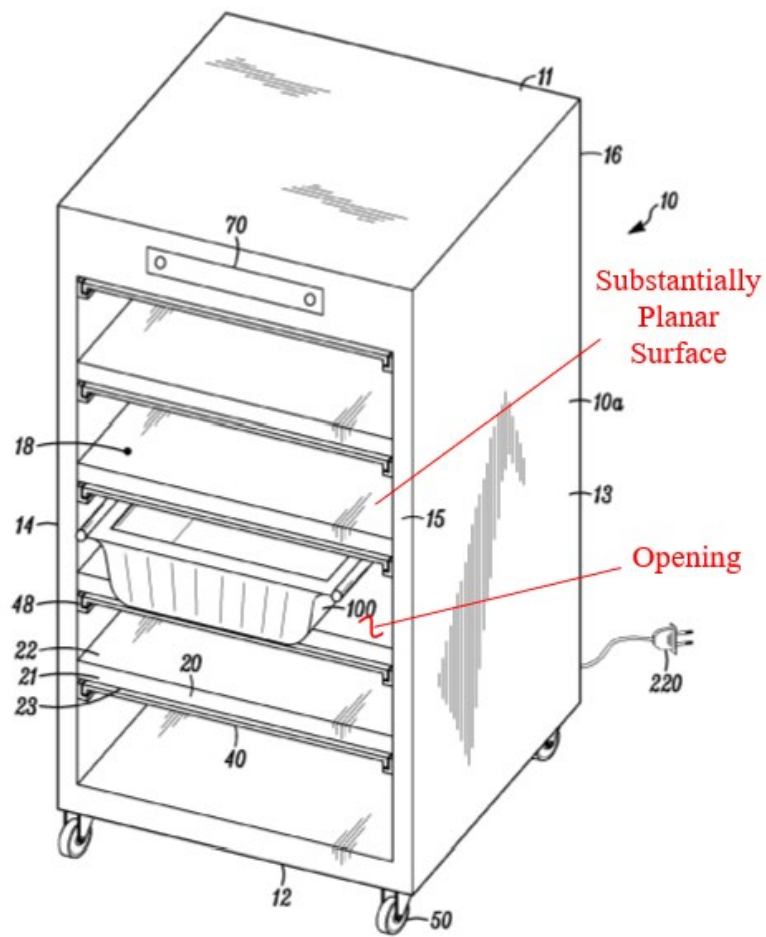
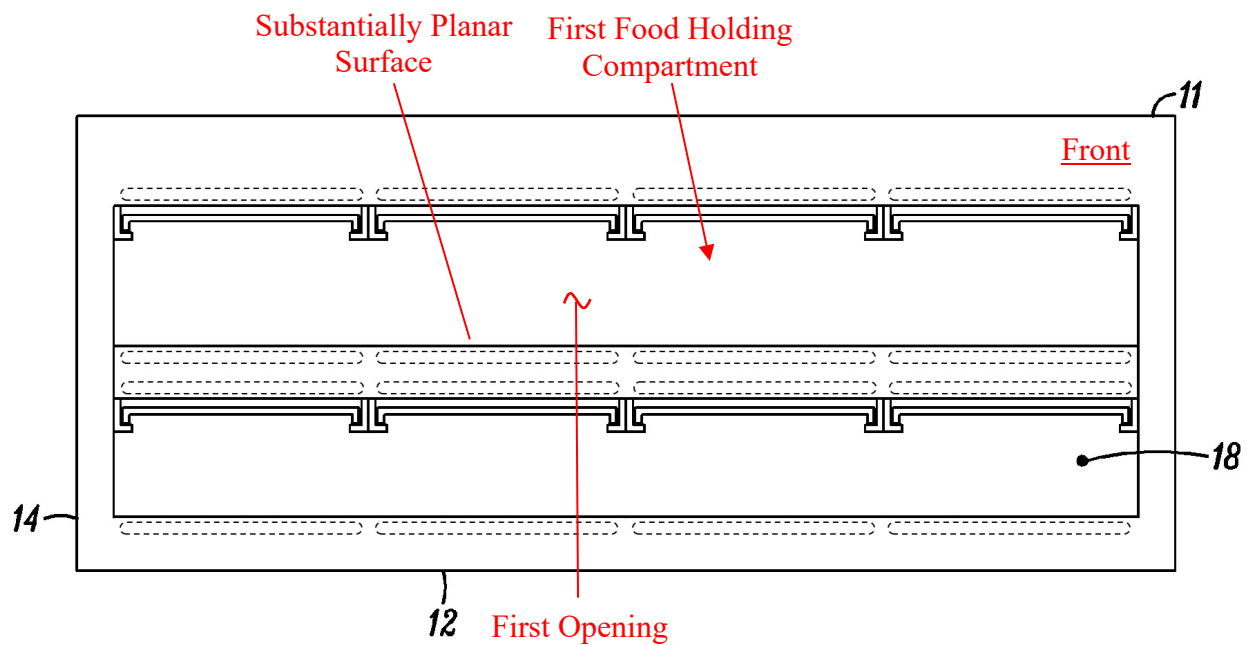


FIG. 1

EX1010: Fig. 1 (annotated).



EX1010: Fig. 2 (modified, annotated).

1.c.3: the substantially planar surface comprising a thermally conductive material

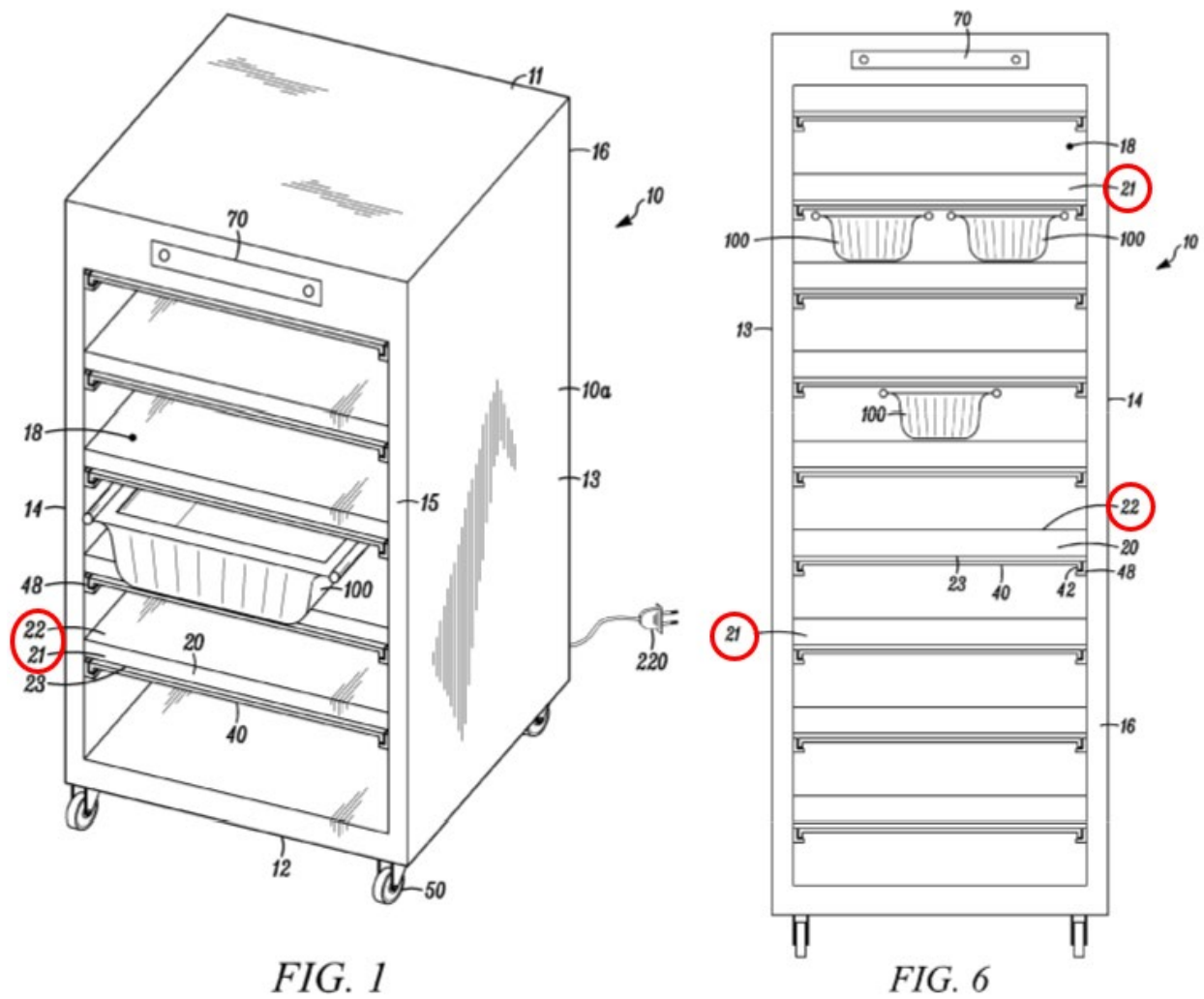
921. The POSA would recognize that Fortmann’748 discloses that “the substantially planar surface compris[es] a thermally conductive material.”

922. Fortmann’748 explains the shelves (21) are formed by “planar sheets of thin material (such as stainless steel) that form an envelope for the heater 60 to be disposed therebetween.” EX1010: ¶[0019].

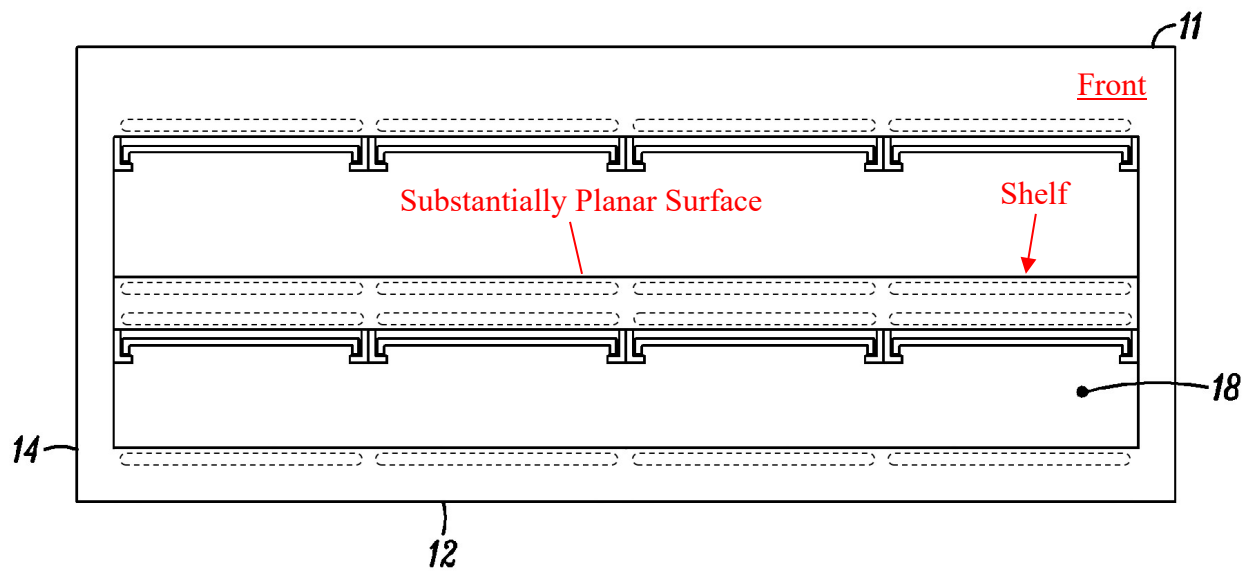
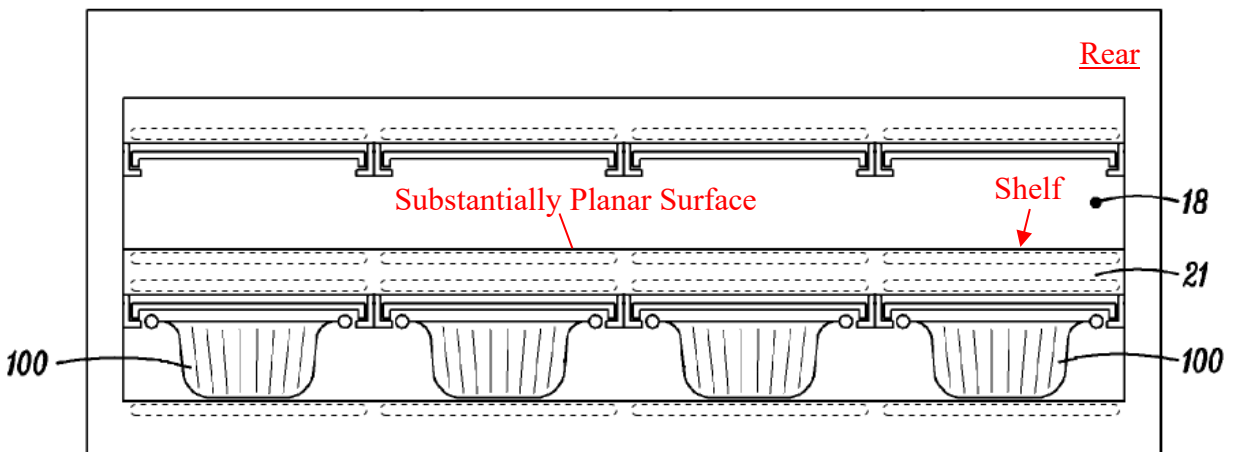
923. Stainless steel is a thermally conductive material.

924. Both as disclosed in Fortmann’748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above, the planar surface

forming the top surface (22) of the shelf (21) of the cabinet is a made of stainless steel. EX1010: ¶[0019].



EX1010: Figs. 1 and 6 (annotated).



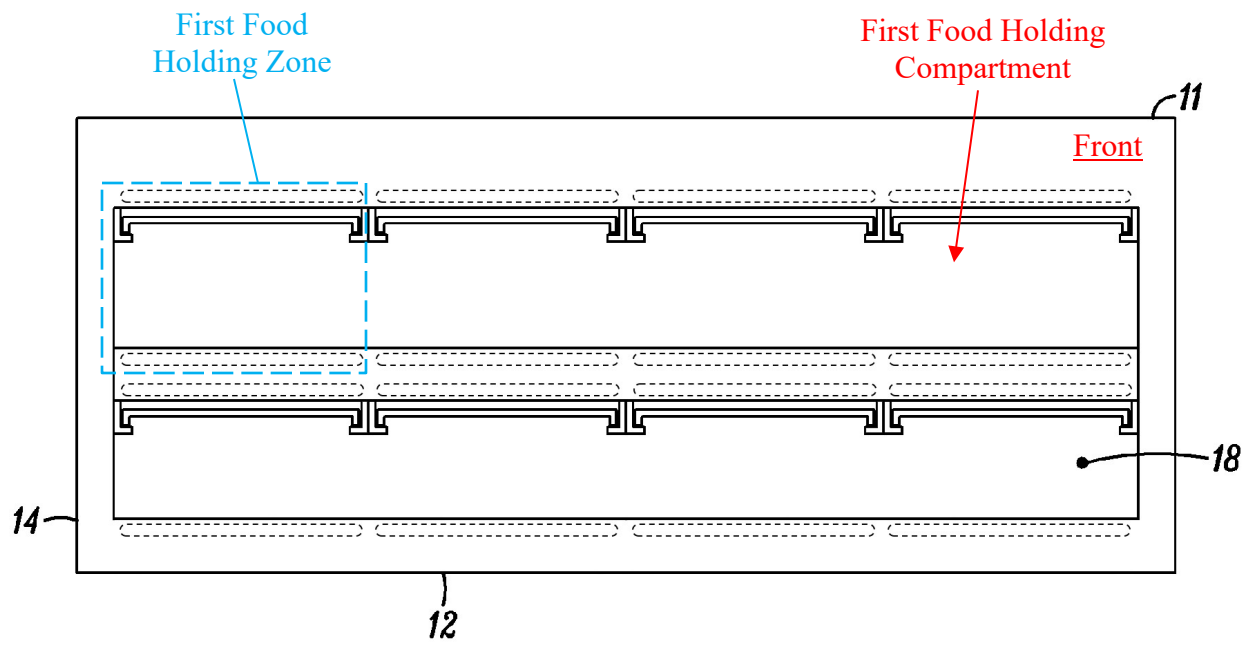
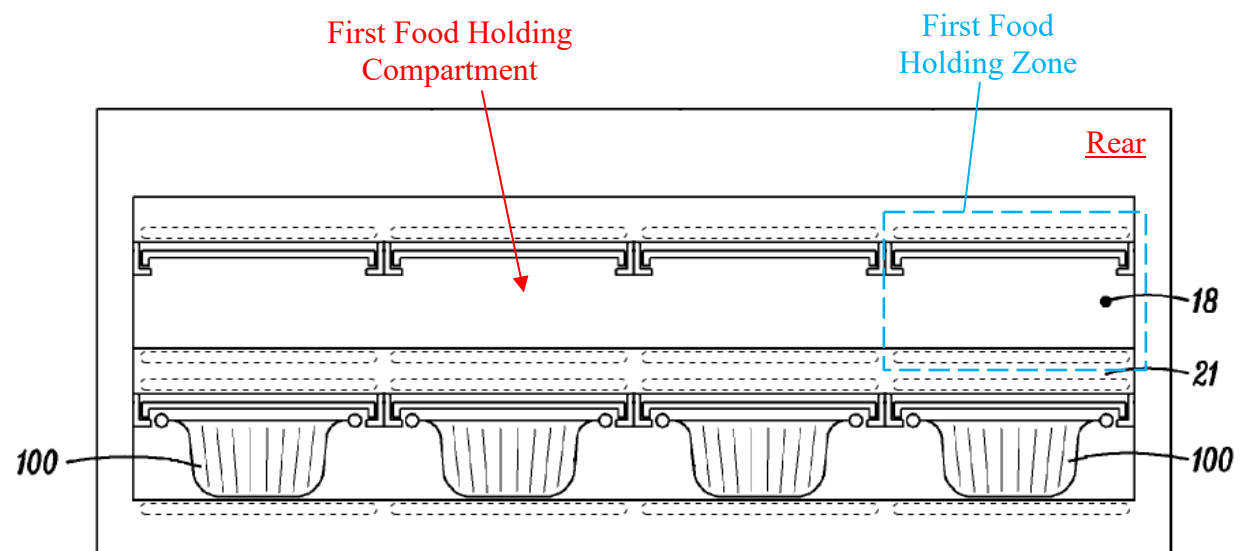
EX1010: Figs. 2 and 6 (modified, annotated).

1.d.1: a first food holding zone formed in the first food holding compartment

925. The POSA would recognize that Fortmann'748 discloses a "holding zone formed in the first food holding compartment."

926. It would have been obvious to modify the Fortmann'748 cabinet in view of Jones (EX1012), Fortmann'197 (EX1014), and McMillan (EX1019) as discussed in Paragraphs 734-761 (Ground 12, Section XV(A)(2)) such that it has at least two food holding zones (heating zones) across the first compartment such that one of the heating zones would be a first food holding zone (heating zone).

927. As described above in Paragraphs 734-761 (Ground 12, Section XV(A)(2)), Jones, Fortmann'197, and McMillan all disclose food holding zones per each pan bay in a food holding compartment. EX1012: ¶¶[0069], [0072], [0096]; EX1014: 3:6-27, 8:63-9:19, 9:50-65; EX1019: 4:36-59.

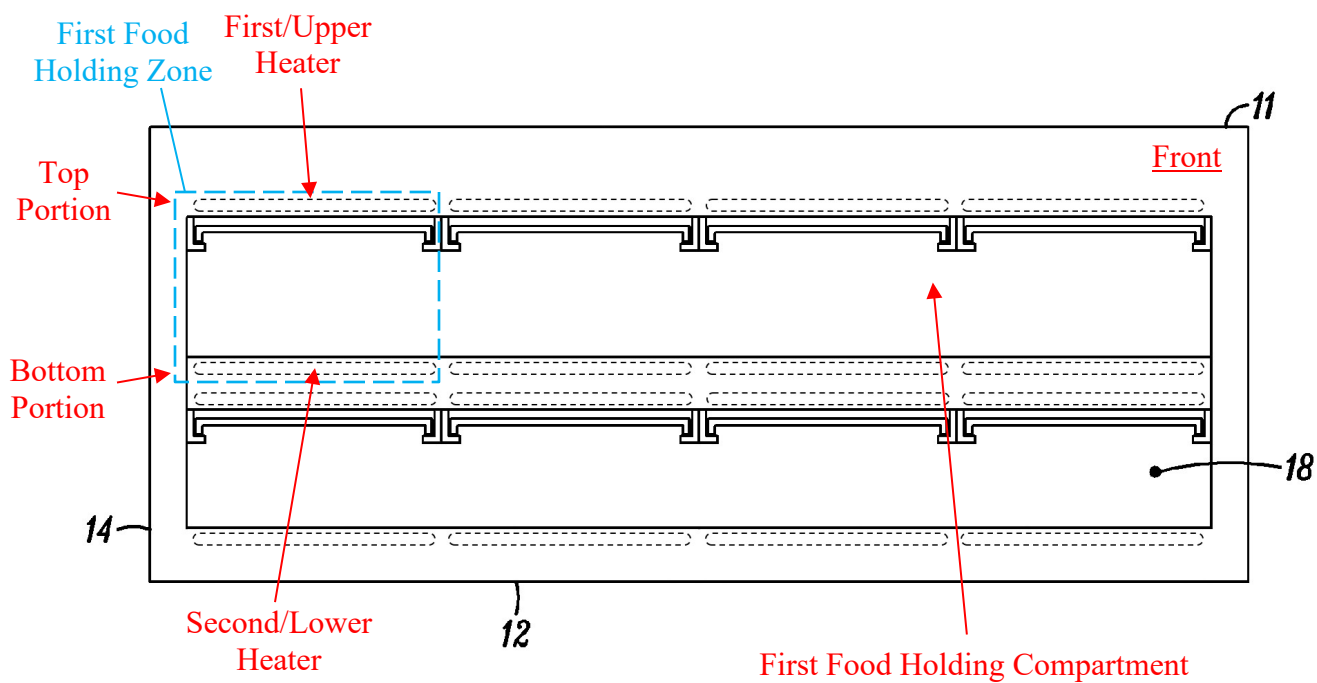
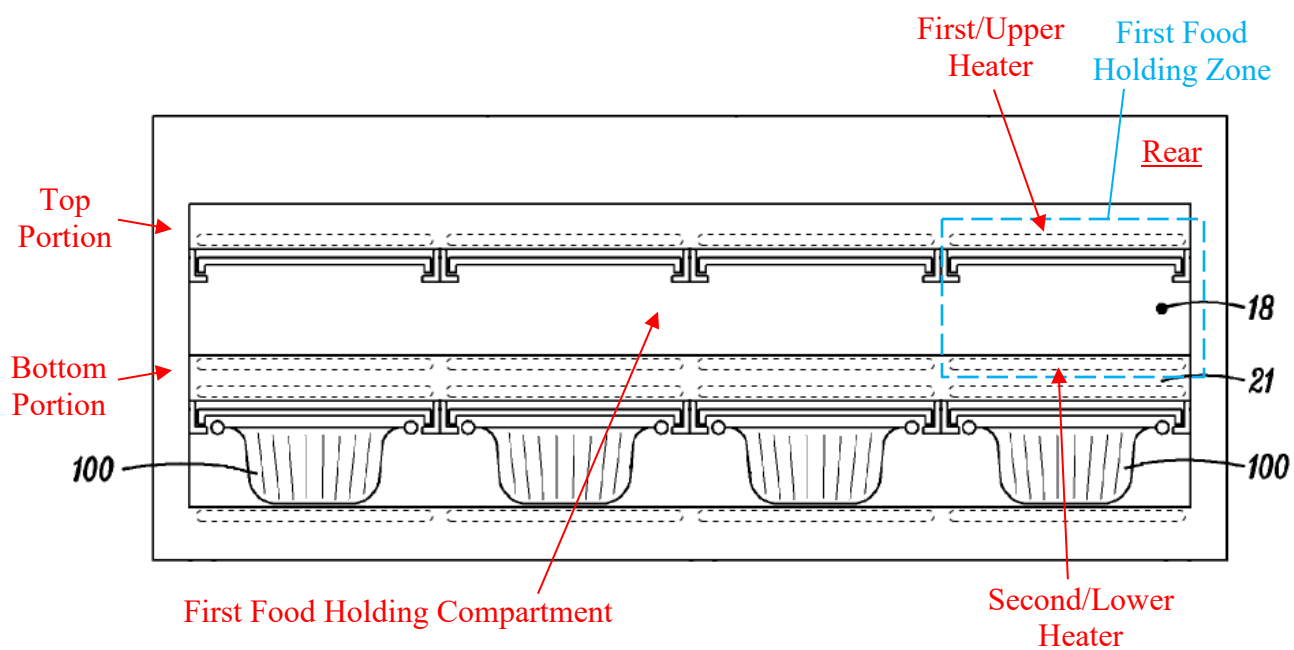


EX1010: Figs. 2 and 6 (modified, annotated).

1.d.2: the first food holding zone having an independently controllable first heating element disposed at a top portion of the first food holding compartment, and an independently controllable second heating element disposed at a bottom portion of the first food holding compartment

928. The POSA would recognize that Fortmann'748 discloses having food holding zones with independently controllable heating elements.

929. Jones (EX1012), Fortmann'197 (EX1014), and/or McMillan (EX1019) disclose upper and lower heating elements for each zone and Jones, Fortmann'197, IRHS Documents (EX1005-EX1008), and McMillan disclose heating elements of each zone being independently controllable from one another and other zones' heating elements. EX1005: 16, 20, 25, 26; EX1006: 1; EX1007: 53; EX1010: ¶¶[0021], [0027]; EX1012: ¶¶[0072]-[0073], [0096], [0098], [0130]; EX1014: 3:6-27, 8:63-9:19, 9:50-65; EX1019: 4:36-59. In view of these disclosures, it would have been further obvious to modify the Fortmann'748 cabinet as discussed in Paragraphs 734-782 (Ground 12, Section XV(A)(2)-(3)) such that the first food holding zone would have an independently controllable first/upper heater and an independently controllable second/lower heater (e.g., heating elements) at respective top and bottom portions of the first food holding compartment.



EX1010: Figs. 2 and 6 (modified, annotated).

930. In modifying Fortmann'748's cabinet such that the first food holding zone were to have an upper heater and a lower heater, it would have further been obvious for the upper heater and the lower heater to be independently controllable from one another and from the upper and lower heaters of the other food holding zones. Jones, Fortmann'197, IRHS Documents, and McMillan all disclose that their heating elements of each zone are independently controllable from one another and from the heating elements of other zones. EX1005: 16, 20, 25; EX1006: 1; EX1007: 53; EX1010: ¶¶[0021], [0027]; EX1012: ¶¶[0072], [0096], [0098], [0130]; EX1014: 3:6-27, 8:63-9:19, 9:50-65; EX1019: 4:36-59.

931. Specifically, as explained in Paragraphs 734-782 (Ground 12, Section XV(A)(2)-(3)), when duplicating Fortmann'748's heaters (60) in view of Jones, Fortmann'197, and/or McMillan, the POSA would have maintained the independent control of the heaters as taught by Jones, Fortmann'197, IRHS Documents, and/or McMillan. As explained in Paragraphs 734-782 (Ground 12, Section XV(A)(2)-(3)), Fortmann'748's modified control system would independently operate the upper and lower heaters in one zone (specifically, in each pan holding location) from one another and from the upper and lower heaters in other zones.

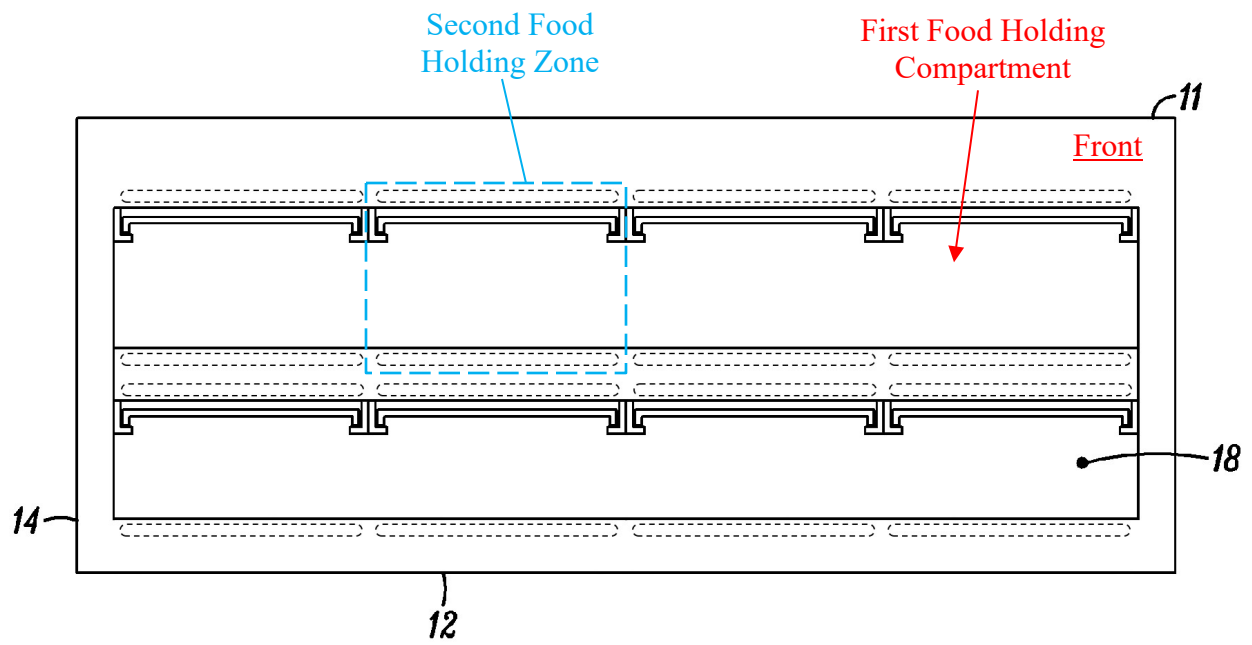
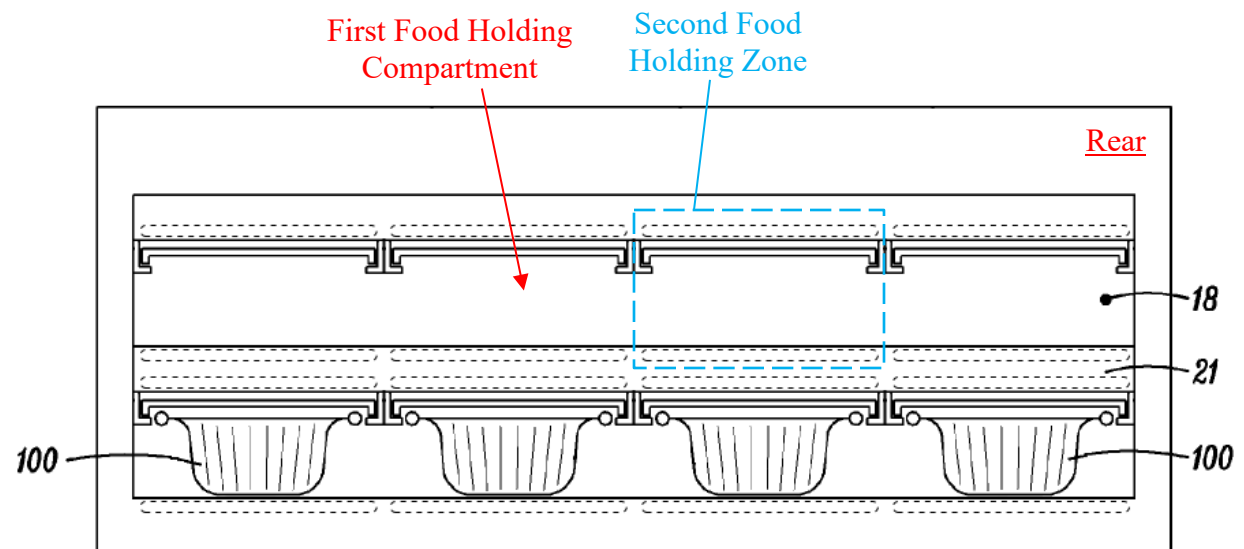
932. As such, it would have been obvious for the first food holding zone's first/upper and second/lower heaters to be independently controllable from one another and from the upper and lower heaters of the other food holding zones.

1.e.1: a second food holding zone formed in the first food holding compartment

933. The POSA would recognize that Fortmann'748 discloses a "food holding zone formed in the first food holding compartment."

934. As described above in Paragraphs 734-761 (Ground 12, Section XV(A)(2)), Jones, Fortmann'197, and McMillan each disclose food holding zones per each pan bay in a food holding compartment. EX1005: 20, 25; EX1007: 53; EX1012: ¶¶[0069], [0072], [0096]; EX1014: 3:6-27, 8:63-9:19, 9:50-65; EX1019: 4:36-59.

935. Accordingly, it would have been obvious to modify the Fortmann'748 cabinet in view of Jones (EX1012), Fortmann'197 (EX1014), and McMillan (EX1019) as discussed in Paragraph 734-761 (Ground 12, Section XV(A)(2)), such that it has at least two food holding zones (heating zones) across the first compartment such that one of the heating zones would be a second food holding zone (heating zone).

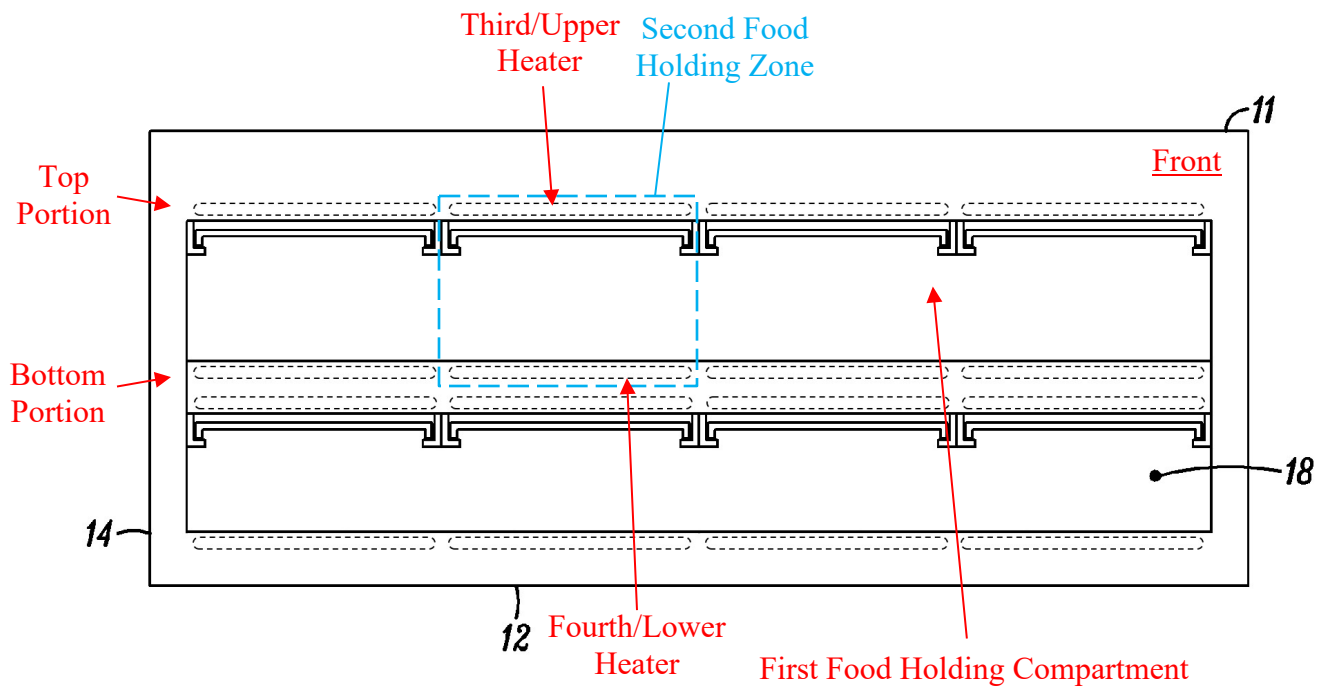
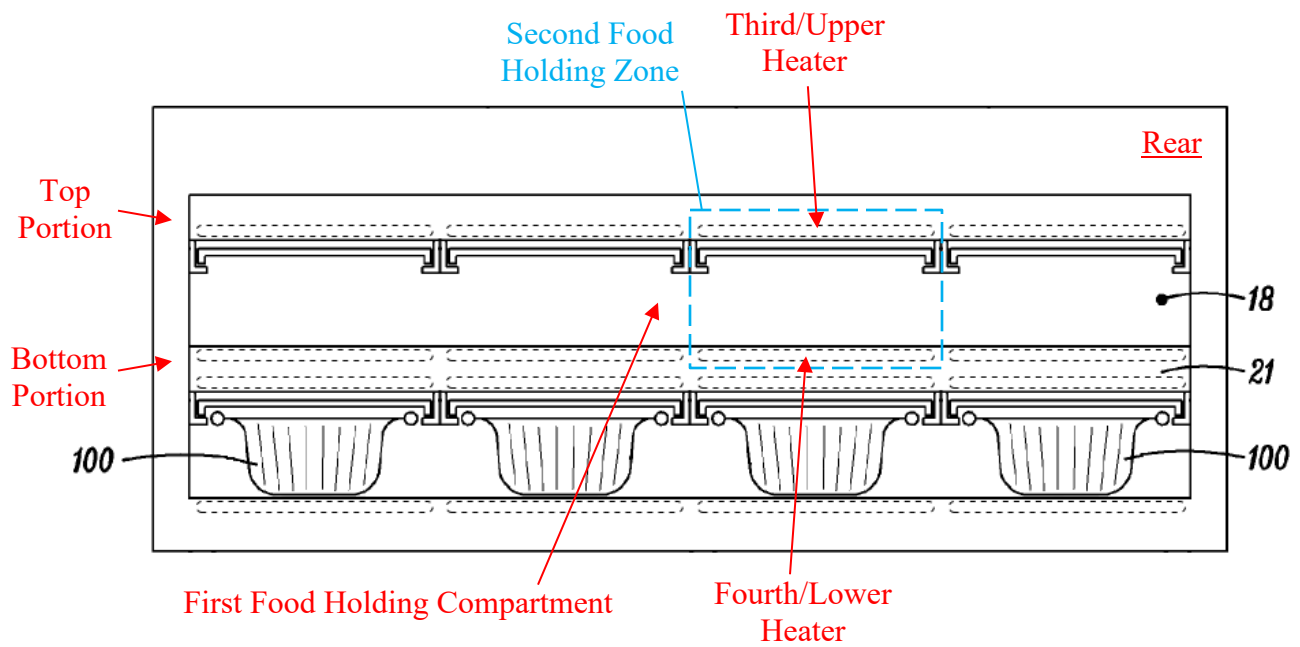


EX1010: Figs. 2 and 6 (modified, annotated).

1.e.2: the second food holding zone having an independently controllable third heating element disposed at the top portion of the first food holding compartment and an independently controllable fourth heating element disposed at the bottom portion of the first food holding compartment

936. The POSA would recognize that Fortmann'748 discloses having food holding zones with independently controllable heating elements.

937. Jones (EX1012), Fortmann'197 (EX1014), and/or McMillan (EX1019) disclose upper and lower heating elements for each zone and Jones, Fortmann'197, IRHS Documents (EX1005-EX1008), and McMillan disclose heating elements of each zone being independently controllable from one another and other zones' heating elements. EX1005: 16, 20, 25, 26; EX1006: 1; EX1007: 53; EX1010: ¶¶[0021], [0027]; EX1012: ¶¶[0072]-[0073], [0096], [0098], [0130]; EX1014: 3:6-27, 8:63-9:19, 9:50-65; EX1019: 4:36-59. In view of these disclosures, it would have been further obvious to modify the Fortmann'748 cabinet as discussed in Paragraphs 734-782 (Ground 12, Section XV(A)(2)-(3)) such that the second food holding zone would have an independently controllable third/upper heater and an independently controllable fourth/lower heater (e.g., heating elements) in respective top and bottom portions of the first food holding compartment.



EX1010: Figs. 2 and 6 (modified, annotated).

938. In modifying Fortmann'748's cabinet such that the second food holding zone were to have an upper heater and a lower heater, it would have further been obvious for the upper heater and the lower heater to be independently controllable from one another and from the upper and lower heaters of the other food holding zones. Jones, Fortmann'197, IRHS Documents, and McMillan all disclose that their heating elements of each zone are independently controllable from one another and from the heating elements of other zones. EX1005: 16, 20, 25; EX1006: 1; EX1007: 53; EX1010: ¶¶[0021], [0027]; EX1012: ¶¶[0072], [0096], [0098], [0130]; EX1014: 3:6-27, 8:63-9:19, 9:50-65; EX1019: 4:36-59.

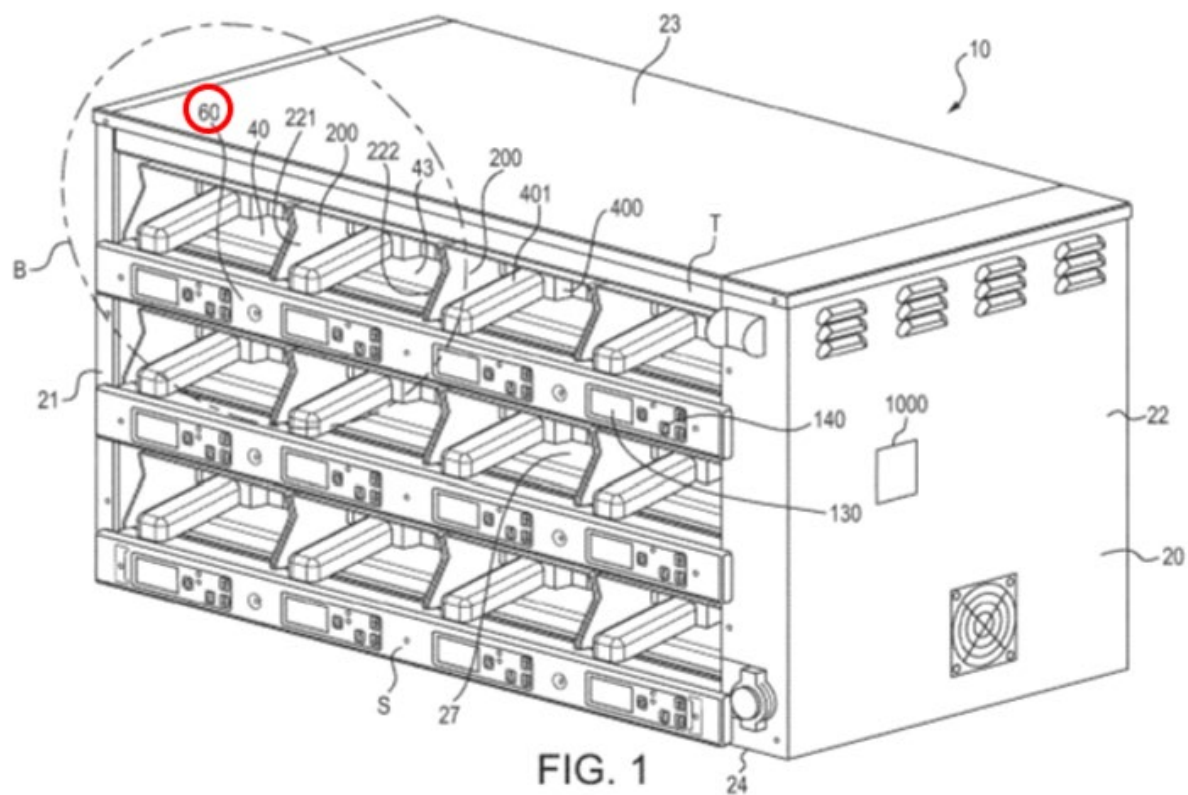
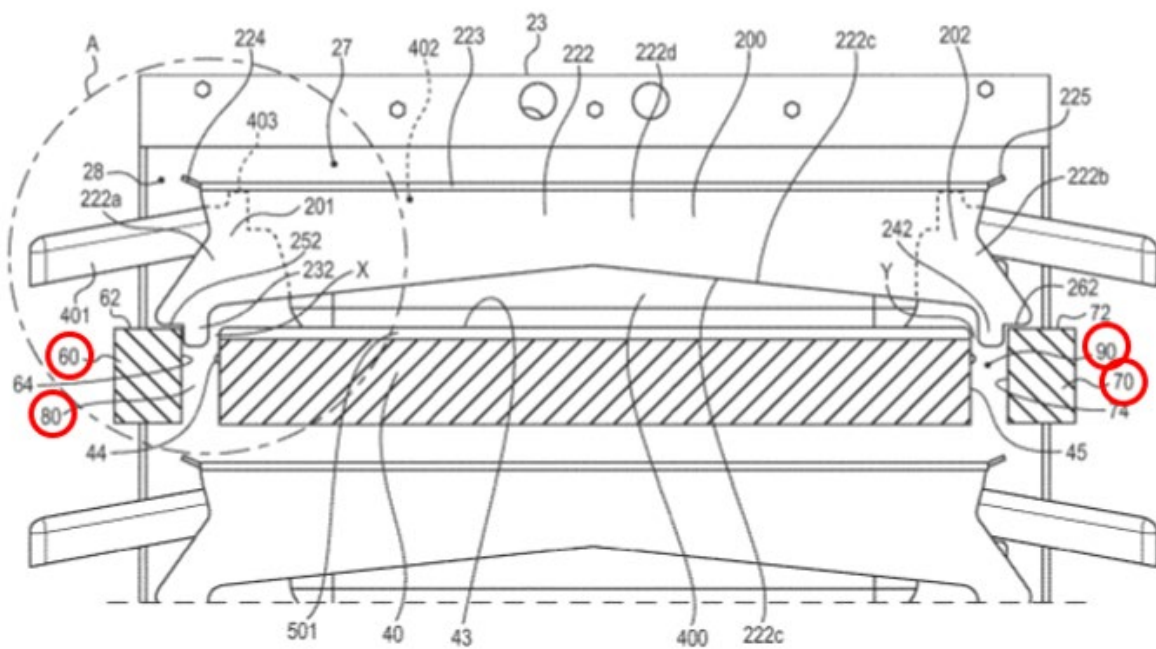
939. Specifically, as explained in Paragraphs 734-782 (Ground 12, Section XV(A)(2)-(3)), when duplicating Fortmann'748's heaters (60) in view of Jones, Fortmann'197, and/or McMillan, the POSA would have maintained the independent control of the heaters as taught by Jones, Fortmann'197, IRHS Documents, and/or McMillan.

940. As such, it would have been obvious for the second food holding zone's third/upper and fourth/lower heaters to be independently controllable from one another and from the upper and lower heaters of the other food holding zones.

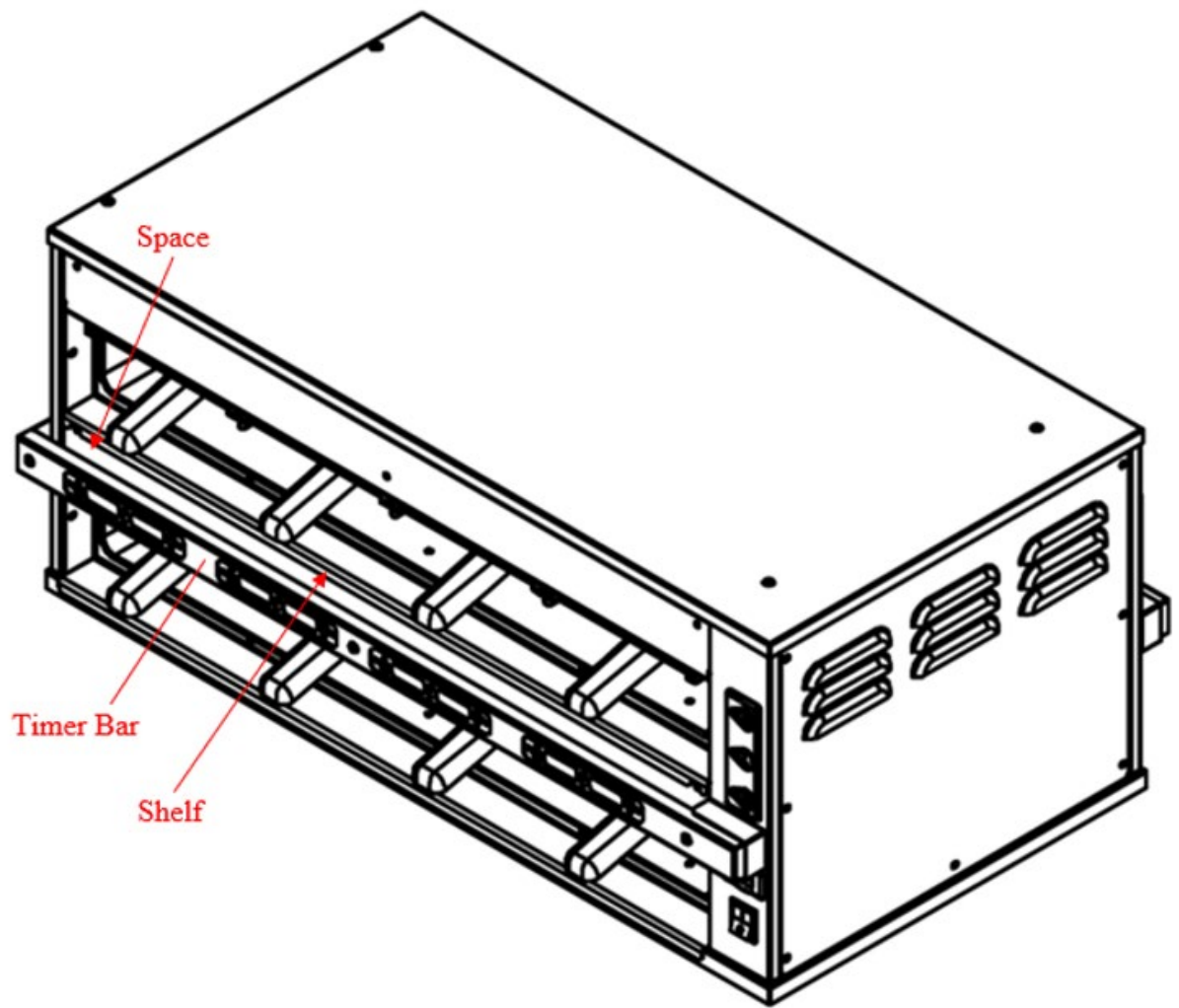
1.f: a first bezel is attached to the chassis and is set forward from the shelf by a space

941. The POSA would recognize that the prior art discloses food holding cabinets using a “first bezel is attached to the chassis” and that the “first bezel is set forward from the shelf by a space.”

942. As explained in Paragraphs 830-847 above (Ground 12, Section XV(A)(6)), each of Fortmann’197 (EX1014), the IRHS Documents (EX1005-EX1008), and Hartfelder (EX1013) teach the inclusion of timer bars or time bezels that are attached to the chassis and set forward from the shelf by a space. EX1005: 8; EX1006: 1-2; EX1007: 28, 32, 51; EX1013: Figs. 3, 4, 9; EX1014: 3:28-46, 4:18-37, Figs. 1-3, 5.



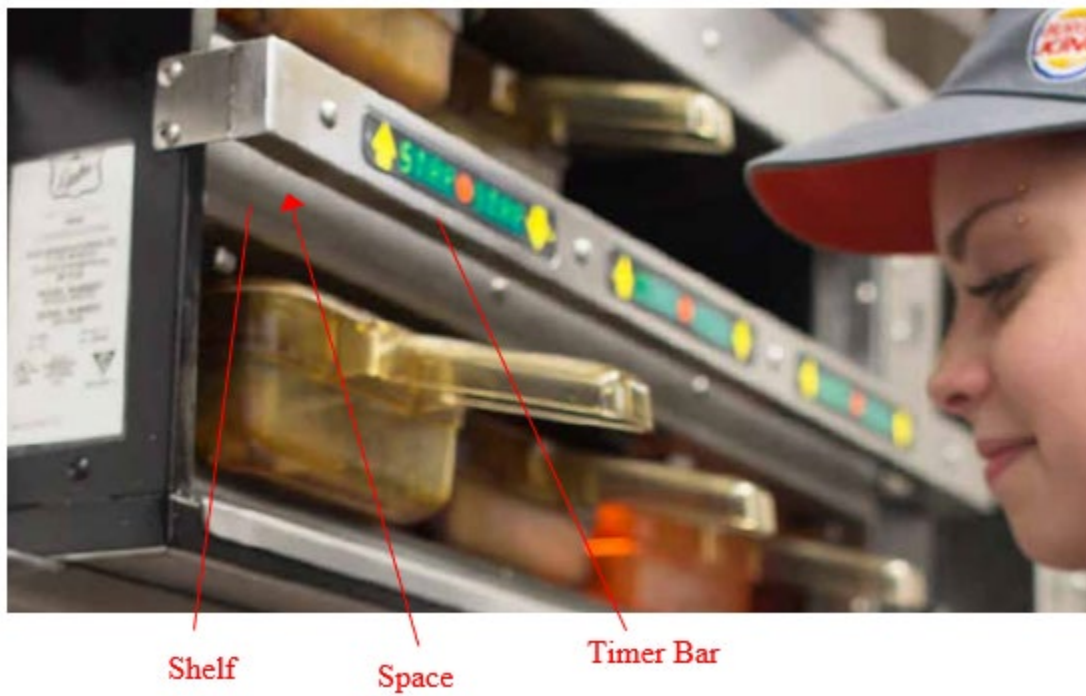
EX1014: Figs. 1 and 5 (annotated).



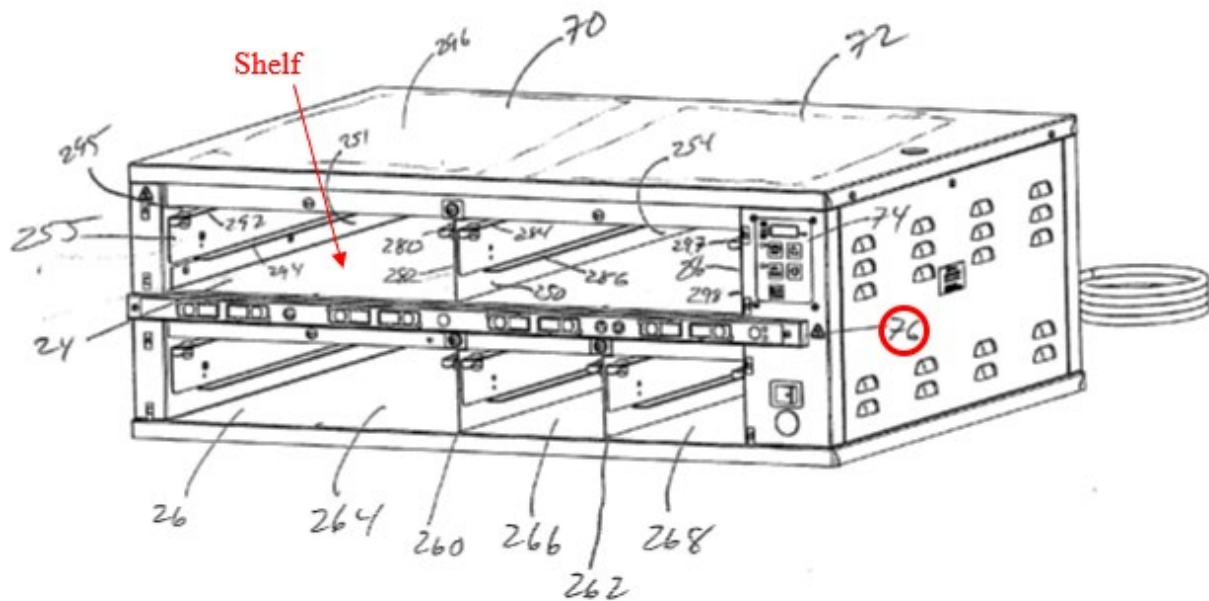
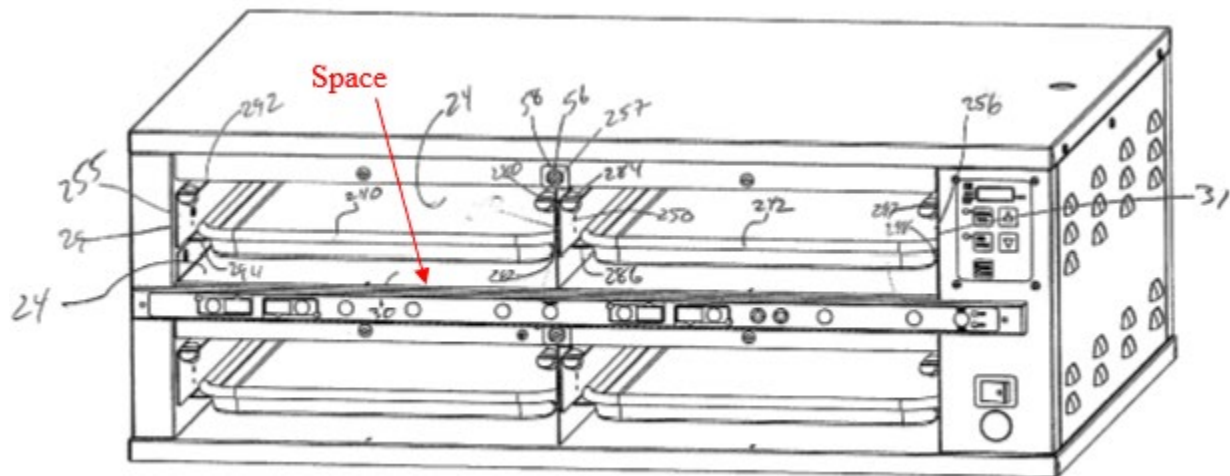
EX1005: 8 (annotated).



EX1006: 1-2 (annotated).



EX1007: 28 (annotated).

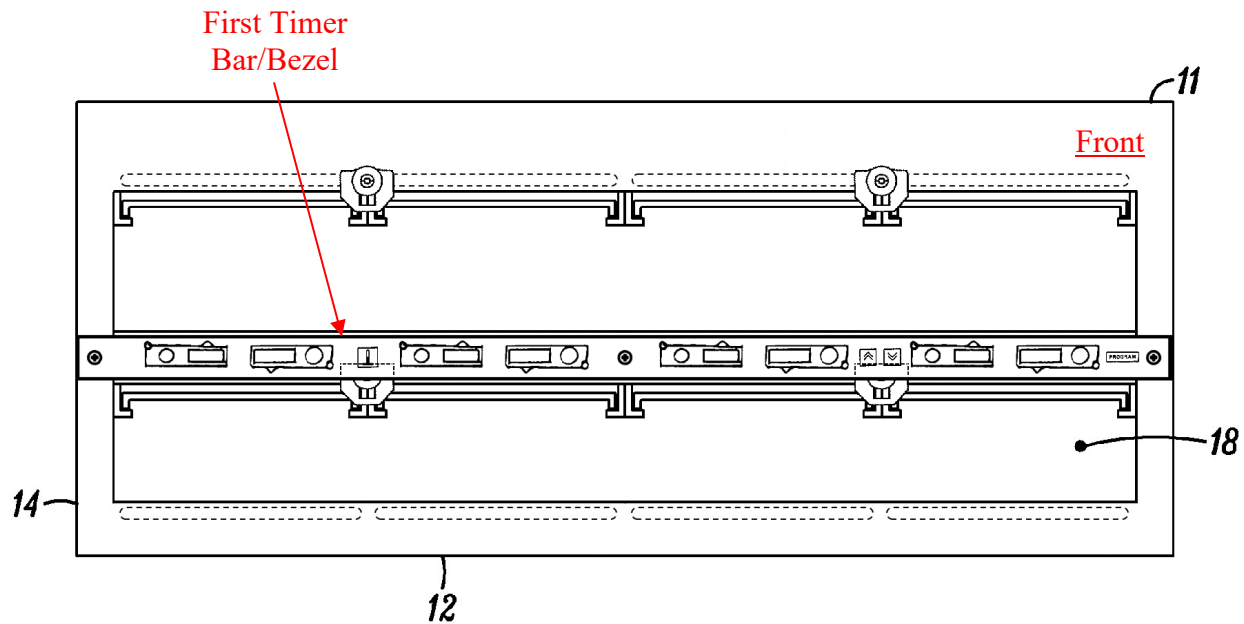


EX1013: Figs. 3 and 4 (annotated).

943. In modifying the multi-zone food holding bin of Fortmann'748 to add the timer bar/bezel of Fortmann'197 (EX1014), the IRHS Documents (EX1005-EX1008), and Hartfelder (EX1013), the added front timer bar/bezel would be attached to the chassis in a position forward of the shelf and therefore a space

would have been defined between the front timer bar/bezel and the front face formed by the shelf.

944. A representation of the resulting modified cabinet of Fortmann'748 in a 2x4 configuration is demonstrated as follows:

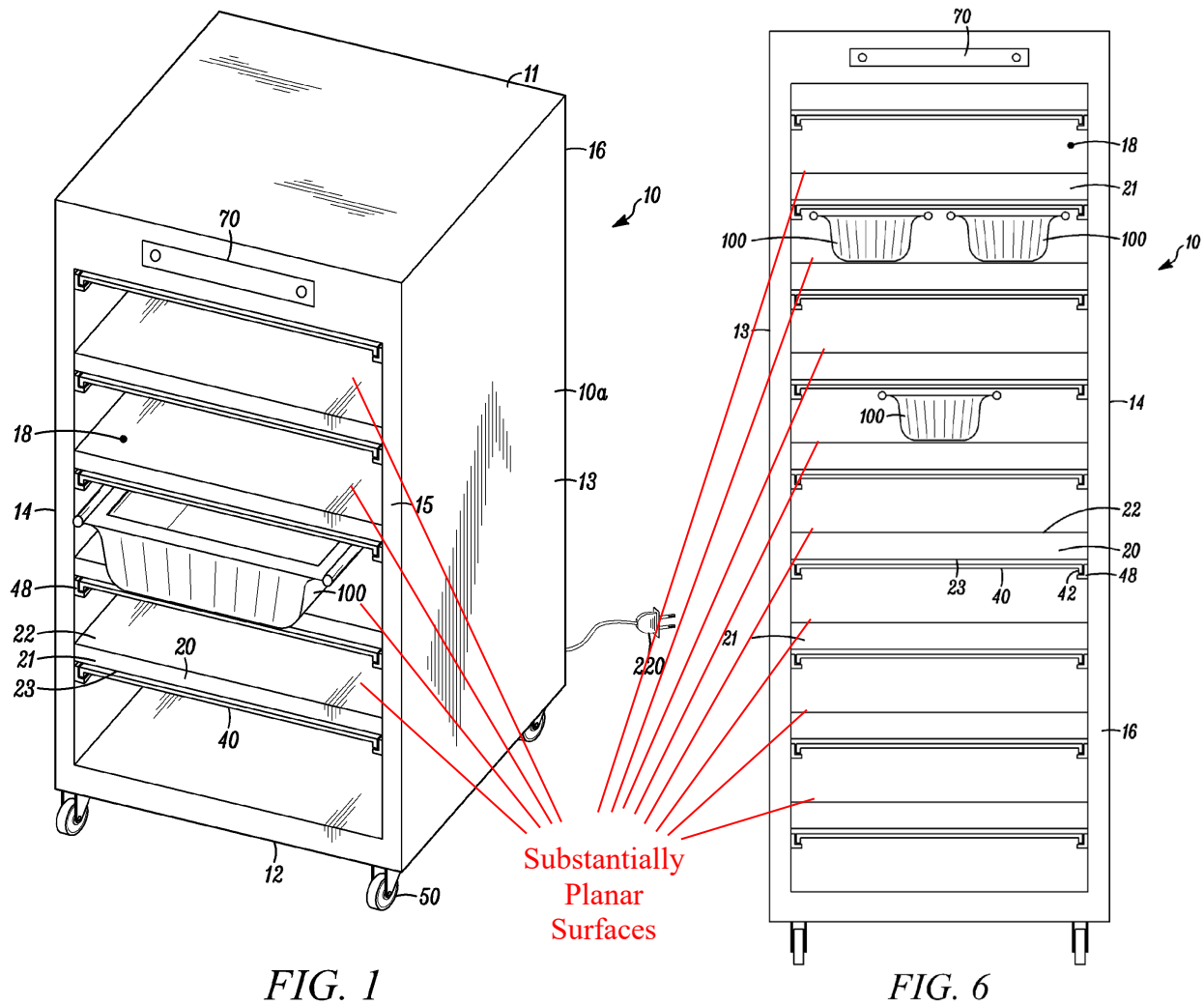


EX1010: Fig. 2 (modified, annotated).

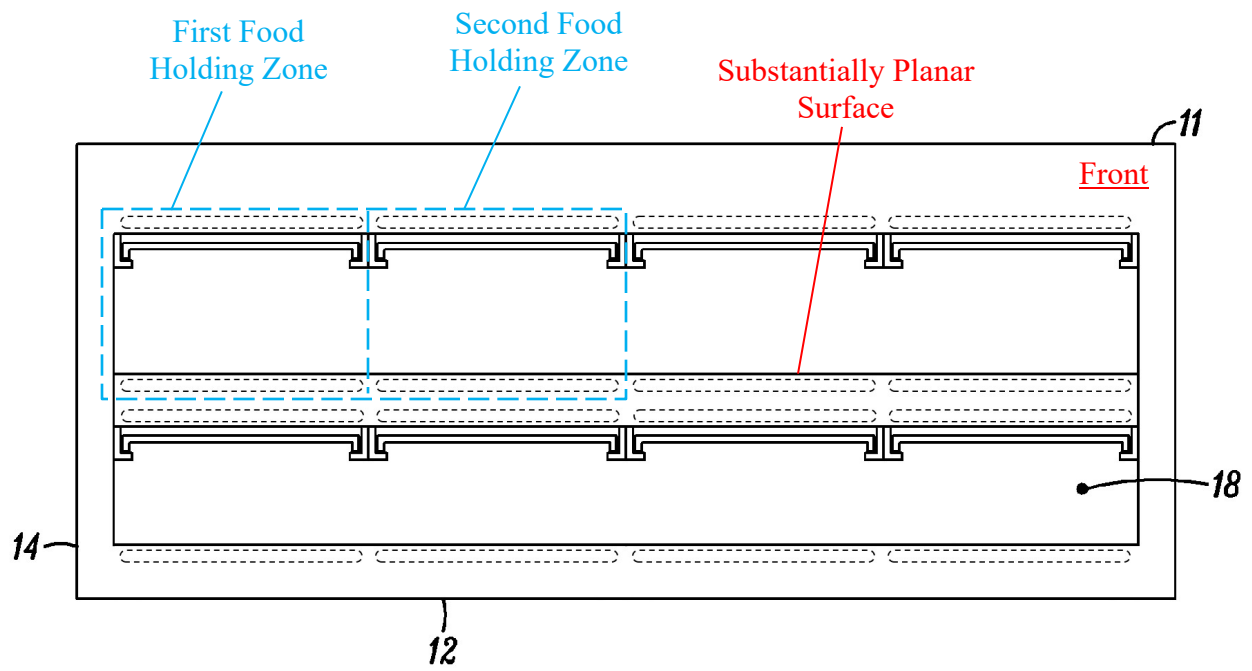
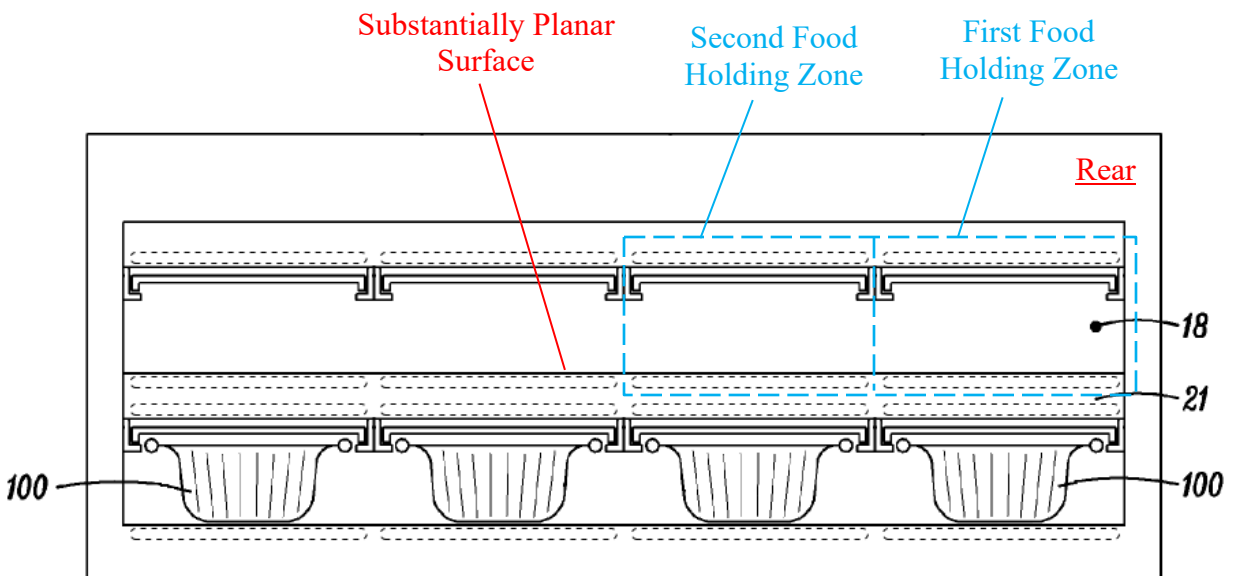
1.g.1: wherein the first food holding zone and the second food holding zone are adjacent one another across the substantially planar surface

945. In modifying the Fortmann'748 cabinet by expanding to the food holding compartment to have multiple food holding zones in view of Jones (EX1012), Fortmann'197 (EX1014), and McMillan (EX1019) as discussed in Paragraphs 734-761, 925-927, and 933-935 (Ground 12, Section XV(A)(2),

Ground 12 claim limitations 1.d.1 and 1.e.1) the first food holding zone and the second food holding zone would be adjacent one another across the substantially planar surface.



EX1010: Figs. 1 and 6 (annotated).



EX1010: Figs. 2 and 6 (modified, annotated).

1.g.2: the first food holding zone is configured to maintain a first temperature and the second food holding zone is configured to maintain a second temperature, the first temperature and the second temperature capable of being different than one another

946. The POSA would recognize that Fortmann’748 discloses a cabinet having multiple food holding zones capable of maintaining their own food holding temperature. Specifically, each of the Fortmann’748 shelf’s one or more heaters (60) are described as being independently controllable relative to the heaters of other shelves “to establish two or more heat zones of differing temperatures within the warming volume [18].” EX1010: ¶¶[0019], [0021], [0024], [0027].

947. Moreover, as described above in Paragraphs 734-847 (Ground 12 Sections (A)(2)-(5)), Jones, Fortmann’197, the IRHS Documents, and McMillan all disclose heating zones to different temperatures. EX1005: 16, 20, 25; EX1006: 1; EX1007: 53; EX1010: ¶¶[0021], [0024], [0027]; EX1012: ¶¶[0098], [0130]; EX1014: 3:6-27, 8:63-9:19, 9:50-65; EX1019: 4:36-52.

948. As discussed in Paragraphs 734-847 and 925-940 above (Ground 12 Sections (A)(2)-(5) and Ground 12 claim Limitations (1.d.1)-(1.e.2)), in modifying Fortmann’748’s cabinet to have a first food holding zone and a second food holding zone, each with their own upper and lower heaters, it would have been obvious to adapt Fortmann’748’s control system to independently operate the heaters of each food holding zone. Accordingly, the first food holding zone of the Fortmann’748 modified cabinet would have a controllable/maintainable first food

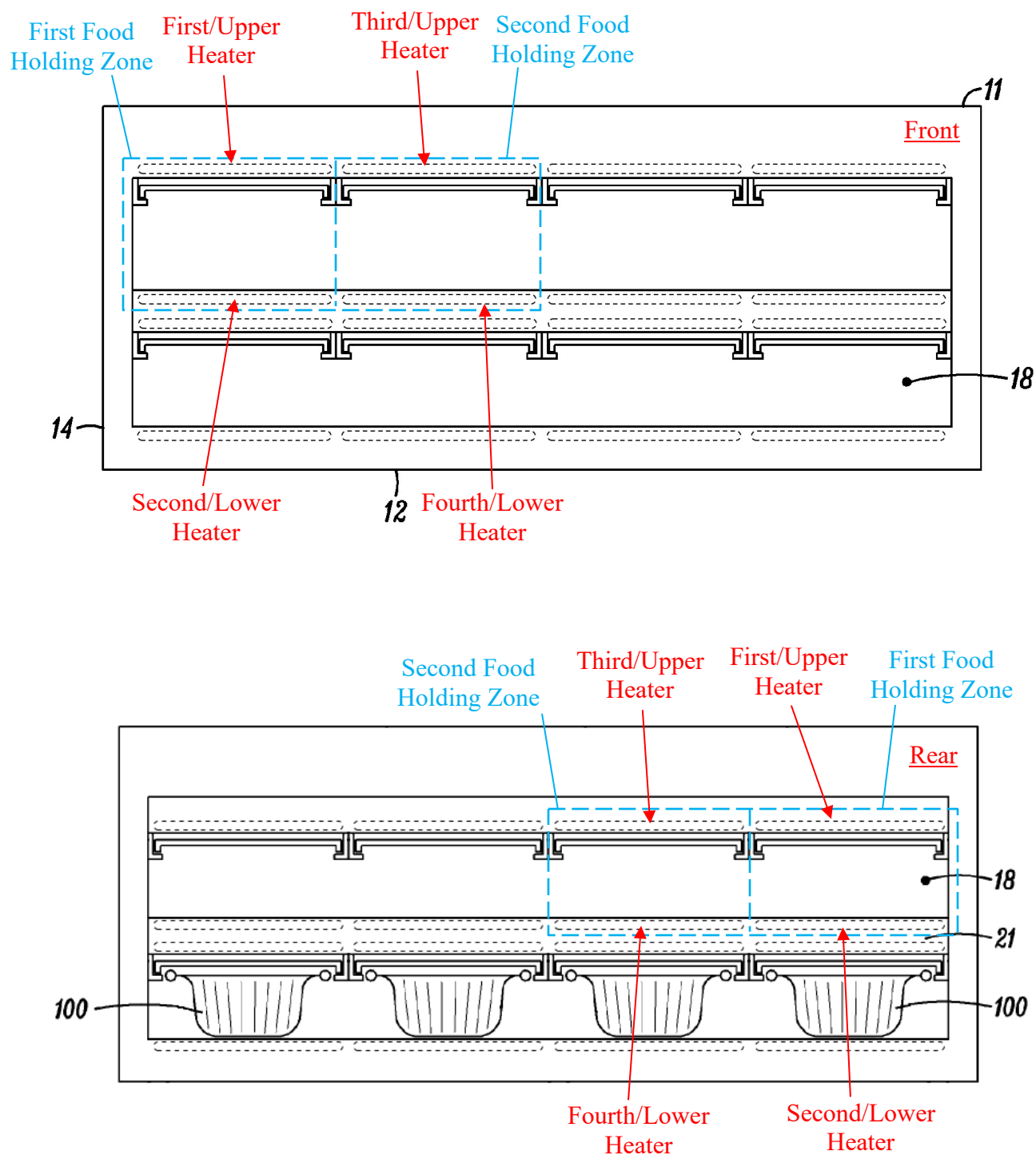
holding temperature and the second food holding zone would have a controllable/maintainable second food holding temperature.

949. Fortmann'748's control system has a "controller [that] selectively provide[s] or secure[s] current to the one or more heaters 60 disposed within each zone to control the temperature of the zone." EX1010: ¶[0027].

950. As a result of the modifications, Fortmann'748's control system, and more specifically the controller thereof, would have operated the upper and lower heaters of each food holding zone to control/maintain its food holding temperature. *See supra* Paragraphs 734-829 (Ground 12 Sections (A)(2)-(5)).

951. And because Fortmann'748's upper and lower heating elements are independently controllable from one another, the temperatures of each zone would be capable of being different from one another. *See supra* Paragraphs 928-932 (Claim 1.d.2).

952. As a result of the modifications, Fortmann'748's controller would have been capable of independently operating each heating element of the respective food holding zones (i.e. upper and lower heaters) to independently control the food holding temperature associated with each corresponding food holding zone and heat the zones to different temperatures based on the different heat settings for different food types in the food holding zones. *See supra* Paragraphs 734-829 (Ground 12 Sections (A)(2)-(5)).



EX1010: Figs. 2 and 6 (modified, annotated).

953. Moreover, it would have been obvious for the temperatures of the food holding zones to be different from one another.

954. Jones (EX1012) teaches customized temperature settings for each food type and that the temperature in the tray locations (zones) can be different based on the temperature presets for the particular types of food held in each location. EX1012: ¶[0098] (“assigns the holding parameters, top and bottom temperature ... to the product name, so wherever the product name is displayed, the holding parameters follow”, and “temperature settings for the top and bottom heater that are set to the product name and no matter how many locations have the same product name displayed [1 location up to all locations]”), Fig. 19 (“Select Product Name to be held in Display Location. Each display may have the same Product Name, or all different Product Names ... Heating system maintains Top and Bottom Preset Temps for Product Names”).

955. The IRHS Documents similarly teach to customize temperature settings by food type and teach holding zones having different food types. EX1006: 1 (“[c]ustom heat settings for food product”); EX1005: 4 (“[t]his new technology allows you to precisely control the environment in each pan, allowing customized settings for each food product”), 16 (“each food product has a tailored HeatSink temperature and InfraRed pulse rate”); EX1007: 51 (“each food product has tailored settings to control the thermal path of the food, leading to optimal

quality, consistency and extended hold”), 53 (“[p]recise holding for each product in an optimized environment tailored to that product”). The temperature settings for each pan location/heating zone are independent of the other food product types being held in the other pan locations/zones. EX1005: 25 (“1/2 ROW HEAT (2 Wells)”); EX1006: 1 (“independent well flexibility”); EX1007: 53 (“[t]otal well independence allows freedom in product placement in the IRHS” and “[t]ailor each well specifically to the products within them”).



EX1007: 12.

956. Likewise, McMillan teaches heating different zones to different temperatures. EX1019: 4:45-52 (“each of the heater plates 27a, 27b may include customizable heating elements arranged such that different portions of the passageway 16a may be set to different temperatures. In this way, the temperature of each passageway may be maintained according to the number and types of food

product to be stored. For example, the passageway 16 a may be set to store four different types of food products at four different temperatures”).

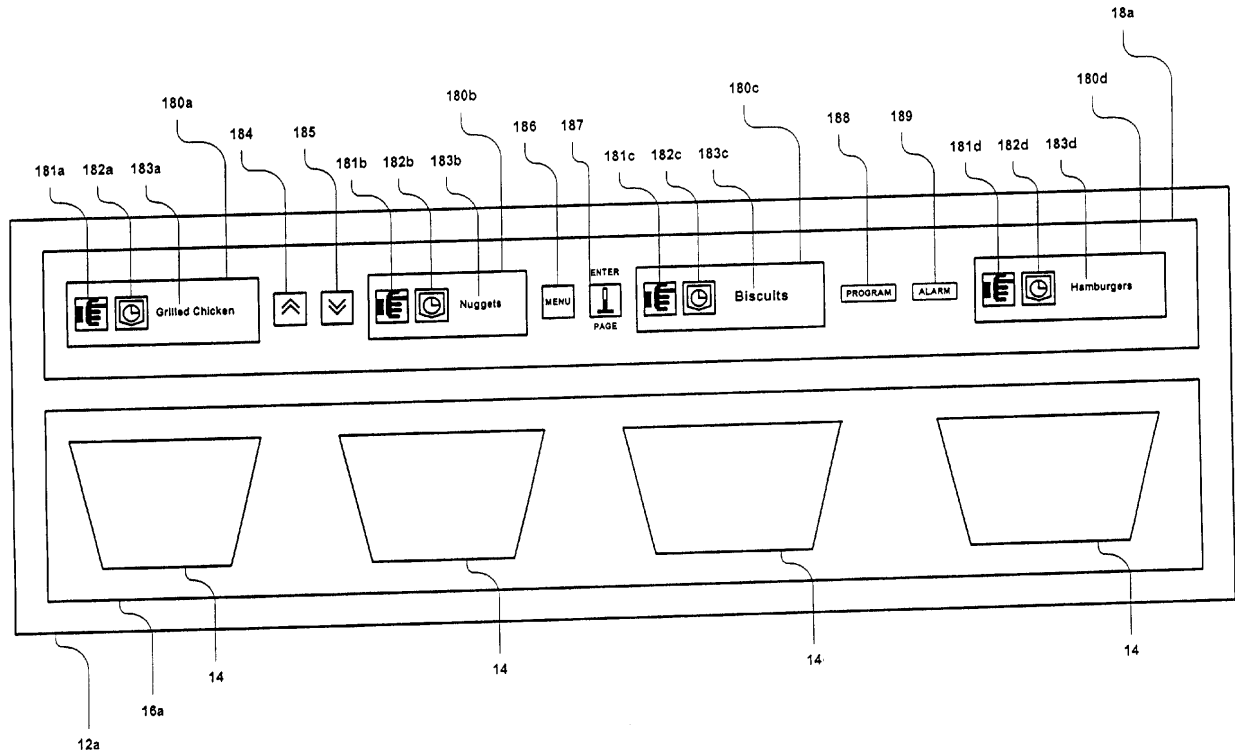


Fig. 5a

EX1019: Fig. 5a.

957. Fortmann’748 further teaches heating different zones to different temperatures. EX1010: ¶[0024] (“[i]n embodiments with multiple heat zones, the two or more infinite switches 210 may be calibrated to establish two or more heat zones of differing temperatures within the warming volume, to allow food products that require different warming temperatures to be simultaneously disposed within the cart”).

958. It would have been obvious, per Jones, Fortmann’748, the IRHS Documents, and/or McMillan, to heat the food holding zones to different temperatures to accommodate customized heat settings for different types of food received in each holding zone (e.g., the first, second, third, and fourth holding zones receive respective different first, second, third, and fourth food types) and to increase holding capacity for different types of cooked food to meet customer demands. EX1028: 30 (“[i]t is critically important that each of these ‘heat zones’ be set to the appropriate temperature for each type of food product”), 14 (example temperatures), 39 (example temperatures); EX1019: 1:17-45 (explaining “‘fast food’ restaurants compete to deliver food products as quickly as possible while preserving quality of the taste, consistency, and appearance of the food” and outlining “challenges” of “maintain[ing] a large volume of different food products” each “requir[ing] different storage temperatures”); EX1010: ¶[0024] (“establish two or more heat zones of differing temperatures within the warming volume, to allow food products that require different warming temperatures to be simultaneously disposed within the cart”); EX1006: 1 (“each compartment individually controlled”).

959. This would have been nothing more than the use of a known technique (heating zones to different temperatures per Jones, Fortmann’748, IRHS Documents, and McMillan) to improve a similar device (Fortmann’748’s cabinet)

in the same way (independently operate the heaters of each zone to heat the zones to different temperatures).

960. As there would have been a high expectation of success modifying Fortmann'748's cabinet as discussed in Paragraphs 734-782 above (Ground 12, Section XV(A)(2)-(3)), the resulting capability to independently operate the heaters of each zone to heat the zones to different temperatures would have likewise been expected and because Fortmann'748 has a zone-capable control system. EX1010: ¶[0027].

961. Accordingly, each limitation of Claim 1 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 1.

C. Claim 2: the food holding bin of claim 1, wherein the space is configured to allow a latch to rotate from a locked position to an unlocked position to release lids held on lid holding ledges elevated above the substantially planar surface

962. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 1.

963. The top panel (11) and each shelf (21) of Fortmann'748's cabinet (10) includes a cover or lid (40). EX1010: ¶[0017] (“[t]he plurality of shelves 21 may each include a removable and slidable cover 40 that is disposed in conjunction with and below each shelf 21 (with the exception of the bottom shelf 21, with a cover 40 also provided above the upper-most shelf”), Figs. 1 and 6.

964. The lid (40) rests and slides along a track (48) above the planar surface. EX1010: ¶[0018] (“covers 40 are disposed onto the respective shelves 21 to be removable as necessary, by sliding the cover 40 from the shelf 21 by way of a track 48”), Fig. 3.

965. Thus, the tracks (48) are lid holding ledges.

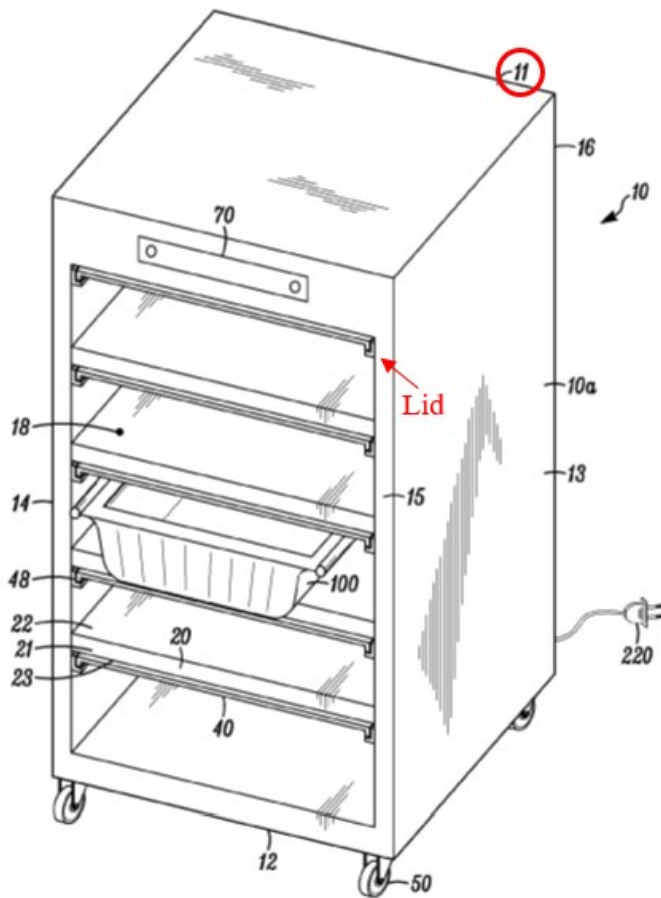


FIG. 1

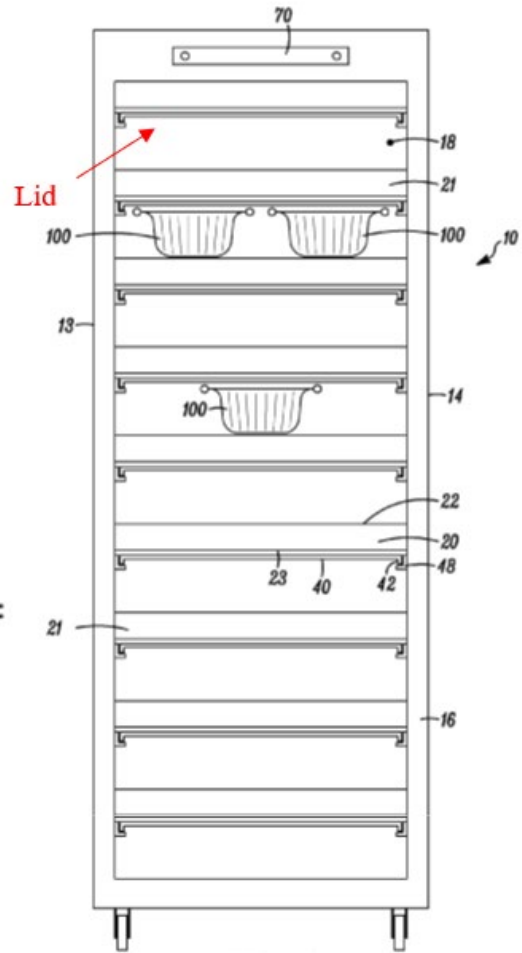


FIG. 6

EX1010: Figs. 1 and 6 (annotated).

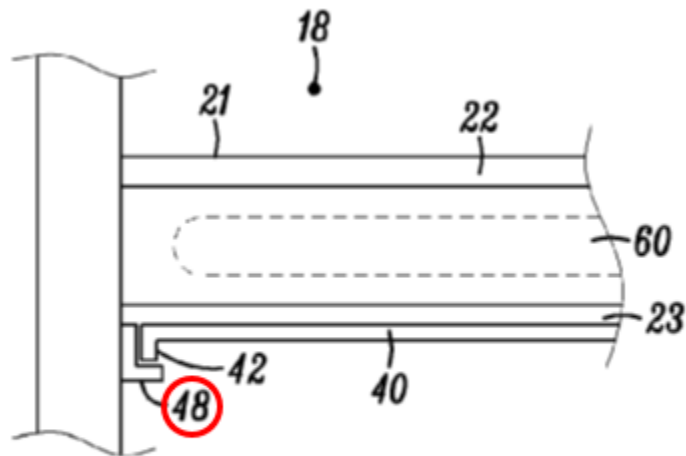


FIG. 3

EX1010: Fig. 3 (annotated).

966. As explained in Paragraphs 848-871 (Ground 12, Section XV(A)(7)), it would have been obvious to modify the Fortmann'748 cabinet such that it would have discrete lids and associated tracks, for each pan holding location as taught by Jones, Fortmann'197, and the IRHS Documents. EX1012: ¶[0072], Fig. 1B; EX1014: 4:50-53, 7:31-32, Figs. 1-4; EX1005: 8; EX1006: 1-2; EX1007: 53, 58.

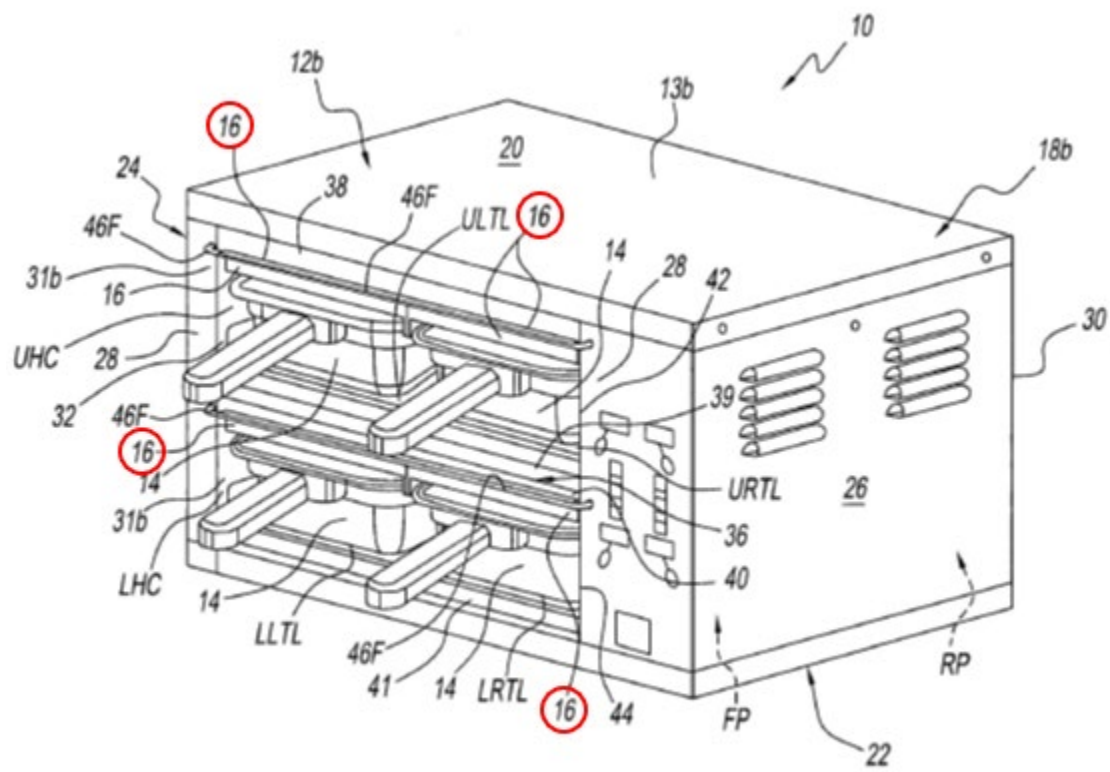
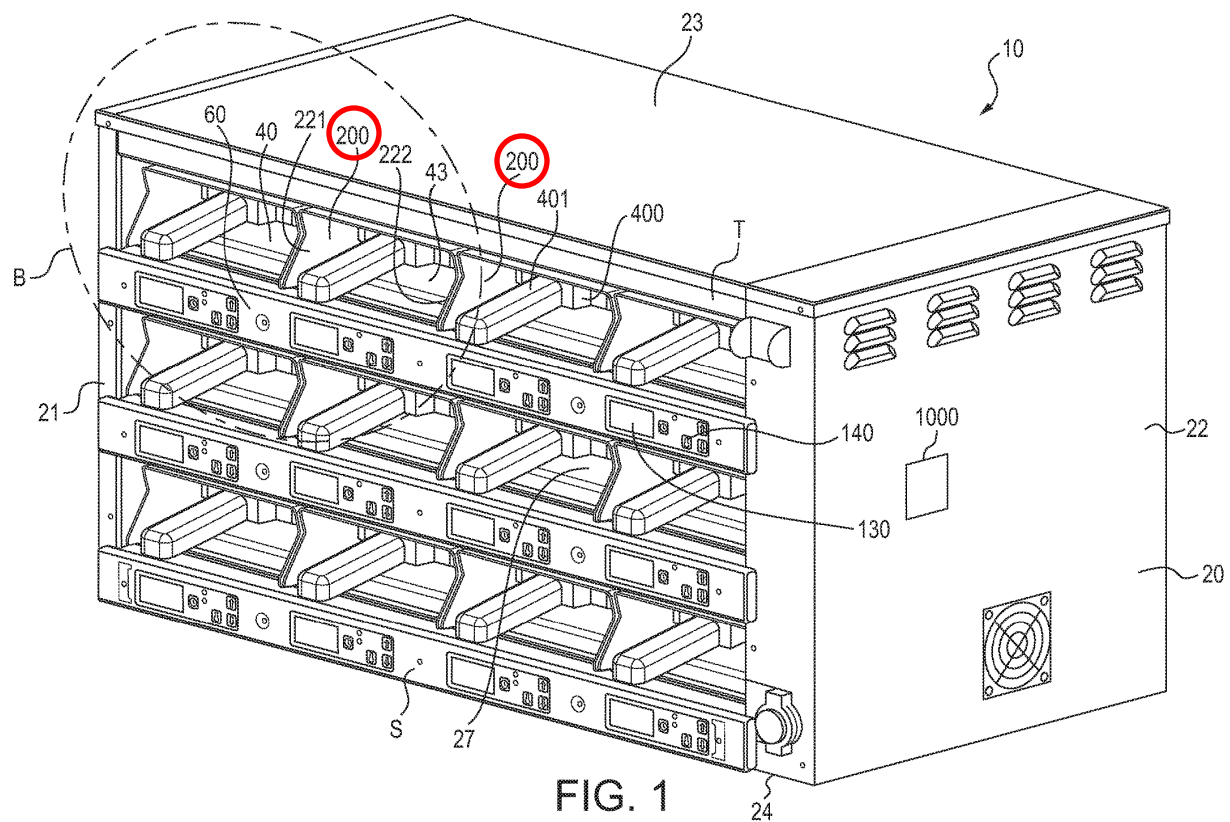
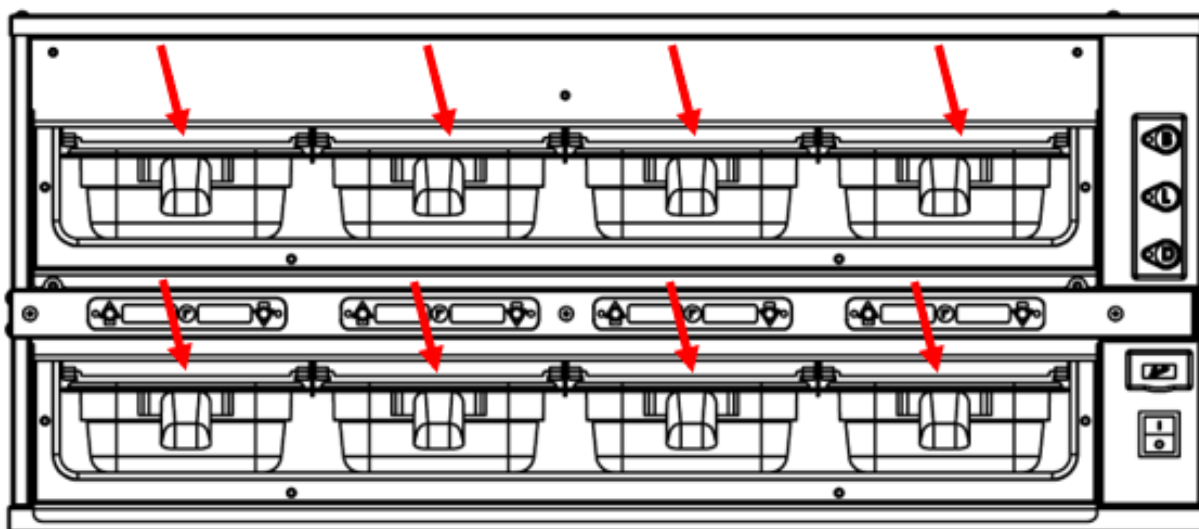


Fig. 1B

EX1012: Fig. 1B (annotated).



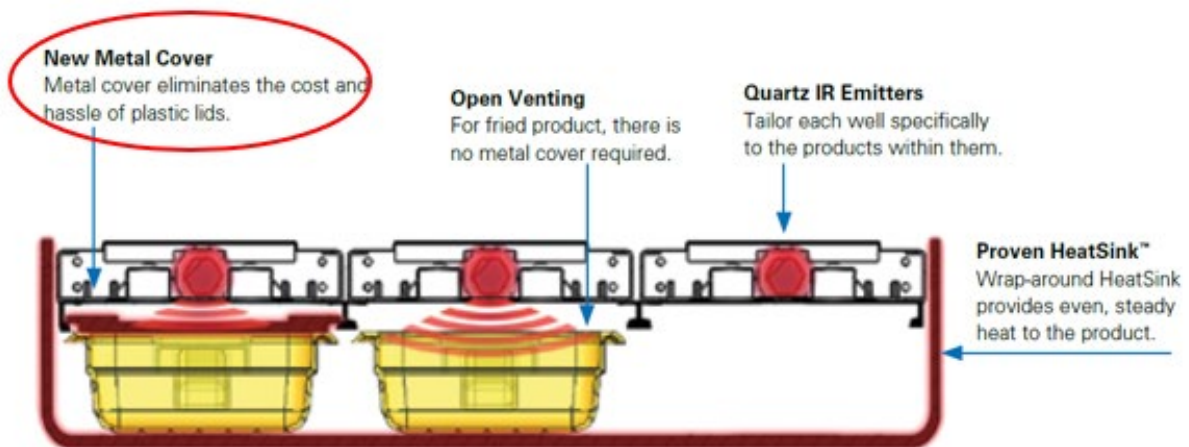
EX1014: Fig. 1 (annotated).



EX1005: 8 (annotated).

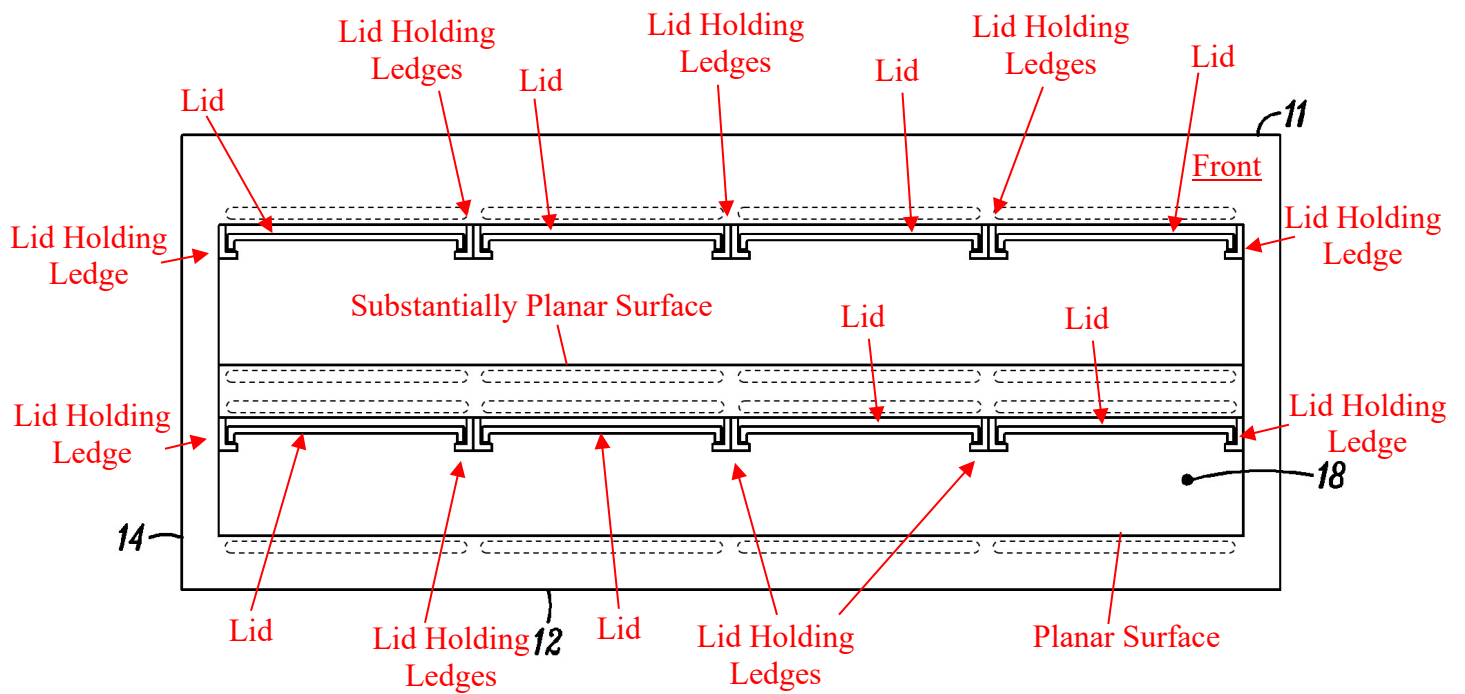
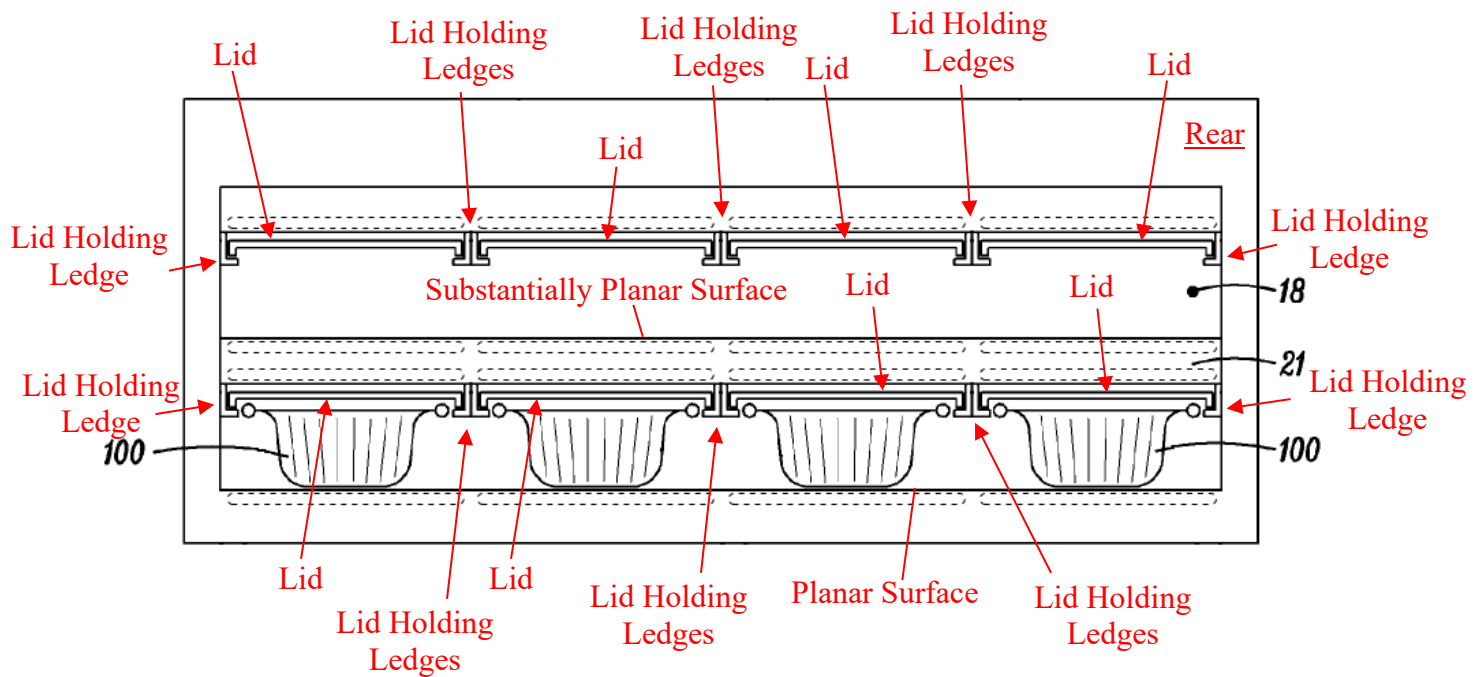


EX1006: 2 (annotated).



EX1007: 53 (annotated).

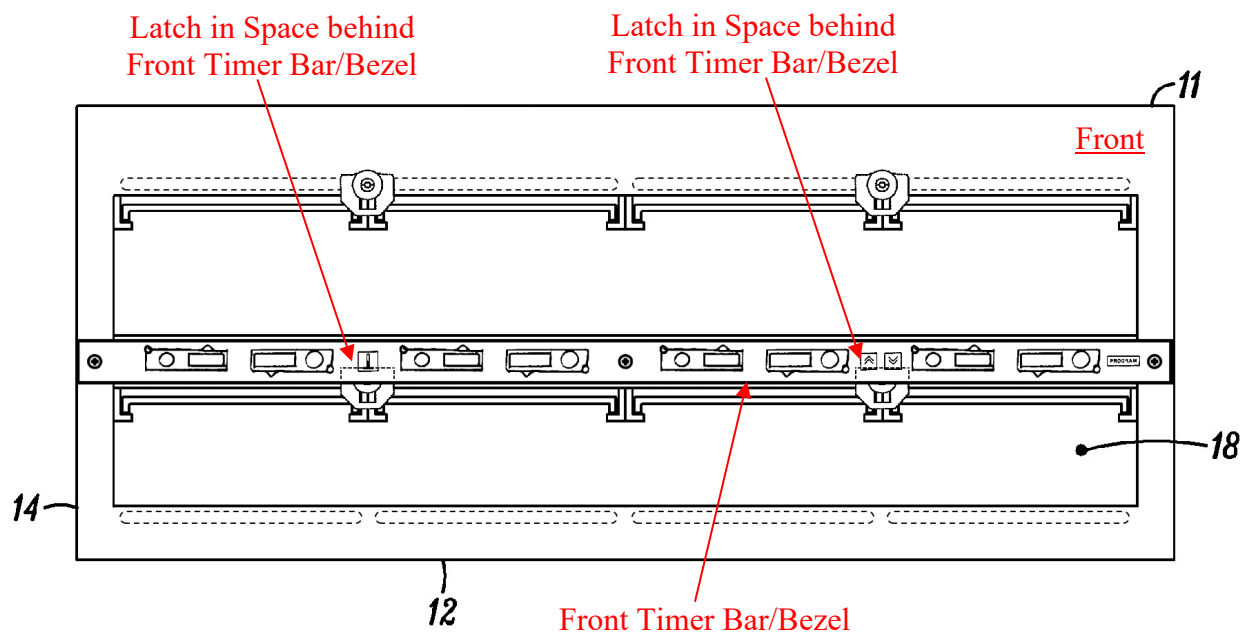
967. The resulting modified Fortmann'197 cabinet would have lids held on tracks (lid holding ledges) elevated above the substantially planar surface as demonstrated below:



EX1010: Figs. 2 and 6 (modified, annotated).

968. Under the modification with respect to Claim 1.f (*see* Paragraphs 830-847, 941-944 (Ground 12, Section XV(A)(6) and claim limitation 1.f), the Fortmann’748 cabinet would have had a space between the front timer bar/bezel and the front face of the chassis.

969. It would have been further obvious to modify Fortmann’748’s cabinet to incorporate Hartfelder’s stop members (61) or Shei’099’s stops (88) (*i.e.*, latches) in the space between the front timer bar and the front face (*e.g.*, the portion of the front face formed by the shelf) as discussed in Paragraphs 872-883 above (Ground 12, Section XV(A)(8)).



EX1010: Fig. 2 (modified, annotated).

970. Specifically, the location on the front face of the cabinet is consistent with where both Hartfelder and Shei'099 teach the latches would be positioned—adjacent the openings and lids—to engage and retain the lids. EX1013: Figs. 1 and 9; EX1017: Fig. 1.

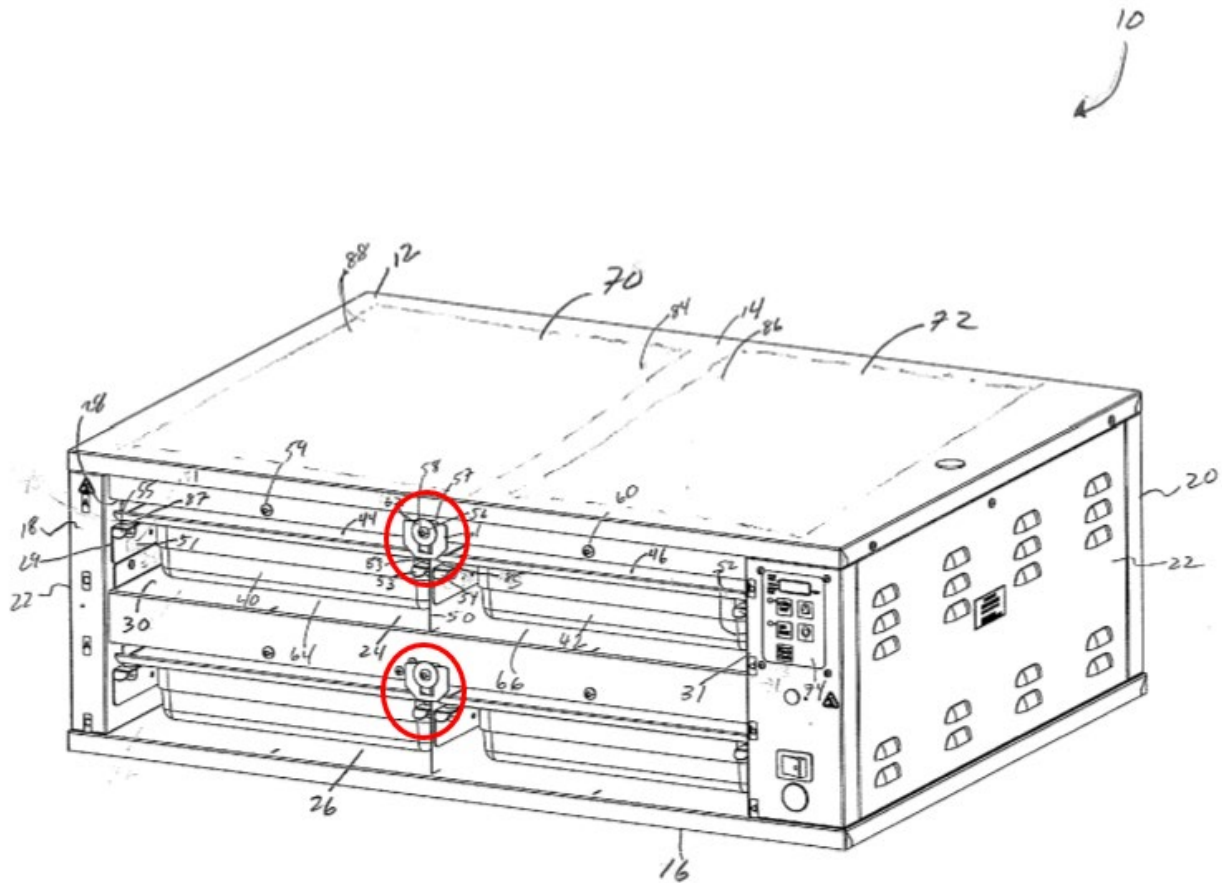


FIGURE 1

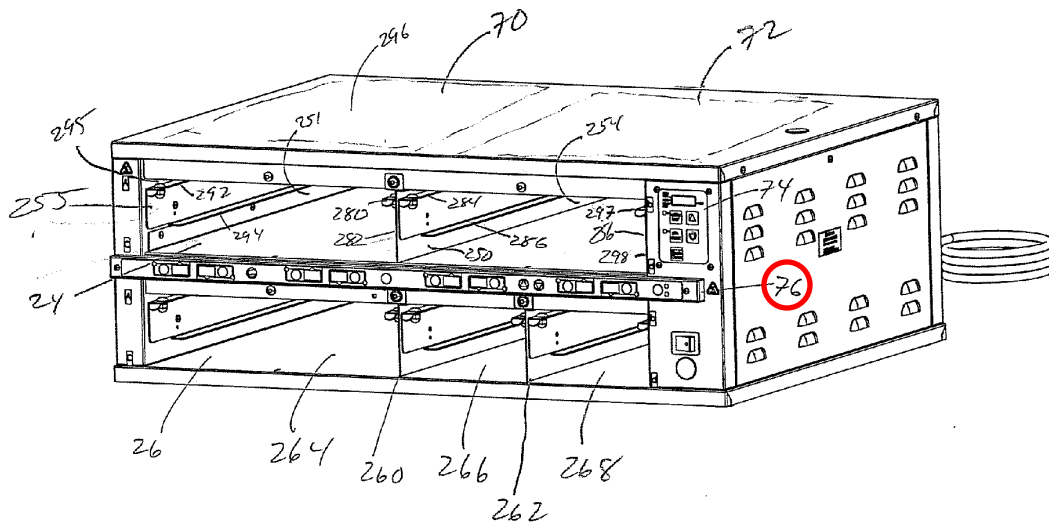
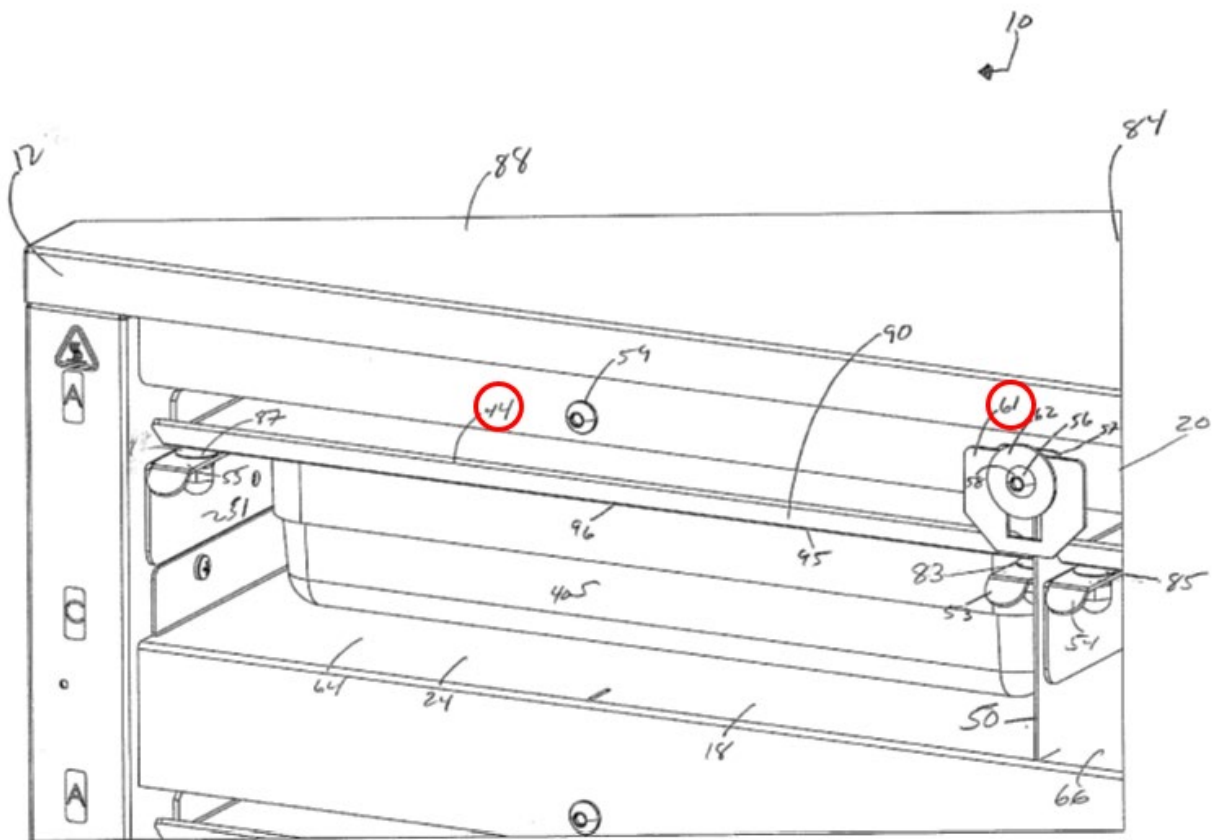
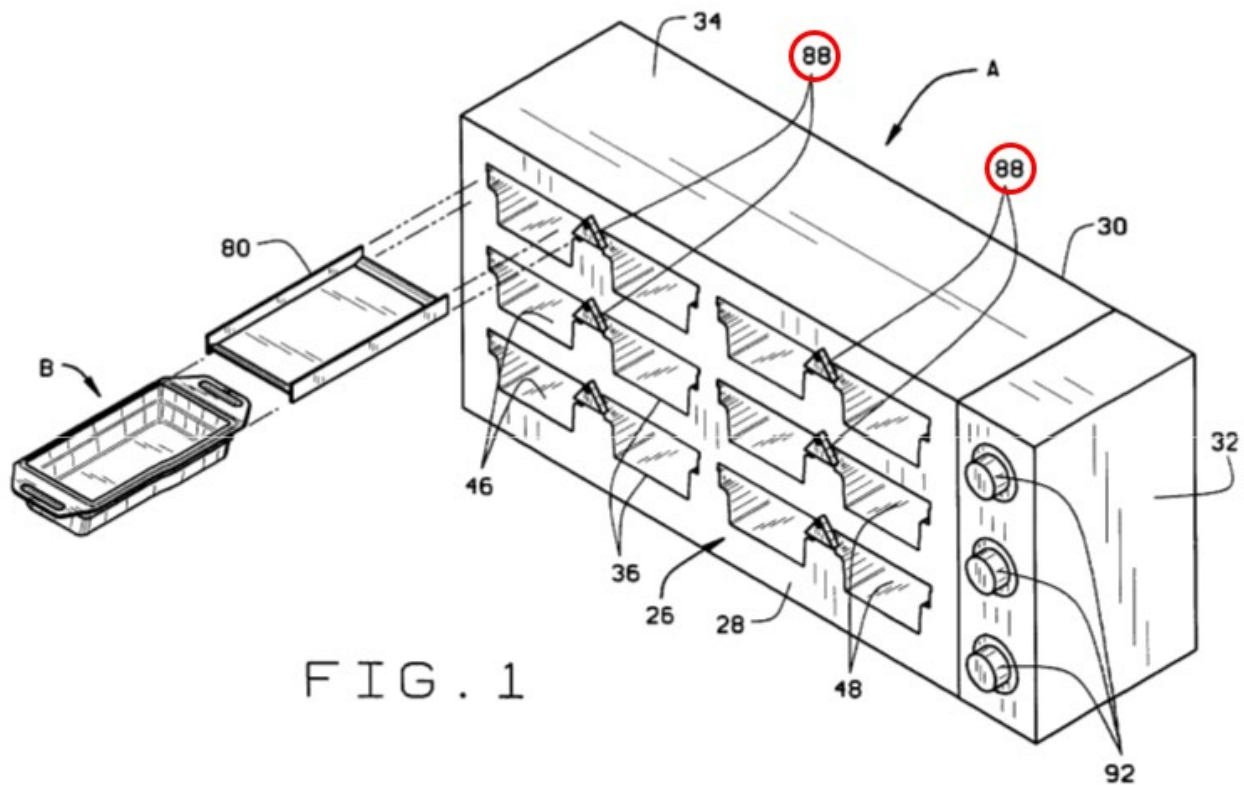


FIGURE 9

EX1013: Figs. 1, 3, and 9 (annotated).



EX1017: Fig. 1 (annotated).

971. And Hartfelder teaches this position of the stop members (61) in the presence of a control bar (76). EX1013: ¶[0039] (“controls and indicators may be arranged in on interface bar 76”), Figs. 3-5. While Hartfelder does not depict the stop members (61) within the same figures as the control bar (76), the fact that both features were addressed in the same reference suggests that such arrangements would be both compatible and desirable.

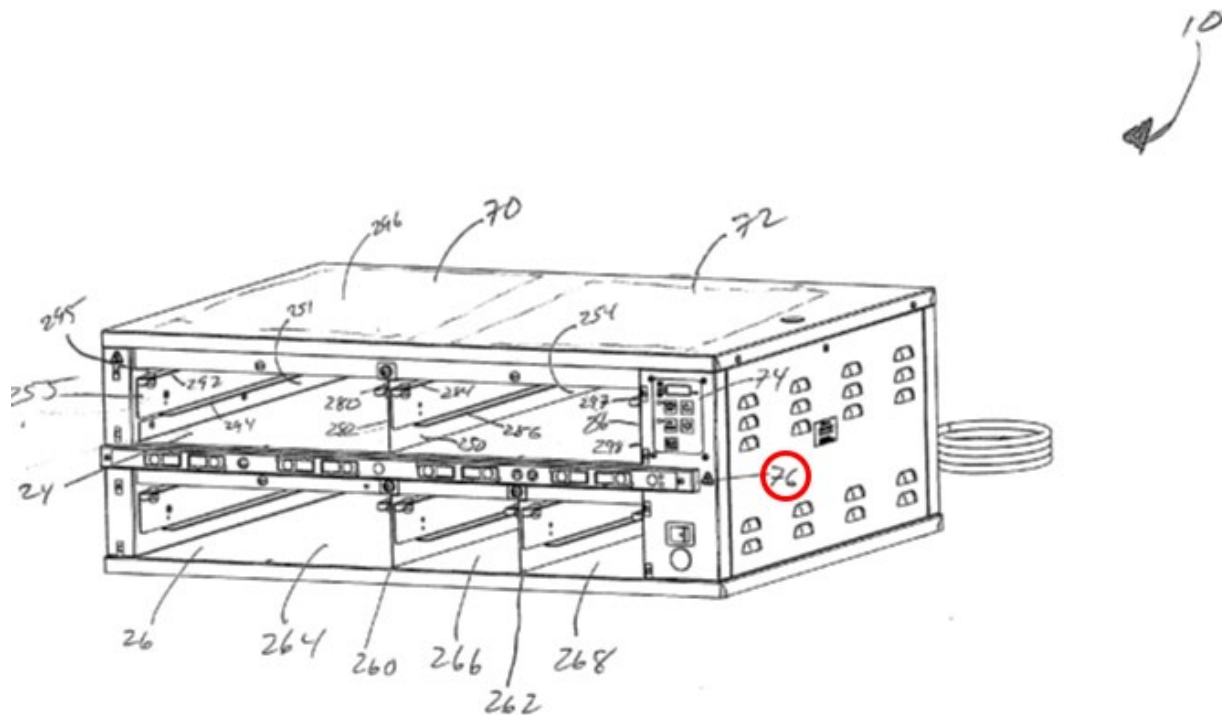


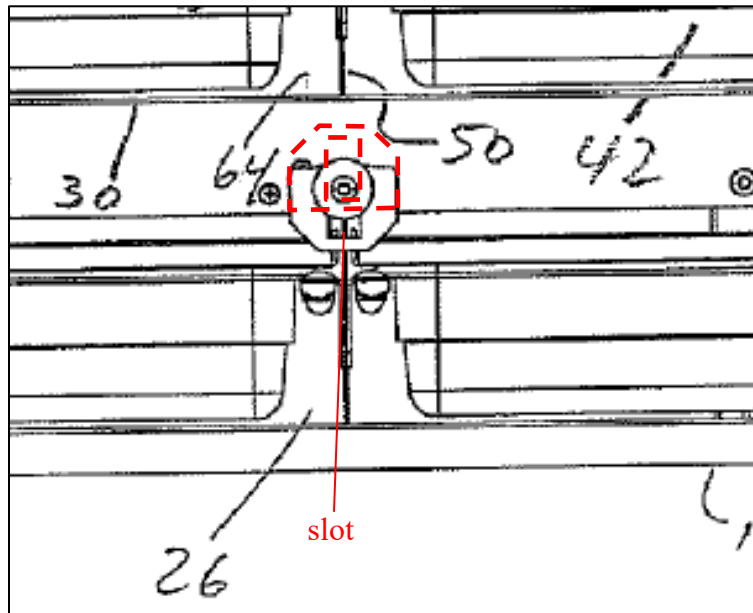
FIGURE 3

EX1013: Fig. 3 (annotated).

972. The POSA understands Hartfelder's stop members (61) are moveable between locked and unlocked positions.

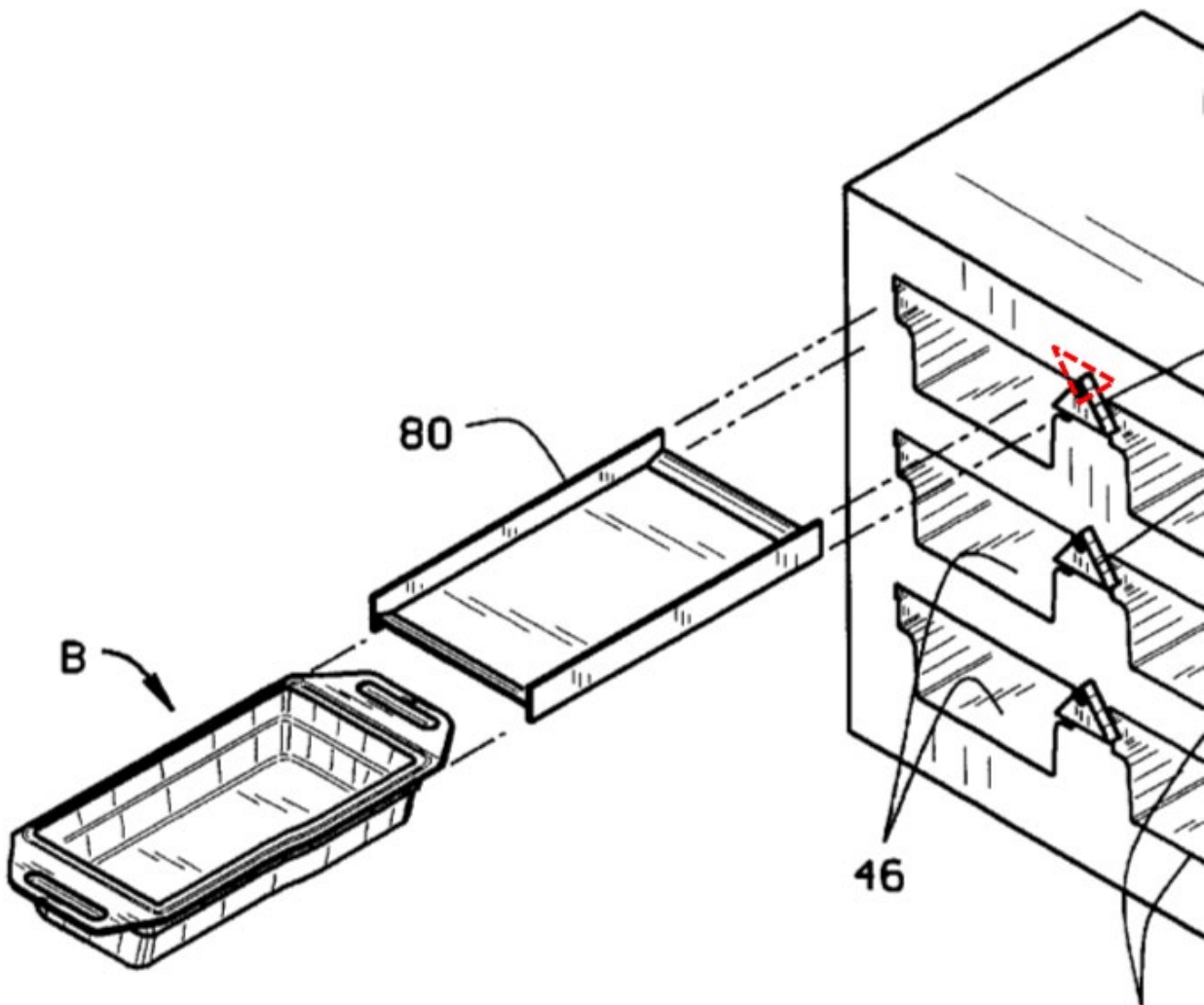
973. Specifically, the stop members (61) have a vertical slot, through which the fastener (56) extends to connect the stop member to the cabinet (12). The cutout is larger than the fastener (56), thereby allowing the stop member (61) to rotate between the locked position shown in Fig. 9 (in which the stop member is

positioned to engage the lid if the lid moves out of the compartment) and an unlocked position shown by the broken lines (in which the stop member is positioned to permit the lids to be removed from the compartment). Stop members (61) of this type rotate between locked and unlocked positions. EX1017: 6:9-32, Fig. 1.



EX1013: Fig. 2 (enlarged, annotated to show rotation of Hartfelder's stop member).

974. Likewise, Shei'099's stops (88) rotate between locked and unlocked positions. EX1017: 6:9-32.

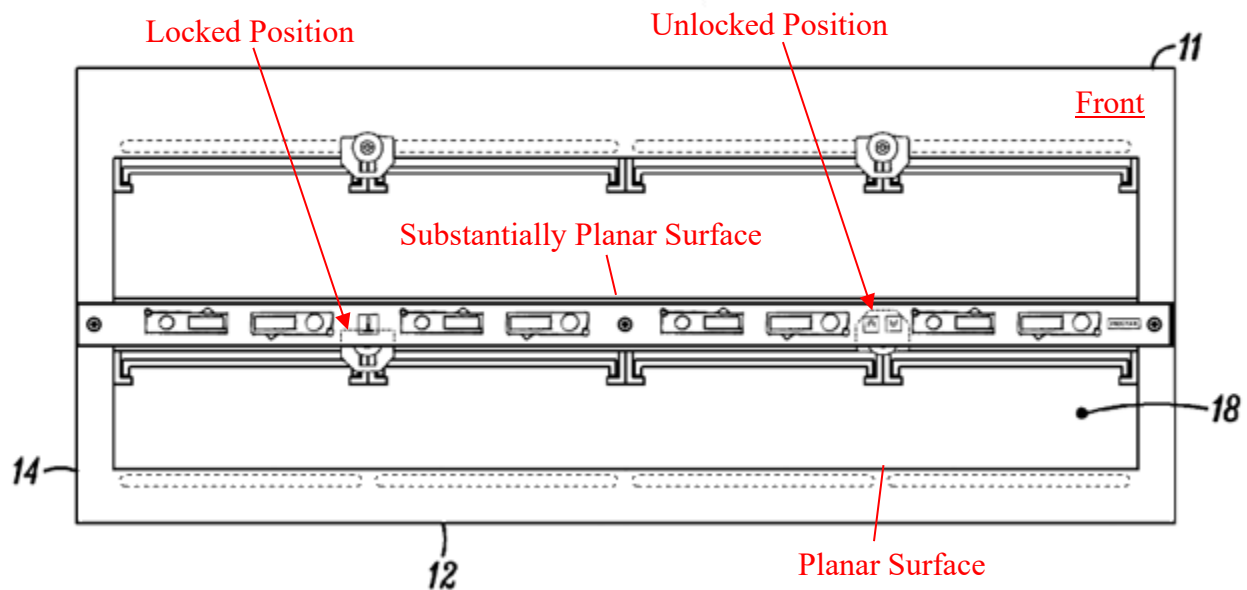


EX1017: Fig. 1 (enlarged, annotated).

975. While the above annotated images of Hartfelder and Shei'099 show the stops (latches) rotated 180-degrees from an at-rest position, the POSA understands the user/operator would pivot the stops in Hartfelder and Shei'099 as needed (*e.g.*, 45-degrees) left or right to release the desired lid.

976. In modifying Fortmann'748's cabinet to incorporate both latches and timer bars/bezels, the latches would thus be located in the space behind the front timer bar and would rotate in the space between their locked and unlocked positions.

977. A representation of the resulting modified cabinet of Fortmann'748 in a 2x4 configuration is demonstrated as follows:



EX1010: Fig. 2 (modified, annotated).

978. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 2.

D. Claim 4: the food holding bin of claim 1, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction

979. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 1.

980. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 4 further requiring that “the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction.”

981. Fortmann’748 explains the heaters (60) overlying the compartments transfer heat to the pans (100) by radiation. EX1010: ¶[0019] (“[t]he remaining portion of heat generated by the heaters 60 disposed in conjunction with each shelf 21 may be transferred to the shelf 21 by radiation heat transfer.”), ¶[0020] (“the pan 100 and the food product located within the pan 100 may receive heat from the shelf 21 disposed above the pan 100 due to radiation”).

982. When modifying the heaters (60) of Fortmann’748, the POSA would follow the teachings of Fortmann’748 and have the upper heaters (*e.g.*, first and third heaters) heat (*e.g.*, via radiation, or conduction and radiation) the top panel

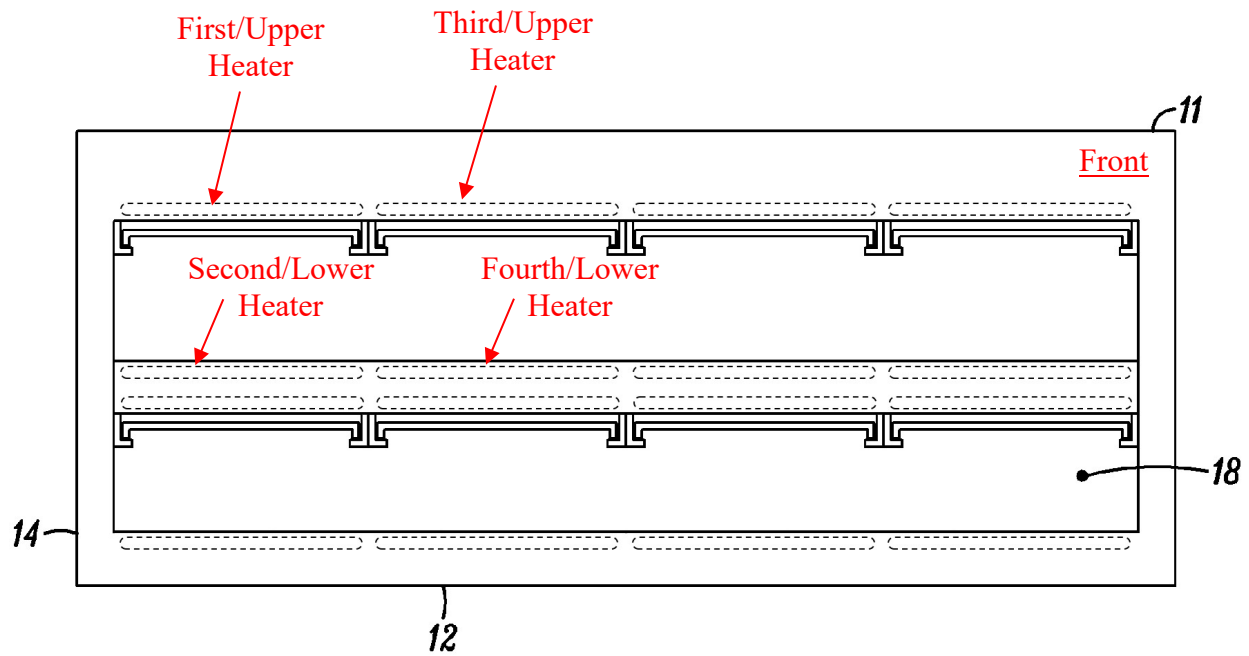
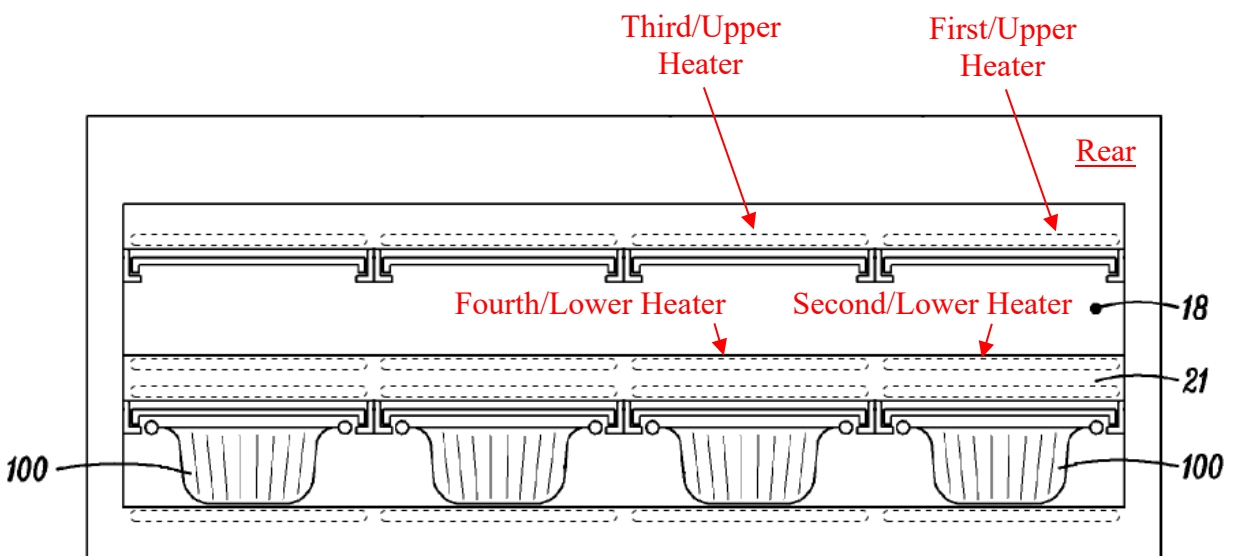
and shelf, thereby heating the pans (100) disposed below by radiation. EX1010: ¶¶[0019]-[0020].

983. Because the tops of the pans (100) are spaced apart from the underside of the top panel and shelf (and thereby the upper heaters as well), the heat generated by the upper (e.g., first and third) heaters will naturally heat the food pans by radiation, and the upper (e.g., first and third) heaters would be a radiant heating source. Notably, radiation heat transfer would occur regardless of whether the lids are in contact with the underside of the shelf or spaced apart from the shelf. EX1010: ¶[0018].

984. Fortmann’748 also explains the heaters (60) contact the upper sheet forming the substantially planar surface upon which the pans (100) rest to heat the pan by conduction. EX1010: ¶[0019] (“the heater 60 makes surface contact with at least the upper sheet 22 forming the shelf 21 ... such that a percentage of the heat generated by the heaters disposed in conjunction with each shelf 21 is transferred directly to the shelf by conductive heat transfer”), ¶[0020] (“a pan 100 disposed within the cart 10 may receive heat from [] the shelf 21 below the pan (by conduction and radiation)”).

985. When modifying the heaters (60) of Fortmann’748, the POSA would follow the teachings of Fortmann’748 and have the second and fourth (lower)

heaters contact the sheet forming the substantially planar surfaces the pan rest on to heat the pans by conduction. EX1010: ¶¶[0019]-[0020].



EX1010: Figs. 2 and 6 (modified, annotated).

986. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the food holding bin as claimed in Claim 4.

E. Claim 5: the food holding bin of claim 1, wherein the first bezel comprises dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

987. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 1.

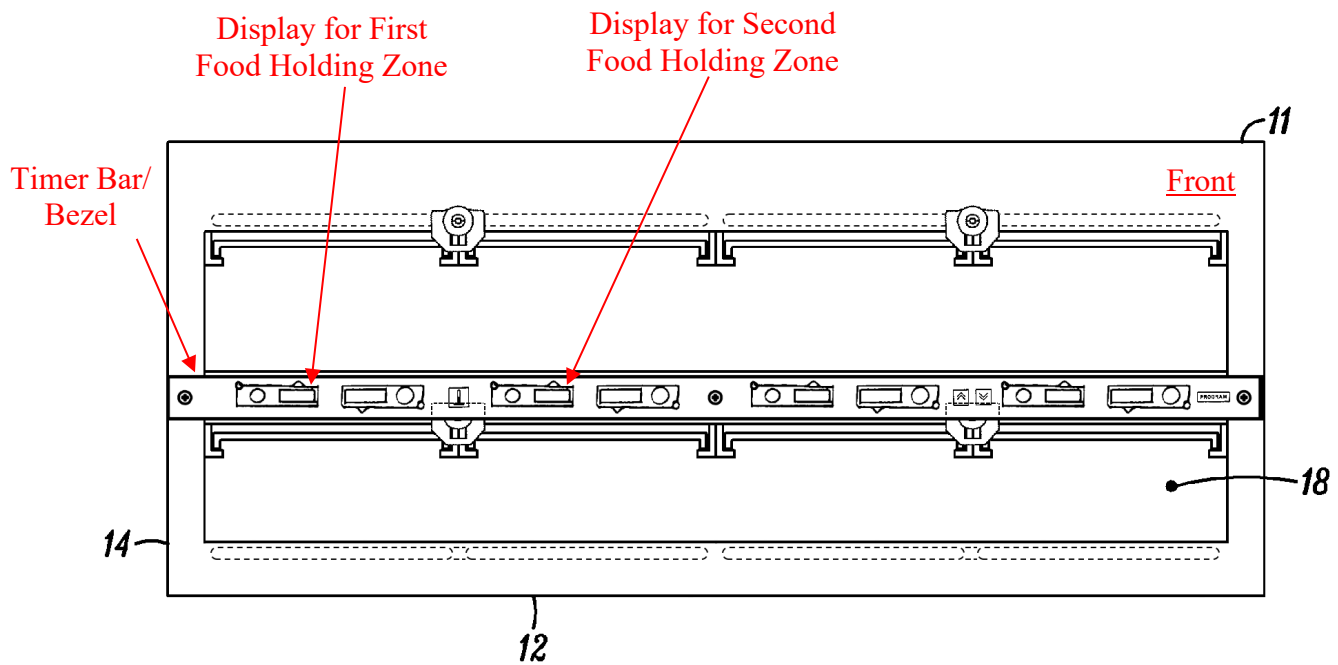
988. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 5 requiring the first comprise “dedicated displays” with the “dedicated display display[ing] a temperature setting for a corresponding food holding zone.”

989. As explained in Paragraphs 830-847 (Ground 12, Section XV(A)(6)), each of Fortmann’197 (EX1014), the IRHS Documents (EX1005-EX1008), and Hartfelder (EX1013) teach the inclusion of timer bars or time bezels.

990. It would have further been obvious for each timer bar to incorporate Vaseloff's display/control groups (*e.g.*, a display device, a timer status indicator, and a timer button) for each food holding zone (*e.g.*, the pan locations thereof) within the first, second, third, and fourth food holding zones for the reasons explained in Paragraphs 783-808 (Ground 12, Section XV(A)(4)).

991. Each Vaseloff display/control group would have a display device that displays the set temperature of each food holding zone (*e.g.*, the pan locations thereof) per McMillan. Paragraphs 809-829 (Ground 12, Section XV(A)(5)); EX1019: 10:30-32 (“[w]hen the temperature is set, the message display areas ... present a numeric value indicating the current and/or set temperature”).

992. A representation of the resulting modified cabinet of Fortmann'748 in a 2x4 configuration is demonstrated as follows:



EX1010: Fig. 2 (modified, annotated).

993. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 5.

F. Claim 6: the food holding bin of claim 5, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

994. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

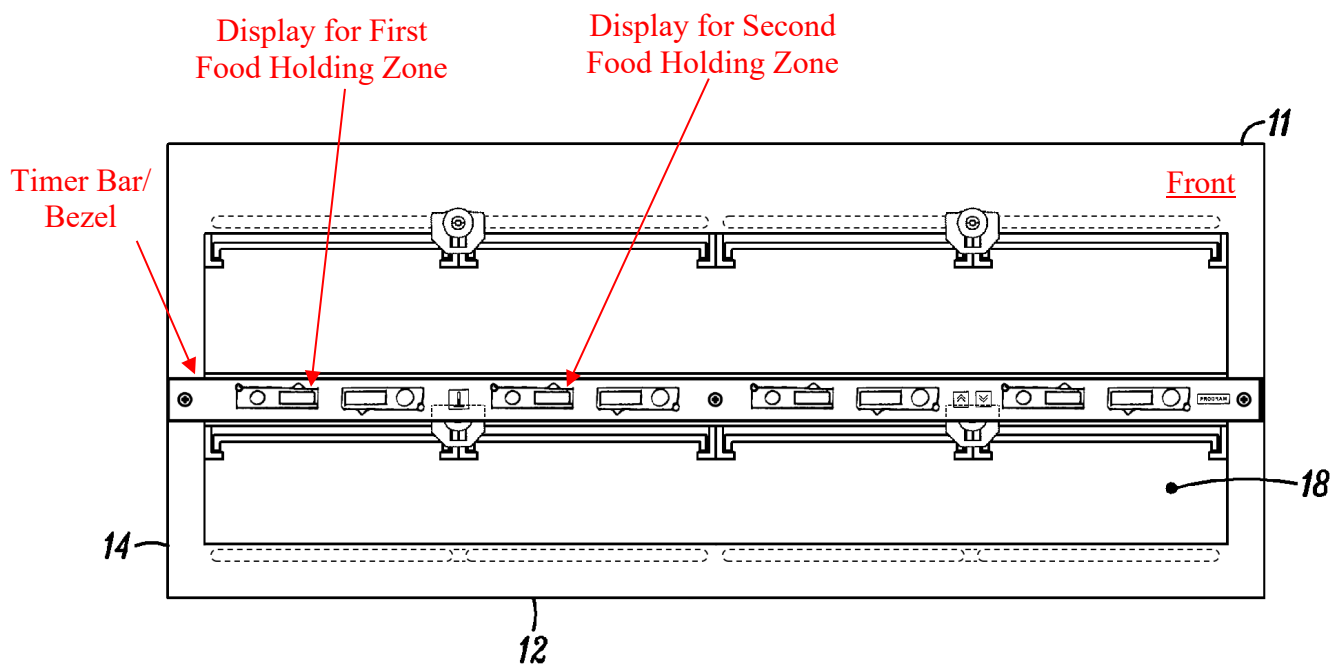
McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 5.

995. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 6 requiring that “the dedicated displays display additional information about a food item stored in the corresponding food holding zone.”

996. Vaseloff display devices display the name of the food item stored in the zone/pan holding location. EX1026: 4:5-8 (“display devices 60 display the identity of the food that is held in the holding compartments”).

997. By implementing Vaseloff's display devices in Fortmann'748's modified cabinet as explained in Paragraphs 783-808 (Ground 12, Section XV(A)(4)), the display devices would continue to provide the capability of displaying the name of the food item (*i.e.*, additional information about the food item) in the corresponding zone/pan holding location.

998. A representation of the resulting modified cabinet of Fortmann'748 in a 2x4 configuration is demonstrated as follows:

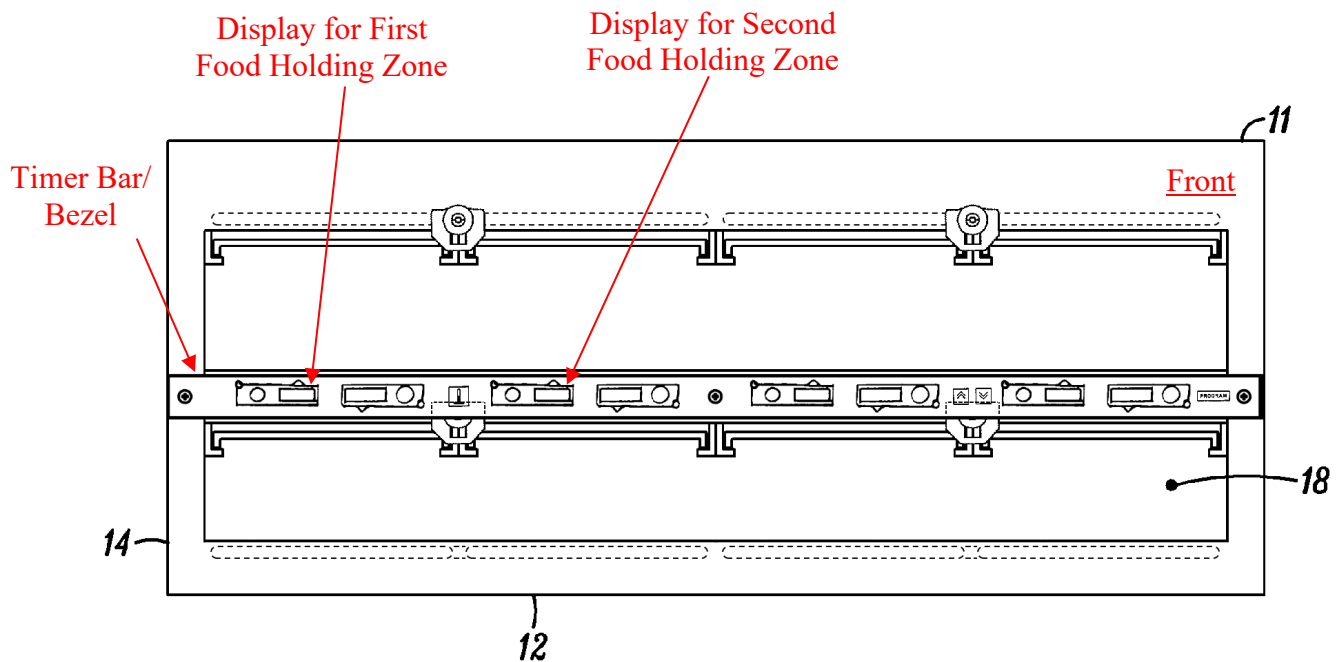


EX1010: Fig. 2 (modified, annotated).

999. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, McMillan, Vaseloff, and/or Hartfelder to arrive at the food holding bin as claimed in Claim 6.

1000. Vaseloff display devices display the name of the food item stored in the zone/pan holding location. EX1026: 4:5-8. When implemented in Fortmann'748 as explained in Paragraphs 783-808 (Ground 12, Section XV(A)(4)). Vaseloff's display devices would maintain their ability to display the name of the food item (additoinal informaiton about the food item) in the

corresponding zone/pan holding location. EX1026: 4:5-8 (“display devices 60 display the identity of the food that is held in the holding compartments”).



EX1010: Fig. 2 (modified, annotated).

1001. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the food holding bin as claimed in Claim 6.

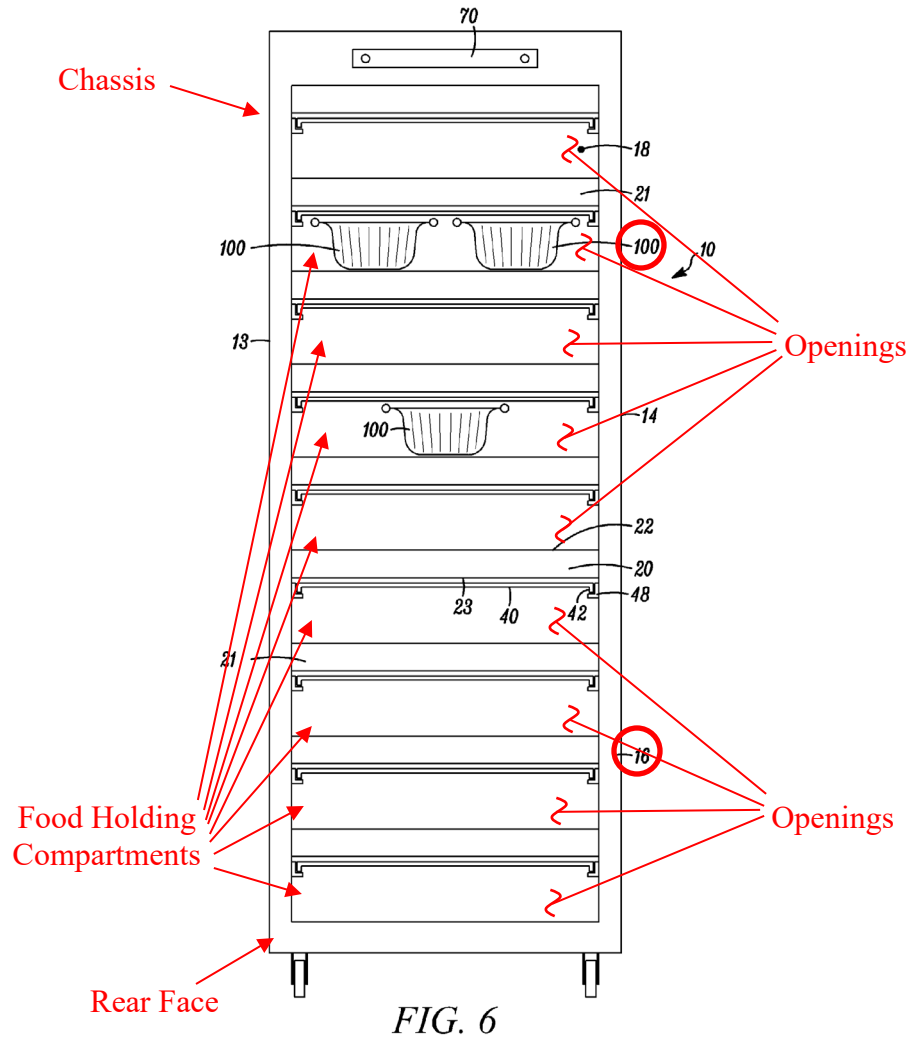
G. Claim 7

7.a: the food holding bin of claim 1, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

1002. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 1.

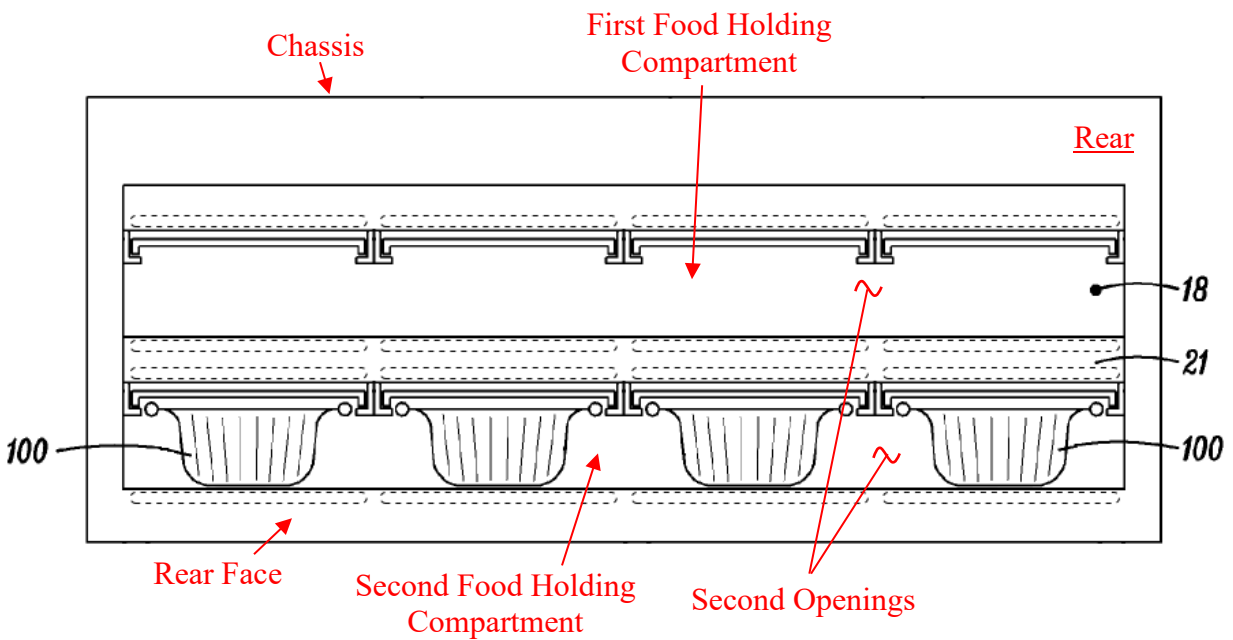
1003. The POSA would recognize that Fortmann'748 discloses the multi-zone food holding bin “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis.”

1004. The chassis (10a) of Fortmann'748's cabinet (10) has an open back side (16) to allow pans (100) to pass into and out of the food holding compartments in the interior volume (18). EX1010: ¶[0014] (“[t]he warming cart 10 is configured with ... an open back side 16 to allow one or more pans 100 to be quickly disposed within the cart 10 and the warming volume and removed from the cart 10 without operation of doors or other barriers found on conventional warming carts.... as shown in FIG. 6 the back side 16 is also open to allow pans 100 and the like to slide through the back side 16 into the warming volume 18”).



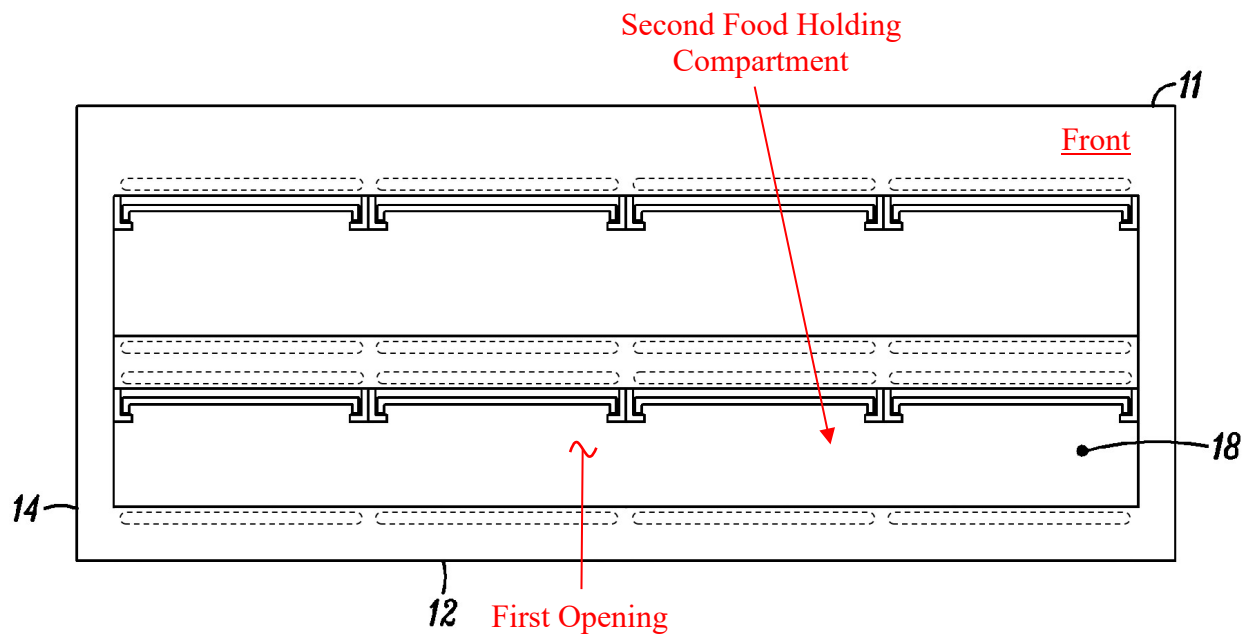
EX1010: Fig. 6 (annotated).

1005. Both as disclosed in Fortmann'748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above, the first and second food holding compartments each have an uncovered second opening at the rear face of the chassis.



EX1010: Fig. 6 (modified, annotated).

1006. Notably, while not recited in the claim limitations of Claim 1, the second food holding compartment has a first opening on the front side of the chassis such that the uncovered opening at the rear face of the chassis is the second opening.



EX1010: Fig. 2 (modified, annotated).

7.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

1007. The POSA would recognize that Fortmann’748 discloses that the substantially planar bottom surfaces of the first and second food compartments are “configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening.”

1008. The chassis (10a) of Fortmann’748’s cabinet (10) has an open front side (15) and an open back side (16) to allow pans (100) to pass into and out of the

food holding compartments in the interior volume (18). EX1010: ¶[0014] (“[t]he warming cart 10 is configured with an open front side 15 and an open back side 16 to allow one or more pans 100 to be quickly disposed within the cart 10 and the warming volume and removed from the cart 10 without operation of doors or other barriers found on conventional warming carts. As shown in FIGS. 1, 2, 4, and 5 the front side 15 is open to allow pans 100, trays, pizza boxes and the like to slide through the open front side 15 and within the warming volume 18 of the cart, and as shown in FIG. 6 the back side 16 is also open to allow pans 100 and the like to slide through the back side 16 into the warming volume 18.”).

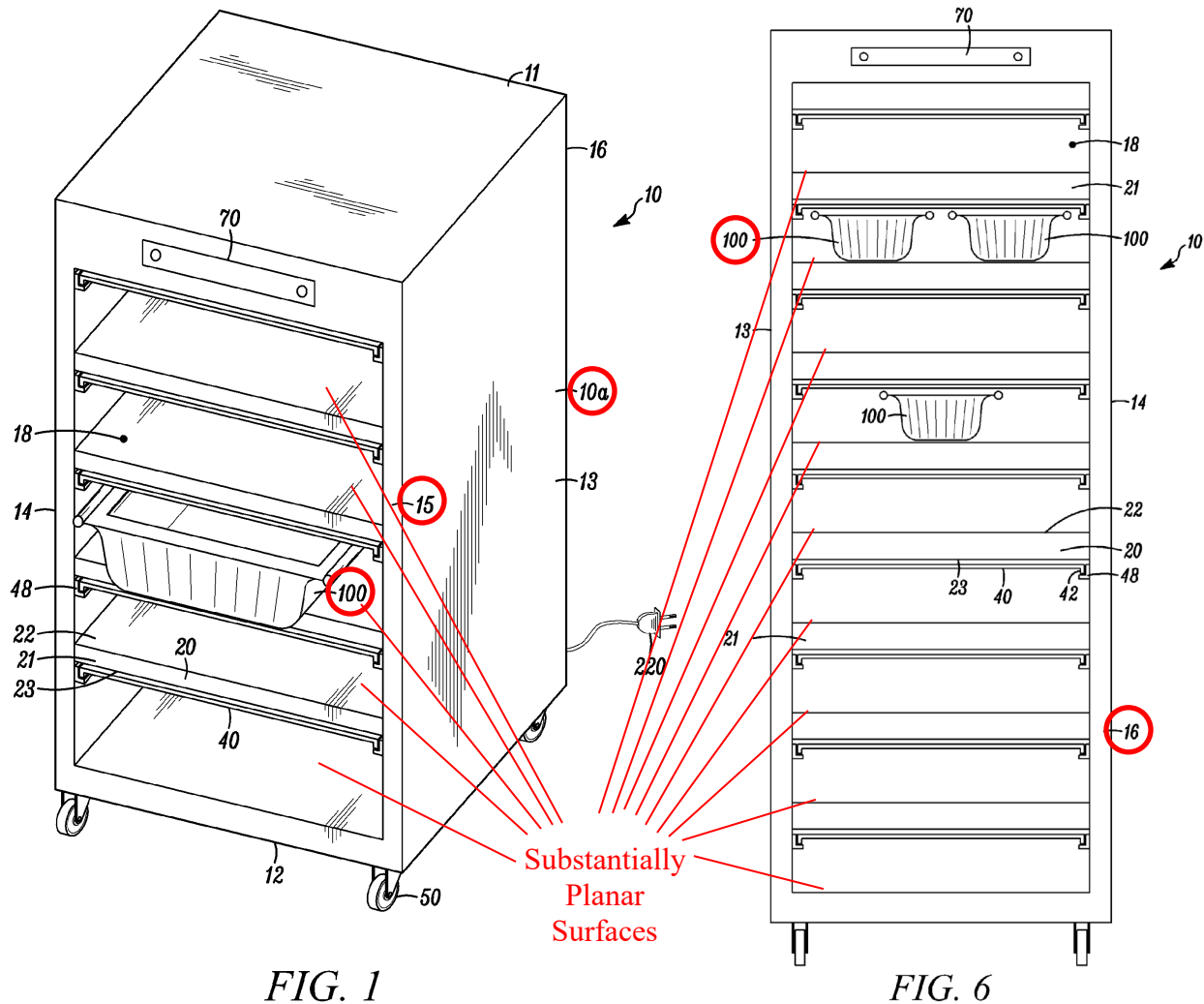


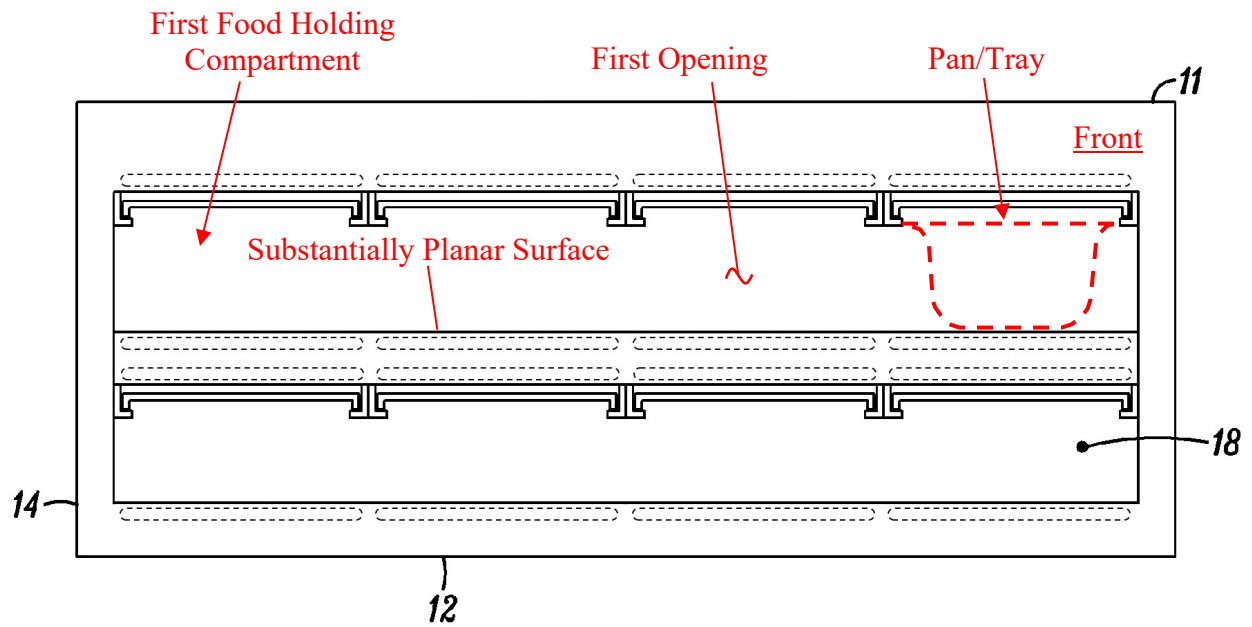
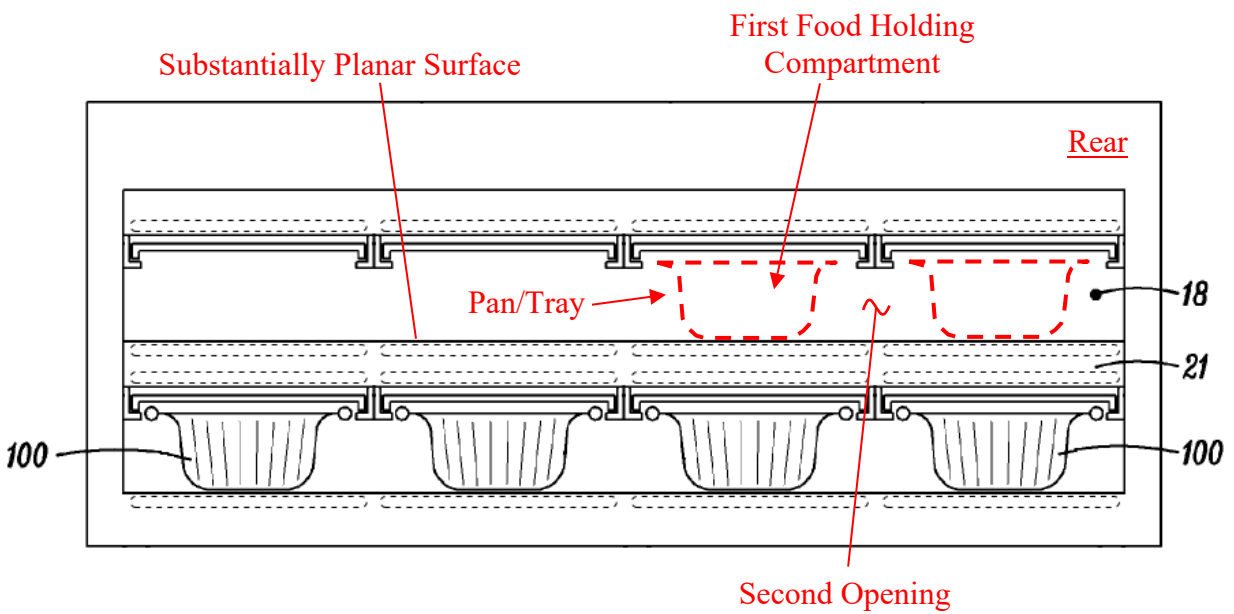
FIG. 1

FIG. 6

EX1010: Figs. 1 and 6 (annotated).

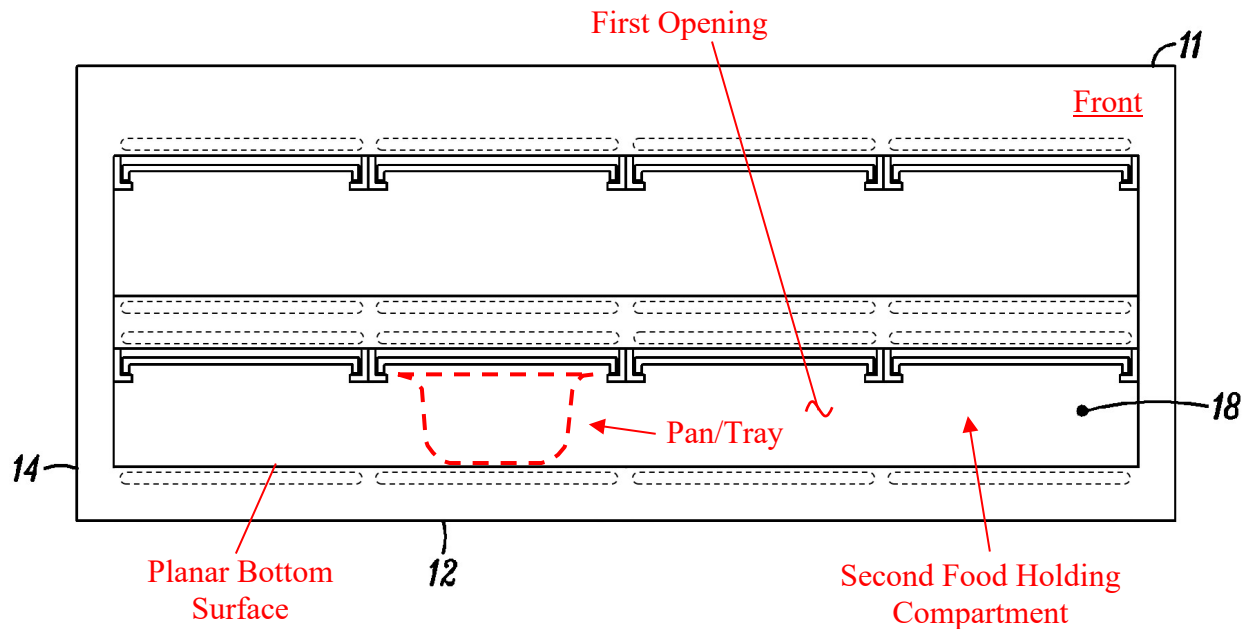
1009. Both as disclosed in Fortmann'748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above, the planar surface allows the food pans (100) to pass through the first opening of the first food holding compartment to rest on the planar surface and to be removed from the planar surface through the second opening. EX1010: ¶[0015] (“the top surface 22 of the shelf 21 [is] spaced from a bottom surface 23 of a neighboring shelf 21 a distance

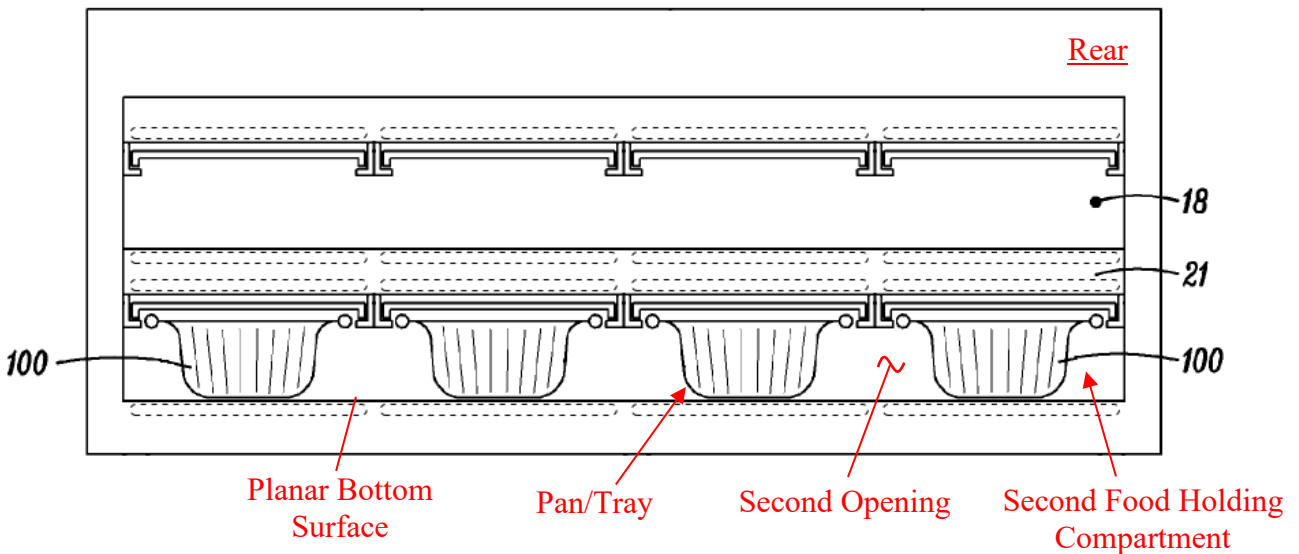
to allow a conventional restaurant cooking pan 100 to be inserted therebetween”),
¶[0017] (“pan 100 that is placed onto the shelf 21”).



EX1010: Figs. 2 and 6 (modified, annotated).

1010. For the same reasons as the first food holding compartment, a planar bottom surface for the second food holding compartment allows food items to be placed on the planar bottom surface through the first opening of the second food holding compartment and removed from the planar bottom surface through the second opening of the second food holding compartment.





EX1010: Figs. 2 and 6 (modified, annotated).

1011. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 7.

H. Claim 8

8.a.1: The food holding bin of claim 7, wherein the first bezel is attached to the chassis proximate the front face of the chassis,

1012. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 7.

1013. The POSA would additionally recognize that the prior art discloses the additional limitation requiring “the first bezel [to be] attached to the chassis proximate the front face of the chassis.”

1014. Fortmann'197's holding cabinet (10) has control bars (60) spaced forward of the shelves (40) and control bars (70) spaced rearward of the shelves. EX1014: 2:58-59, 3:28-30, 3:55-56, 4:18-37, Figs. 1-3 and 5.

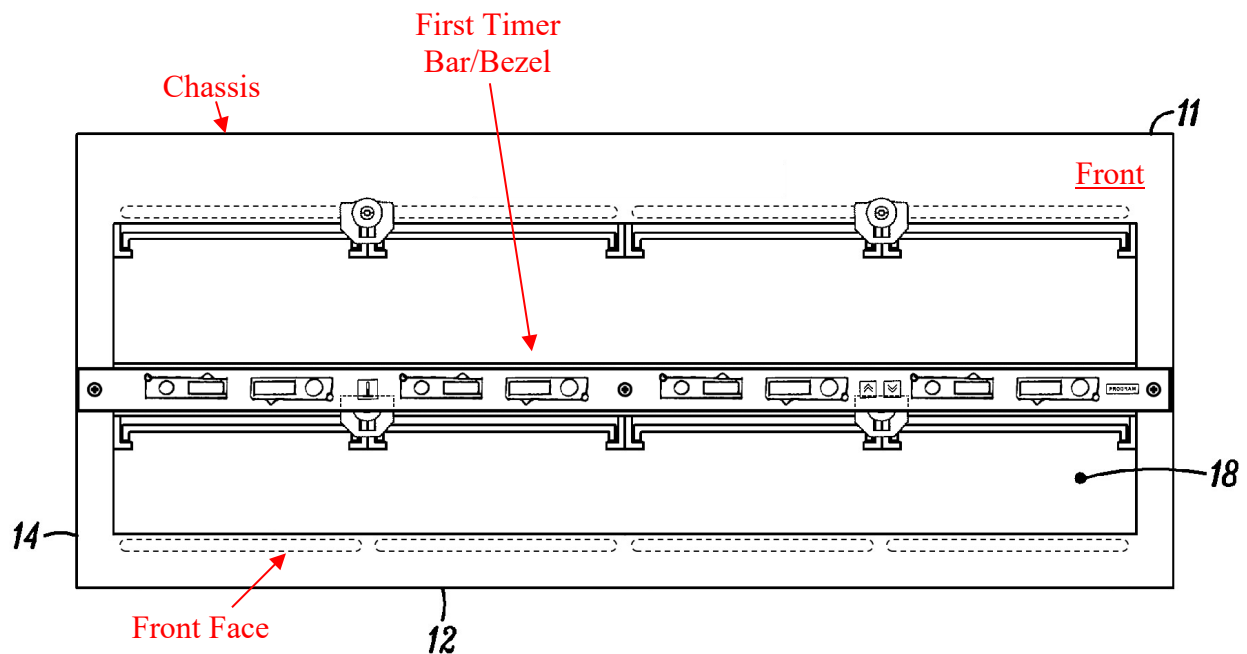
1015. Similarly, the IRHS Documents teach a holding unit with front and rear control (timer) bars. EX1005: 4 (“Duke timer bar and control system”), 7, 20 (“TIMER BAR”), 25 (“FRONT TIMER BARS” and “REAR TIMER BARS”); EX1006: 1 (“[a]lphanumeric displays to indicate product description, temp and hold time”); EX1007: 51 (“more robust Duke timer bars”), 52, 54 (“Duke Timer Bar ... Double-sided”), 56 (“Controls ... Double”).

1016. As explained in Paragraphs 830-847 (Ground 12, Section XV(A)(6)), it would have been obvious to modify the multi-zone food holding bin of Fortmann'748 to add the timer bar/bezel of Fortmann'197 (EX1014) and the IRHS Documents (EX1005-EX1008) on both sides (front and rear) of the cabinet.

1017. The resulting cabinet would have front timer bar (front bezel), wherein the front timer bar would have been attached to the chassis proximate the

front face of the chassis as explained in Paragraphs 830-847 (Ground 12, Section XV(A)(6)).

1018. A representation of the resulting modified cabinet of Fortmann'748 in a 2x4 configuration is demonstrated as follows:



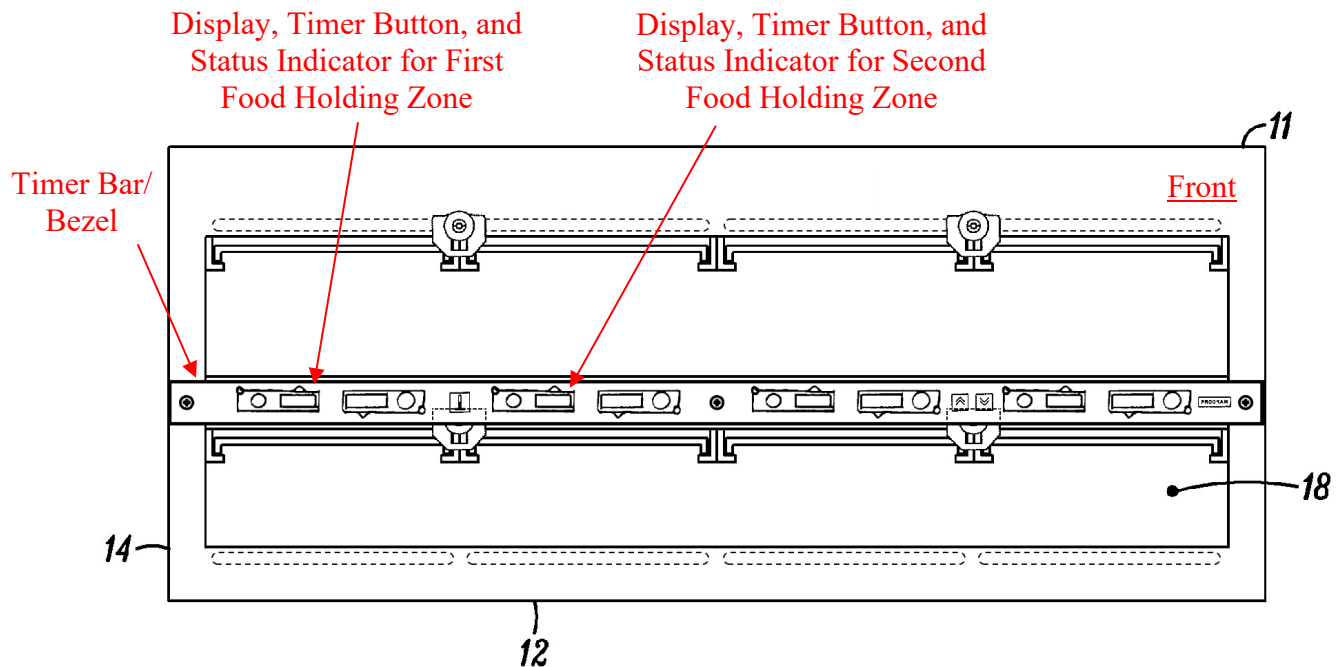
EX1010: Fig. 2 (modified, annotated).

8.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones; and

1019. It would have further been obvious the front/first timer bar (first bezel) to incorporate Vaseloff's display/control groups (*e.g.*, a display device, a timer status indicator, and a timer button) for each pan holding location within the first and second food holding zones for the reasons explained in Paragraphs 783-

808 (Ground 12, Section XV(A)(4)); EX1026: 3:48-51, 4:5-6, 4:20-33, 4:48-49, Figs. 3, 4, 10.

1020. A representation of the resulting modified cabinet of Fortmann'748 in a 2x4 configuration is demonstrated as follows:



EX1010: Fig. 2 (modified, annotated).

8.b: further comprising a second bezel located proximate the opposing rear face of the chassis.

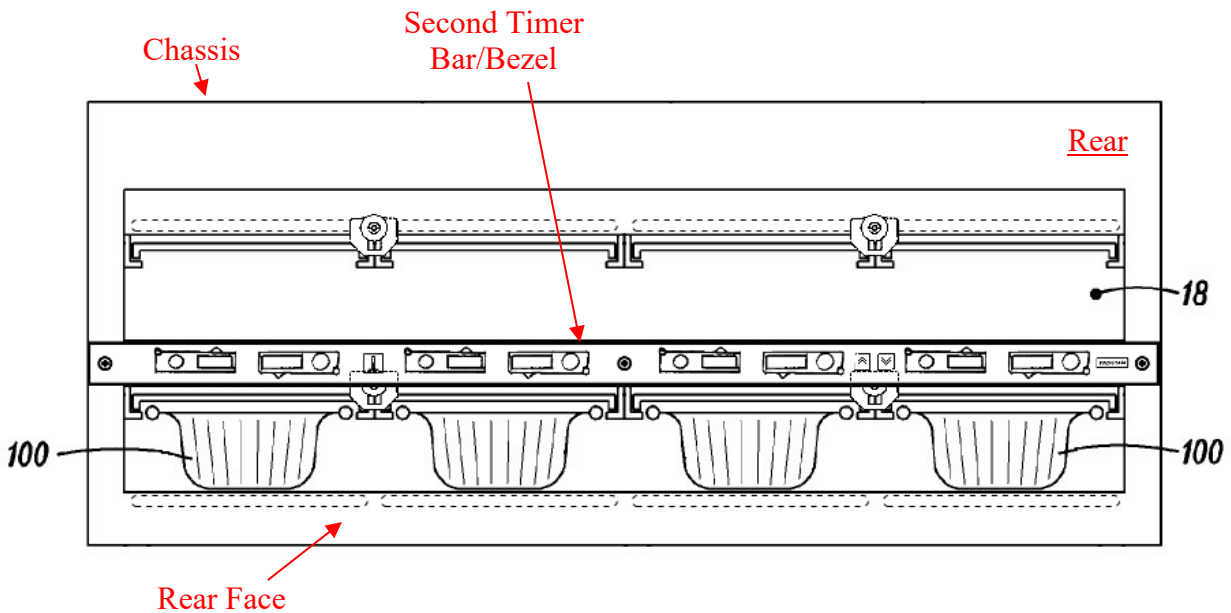
1021. In addition to the first timer bar/bezel attached proximate to the front face of the chassis, it would also have been obvious to modify the multi-zone food holding bin of Fortmann'748 to add a second timer bar/bezel of Fortmann'197 (EX1014) and the IRHS Documents (EX1005-EX1008) on the rear

of the cabinet for the reasons explained in Paragraphs 830-847 (Ground 12, Section XV(A)(6)).

1022. Notably, the IRHS Documents teaches a holding unit with both front and rear control (timer) bars. EX1005: 4 (“Duke timer bar and control system”), 7, 20 (“TIMER BAR”), 25 (“FRONT TIMER BARS” and “REAR TIMER BARS”); EX1006: 1 (“[a]lphanumeric displays to indicate product description, temp and hold time”); EX1007: 51 (“more robust Duke timer bars”), 52, 54 (“Duke Timer Bar ... Double-sided”), 56 (“Controls ... Double”).

1023. The resulting cabinet would have a rear timer bar (rear bezel), wherein the rear timer bar would have been attached to the chassis proximate the rear face of the chassis as explained in Paragraphs 830-847 (Ground 12, Section XV(A)(6)).

1024. A representation of the resulting modified cabinet of Fortmann’748 in a 2x4 configuration is demonstrated as follows:



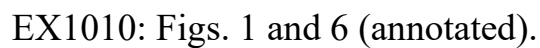
EX1010: Fig. 6 (modified, annotated).

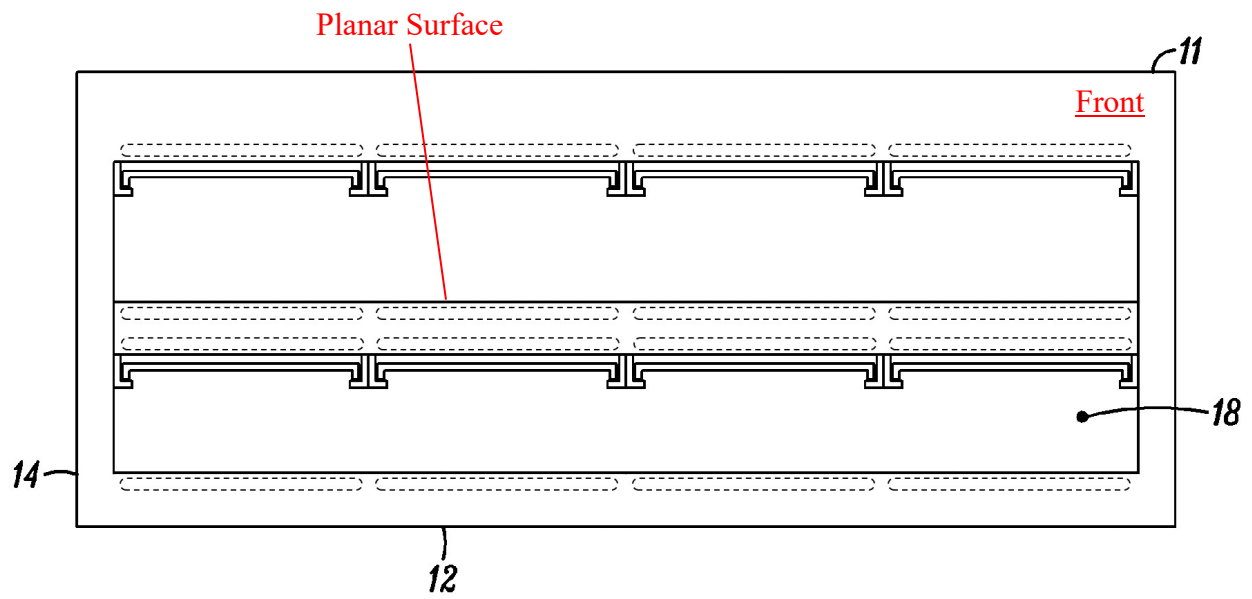
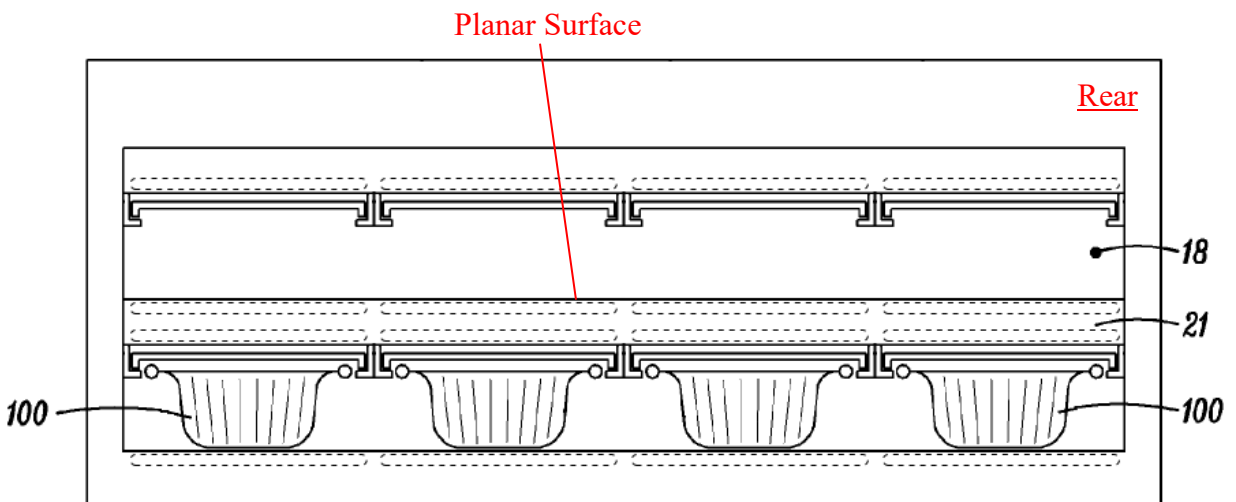
1025. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 8.

I. Claim 9: the food holding bin of claim 1, wherein the substantially planar surface is a continuous surface

1026. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 1.

1028. Both as disclosed in Fortmann'748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above, the first and second planar surfaces are continuous.





EX1010: Figs. 2 and 6 (modified, annotated).

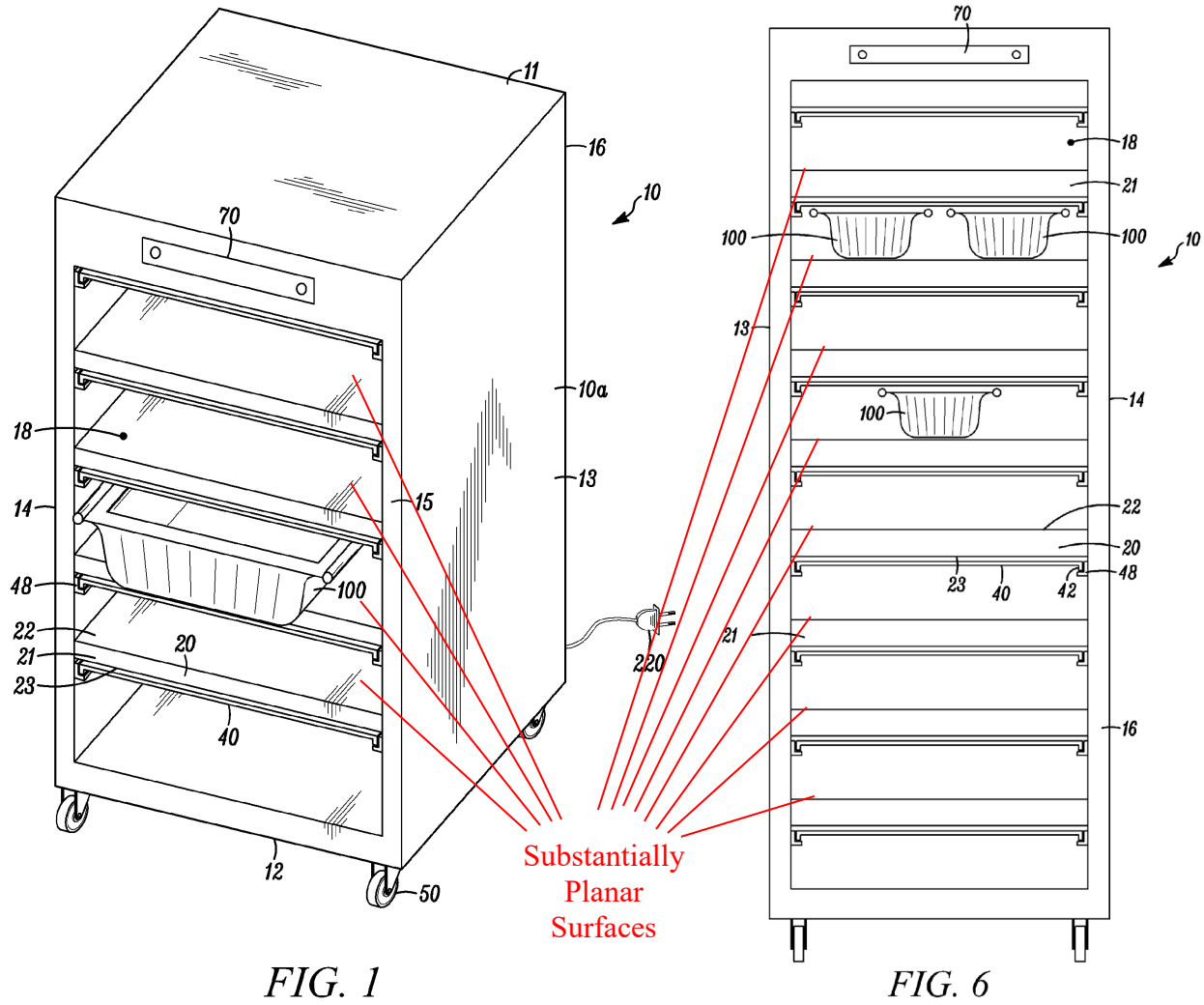
1029. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 9.

J. Claim 10: the food holding bin of claim 9, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

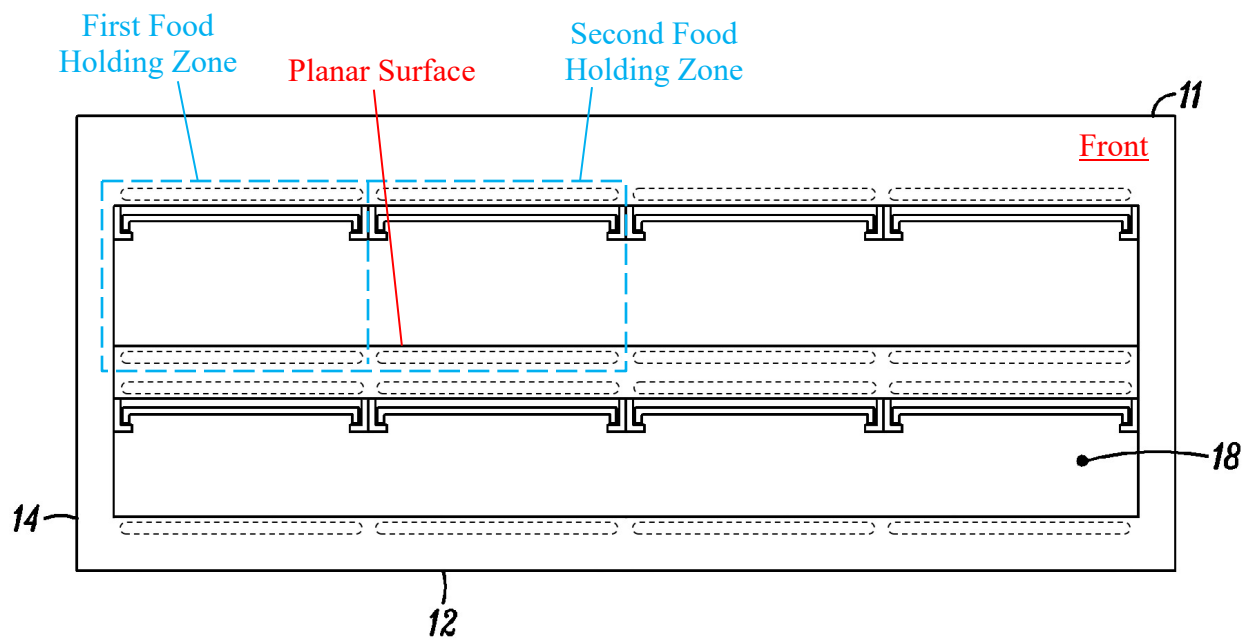
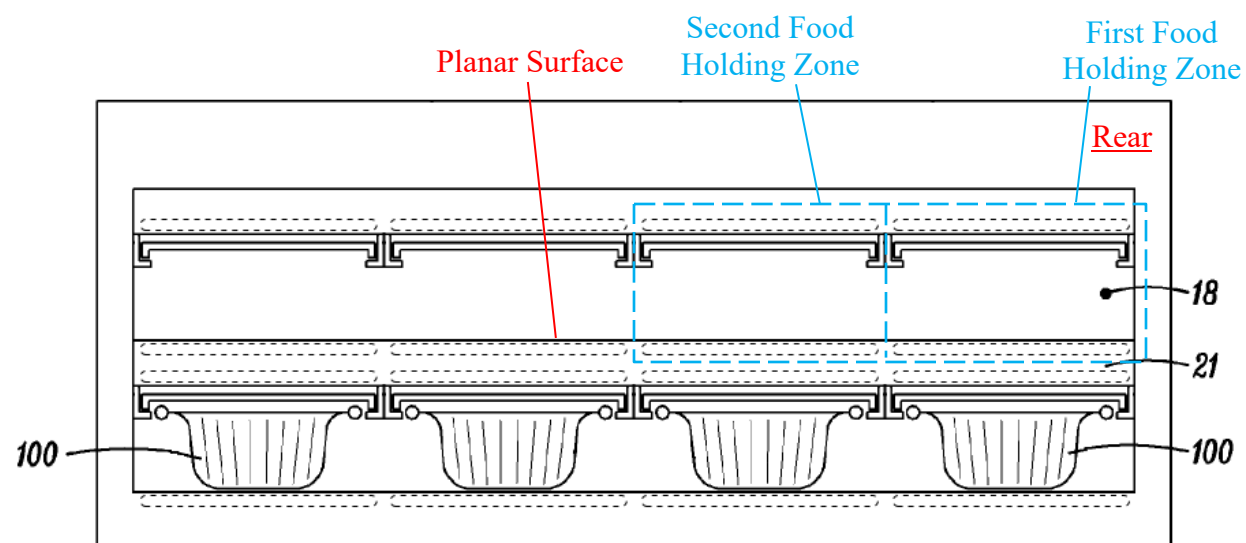
1030. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 1.

1031. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 10 further requiring that “substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones.”

1032. Both as disclosed in Fortmann'748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above to specifically include multiple food holding zones per compartment, the substantially planar surface is free of any dividing walls or other structures.



EX1010: Figs. 1 and 6 (annotated).



EX1010: Figs. 2 and 6 (modified, annotated).

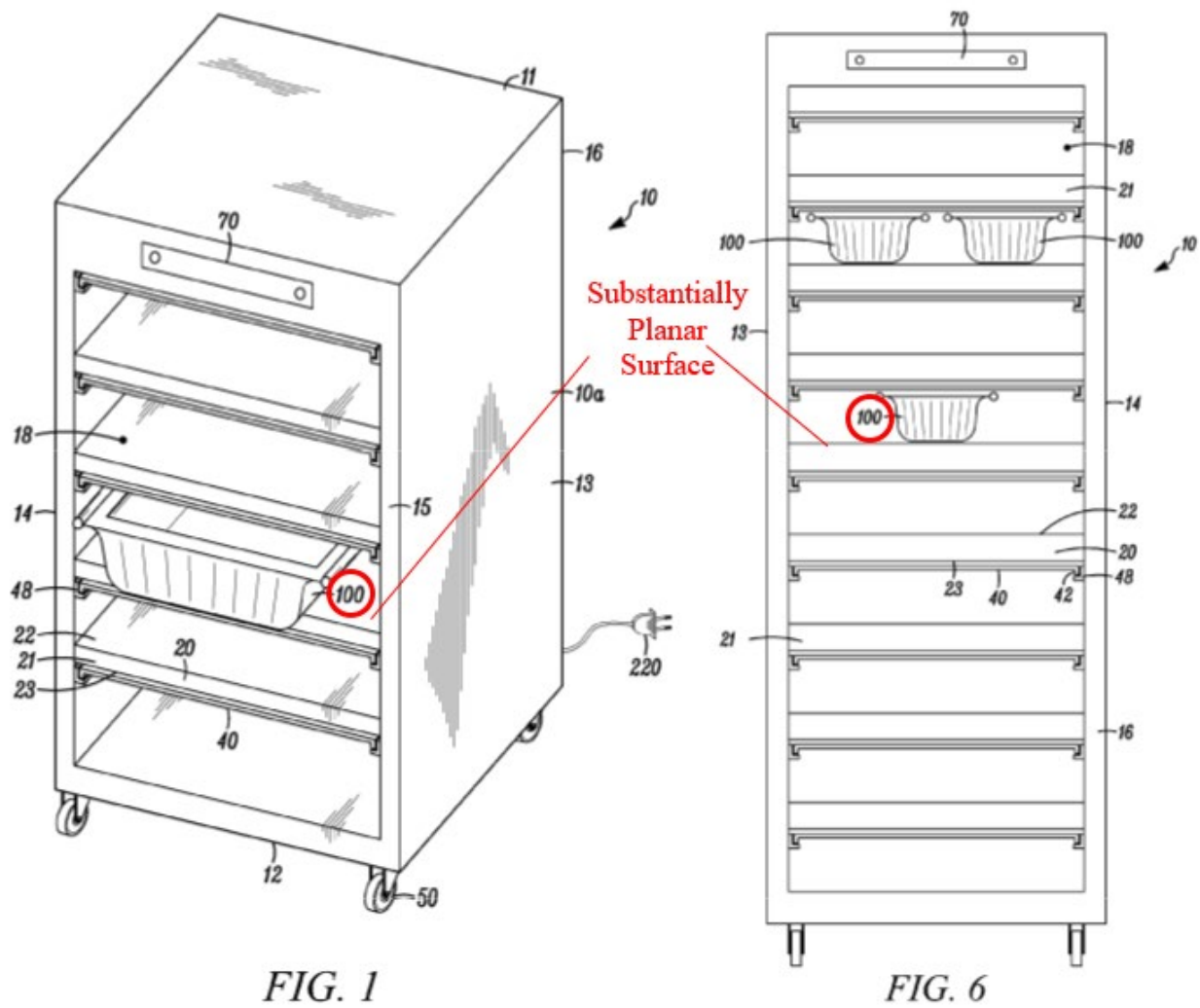
1033. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the food holding bin as claimed in Claim 10.

K. Claim 12: the food holding bin of claim 1, further comprising a food holding tray resting on the substantially planar surface

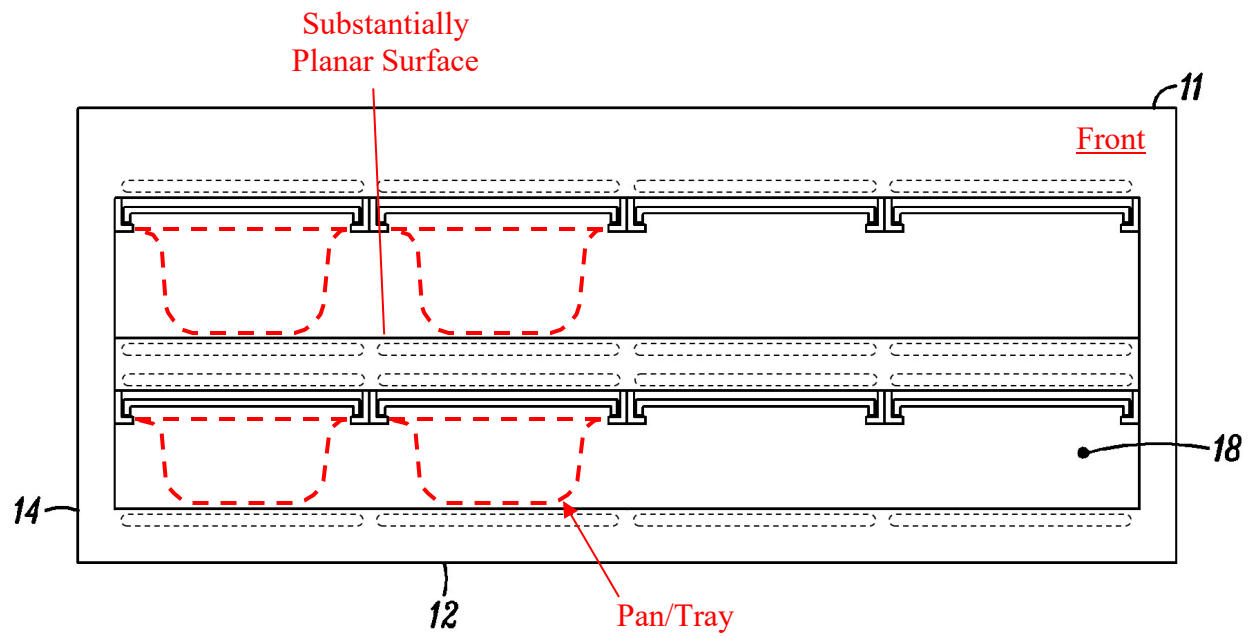
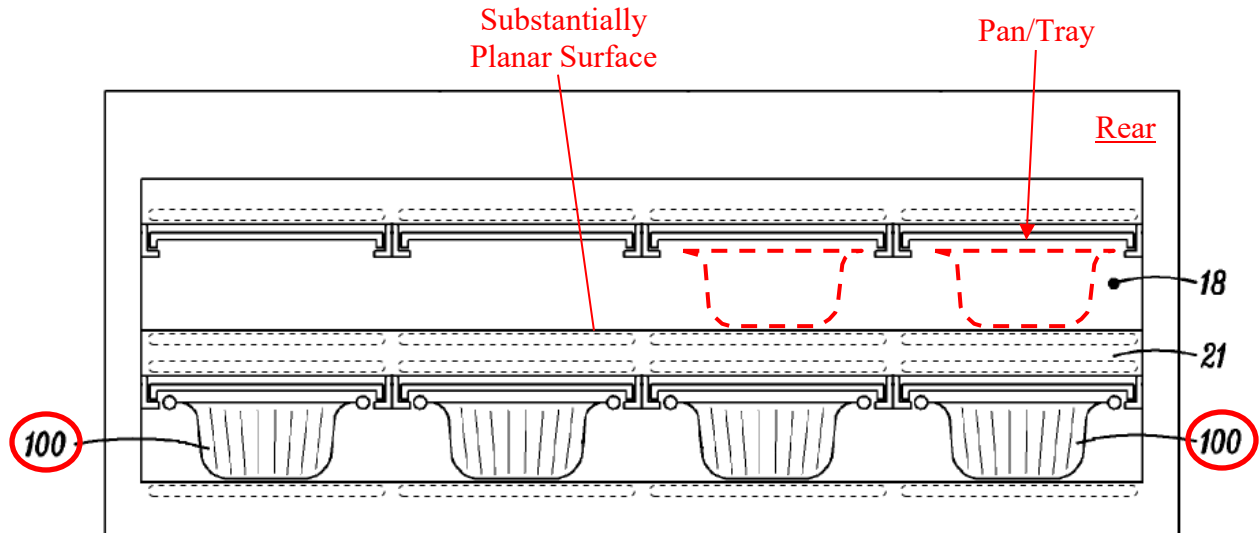
1034. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 1.

1035. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 12 further requiring “a food holding tray resting on the substantially planar surface.”

1036. Both as disclosed in Fortmann’748 and as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above, the food pans (100) rest on the substantially planar surface within the food holding zones. EX1010: ¶¶[0015] (“the top surface 22 of the shelf 21 being spaced from a bottom surface 23 of a neighboring shelf 21 a distance to allow a conventional restaurant cooking pan 100 to be inserted therebetween”), [0017] (“pan 100 that is placed onto the shelf 21”), Figs. 1 and 6.



EX1010: Figs. 1 and 6 (annotated).



EX1010: Figs. 2 and 6 (modified, annotated).

1037. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 12.

L. Claim 13: the food holding bin of claim 1, the first food holding zone and the second food holding zone being heated to different temperatures

1038. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 1.

1039. As discussed in Paragraphs 734-829 and 925-940 above (Ground 12 Sections (A)(2)-(5) and Ground 12 claim Limitations (1.d.1)-(1.e.2)), it would have been obvious in modifying Fortmann'748's cabinet to have a first food holding zone and a second food holding zone, each with their own upper and lower heaters, it would have been obvious to adapt Fortmann'748's control system to independently operate the heaters of each food holding zone.

1040. And as established with respect to Claim Limitation 1.g.2 above (Paragraphs 946-959), it would have been obvious in modifying Fortmann'748's cabinet for the first food holding zone to be configured to maintain a first

temperature and for the second food holding zone to be configured to maintain a second temperature, with the first temperature and the second temperature capable of being different than one another.

1041. In operation this would result in the first food holding zone and the second food holding zone being heated to different temperatures.

1042. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, McMillan, Vaseloff, and/or Hartfelder to arrive at the food holding bin as claimed in Claim 13.

M. Independent Claim 14

14.P-14.b.2 and 14.d.1-14.g.2

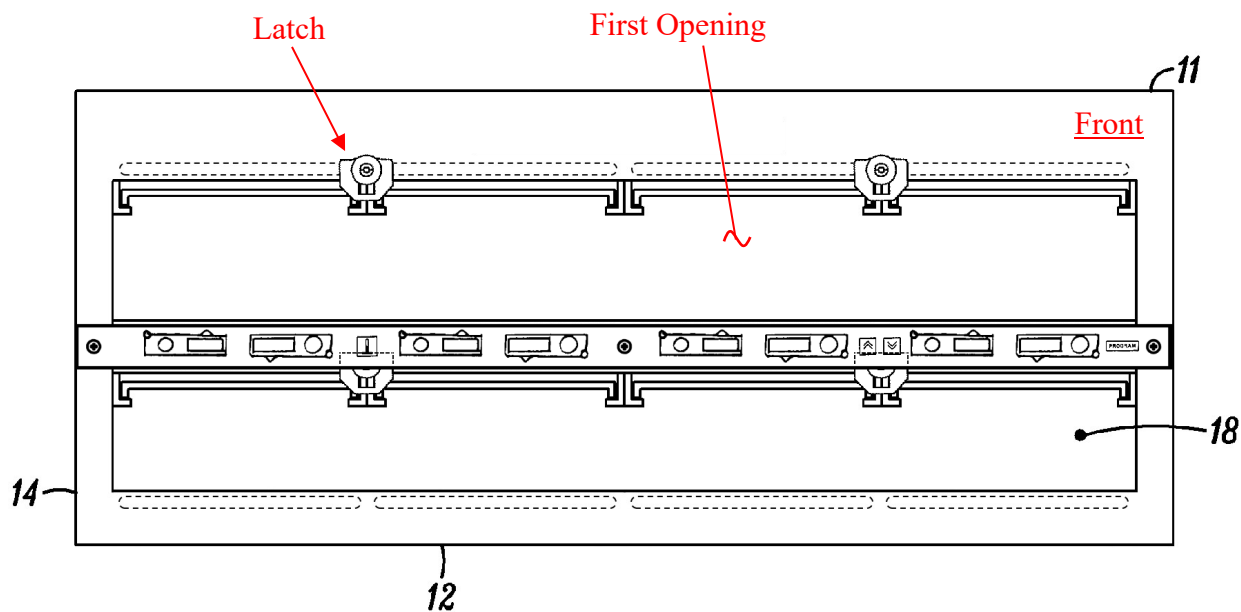
1043. Limitations 14.P-14.b.2 and 14.d.1-14.g.2 of independent claim 42 are identical to limitations 1.P-1.e.2, 1.g.1, and 1.g.2 (omitting the limitations of 1.f) of independent claim 1.

1044. For the reasons set forth in Paragraphs 903-940 and 945-960 (1.P-1.e.2, 1.g.1, and 1.g.2), each limitation is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099.

14.c: a rotatable latch disposed adjacent the first opening;

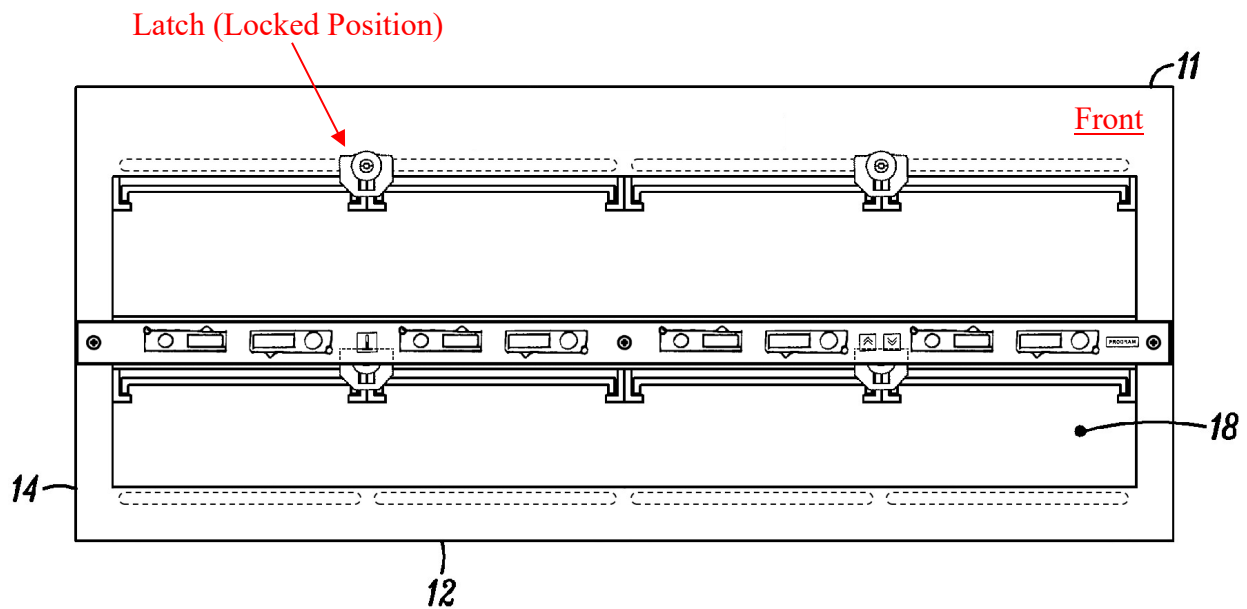
1045. As explained in Paragraphs 962-978 above with respect to Claim 2, Hartfelder and Shei'099 disclose rotatable latches (stops) capable of rotating between locked(/first) and unlocked/(second) positions. EX1013: Fig. 2; EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1.

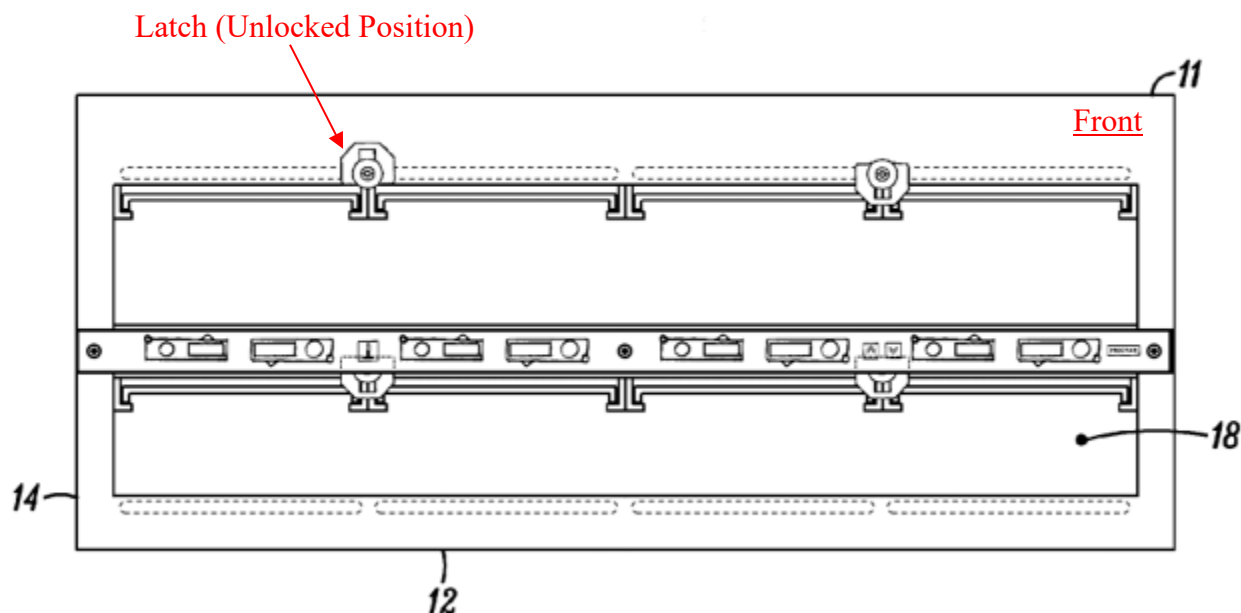
1046. Accordingly, explained in Paragraphs 872-883 above (Ground 12, Section XV(A)(8)) it would have been obvious to modify Fortmann'748's cabinet to have rotatable latches adjacent the first opening. EX1013: ¶[0058]; EX1017: 6:9-32. It would have been obvious to position the latches here as taught by Hartfelder and/or Shei'099—positioned adjacent the openings and lids, and thus engage and retain the lids. EX1013: Figs. 1, 9.



EX1010: Fig. 2 (modified, annotated).

1047. A representation of the resulting modified cabinet of Fortmann'748 demonstrates that the latch would have been rotatable between a locked (first) position and unlocked (second) position as follows. EX1013: Fig. 2; EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1.





EX1010: Fig. 2 (modified, annotated).

1048. Accordingly, each limitation of Claim 14 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 14.

N. Claim 15: the food holding bin of claim 14, wherein the latch is located between the first food holding zone and the second food holding zone

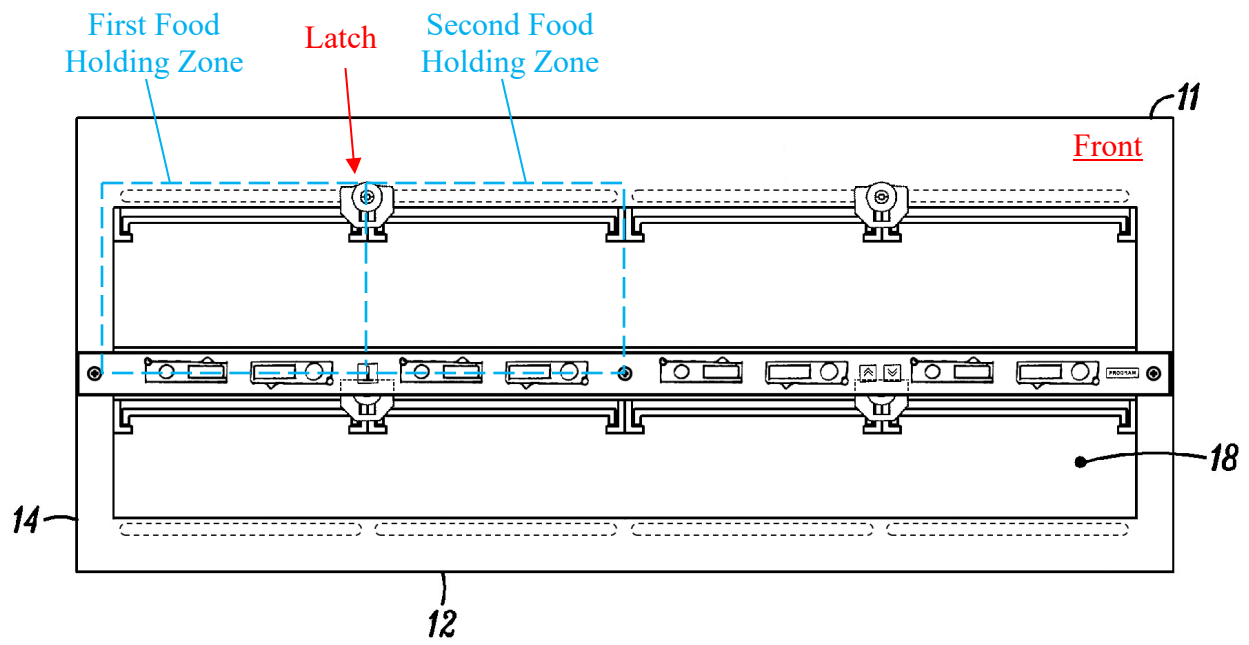
1049. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

1050. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 15 further requiring “the latch to be located between the first food holding zone and the second food holding zone.”

1051. As discussed in Paragraphs 872-883 (Ground 12, Section XV(A)(8)), it would have been further obvious to modify Fortmann'748's cabinet to incorporate Hartfelder's stop members (61) or Shei'099's stops (88) (*i.e.*, latches).

1052. One of these latches would be located between the first and second zones, per the arrangements taught by Hartfelder and/or Shei'099—which teach locating the latches between adjacent lids to engage and retain the lids. EX1013: ¶¶[0039], [0058], Figs. 1-5, 9; EX1017: 6:9-32.



EX1010: Fig. 2 (modified, annotated).

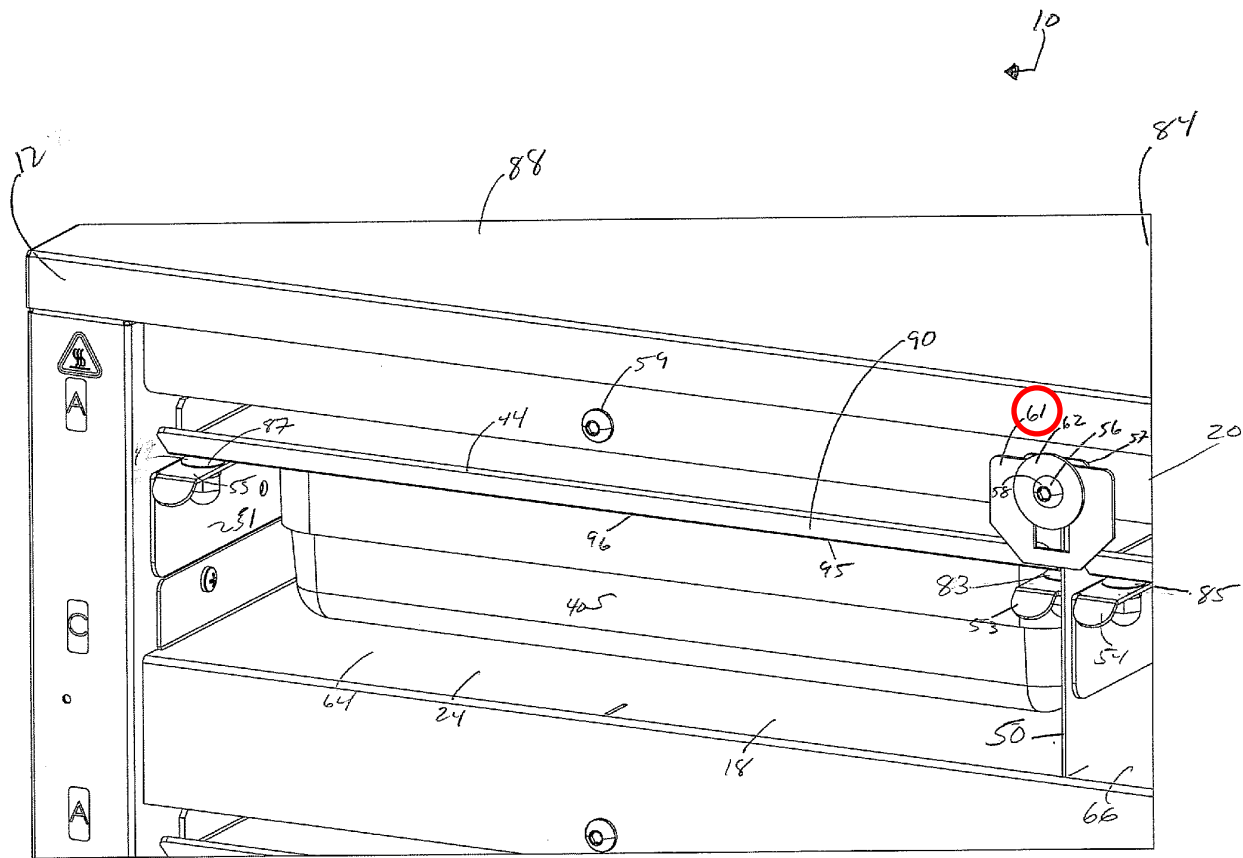


FIGURE 9

EX1013: Fig. 9 (annotated).

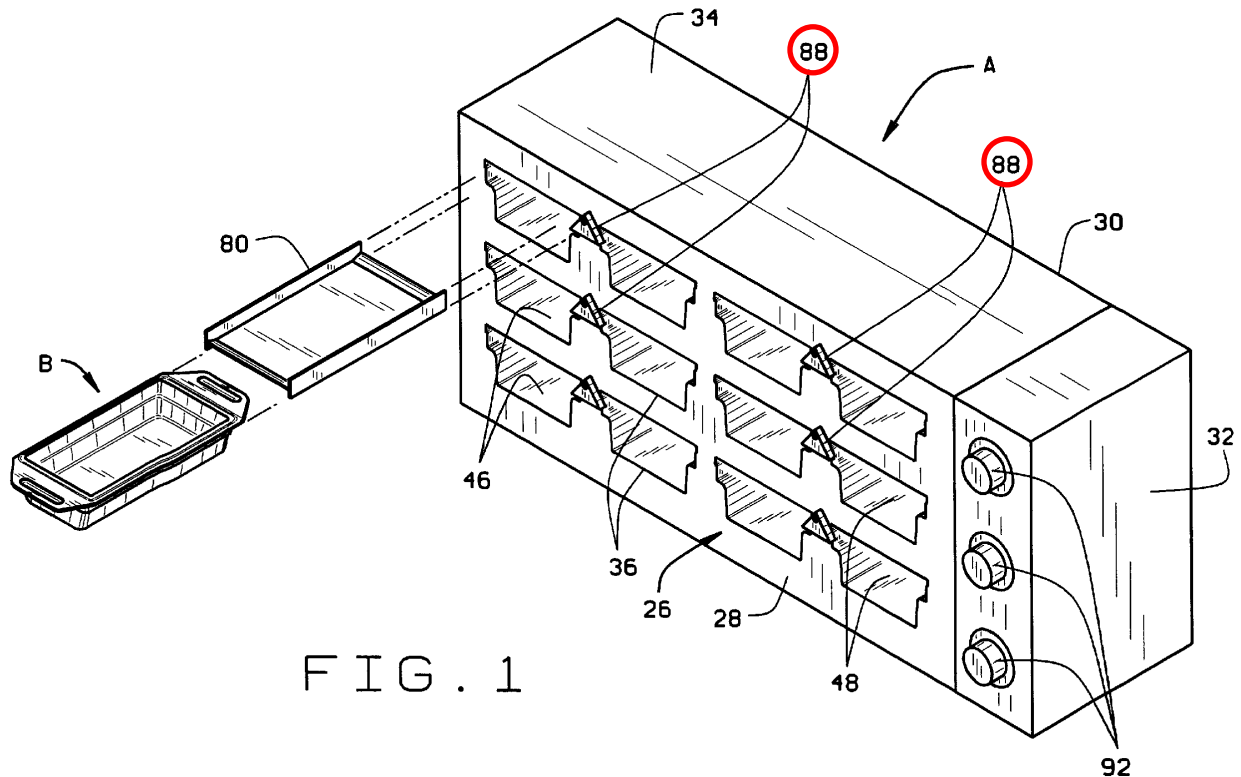


FIG. 1

EX1017: Fig. 1 (annotated).

- O. Claim 17: the food holding bin of claim 14, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction**

1053. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

1054. The additional "wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide

heat energy through conduction” limitation added in Claim 17 is identical in claim scope to the limitation added in Claim 4.

1055. Accordingly, as explained above in Paragraphs 979-986, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the food holding bin as claimed in Claim 17.

P. Claim 18

18.a: the food holding bin of claim 14, further comprising a first bezel attached to the chassis

1056. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 14.

1057. The additional “first bezel is attached to the chassis” limitation added in Claim 18.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1058. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 941-944 above.

18.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

1059. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” limitation added in Claim 18.b. is identical in claim scope to the limitation added in Claim 5 limitation.

1060. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 987-993 above.

1061. Accordingly, each limitation of Claim 18 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 18.

Q. Claim 19: the food holding bin of claim 18, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

1062. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 18.

1063. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” limitation added in Claim 19 is identical in claim scope to the limitation added in Claim 6.

1064. Accordingly, as explained above in Paragraphs 994-1001, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 19.

R. Claim 20

20.a: the food holding bin of claim 14, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

1065. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

1066. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 20.a is identical in claim scope to the limitation added in Claim 7.a.

1067. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1002-1005 above.

20.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

1068. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 20.b is identical in claim scope to the limitation added in Claim 7.b.

1069. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1007-1011 above.

1070. As such, each limitation of Claim 20 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder,

and/or Shei'099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 20.

S. Claim 21

21.a.1: the food holding bin of claim 20, further comprising a first bezel attached to the chassis proximate the front face of the chassis

1071. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 20.

1072. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 21.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1073. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 941-944 and 1012-1017 above.

21.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

1074. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation added in Claim 21.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

1075. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1019-1020 above.

21.b: further comprising a second bezel located proximate the opposing rear face of the chassis

1076. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 21.b is identical in claim scope to the limitation added in Claim 8.b.

1077. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1021-1025 above.

1078. As such, each limitation of Claim 21 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 21.

T. Claim 22: the food holding bin of claim 14, wherein the substantially planar surface is a continuous surface

1079. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

1080. The additional "wherein the substantially planar surface is a continuous surface" limitation added in Claim 22 is identical in claim scope to the limitation added in Claim 9.

1081. Accordingly, as explained above in Paragraphs 1026-1029, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 22.

U. Claim 23: the food holding bin of claim 22, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

1082. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 22.

1083. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones” limitation added in Claim 23 is identical in claim scope to the limitation added in Claim 10.

1084. Accordingly, as explained above in Paragraphs 1030-1033, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 23.

V. Claim 25: the food holding bin of claim 14 further comprising a food holding tray resting on the substantially planar surface

1085. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

1086. The additional “further comprising a food holding tray resting on the substantially planar surface” limitation added in Claim 25 is identical in claim scope to the limitation added in Claim 12.

1087. Accordingly, as explained above in Paragraphs 1034-1037, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 25.

W. Claim 26: the food holding bin of claim 14, the first food holding zone and the second food holding zone being heated to different temperatures

1088. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 14.

1089. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 26 is identical in claim scope to the limitation added in Claim 13.

1090. Accordingly, as explained above in Paragraphs 1038-1042, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 27.

X. Independent Claim 27

27.P-27.f.2

1091. Limitations 27.P-27.f.2 of independent claim 27 are identical to limitations 1.P-1.e.2, 1.g.1, and 1.g.2 (omitting the limitations of 1.f) of independent claim 1.

1092. For the reasons set forth in Paragraphs 903-940 and 945-960 (1.P-1.e.2, 1.g.1, and 1.g.2), each limitation is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099.

27.g: wherein each food holding zone further comprises a dedicated lid holding shelf elevated above the substantially planar bottom surface in the first food holding compartment, the dedicated lid holding shelf being configured to receive and store a lid for a food holding tray

1093. The POSA would additionally recognize that the prior art discloses the additional limitation added in Claim 27.g requiring that “each food holding zone further comprises a dedicated lid holding shelf elevated above the substantially planar bottom surface in the first food holding compartment, the dedicated lid holding shelf being configured to receive and store a lid for a food holding tray.”

1094. The top panel (11) and each shelf (21) of Fortmann'748's cabinet (10) includes a cover or lid (40). EX1010: ¶[0017] (“[t]he plurality of shelves 21 may each include a removable and slidable cover 40 that is disposed in conjunction with and below each shelf 21 (with the exception of the bottom shelf 21, with a cover 40 also provided above the upper-most shelf)”), Figs. 1 and 6.

1095. The lids are for the food pans/trays (100). EX1010: ¶[0017] (“The cover 40 is configured to provide a lid to each restaurant or hotel pan 100 that is placed onto the shelf 21”).

1096. The lid (40) rests and slides along a track (48) above the planar surface. EX1010: ¶[0018] (“covers 40 are disposed onto the respective shelves 21 to be removable as necessary, by sliding the cover 40 from the shelf 21 by way of a track 48”), Fig. 3.

1097. Thus, the tracks (48) are lid holding shelves.

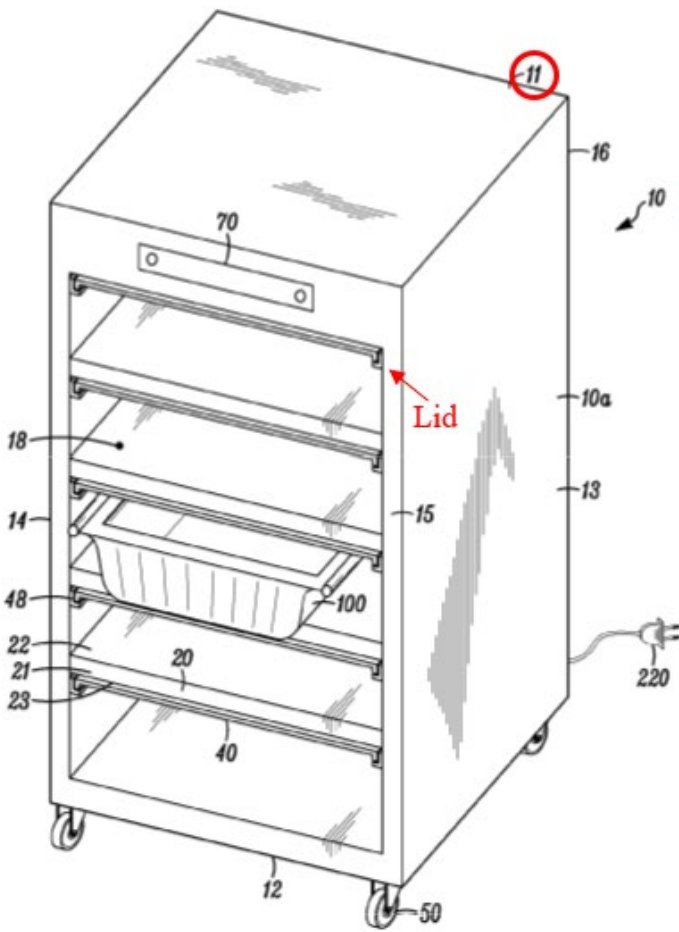


FIG. 1

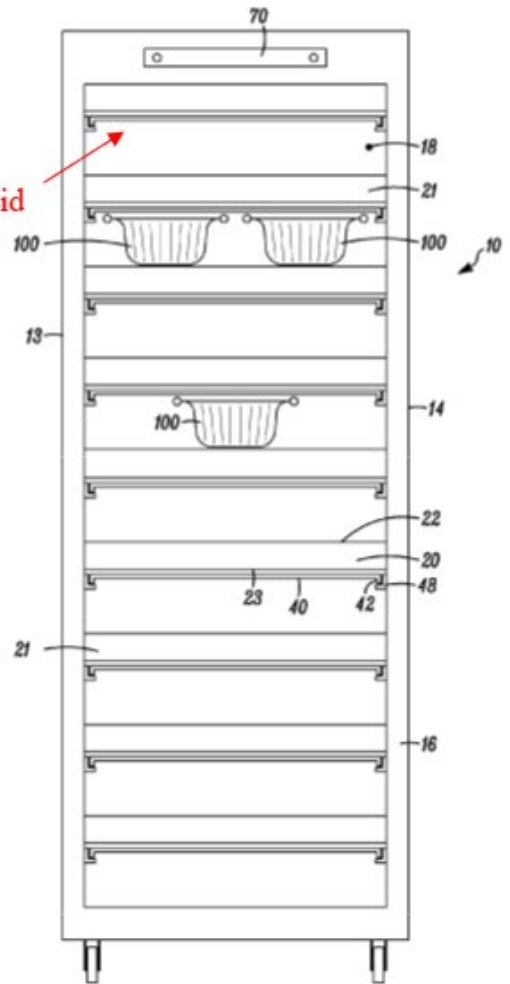


FIG. 6

EX1010: Figs. 1 and 6 (annotated).

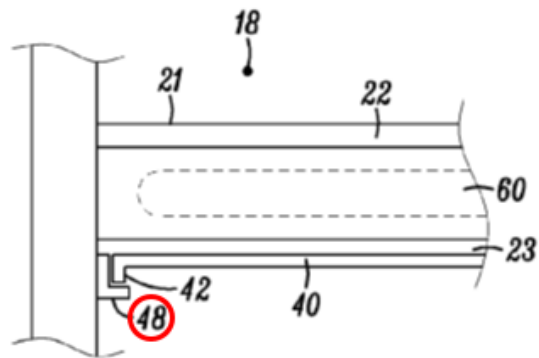
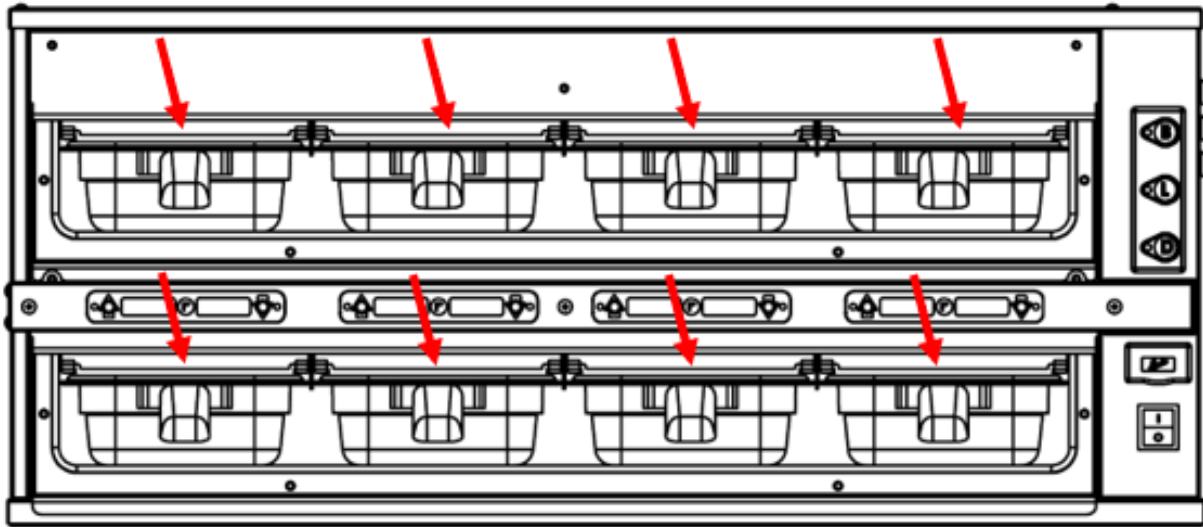


FIG. 3

1098. As explained in Paragraphs 848-871, 961-977 (Ground 12, Section XV(A)(7) and Claim 2), it would have been obvious to modify the Fortmann'748 cabinet such that it would have discrete lids and associated tracks, for each pan holding location/bay—and therefore each food holding zone—as taught by Jones, Fortmann'197, and the IRHS Documents.

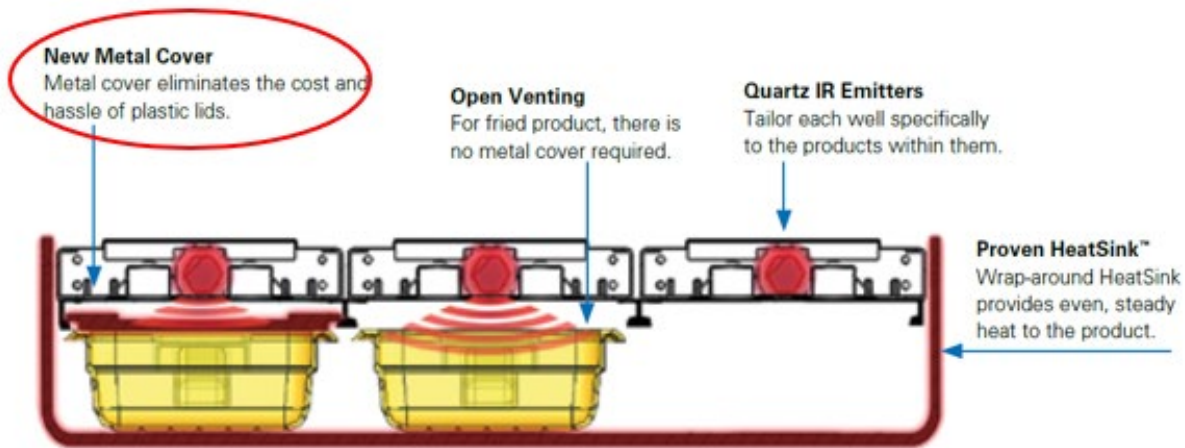




EX1005: 8 (annotated).

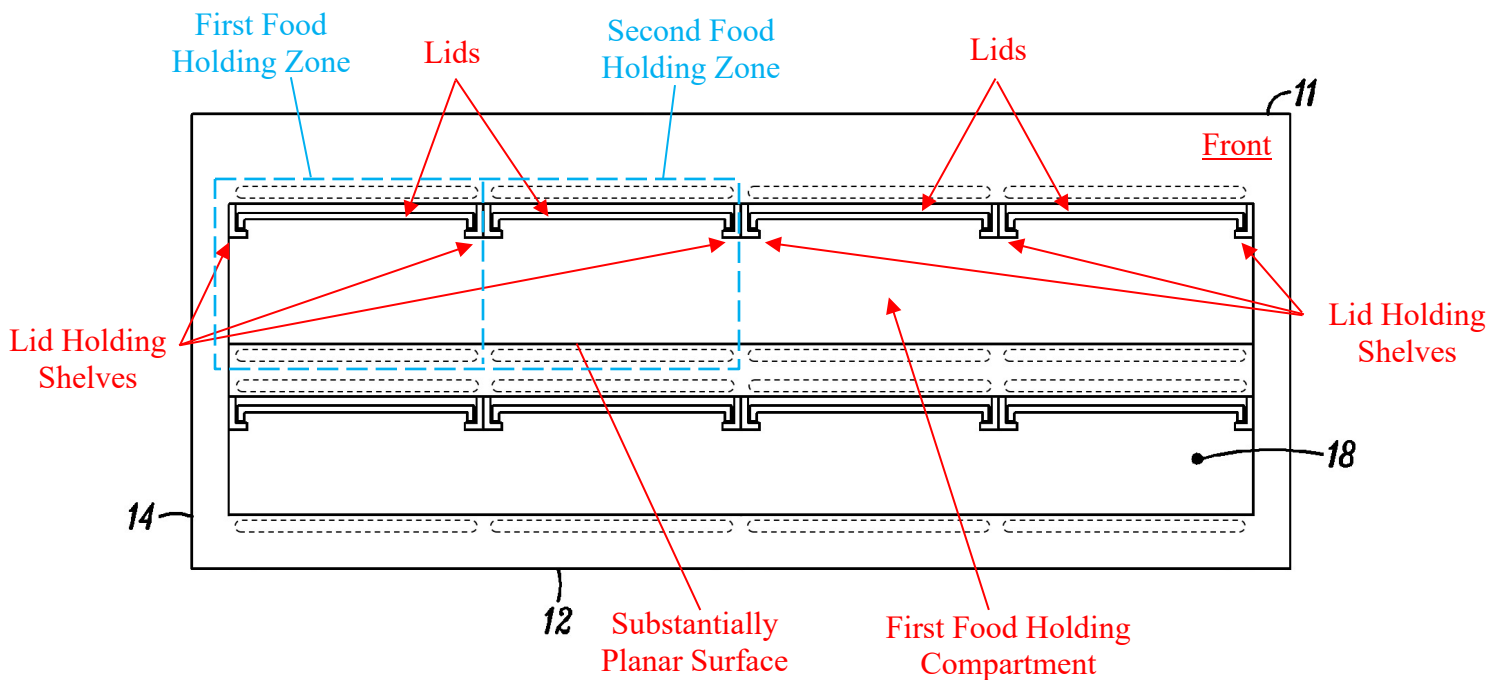


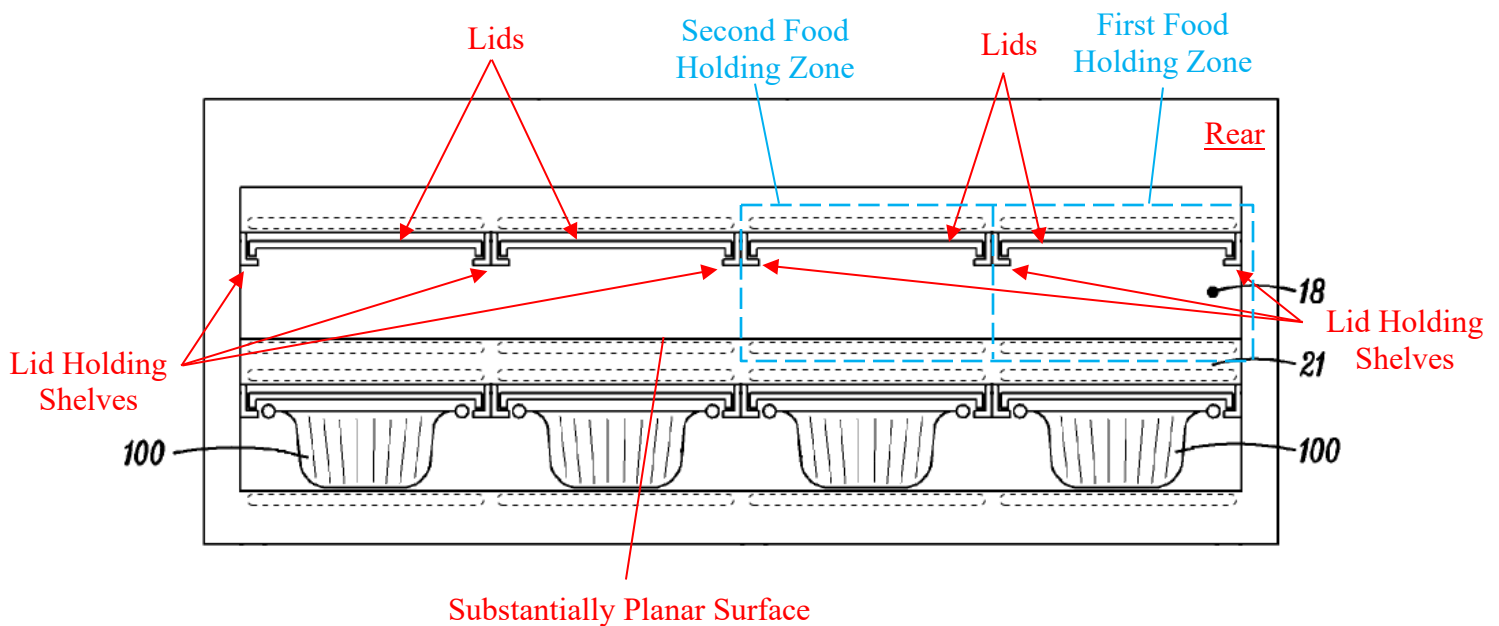
EX1006: 2 (annotated).



EX1007: 53 (annotated).

1099. Accordingly, it would have been obvious to modify the Fortmann'748 cabinet to have dedicated tracks (lid holding shelves) for each food holding bay—and thereby each food holding zone—, elevated above the substantially planar surface. Each track (lid holding shelf) receives and stores a lid.





EX1010: Figs. 2 and 6 (modified, annotated).

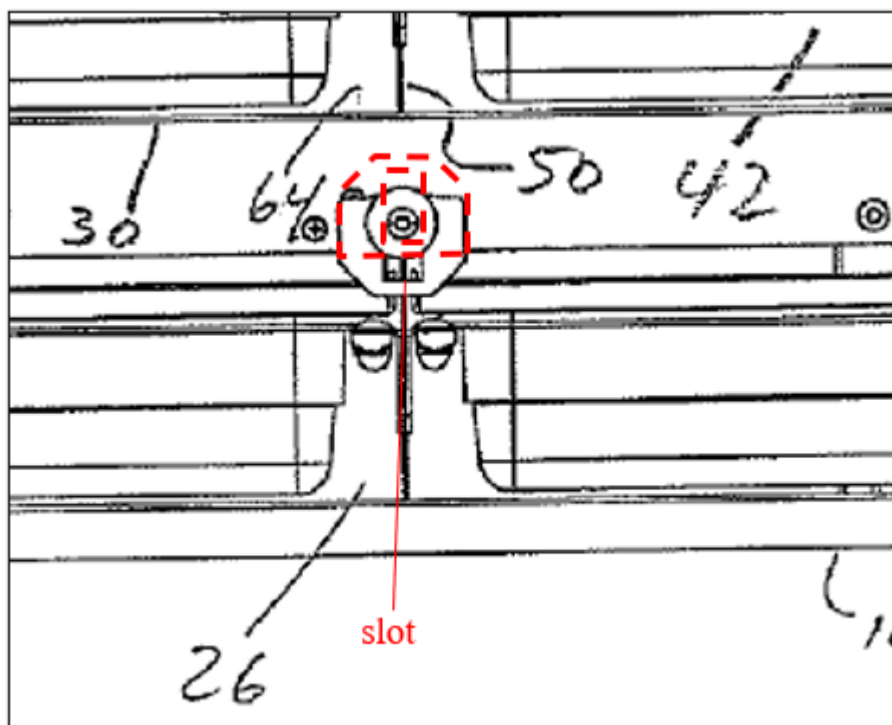
1100. Accordingly, each limitation of Claim 27 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 27.

Y. Claim 28

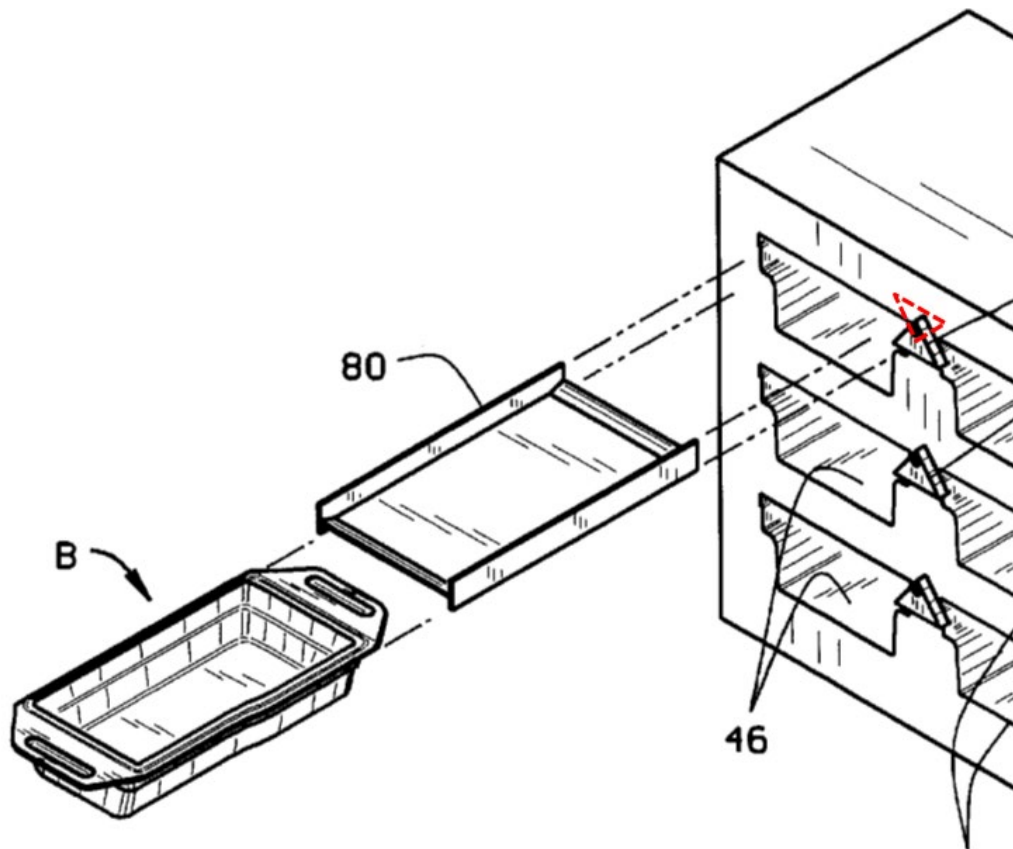
28.a: the food holding bin of claim 27, wherein a rotatable latch disposed adjacent the first opening is rotatable between a locked position in which the latch prevents a lid from being removed from the lid holding shelf, and an unlocked position in which the latch allows removal of a lid from the lid holding shelf

1101. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 27.

1102. As explained in Paragraphs 962-978 and 1045-1048 above with respect to Claims 2 and claim limitation 14.c, Hartfelder and Shei'099 disclose rotatable latches (stops) capable of rotating between a locked position and unlocked position. EX1013: Fig. 2; EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1; *see also* Paragraphs 872-883 above (Ground 12, Section XV(A)(8))

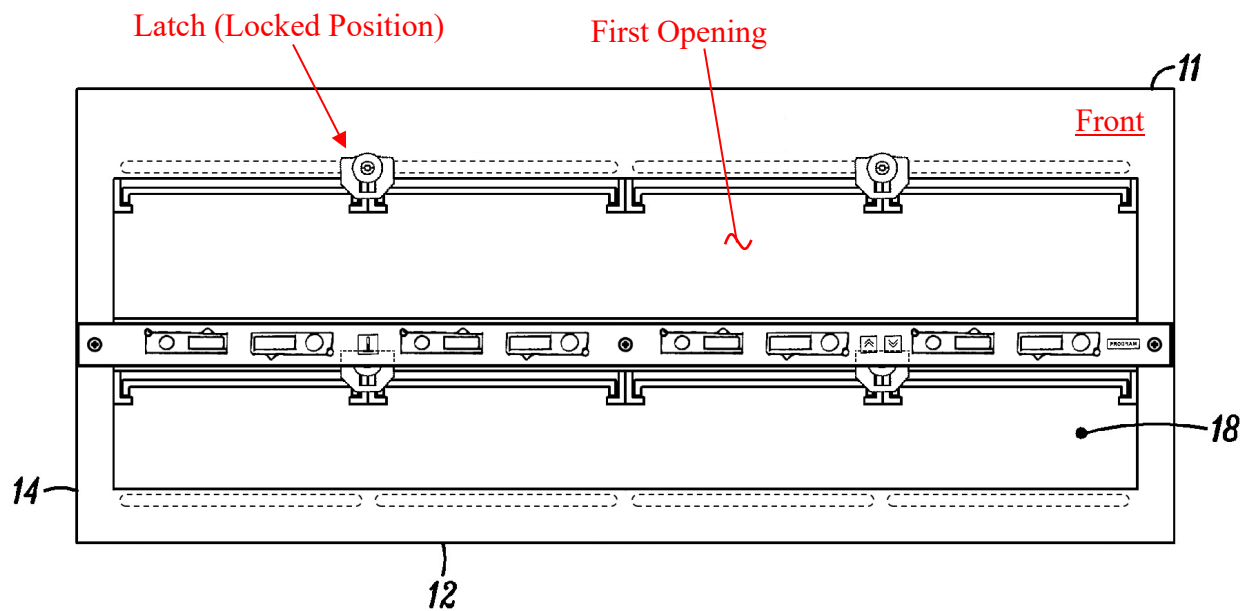


EX1013: Fig. 2 (enlarged, annotated).



EX1017: Fig. 1 (enlarged, annotated).

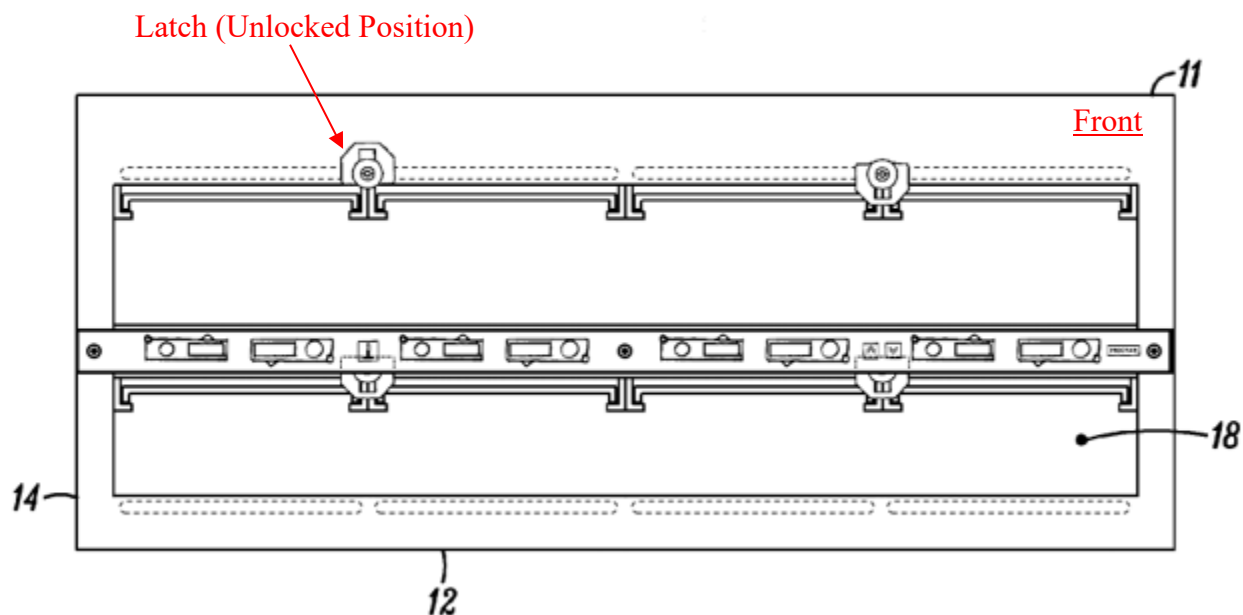
1103. In the locked position, the latch prevents removal of the lid. EX1013: ¶[0058] (“[a]s best shown in FIG. 9, when tray 40 is withdrawn from sub-compartment 64 of heating compartment 24, front turned-up edge 90 of cover 64[sic], acting as an engagement edge, engages stop member 61. The engagement of engagement edge 90 with stop member 61 arrests the movement of cover 44. As the movement of cover 44 is arrested, cover 44 is retained upon within sub-compartment 64 while tray 40 is withdrawn”); EX1017: 6:19-21 (“[t]he free apices of the stops 88 lie beyond the ends of the vertical legs 82 for the covers 80 and retain the covers 80 in the upper regions of the heat sinks 46”).



EX1010: Fig. 2 (modified, annotated).

1104. In the unlocked position, the latch is rotated (e.g., 45-degrees, 180-degrees (as annotated below)) to allow removal of the lid from the lid holding shelf. EX1013: Fig. 2; EX1017: 6:9-32 (“the stop 88 ... is pivoted away from the opening 36 at that heat sink 46 so as to no longer block the opening 36. While the stop 88 is held away from the opening 36, the cover 80 is removed”), Fig. 1;

EX1016: ¶[0043], Fig. 1.

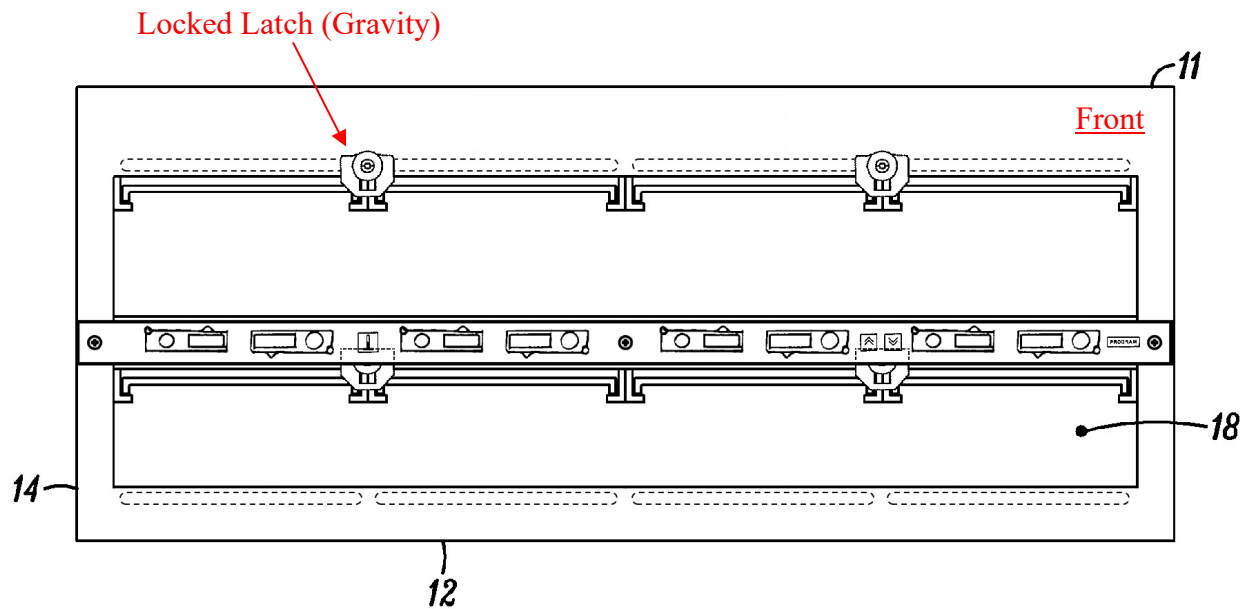


EX1010: Fig. 2 (modified, annotated).

28.b: the latch being biased into the locked position by gravity.

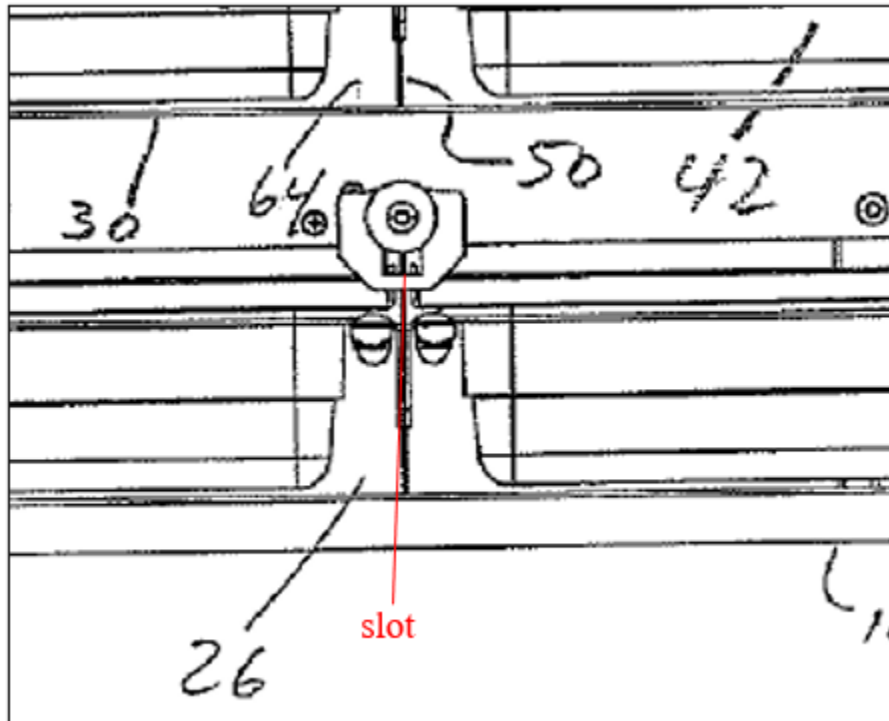
1105. As explained immediately above, the latch would have been rotatable between a locked position and unlocked position. EX1013: Fig. 9; EX1017: 6:9-32, Fig. 1; EX1016: ¶[0043], Fig. 1.

1106. For both Hartfelder’s stop members (61) and Shei’099’s stops (88) (*i.e.*, latches), gravity would bias these latches into the locked position by pulling and/or rotating the latch until the latch’s center of gravity is disposed below the fastener. EX1013: Fig. 9; EX1017: 6:9-32 (“Once the cover 80 is fully within the heat sink 44, the stop 88 is released, and it assumes its normal position, blocking the end of the opening 36 and thereby retaining the cover 80 in the heat sink 46”), Fig. 1, *see also supra* Paragraphs 872-883 above (Ground 12, Section XV(A)(8)).



EX1010: Fig. 2 (modified, annotated).

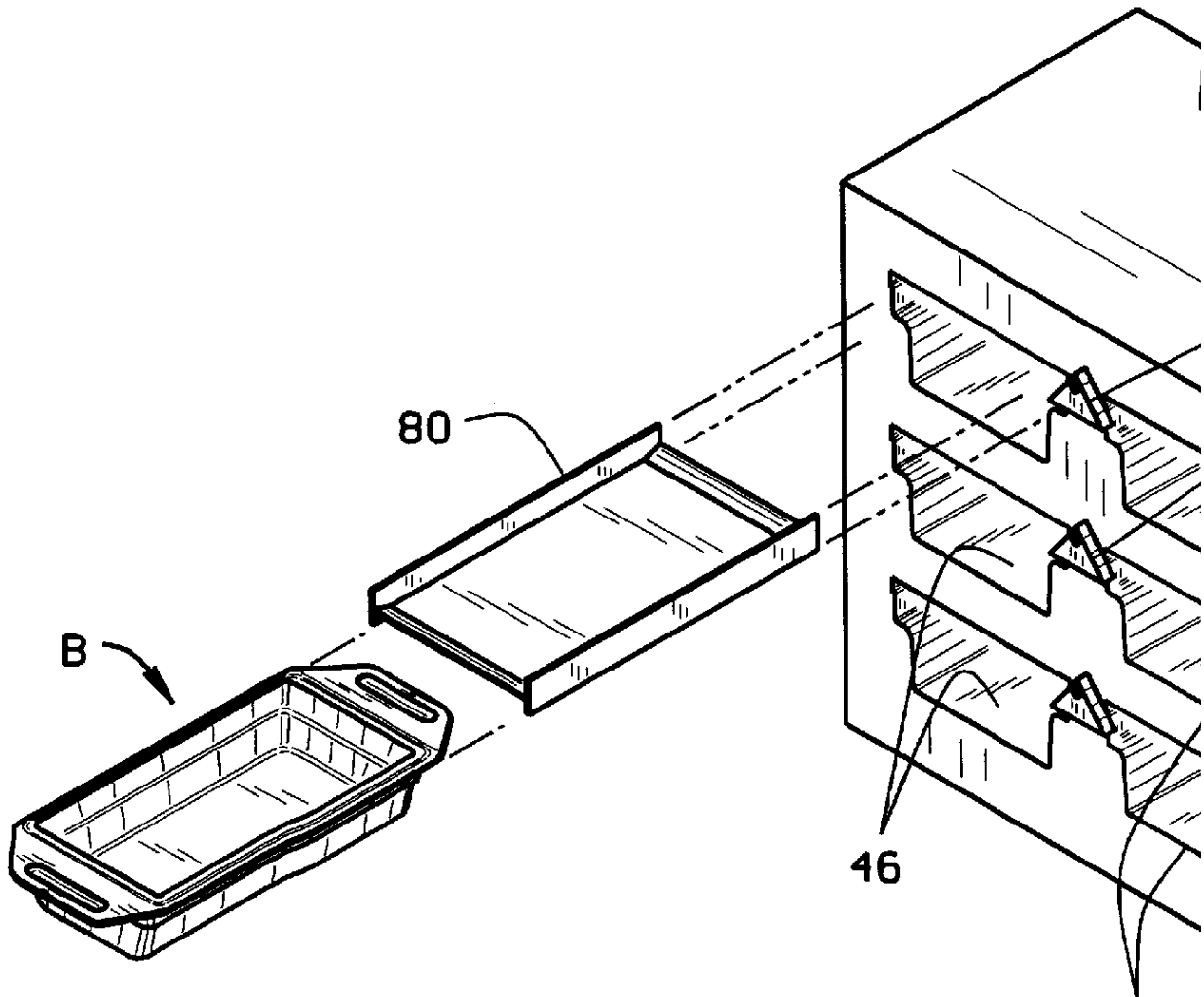
1107. For Hartfelder's stop member (61) (latch), the slot results in the fastener being positioned adjacent the top of the stop member, resulting in most of the mass of the stop member (e.g., center of gravity) being below the fastener, thereby biasing the fastener into the locked position. The mass of the stop member (61) moves the stop member downward relative to the fastener, thereby positioning the fastener at the end of the slot.



EX1013: Fig. 2 (enlarged, annotated).

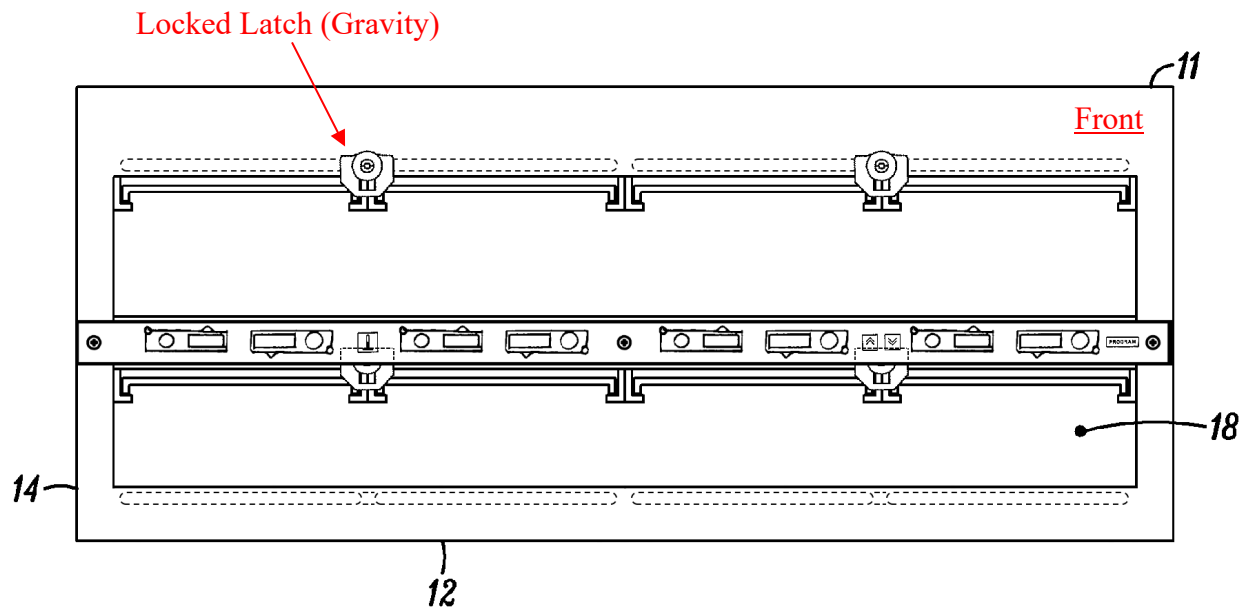
1108. Similarly, the triangle shape of Shei'099's stop (88) (latch), with the fastener being located at one of the triangle's vertices, results in most of the stop's mass (e.g., center of gravity) being disposed below the fastener (the center of gravity of the stop is spaced apart from the fastener). This arrangement biases the

stop toward the locked position.



EX1017: Fig. 1 (enlarged).

1109. Accordingly, each limitation of Claim 28 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vasehoff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 28.



EX1010: Fig. 2 (modified, annotated).

Z. Claim 32: the food holding bin of claim 27, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction

1110. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 27.

1111. The additional “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide

heat energy through conduction” limitation added in Claim 31 is identical in claim scope to the limitation added in Claim 4.

1112. Accordingly, as explained above in Paragraphs 979-986, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the food holding bin as claimed in Claim 32.

AA. Claim 33

33.a: the food holding bin of claim 27, further comprising a first bezel attached to the chassis

1113. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 27.

1114. The additional “first bezel is attached to the chassis” limitation added in Claim 33.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1115. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 941-944 above.

33.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

1116. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” limitation added in Claim 33.b. is identical in claim scope to the limitation added in Claim 5 limitation.

1117. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 987-993 above.

1118. Accordingly, each limitation of Claim 33 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 33.

BB. Claim 34: the food holding bin of claim 33, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

1119. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 33.

1120. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” limitation added in Claim 34 is identical in claim scope to the limitation added in Claim 6.

1121. Accordingly, as explained above in Paragraphs 994-1001, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 34.

CC. Claim 35

35.a: the food holding bin of claim 27, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

1122. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 27.

1123. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 35.a is identical in claim scope to the limitation added in Claim 7.a.

1124. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1002-1005 above.

35.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

1125. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 35.b is identical in claim scope to the limitation added in Claim 7.b.

1126. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1007-1011 above.

1127. As such, each limitation of Claim 35 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder,

and/or Shei'099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 35.

DD. Claim 36

36.a.1: the food holding bin of claim 35, further comprising a first bezel attached to the chassis proximate the front face of the chassis

1128. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 35.

1129. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 36.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1130. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 941-944 and 1012-1017 above.

36.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

1131. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation added in Claim 36.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

1132. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1019-1020 above.

36.b: further comprising a second bezel located proximate the opposing rear face of the chassis

1133. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 36.b is identical in claim scope to the limitation added in Claim 8.b.

1134. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1021-1025 above.

1135. As such, each limitation of Claim 36 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 36.

EE. Claim 37: the food holding bin of claim 27, wherein the substantially planar surface is a continuous surface

1136. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 27.

1137. The additional "wherein the substantially planar surface is a continuous surface" limitation added in Claim 37 is identical in claim scope to the limitation added in Claim 9.

1138. Accordingly, as explained above in Paragraphs 1026-1029, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 37.

FF. Claim 38: the food holding bin of claim 37, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

1139. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 37.

1140. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones” limitation added in Claim 38 is identical in claim scope to the limitation added in Claim 10.

1141. Accordingly, as explained above in Paragraphs 1030-1033, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 38.

GG. Claim 40: the food holding bin of claim 27 further comprising a food holding tray resting on the substantially planar surface

1142. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 27.

1143. The additional “further comprising a food holding tray resting on the substantially planar surface” limitation added in Claim 40 is identical in claim scope to the limitation added in Claim 12.

1144. Accordingly, as explained above in Paragraphs 1034-1037, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 40.

HH. Claim 41: the food holding bin of claim 27, the first food holding zone and the second food holding zone being heated to different temperatures

1145. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 27.

1146. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 41 is identical in claim scope to the limitation added in Claim 13.

1147. Accordingly, as explained above in Paragraphs 1038-1042 the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 41.

II. Independent Claim 54

54.P-54.f.2

1148. Limitations 54.P-54.f.2 of independent claim 54 are identical to limitations 1.P-1.e.2, 1.g.1, and 1.g.2 (omitting 1.f) of independent claim 1.

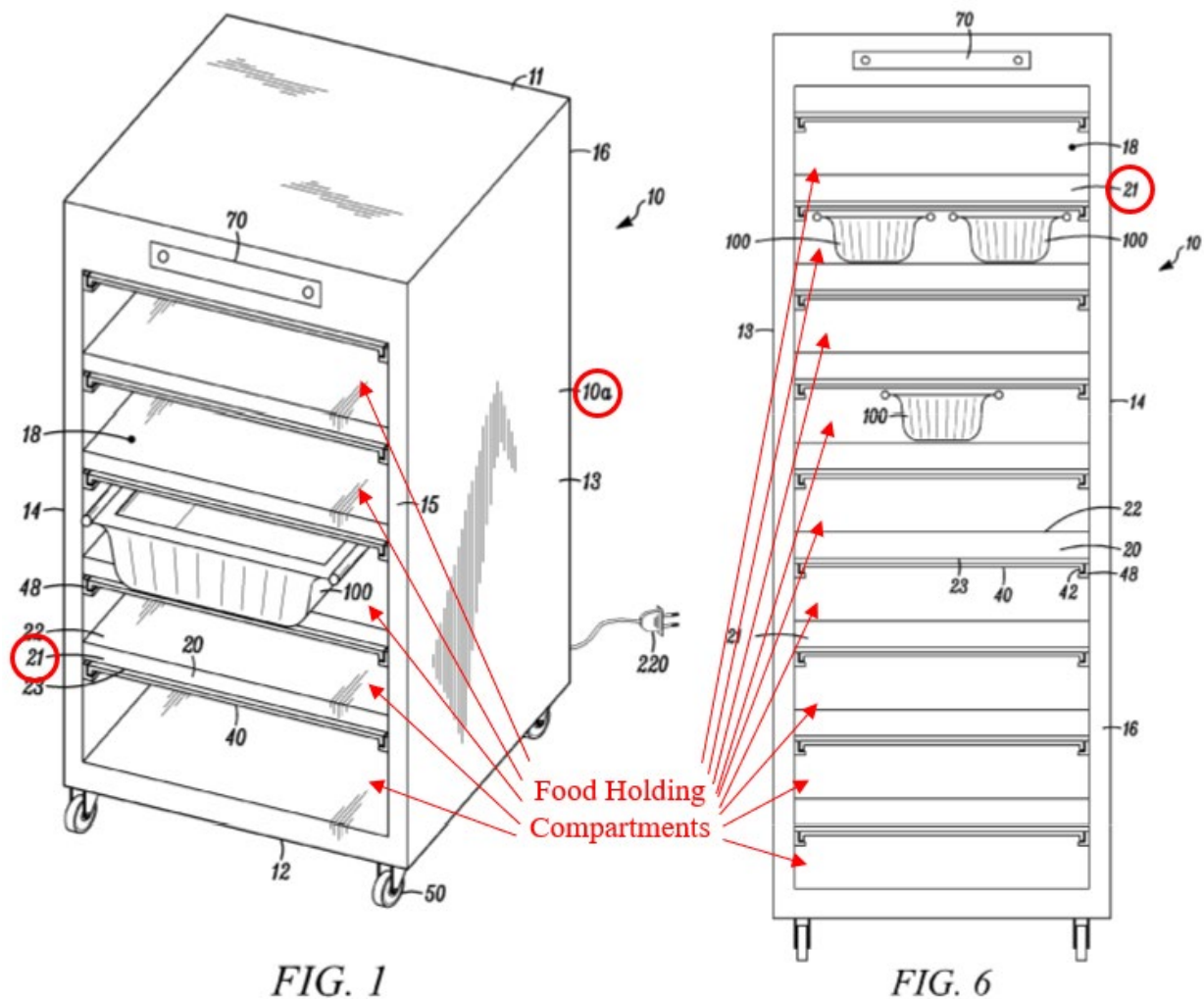
1149. For the reasons set forth in Paragraphs 903-940 and 945-960 (1.P-1.e.2, 1.g.1, and 1.g.2), each limitation is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099.

54.g.1: further comprising a second food holding compartment disposed below the first food holding compartment within the chassis, the second food holding compartment being defined by the first side panel, the second side panel, and the shelf

1150. The POSA would recognize that Fortmann’748 discloses “a second food holding compartment disposed below the first food holding compartment within the chassis, the second food holding compartment being defined by the first side panel, the second side panel, and the shelf.”

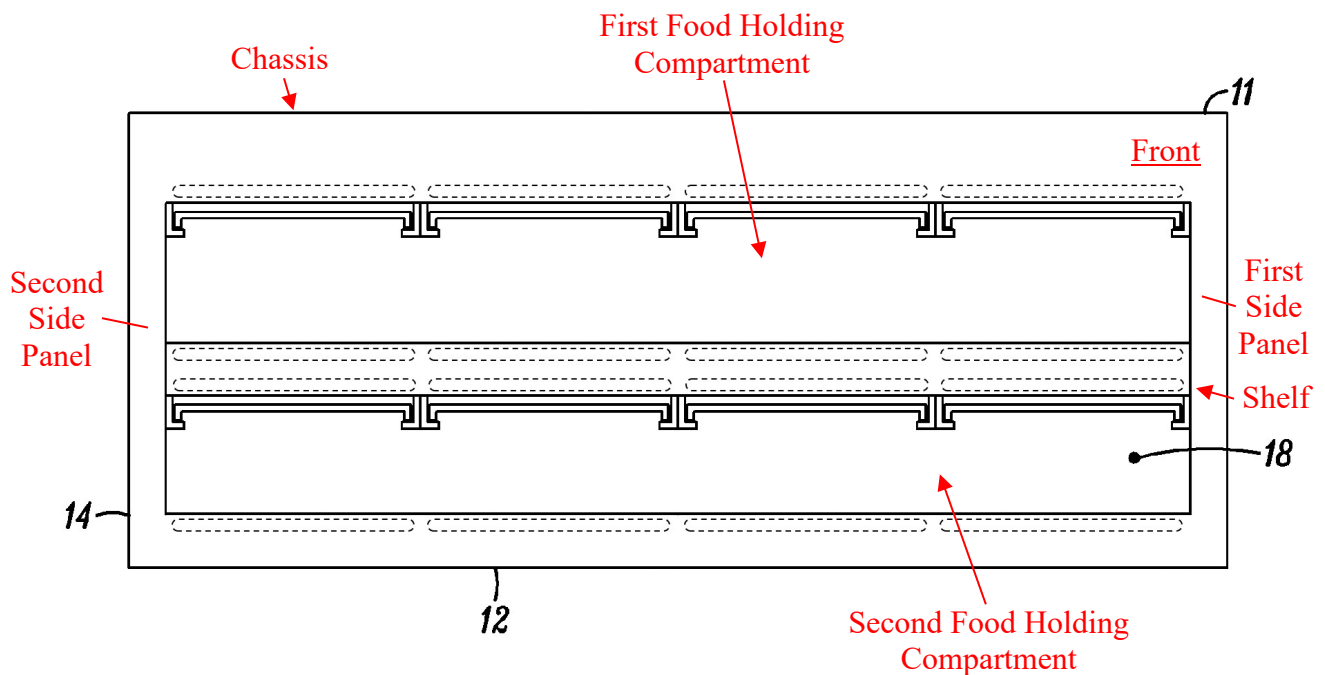
1151. The chassis (10a) of Fortmann’748’s cabinet (10) has an interior volume (18) for the food pans (100). EX1010: ¶[0014], Figs. 1 and 6.

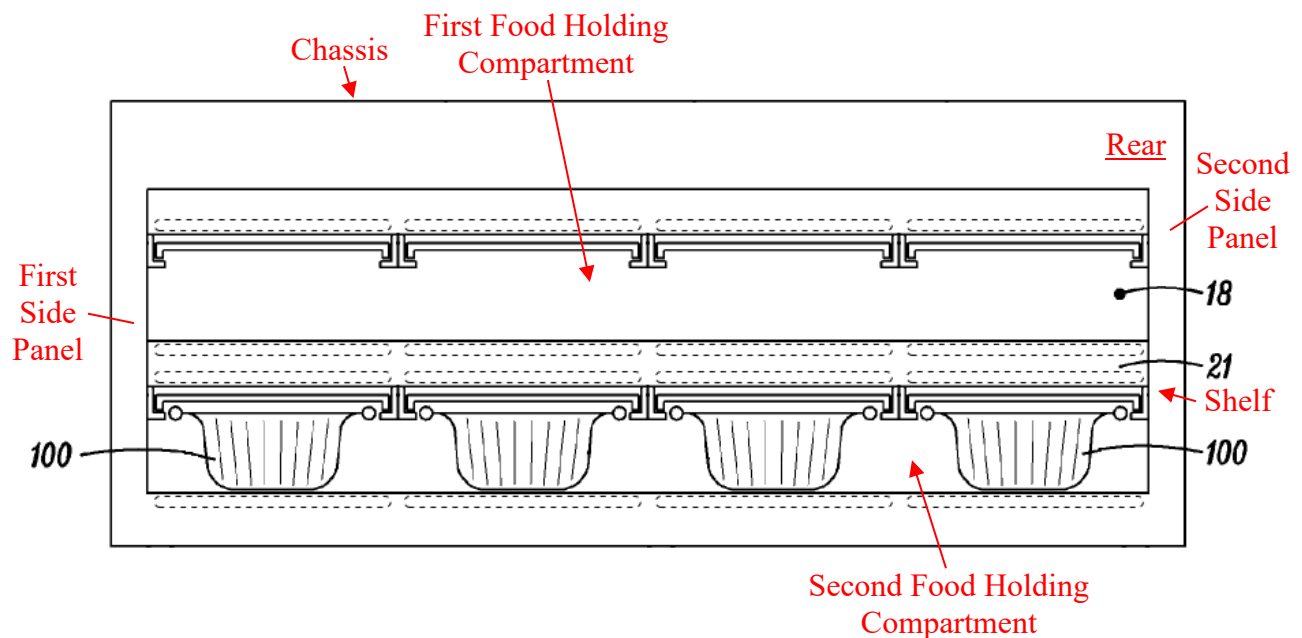
1152. The cabinet (10) includes a plurality of shelves (21) dividing the interior volume (18) into a plurality of food holding compartments. EX1010: ¶[0015] (“a shelf 21 that is fixed to the right and left sides 14, 13 of the body 10 a, with the top surface 22 of the shelf 21 being spaced from a bottom surface 23 of a neighboring shelf 21 a distance to allow a conventional restaurant cooking pan 100 to be inserted therebetween”), Figs. 1 and 6.



EX1010: Figs. 1 and 6 (annotated).

1153. In adapting the Fortmann'748 cabinet to a 2x4 configuration as discussed at Paragraphs 722-733 (Ground 12, Section XV(A)(1)), the chassis (10a) of the cabinet would still have a second food holding compartment within the chassis disposed below the first food holding compartment and defined by the first side panel (13), the second side panel (14), and the shelf (21).





EX1010: Figs. 2 and 6 (modified, annotated).

54.g.2: the second food holding compartment having a first opening, the first opening of the second food holding compartment being configured to allow food items to be placed into and removed from the food holding compartment

1154. The POSA would recognize that Fortmann’748 discloses the second food holding compartment as having “a first opening” and that this “first opening” is “configured to allow food items to be placed into and removed from the first food holding compartment.”

1155. The second food holding compartment has a first opening. This first opening is larger than the food pans and allows the food pans, and thus food contained therein, to pass therethrough to be placed into and removed from the first food holding compartment. EX1010: ¶[0014] (“[t]he warming cart 10 is

configured with an open front side 15 ... to allow one or more pans 100 to be quickly disposed within the cart 10 and the warming volume and removed from the cart 10 without operation of doors or other barriers found on conventional warming carts. As shown in FIGS. 1, 2, 4, and 5 the front side 15 is open to allow pans 100, trays, pizza boxes and the like to slide through the open front side 15 and within the warming volume 18 of the cart”), ¶[0015] (“the top surface 22 of the shelf 21 being spaced from a bottom surface 23 of a neighboring shelf 21 a distance to allow a conventional restaurant cooking pan 100 to be inserted therebetween”), ¶[0017] (“food products disposed within the pan 100”), ¶[0024] (“tray 100”), Figs. 1 and 6.

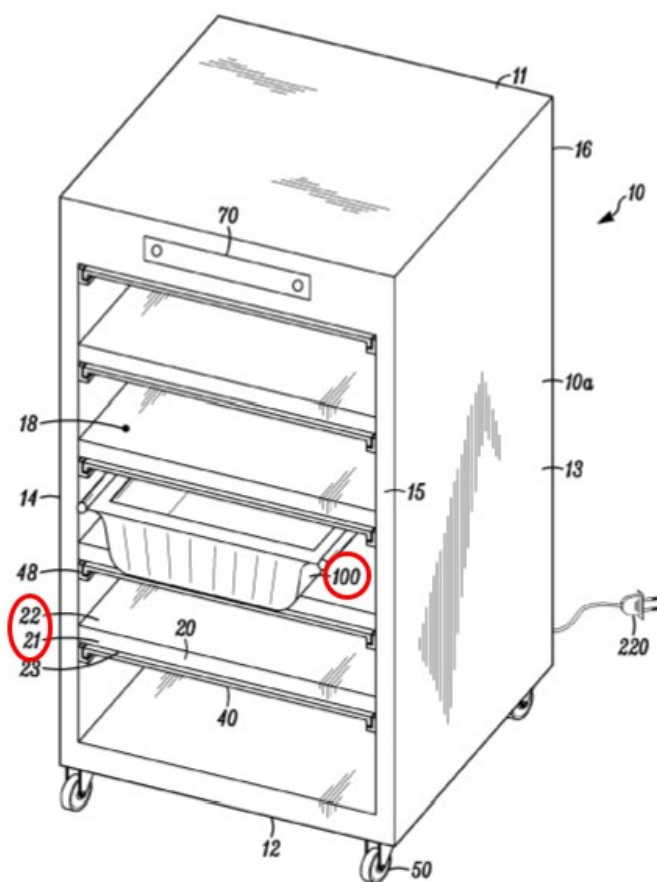
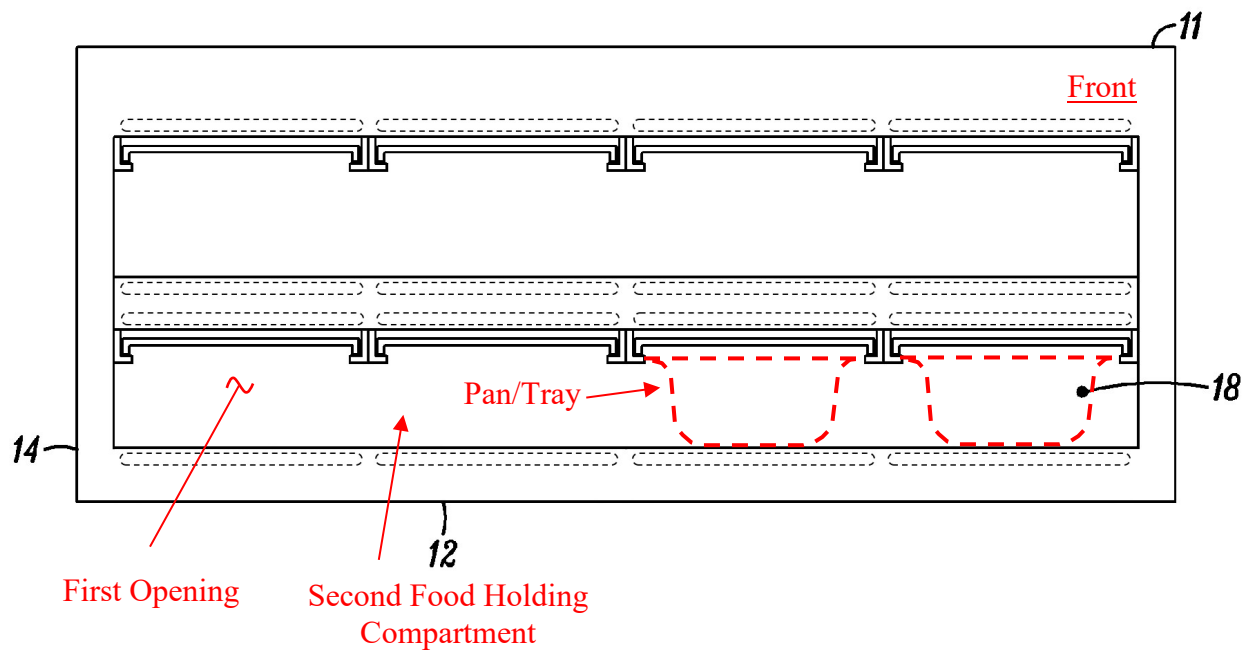


FIG. 1

EX1010: Fig. 1 (annotated).

1156. This teaching would likewise hold true for the Fortmann'748 cabinet as modified according to Paragraphs 722-902 (Ground 12, Section XV(A)) above as shown in the modified rendering below.



EX1010: Fig. 2 (modified, annotated).

54.h: a controller operatively coupled to the second heating element and to the fourth heating element, the controller being configured to independently operate the second heating element and the fourth heating element

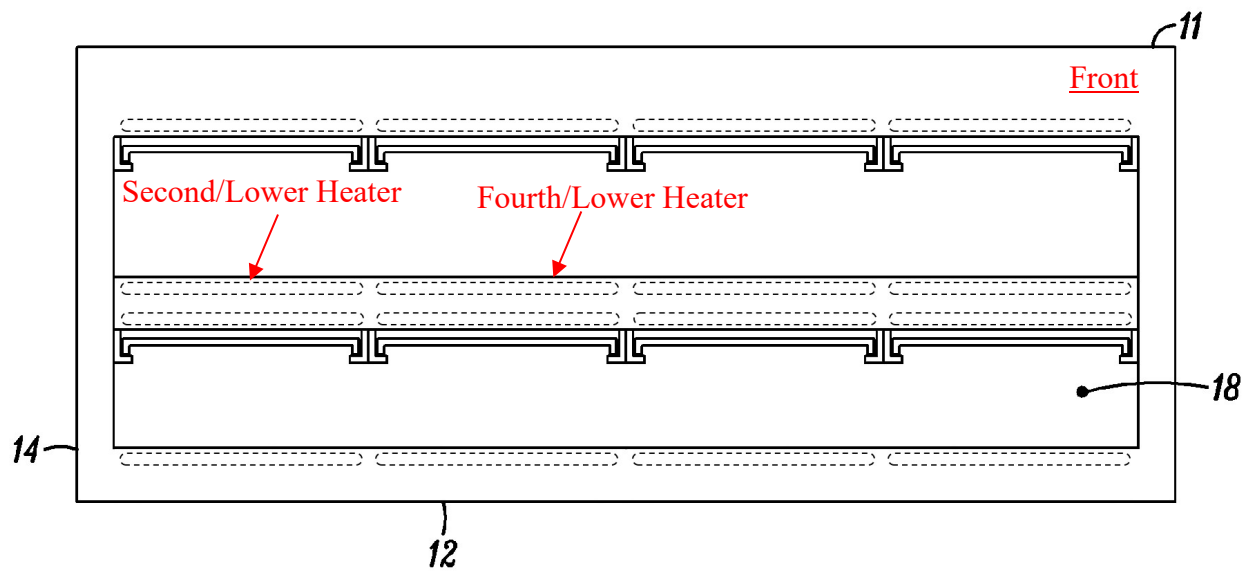
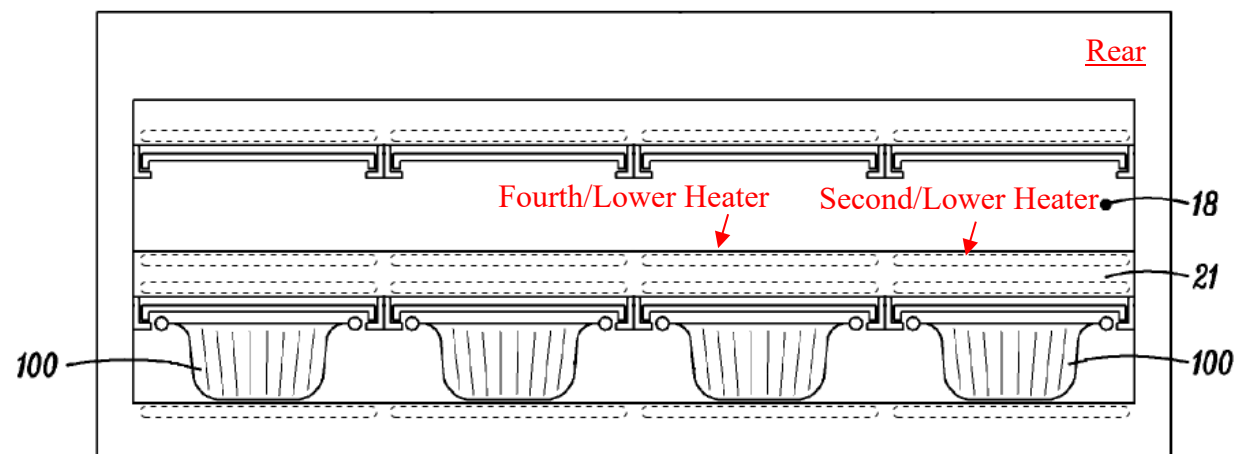
1157. Fortmann'748's control system has a "controller [that] selectively provide[s] or secure[s] current to the one or more heaters 60 disposed within each zone to control the temperature of the zone" and is in communication with the input device. EX1010: ¶[0027] ("control system 200 may include or communicate with an input device for the user to select a desired temperature within the specific ... heat zone").

1158. As discussed above in Paragraphs 734-829 (Ground 12 Sections (A)(2)-(5)), it would have been obvious to modify Fortmann's controller to be operatively coupled to Vaseloff's display/control groups and the added McMillan controls (user interface), and each heater (e.g., second and fourth heaters).

EX1010: ¶[0027]; EX1026: 2:17-20 ("the food timing system further includes a centralized processor and a centralized memory for managing the connectivity, information sharing, and coupled operations of the timer modules 32"); EX1019: 6:15-19 ("The main controller 34 may interface with the memory 32 and execute the control program. Under the direction of the control program, the main controller 34 may control the operation of the shelving unit 12a.").

1159. In making the modifications, it would have been obvious for Fortmann'748's controller to have the capability to independently operate each heater to independently control the food holding temperature associated with each food holding zone. *See* Paragraphs 734-829 (Ground 12 Sections (A)(2)-(5)).

1160. As explained in Paragraphs 734-829, 928-932, 936-940, and 946-960 (Ground 12 Sections (A)(2)-(5)) and claim limitations (1.d.2), (1.e.2), and (1.g.2)), as modified, it would have been obvious for Fortmann'748's control system (e.g., controller) to have the capability of operating the lower heaters of each food holding zone (i.e. second and fourth heating elements) independently to control its respective food holding temperature.



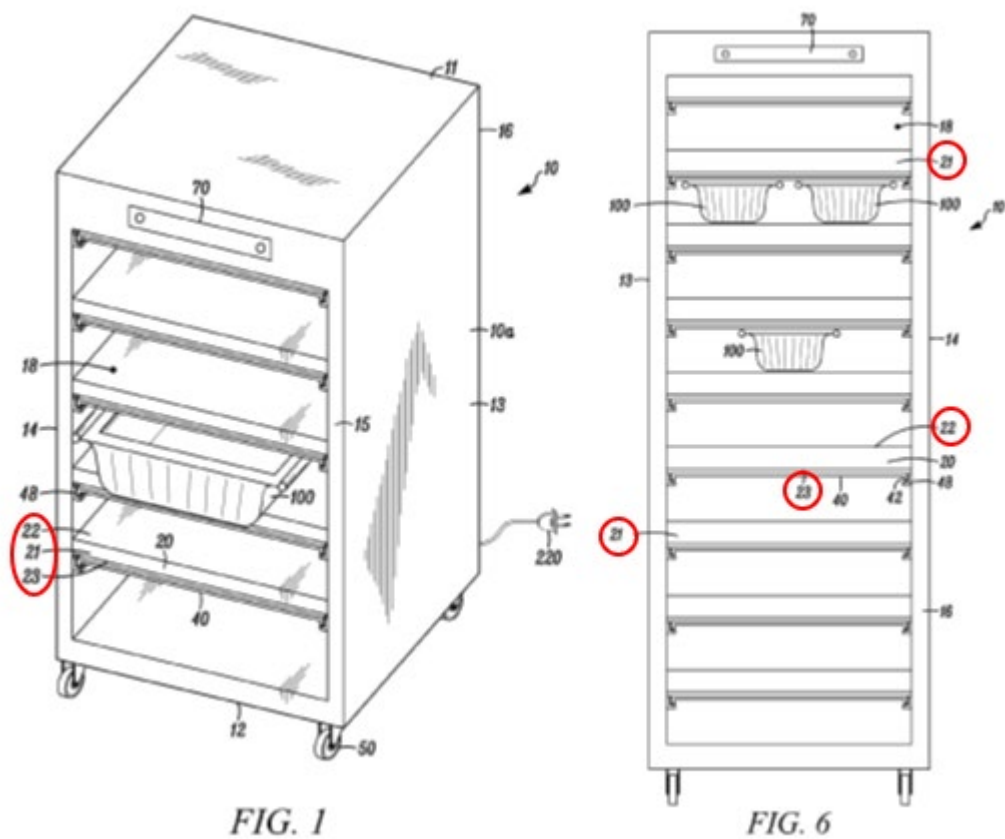
EX1010: Figs. 2 and 6 (modified, annotated).

54.i.1: wherein the shelf is located between the first and second food holding compartments, the shelf comprises a first side and a second side, the first side facing into the first food holding compartment, the second side facing into the second food holding compartment

1161. The POSA would recognize that Fortmann’748 discloses that “the shelf is located between the first and second food holding compartments, the shelf comprises a first side and a second side, the first side facing into the first food holding compartment, the second side facing into the second food holding compartment.”

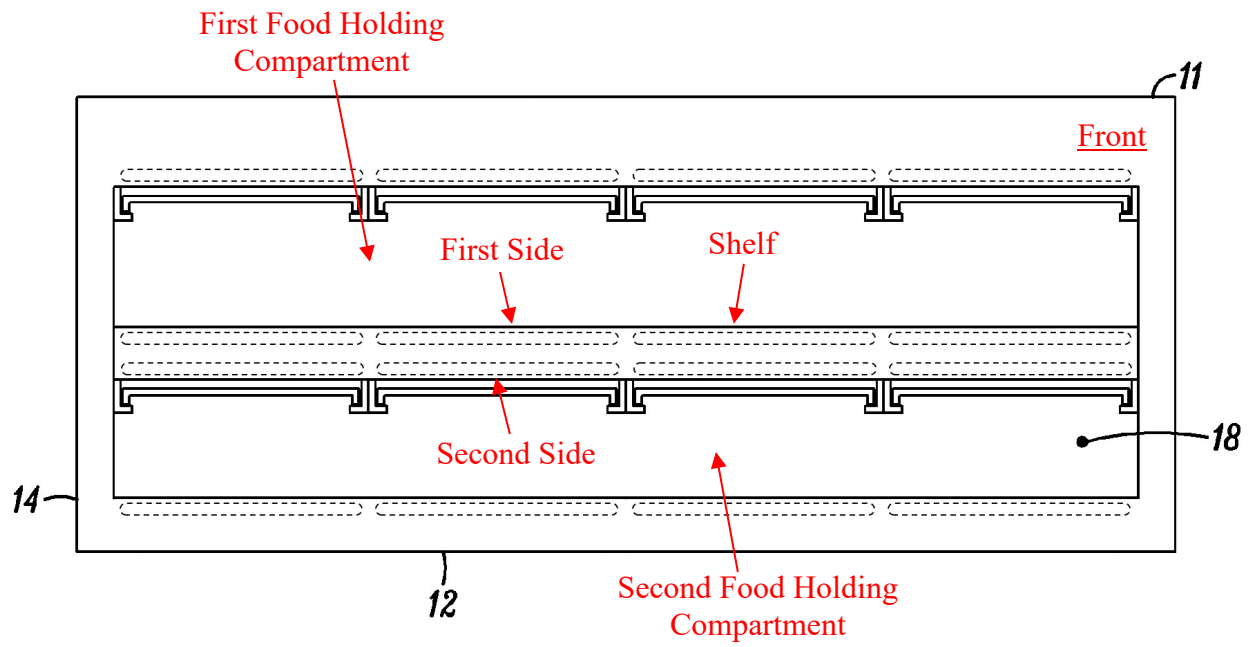
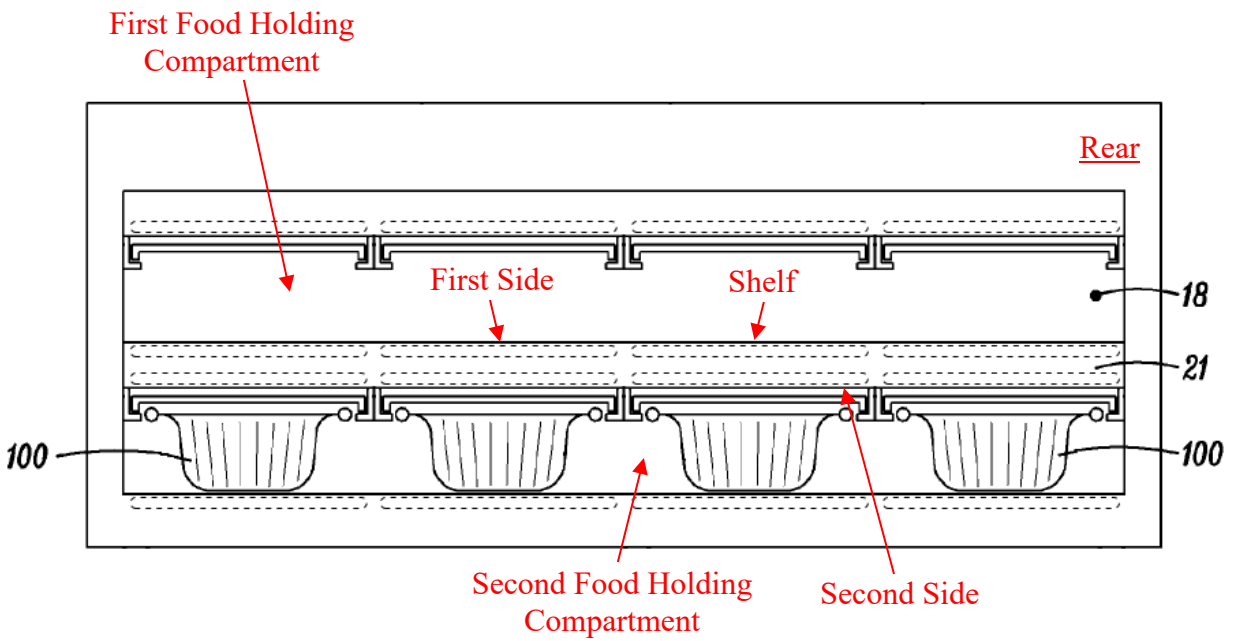
1162. Fortmann’748’s shelves (21) are located between the food holding compartments. EX1010: ¶[0015], Figs. 1 and 6.

1163. Each shelf (21) has a top side (22) facing the food holding compartment above the shelf (*i.e.*, a first food holding compartment) and a bottom side (23) facing the lower food holding compartment (*i.e.*, a second food holding compartment). EX1010: ¶[0015] (“with the top surface 22 of the shelf 21 being spaced from a bottom surface 23 of a neighboring shelf 21”), Figs. 1 and 6.



EX1010: Figs. 1 and 6 (annotated).

1164. In adapting the Fortmann'748 cabinet to a 2x4 configuration as discussed at Paragraphs 722-733 above (Ground 12, Section XV(A)(1)), the shelf (21) of the cabinet would be between the first and second food holding compartments and include a first side facing the first food holding compartment and a second side facing the second food holding compartment.



EX1010: Figs. 2 and 6 (modified, annotated).

54.i.2: the second and fourth heating elements are disposed in the shelf and in thermal communication with the first side

1165. Fortmann'748's shelf (21) is made of two planar sheets or plates (22, 23). EX1010: ¶[0019] ("the shelves 21 may include two planar sheets of thin material (such as stainless steel) that form an envelope for the heater 60 to be disposed therebetween").

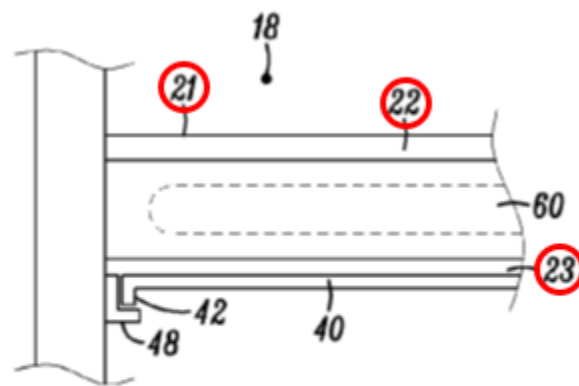


FIG. 3

EX1010: Fig. 3 (annotated).

1166. Fortmann'748 explains the sheets (22, 23) are made of "stainless steel," which is a thermally conductive material. EX1010: ¶[0019].

1167. The upper plate (22) forms the first side of the shelf and is thus in thermal communication with the first side.

1168. Fortmann'748's heaters (60) are between the two planar sheets (22, 23) in the shelf (21). EX1010: ¶[0019].

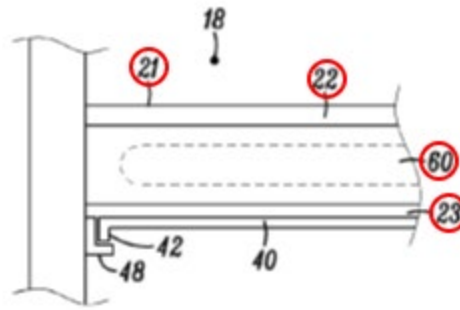


FIG. 3

EX1010: Fig. 3 (annotated).

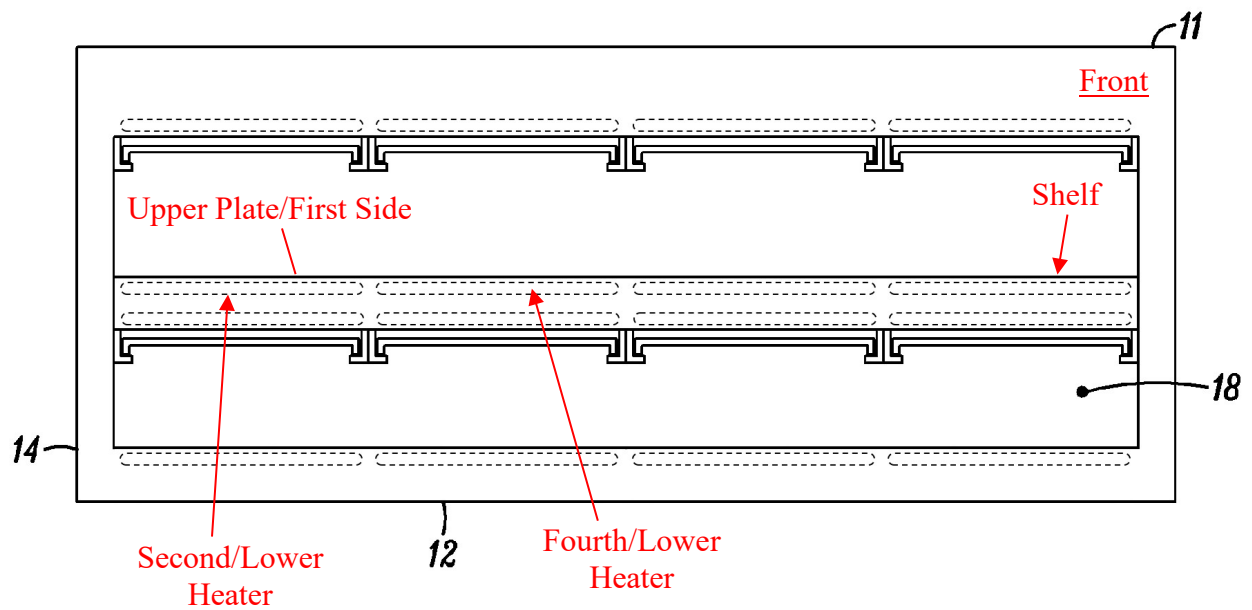
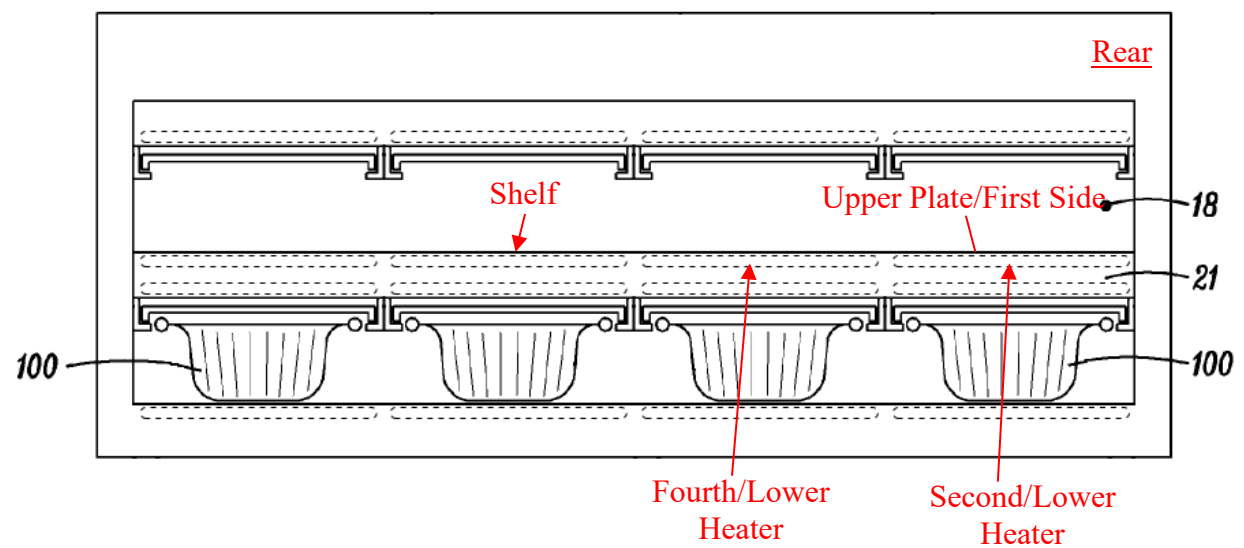
1169. The heaters (60) are in contact with the upper sheet (22) so that the heaters are in thermal communication via conduction to the sheet. EX1010:

¶[0019] (“the heater 60 makes surface contact with at least the upper sheet 22 forming the shelf 21 ... such that a percentage of the heat generated by the heaters disposed in conjunction with each shelf 21 is transferred directly to the shelf by conductive heat transfer”).

1170. In modifying the Fortmann’748 cabinet by expanding to the food holding compartment to have multiple food holding zones in view of Jones (EX1012), Fortmann’197 (EX1014), the IRHS Documents (EX1005-1008), and McMillan (EX1019) as discussed in Paragraphs 734-761, 928-932, and 936-940 (Ground 12, Section XV(A)(2) and claim limitations (1.d.2) and (1.e.2)), the POSA would continue to follow the teachings of Fortmann’748 and have the lower heaters (*e.g.*, the second and fourth heating elements) in the shelf contact the upper

sheet to be in conductive thermal communication with the upper sheet/first side.

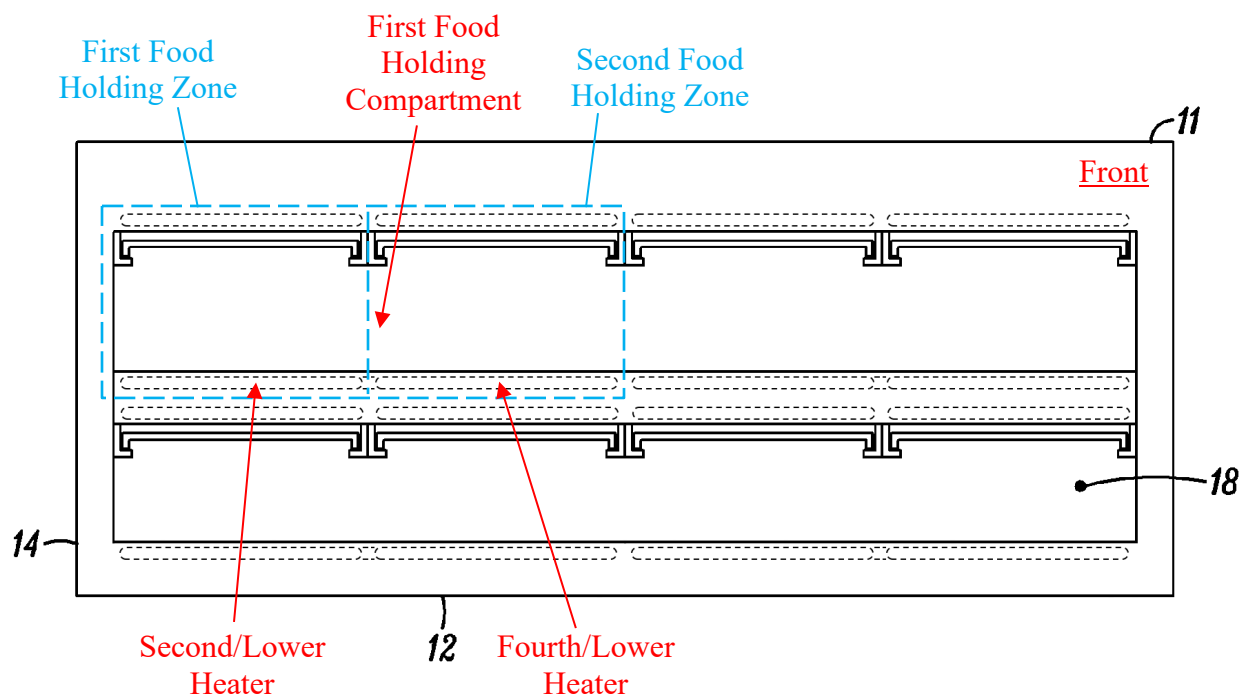
EX1010: ¶¶[0019]-[0020].

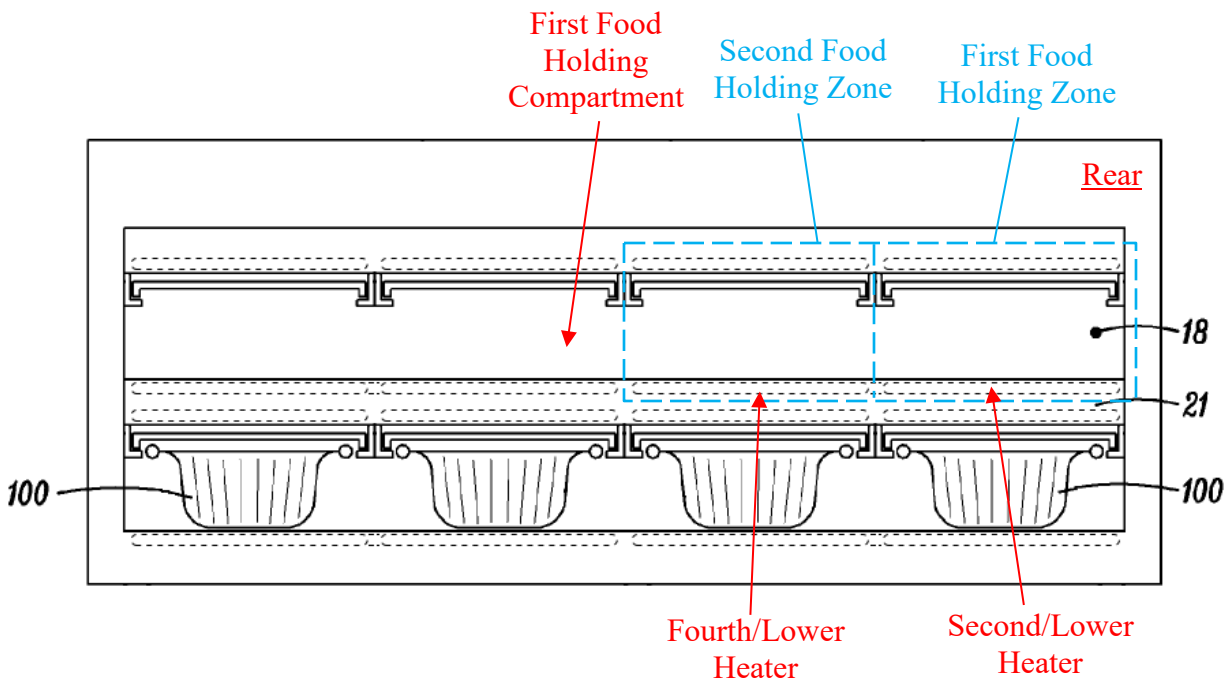


EX1010: Figs. 2 and 6 (modified, annotated).

54.i.3: the second and fourth heating elements being capable of providing different amounts of heat energy into the first and second food holding zones of the first food holding compartment

1171. As modified in Paragraphs 734-782 and 946-960 (Ground 12, Section XV(A)(2)-(3)) and (1.g.2))), the first/upper compartment's lower heaters (e.g., the second and fourth heaters) would have been independently controllable from one another via Fortmann'748's controller.





EX1010: Figs. 2 and 6 (modified, annotated).

1172. Different setpoint temperature settings would correspond to different amounts of heat energy. Thus, the second and fourth heaters would be capable of providing different amounts of heat energy into the first and second food holding zones to maintain the zones at different setpoint temperatures. Paragraphs 946-960 ((1.g.2)).

1173. Having the lower heaters in the shelf (i.e. second and fourth heaters) output different amounts of heat energy would be a natural result of the first and second food holding zones receiving different kinds of food requiring different bottom temperatures. *See supra* Paragraphs 1037-1941 (Claim 13).

1174. For example, if the first food holding zone receives pans of cooked eggs and the second food holding zone receives pans of bacon, the lower heater in

the first food holding zone (i.e. second heater) would output less heat energy for warming eggs than the lower heater in the second food holding zone (i.e. fourth heater) for warming bacon. EX1028: 39 (teaching 180°F for eggs and 200°F for bacon).

54.j.1: wherein the shelf comprises an upper thermally conductive plate, a lower thermally conductive plate, a fifth heating element, and a sixth heating element

1175. As explained in Paragraphs 1162-1171 above (claim limitations 54.i.1 and 54.i.2), Fortmann’748’s shelf (21) is made of two planar sheets or plates (22, 23). EX1010: ¶[0019] (“the shelves 21 may include two planar sheets of thin material (such as stainless steel) that form an envelope for the heater 60 to be disposed therebetween”).

1176. Fortmann’748 explains the plates (22, 23) are made of “stainless steel,” which is a thermally conductive material. EX1010: ¶[0019].

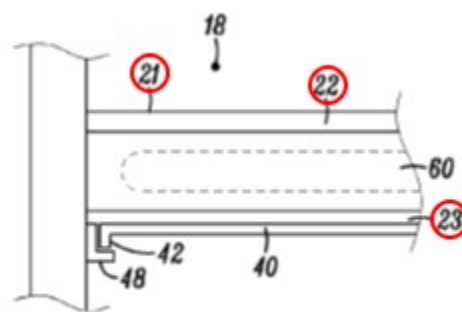
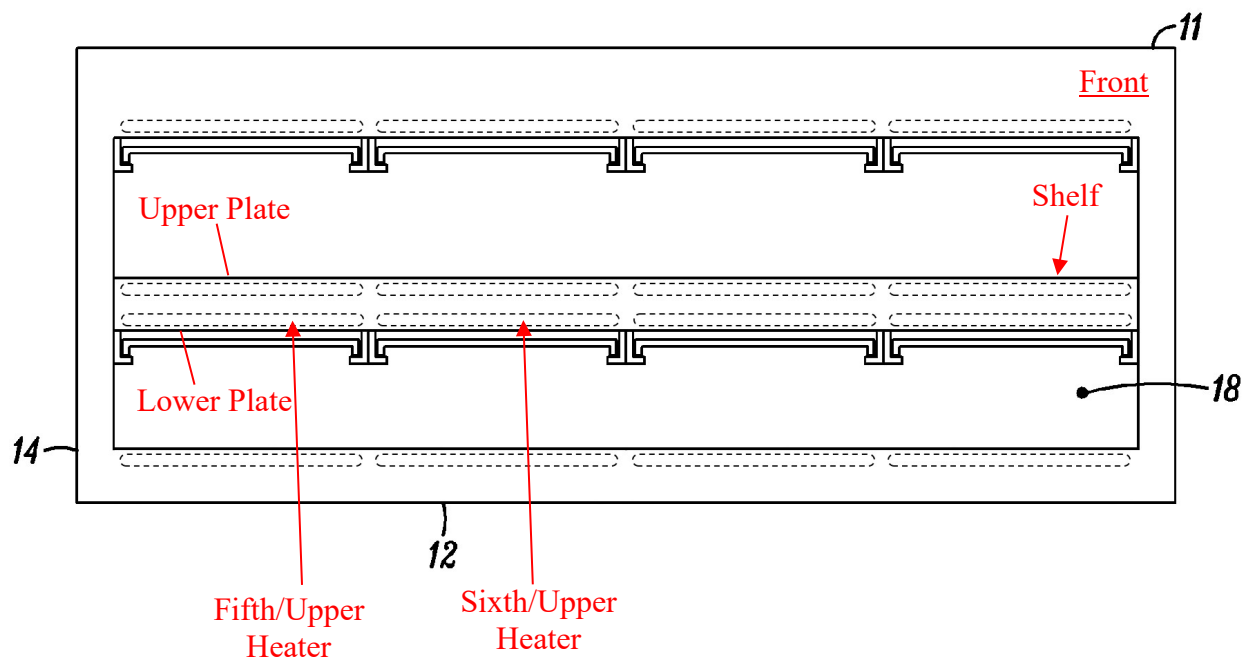
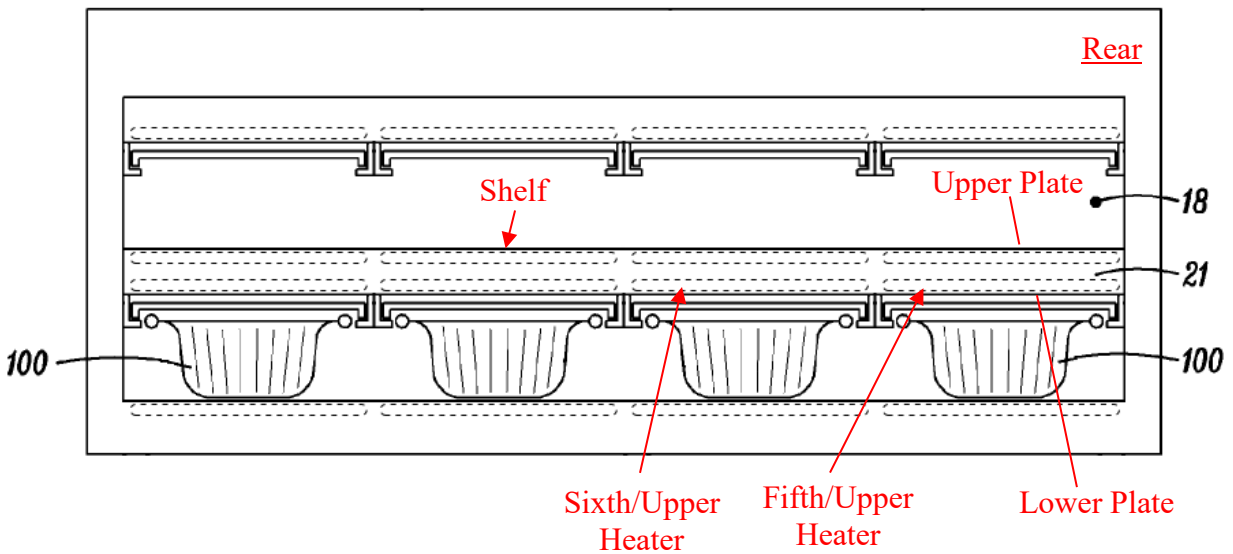


FIG. 3

EX1010: Fig. 3 (annotated).

1177. As modified in Paragraphs 734-761 (Ground 12, Section XV(A)(2)), Fortmann'748's heaters would have been duplicated in the shelf such that the shelf includes upper heaters (e.g., the fifth and sixth heaters) for heating the second food holding compartment. EX1010: ¶¶[0019]-[0020].





EX1010: Figs. 2 and 6 (modified, annotated).

54.j.2: the fifth and sixth heating elements being disposed between the upper thermally conductive plate and the lower thermally conductive plate

1178. As explained in Paragraphs 1165-1170 above (54.i.2), Fortmann'748's shelf (21) is made of two thermally conductive sheets or plates (22, 23) with heaters (60) disposed between the two planar plates. EX1010: ¶[0019].

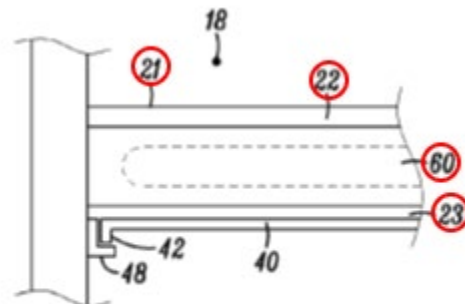
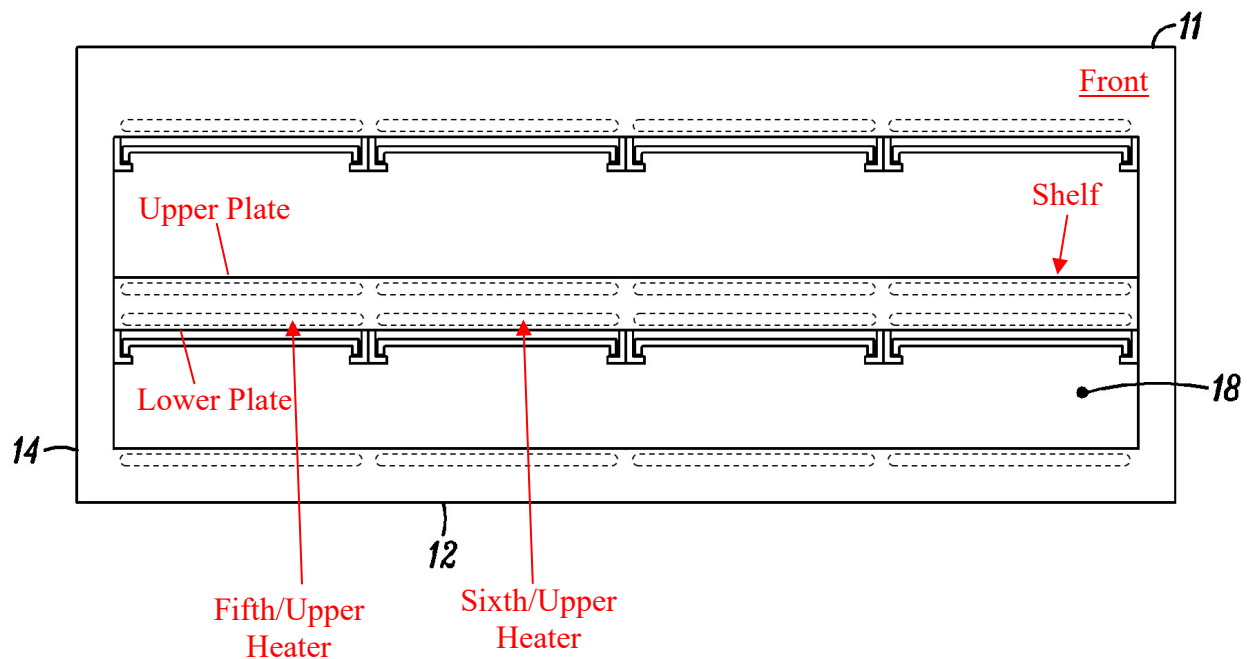
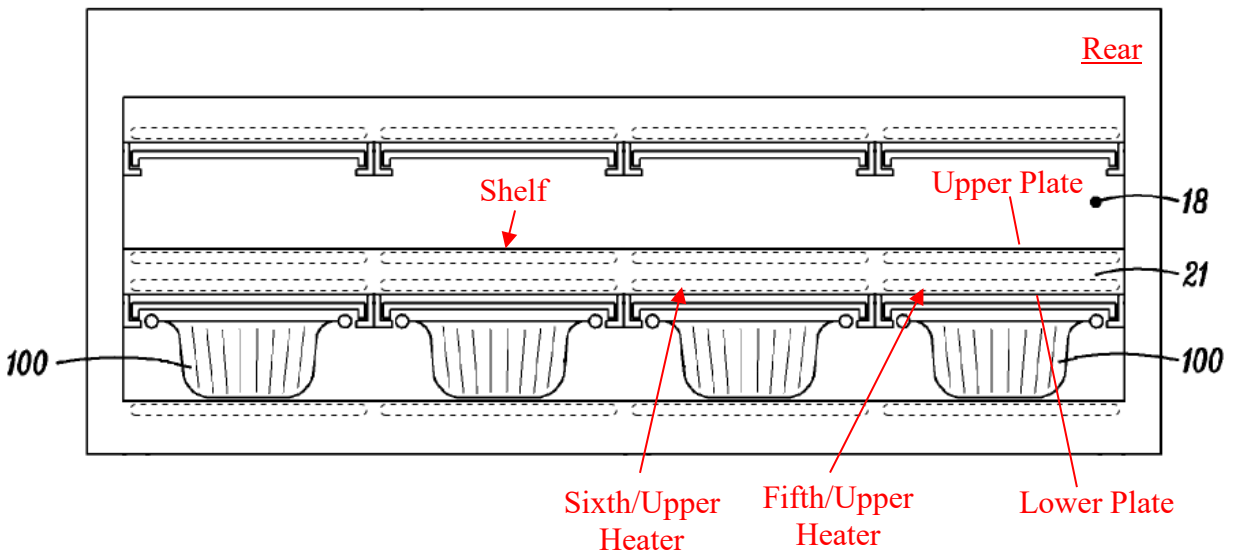


FIG. 3

EX1010: Fig. 3 (annotated).

1179. In modifying the Fortmann'748 cabinet by expanding to the food holding compartment to have multiple food holding zones and independent upper and lower heaters in view of Jones (EX1012), Fortmann'197 (EX1014), the IRHS Documents (EX1005-1008), and McMillan (EX1019) as discussed in Paragraph 734-761 (Ground 12, Section XV(A)(2)), the POSA would continue to follow the teachings of Fortmann'748 and dispose the upper heaters (e.g., the fifth and sixth heating elements identified in Claim 54.j.1) between the upper and lower thermally conductive plates. EX1010: ¶¶[0019]-[0020].





EX1010: Figs. 2 and 6 (modified, annotated).

54.j.3: the second and fourth heating elements being in thermal communication with the upper thermally conductive plate and the fifth and sixth heating elements being in thermal communication with the lower thermally conductive plate

1180. Fortmann'748's heaters (60) are between the two planar sheets (22, 23) in the shelf (21). EX1010: ¶[0019] ("the shelves 21 may include two planar sheets of thin material (such as stainless steel) that form an envelope for the heater 60 to be disposed therebetween").

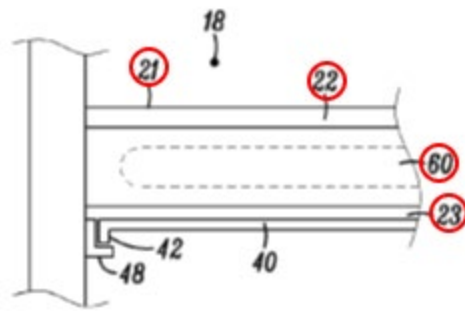


FIG. 3

EX1010: Fig. 3 (annotated).

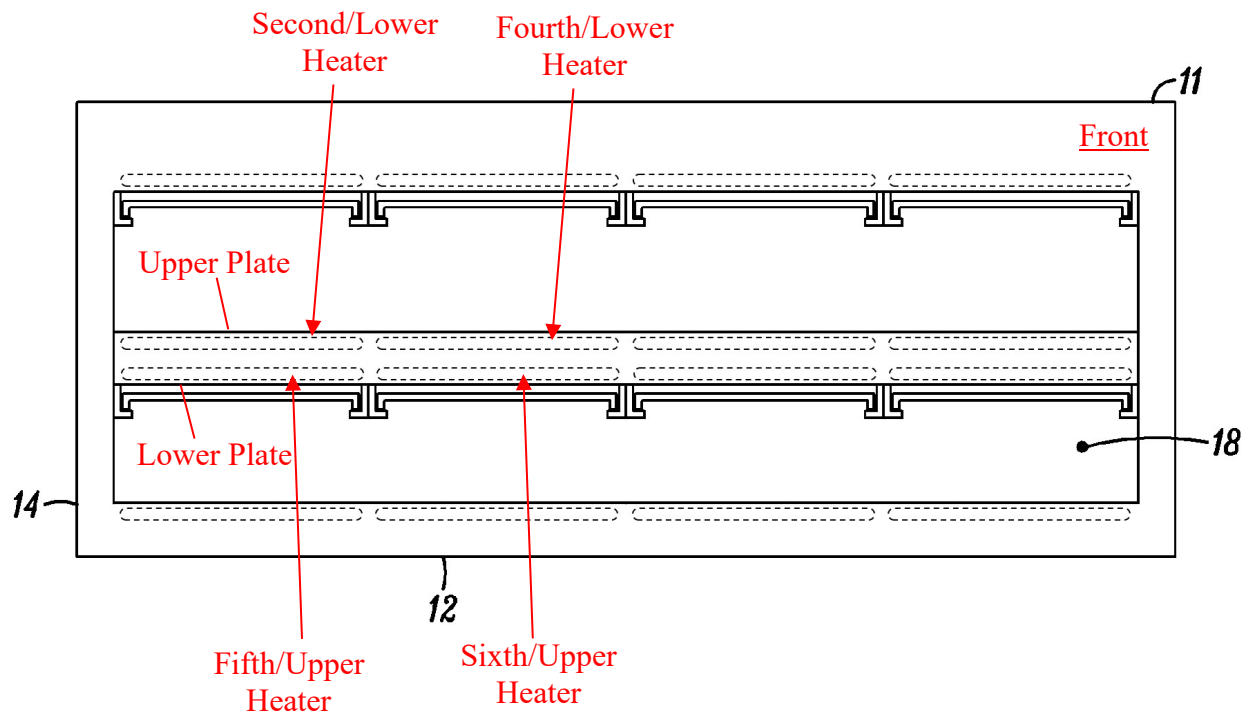
1181. The heaters (60) are in contact with the upper and lower sheets (22, 23) so that the heaters are in thermal communication via conduction to the sheets.

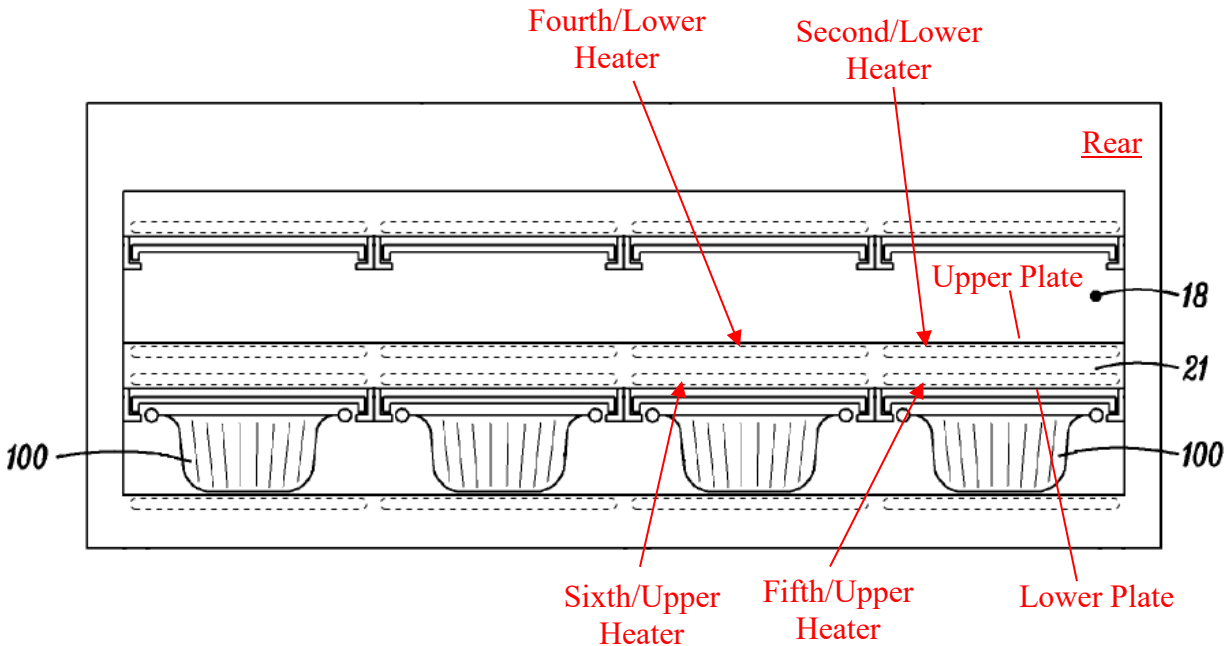
EX1010: ¶[0019] (“the heater 60 makes surface contact with at least the upper sheet 22 forming the shelf 21 (and also the heater 60 may contact the lower sheet 23 forming the shelf 21) such that a percentage of the heat generated by the heaters disposed in conjunction with each shelf 21 is transferred directly to the shelf by conductive heat transfer”).

1182. In modifying the Fortmann’748 cabinet by expanding to the food holding compartment to have multiple food holding zones and independent upper and lower heaters in view of Jones (EX1012), Fortmann’197 (EX1014), the IRHS Documents (EX1005-1008), and McMillan (EX1019) as discussed in Paragraphs 734-761 (Ground 12, Section XV(A)(2)), the POSA would continue to follow the teachings of Fortmann’748 and have the lower heaters (e.g., the second and fourth heaters) for the first food holding compartment contact the upper sheet and be in

conductive thermal communication with the upper sheet and the upper heaters (e.g., the fifth and sixth heaters) for the second food holding compartment contact the lower sheet and be in conductive thermal communication with the lower sheet.

EX1010: ¶¶[0019]-[0020].





EX1010: Figs. 2 and 6 (modified, annotated).

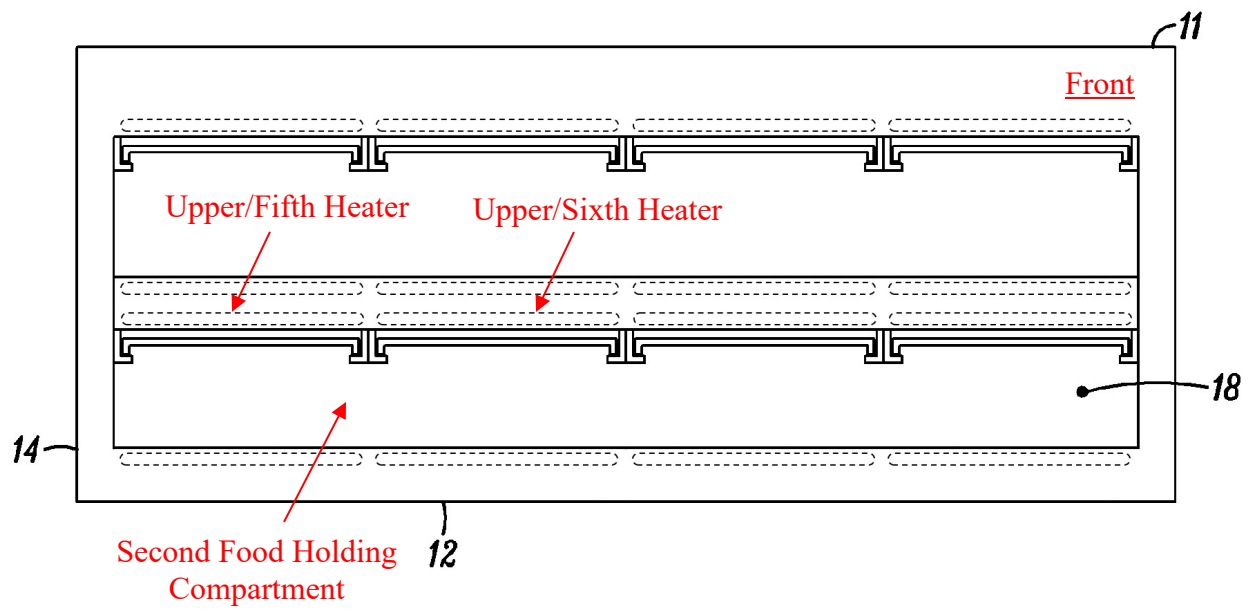
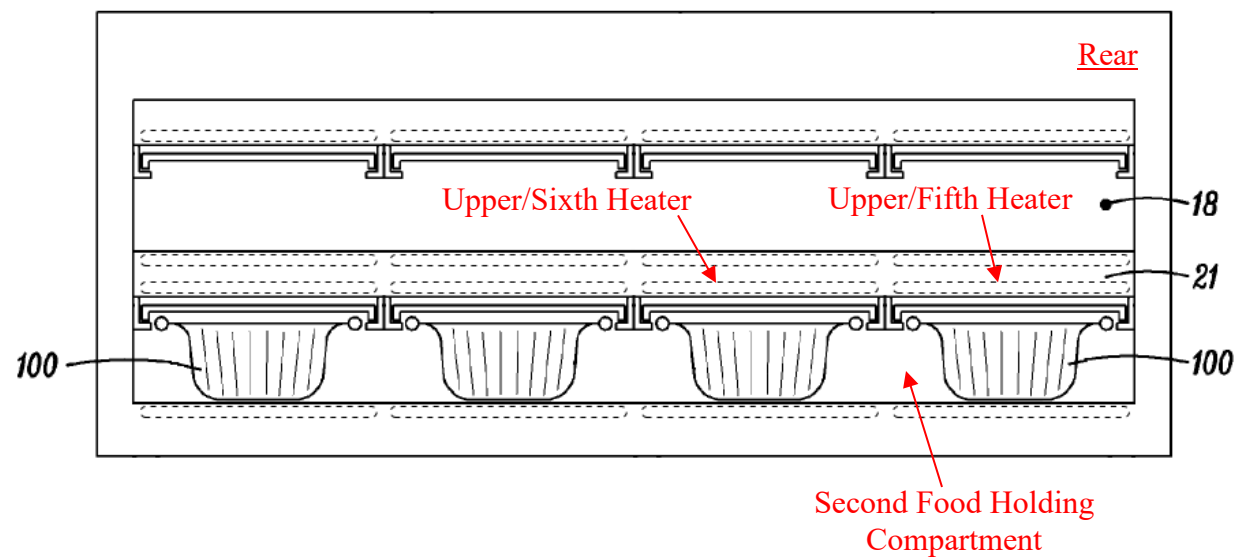
54.j.4: the fifth and sixth heating elements providing heat energy into the second food holding compartment

1183. Fortmann’748 explains the heaters (60) overlying the compartments transfer heat to the pans (100) by radiation. EX1010: ¶[0019] (“[t]he remaining portion of heat generated by the heaters 60 disposed in conjunction with each shelf 21 may be transferred to the shelf 21 by radiation heat transfer.”), ¶[0020] (“the pan 100 and the food product located within the pan 100 may receive heat from the shelf 21 disposed above the pan 100 due to radiation”).

1184. In modifying the Fortmann’748 cabinet by expanding to the food holding compartment to have multiple food holding zones and independent upper and lower heaters in view of Jones (EX1012), Fortmann’197 (EX1014), the IRHS Documents (EX1005-1008), and McMillan (EX1019) as discussed in Paragraph

734-761 (Ground 12, Section XV(A)(2)), the POSA would continue to follow the teachings of Fortmann'748 and have the upper heaters (e.g., the fifth and sixth heating elements) heat (e.g., via radiation, or conduction and radiation) the top panel and shelf, thereby heating the pans (100) disposed below by radiation. EX1010: ¶¶[0019]-[0020].

1185. Because the tops of the pans (100) are spaced apart from the underside of the top panel and shelf (and thereby the upper heaters as well), the heat generated by the upper heaters will naturally provide heat energy into the second food holding compartment and heat the food pans by radiation. Notably, radiation heat transfer would occur regardless of whether the lids are in contact with the underside of the shelf or spaced apart from the shelf. EX1010: ¶[0018].



EX1010: Figs. 2 and 6 (modified, annotated).

1186. Accordingly, each limitation of Claim 54 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 54.

JJ. Claim 55: The food holding bin of claim 54, wherein an insulative material is provided between the second and the fifth heating elements.

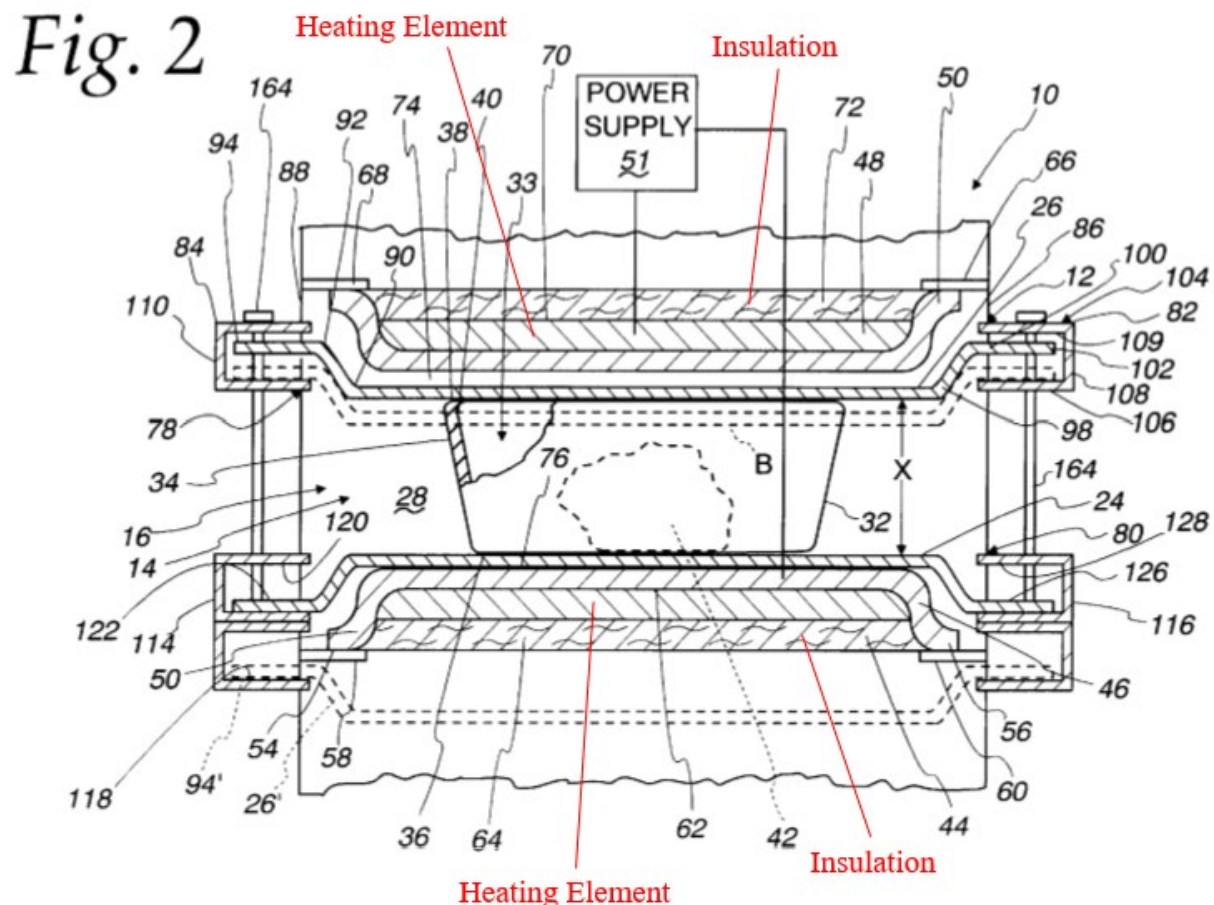
1187. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 54.

1188. The POSA would additionally recognize that the prior art taught providing insulating material within the shelf between the heating elements.

1189. Similar to Fortmann'748, the system (10) of Fortmann'967 has a plurality of vertically stacked food treatment spaces (16, 18, 20, 22) that receive a receptacle or tray (32) of food. EX1018: 3:64-65, 4:4-11, Fig. 2.

1190. Each food treatment space (16, 18, 20, 22) of Fortmann'967 has two heaters (44, 48) which heat the top and bottom of the receptacle (32). EX1018:

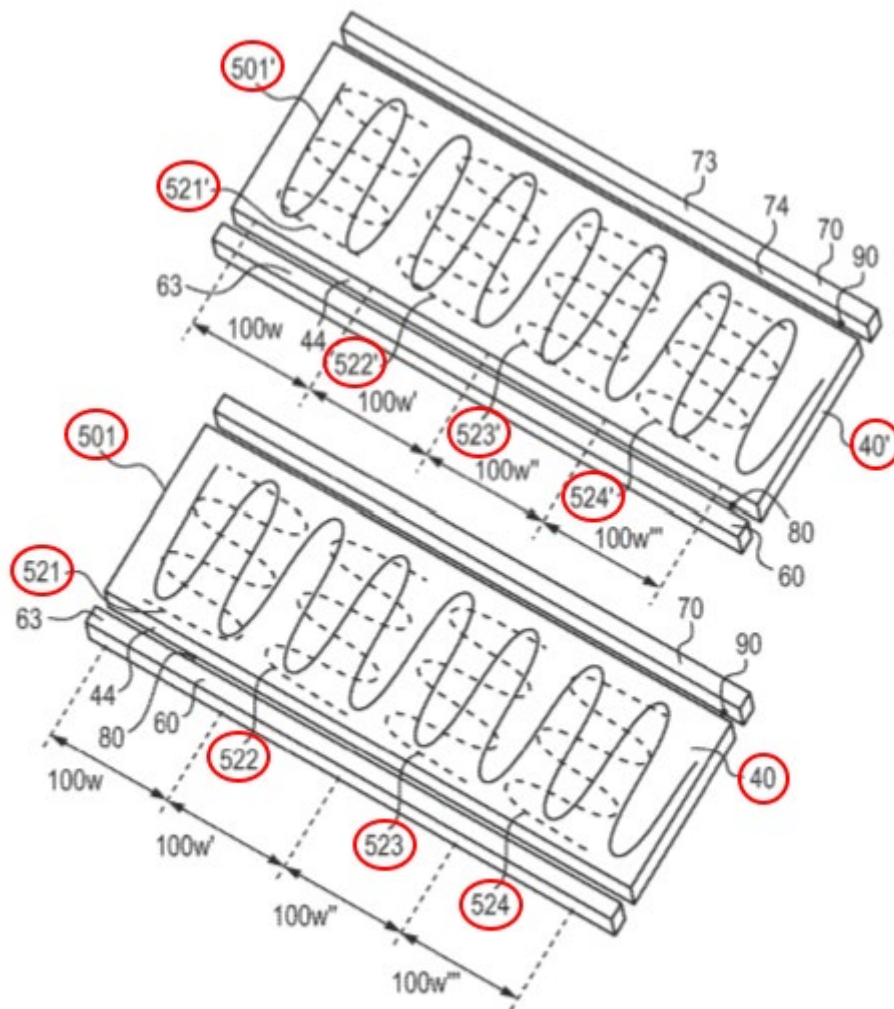
4:22-26 (“a heater 44, which conducts heat through a heat sink 46 to the bottom wall 24, and a separate heater 48 which conducts heat through a heat sink 50 to the top wall 26”), Fig. 2.



EX1018: Fig. 2 (annotated).

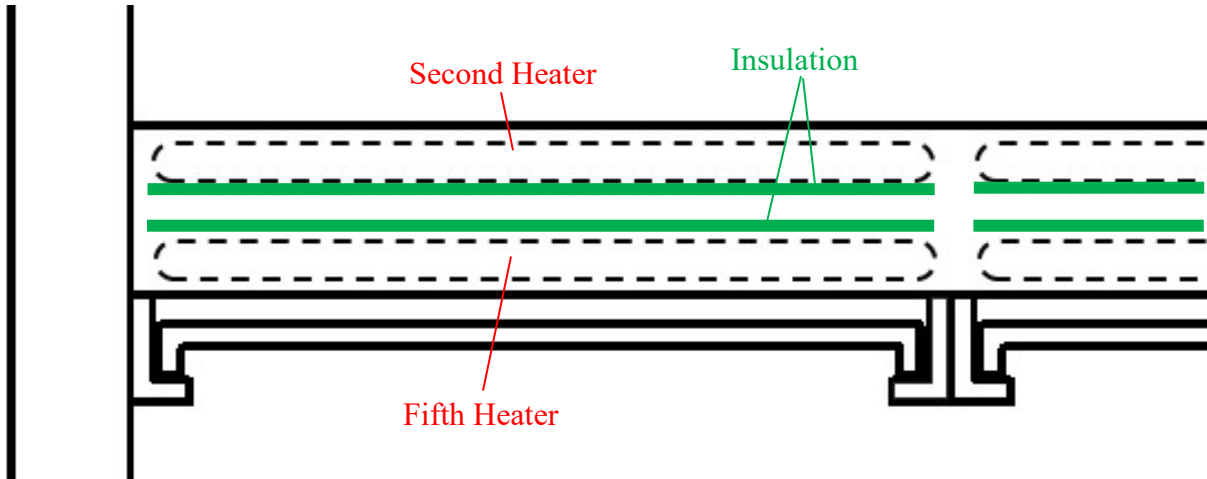
1191. Each heater (44, 48) is backed by insulation (64, 72), which directs the heat from the heaters into the food treatment space (16, 18, 20, 22). EX1018: 4:33-38 (“An insulation layer 64 fills the space 62 beneath the heater 44.... The heater 48 is nested in a space 70 defined by the heat sink 50 and covered by an insulation layer 72.”), Fig. 2.

1192. Similarly, Fortmann'197 explains that “*insulation* may be provided between the upper heaters 521, 522, 523, 524 in a plate 40 and the lower heater 501 in the same plate, so that the heat generated by the respective heater travels generally through the surface of the plate 40 proximate to the plate and not in the direction of the other heater within the plate 40.” EX1014: 9:32-37, Fig. 10.

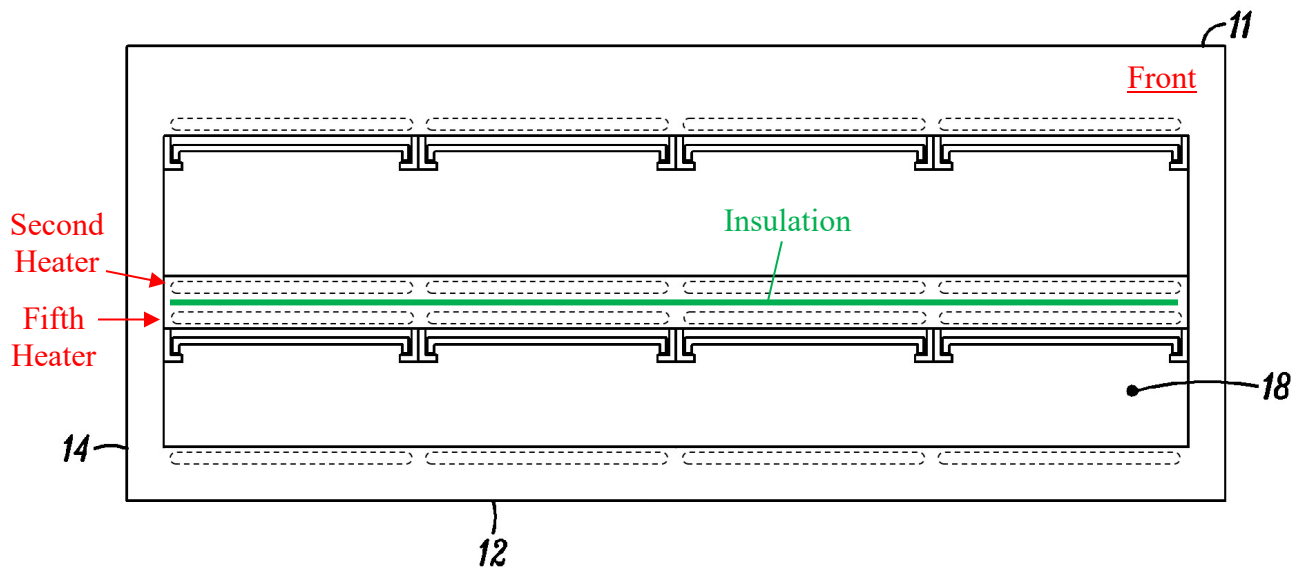


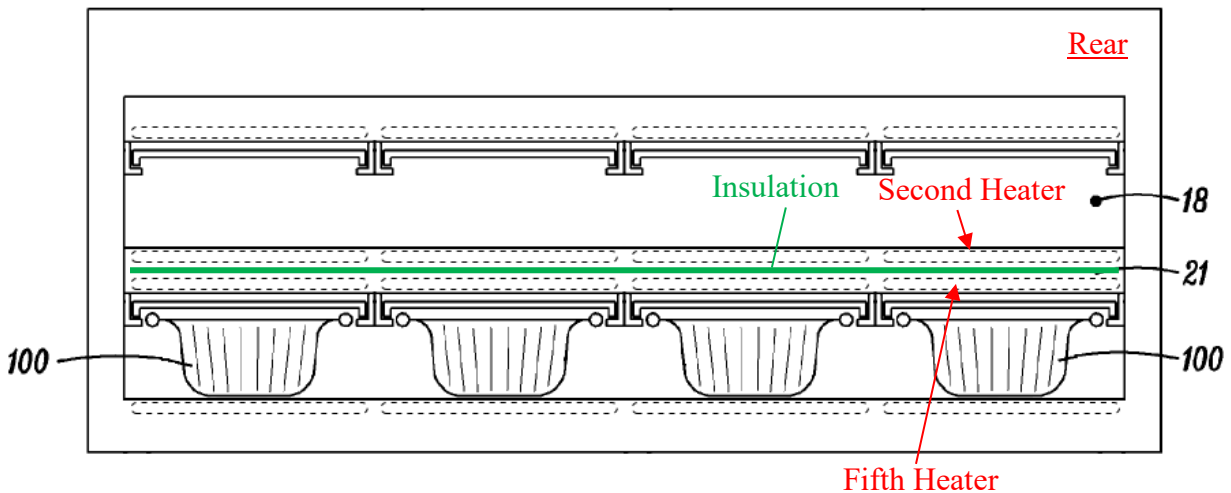
EX1014: Fig. 10 (annotated).

1193. As explained in Paragraph 884-902 (Ground 12, Section XV(A)(9)), it would have been obvious to modify the Fortmann'748 cabinet to have insulation in the shelf arranged between the upper and lower heaters (including the second heater and fifth heater).



EX1010: Fig. 2 (modified, annotated, enlarged).





EX1010: Figs. 2 and 6 (modified, annotated).

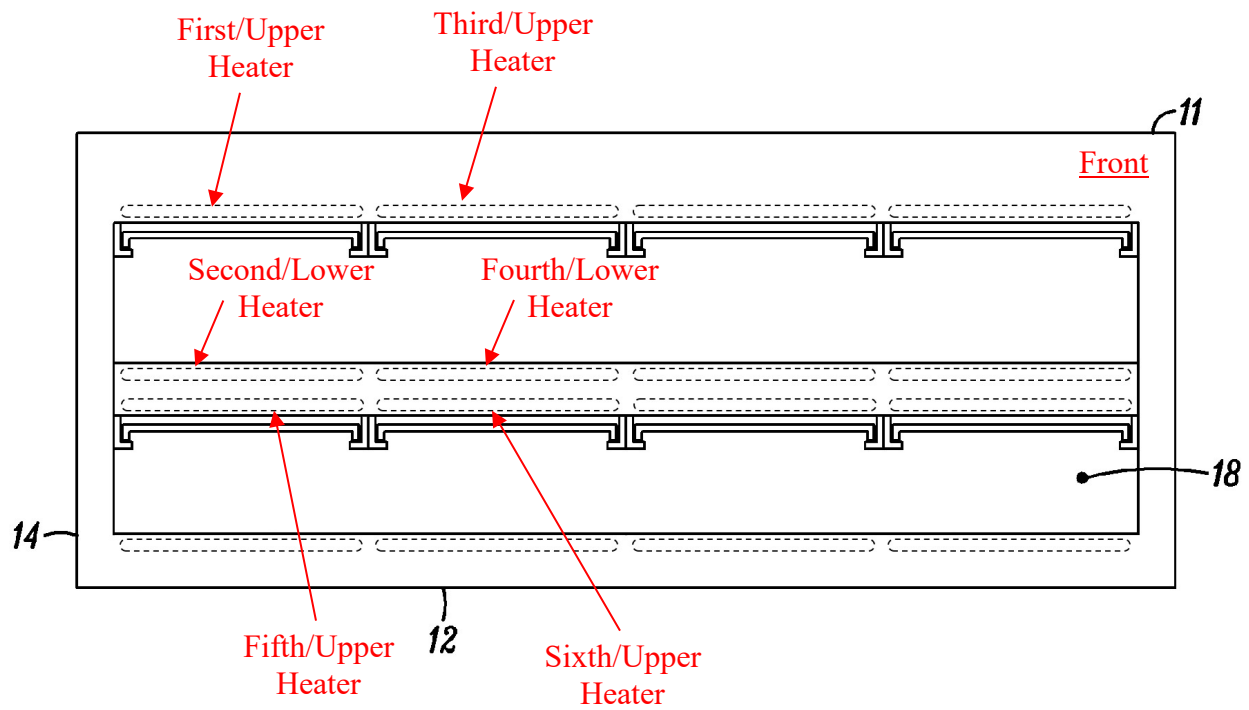
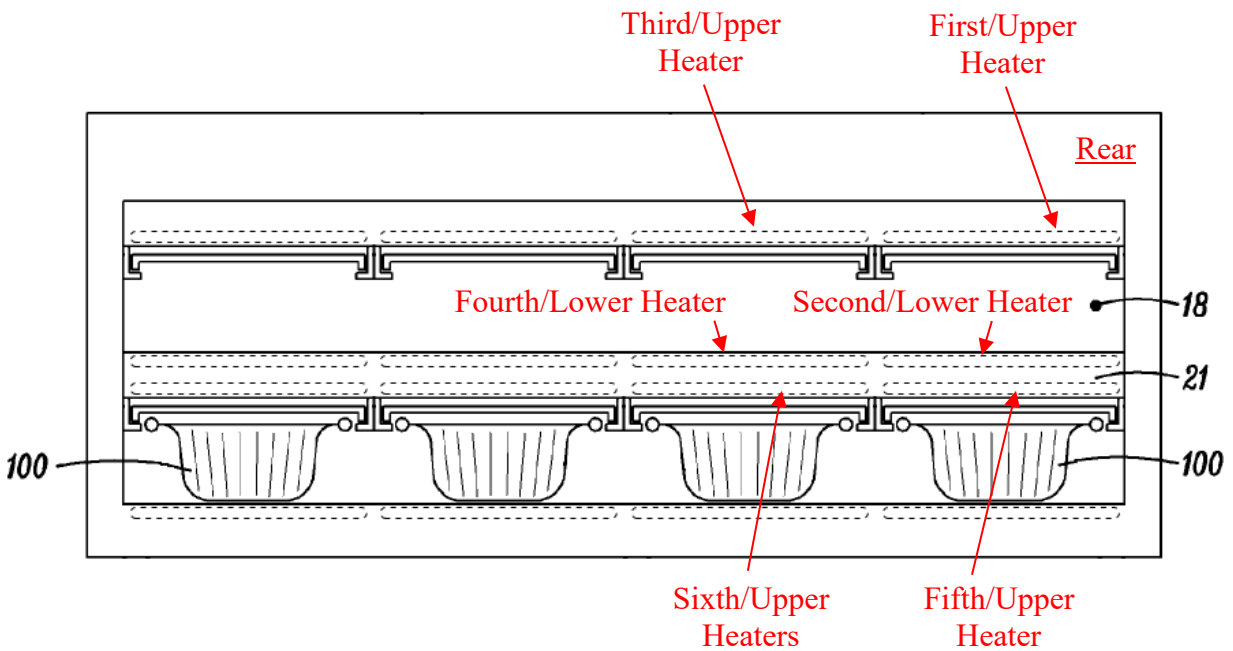
1194. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 55.

KK. Claim 57: the food holding bin of claim 54, wherein the first and third heating elements provide heat energy through radiation, the second and fourth heating elements provide heat energy through conduction, and the fifth and sixth heating elements provide heat energy through radiation

1195. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 54.

1196. As discussed above in Paragraphs 979-986 with respect to Claim 4, the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction.

1197. Per Claim 54.j.1, the fifth and sixth heaters are upper heaters for the second food holding compartment. Under the modifications discussed in Paragraphs 734-761 (Ground 12 Sections XV(A)(2)-(3)) the upper heaters for the first holding compartment and for the second holding compartment would be similar. Accordingly, for the reasons explained above in Paragraphs 978-985 (Claim 4) with respect to the first and third heaters, the fifth and sixth heating elements overlying the second food holding compartment would transfer heat to corresponding pans (100) by radiation. EX1010: ¶[0019] (“[t]he remaining portion of heat generated by the heaters 60 disposed in conjunction with each shelf 21 may be transferred to the shelf 21 by radiation heat transfer.”), ¶[0020] (“the pan 100 and the food product located within the pan 100 may receive heat from the shelf 21 disposed above the pan 100 due to radiation”).



EX1010: Figs. 2 and 6 (modified, annotated).

1198. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the food holding bin as claimed in Claim 57.

LL. Claim 58

58.a: the food holding bin of claim 54, further comprising a first bezel attached to the chassis

1199. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 54.

1200. The additional “first bezel is attached to the chassis” limitation added in Claim 58.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1201. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 942-945 above.

58.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

1202. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a

corresponding food holding zone” limitation added in Claim 58.b. is identical in claim scope to the limitation added in Claim 5 limitation.

1203. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 987-993 above.

1204. As such, each limitation of Claim 58 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 58.

MM. Claim 59: the food holding bin of claim 58, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

1205. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 58.

1206. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone”

limitation added in Claim 59 is identical in claim scope to the limitation added in Claim 6.

1207. Accordingly, as explained above in Paragraphs 994-1001, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 59.

NN. Claim 60

60.a: the food holding bin of claim 54, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

1208. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 54.

1209. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 60.a is identical in claim scope to the limitation added in Claim 7.a.

1210. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1003-1006 above.

60.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

1211. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 60.b is identical in claim scope to the limitation added in Claim 7.b.

1212. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1007-1011 above.

1213. As such, each limitation of Claim 60 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 60.

OO. Claim 61

61.a.1: the food holding bin of claim 60, further comprising a first bezel attached to the chassis proximate the front face of the chassis

1214. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 60.

1215. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 61.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1216. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 942-945 and 1013-1018 above.

61.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

1217. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation

added in Claim 61.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

1218. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1019-1020 above.

61.b: further comprising a second bezel located proximate the opposing rear face of the chassis

1219. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 61.b is identical in claim scope to the limitation added in Claim 8.b.

1220. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1021-1025 above.

1221. As such, each limitation of Claim 61 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 61.

PP. Claim 62: the food holding bin of claim 54, wherein the substantially planar surface is a continuous surface

1222. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and

disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 54.

1223. The additional “wherein the substantially planar surface is a continuous surface” limitation added in Claim 62 is identical in claim scope to the limitation added in Claim 9.

1224. Accordingly, as explained above in Paragraphs 1026-1029, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 62.

QQ. Claim 63: the food holding bin of claim 62, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

1225. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 62.

1226. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and

second food holding zones” limitation added in Claim 63 is identical in claim scope to the limitation added in Claim 10.

1227. Accordingly, as explained above in Paragraphs 1030-1033, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the food holding bin as claimed in Claim 63.

RR. Claim 65: the food holding bin of claim 54 further comprising a food holding tray resting on the substantially planar surface

1228. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claim 54.

1229. The additional “further comprising a food holding tray resting on the substantially planar surface” limitation added in Claim 65 is identical in claim scope to the limitation added in Claim 12.

1230. Accordingly, as explained above in Paragraphs 1034-1037, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967,

McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 65.

SS. Claim 66: the food holding bin of claim 54, the first food holding zone and the second food holding zone being heated to different temperatures

1231. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 54.

1232. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 66 is identical in claim scope to the limitation added in Claim 13.

1233. Accordingly, as explained above in Paragraphs 1037-1941, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the food holding bin as claimed in Claim 66.

XVI. GROUND 13: Claims 42, 44-50, 52, and 53 Would Have Been Obvious Over Fortmann’748 in View of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, and/or Prince Castle

A. Independent Claim 42

42.P-42.f.2

1234. Limitations 42.P-42.f.2 of independent claim 43 are identical to limitations 1.P-1.e.2, 1.g.1, and 1.g.2 (omitting 1.f) of independent claim 1.

1235. For the reasons set forth in Paragraphs 903-940 and 945-960 (1.P-1.e.2, 1.g.1, and 1.g.2), each limitation is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099.

42.g: wherein the first independently controllable heating element is adapted to output more heat energy than the second heating element

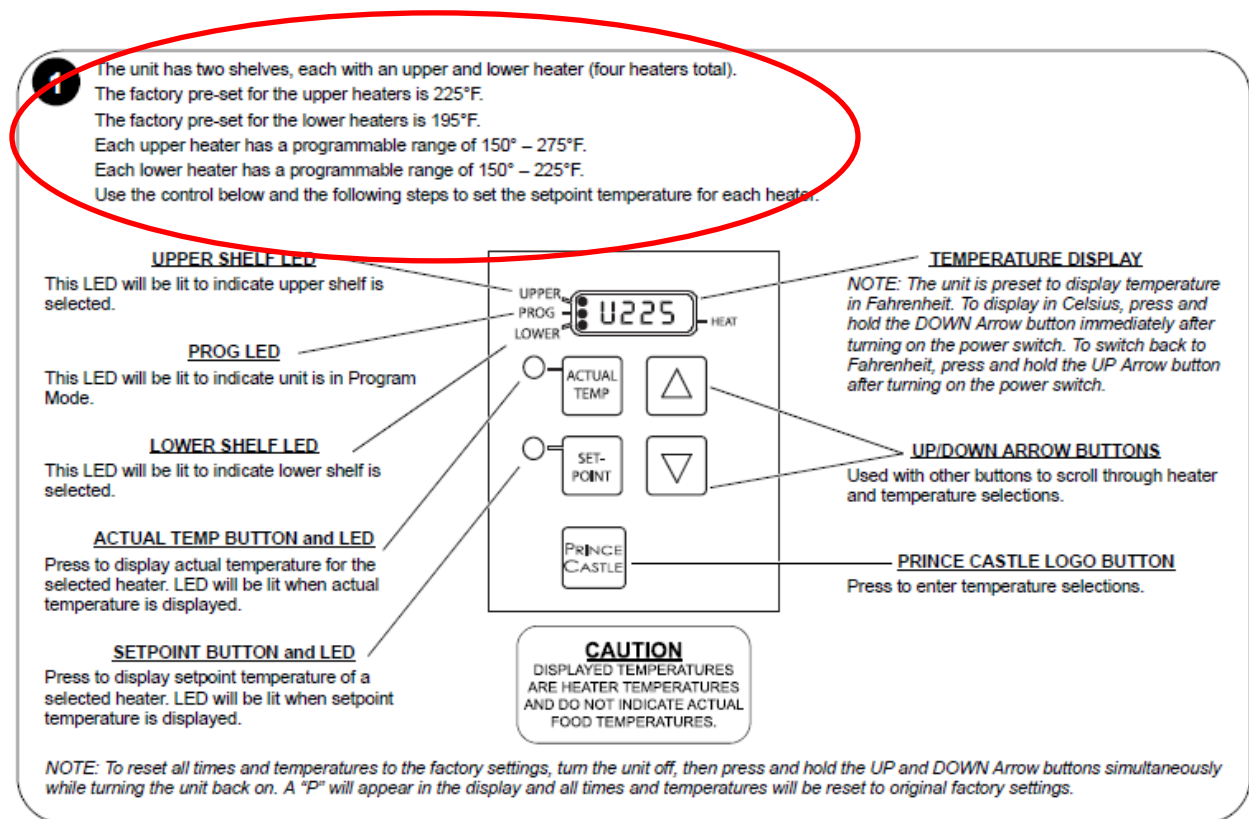
1236. As explained in Paragraphs 762-782 and 928-932 above (Ground 12, Section XV(A)(3) and claim limitation 1.d.2), it would have been obvious to modify the Fortmann’748 cabinet such that the upper and lower heating elements are independently controllable from one another via the controller.

1237. Prince Castle (EX1009) further teaches that it would be desirable for the controller to have the capability of operating the upper heating elements to output more heat energy than the lower heating elements.

1238. Specifically, Prince Castle teaches a Product Holding Bin where each compartment has “an upper and lower heater.” EX1009: 22, 40.

1239. The 2006 and 2010 Operation Manuals of Prince Castle both explain that the maximum programmable temperature is greater for the upper heaters than for the lower heaters (275°F v. 225°F). EX1009: 22, 40.

1240. Moreover, Prince Castle teaches upper heating elements set or adapted to output more heat energy as a factory preset. EX1009: 22 (“[t]he factory pre-set for the upper heaters is 225°F”, and “[t]he factory pre-set for the lower heaters is 195°F.”), 40 (same). The maximum setting of the upper heaters is 275°F and the maximum setting of the lower heaters is 225°F. EX1009: 22, 40.



EX1009: 40 (annotated).

1241. Notably, higher temperatures mean more heat energy. Having the upper radiant heating elements operate at a higher setpoint temperature than the lower heating elements means the upper radiant heating elements are outputting more heat energy to maintain the higher temperature than the lower heating elements.

1242. It would have been obvious to have each upper heating element of the Fortmann'748's modified cabinet be adapted to output more heat energy than each lower heating element of Fortmann'748's modified cabinet (higher setpoint

temperature, higher maximum temperature setting, and/or higher wattage rating) in view of Prince Castle. Prince Castle teaches upper heaters outputting more heat energy was well known. EX1009: 22, 40. Given that it was well known and taught to customize upper and lower heating for each food product (*see* Paragraphs 771-791 (Ground 12, Section XV(A)(3)), adapting (*e.g.*, setting) the upper heating elements to output more heat energy than the lower heating elements would have been an obvious design choice from a set of finite, predictable solutions:

- adapting the upper heating element to output more heat energy than the lower heat,
- adapting the upper heating element to output the same amount of heat energy than the lower heat, or
- adapting the upper heating element to output less heat energy than the lower heat.

1243. Further, when modifying Fortmann’748 to have independently controllable upper and lower heaters, the POSA would have recognized that it would have been desirable for the upper heating elements for the food holding zone to be adapted to output more heat energy than the lower heating elements to overcome several issues.

1244. Each upper (*e.g.*, first) heating element of Fortmann’748 is in surface contact with the sheet/plate at the top of the compartment. EX1010: ¶[0019] (“the heater 60 may contact the lower sheet 23”). These heating elements thus heat the sheet/plate at the top of the compartment, which in turn heats the food in the pans

via radiation. EX1010: ¶[0020] (“the pan 100 and the food product located within the pan 100 may receive heat from the shelf 21 disposed above the pan 100 due to radiation”).

1245. In contrast, the upper (*e.g.*, first) heating elements are spaced apart from the food.

1246. Because radiant energy intensity drops significantly as distance increases (even over a few inches), the upper (*e.g.*, first) heating elements must output much more heat energy than the lower (*e.g.*, second) heating elements (with nearly 100% of the heat energy being transferred by direct conduction) to ensure enough radiant energy “hits” the food.

1247. In addition, as food sits, moisture evaporates from the surface, which creates a cooling effect. The upper (*e.g.*, first) heating elements have to provide enough energy to counteract this surface cooling and keep the top of the food at a warm temperature. Moreover, the bottom heat would be kept lower just to maintain internal temperature, while the upper (*e.g.*, first) heating elements do the heavy lifting of maintaining surface temperature and texture (keeping fried foods crispy, for example).

1248. Additionally, upper radiant heat energy radiates in all directions. As such, a portion of that heat energy is lost to the surrounding air and the structure of

the holding unit. This loss of energy is compensated for by operating the upper (*e.g.*, first) heating elements at higher heat energy output levels.

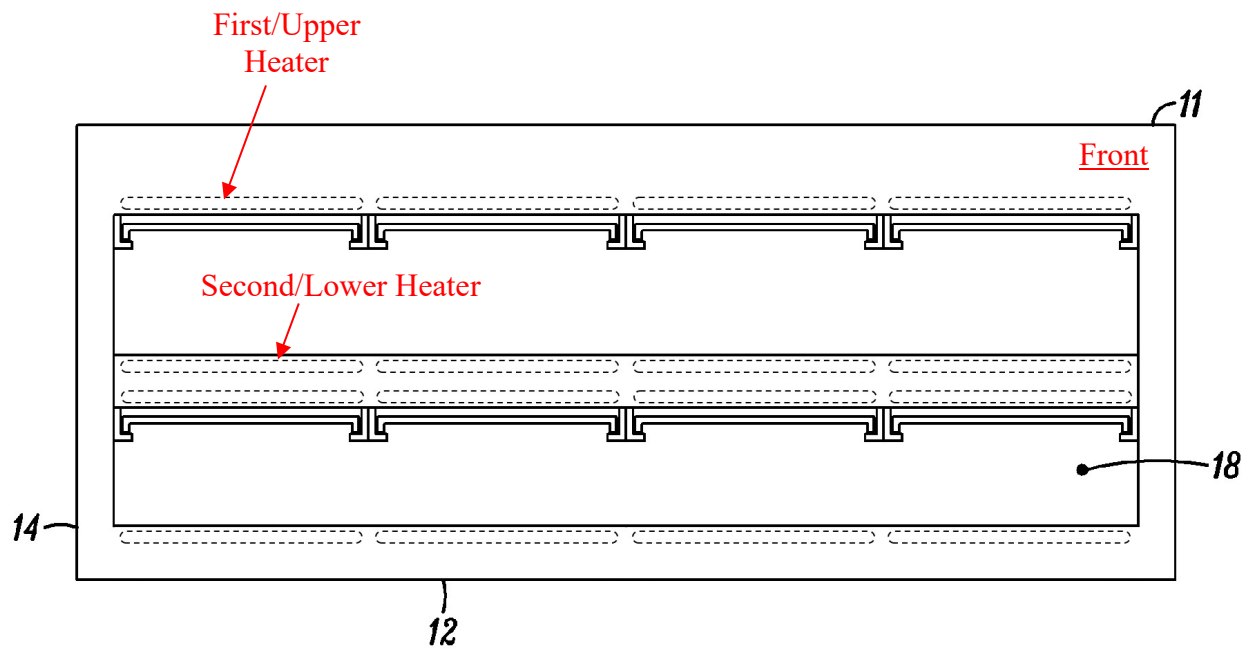
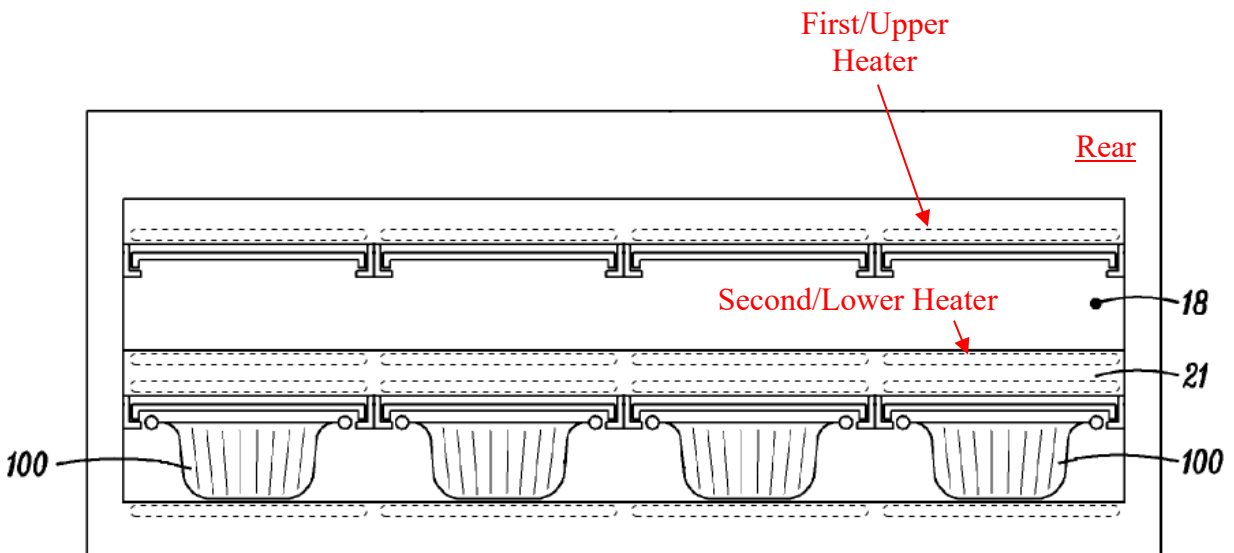
1249. This would also allow more direct heat on the top of the food to “provide optimum environment” while “minimiz[ing] temperature distribution from top to bottom.” EX1006: 1 (“Upper IR emitters provide optimum environment for holding of all fried foods resulting in extended hold time, moist protein, and crispy breading” and “[d]ual technology heating to reduce temperature variance from top to bottom”); EX1007: 10 (“Tailor each well specifically to the products within them, providing unlimited flexibility per well”), 51 (“deliver a consistently hot pan of product, from top to bottom”).

1250. The POSA would have been further motivated to have the capability to set the upper (*e.g.*, first) heating elements to output more heat energy than the lower (*e.g.*, second) heating elements and/or “to re-crisp breaded (fried) food, to melt cheese on fries, to melt cheese on burger patties, to brown grilled food products, and/or to brown burger patties” with the upper (*e.g.*, first) heating elements. *See e.g.*, EX1027: ¶[0021].

1251. Accordingly, it would have been obvious to adapt the Fortmann’748 cabinet such that each upper (*e.g.*, first) heating element would output more heat energy than the lower (*e.g.*, second) heating elements in view of Prince Castle.

1252. This would have been nothing more than the application of a known technique (upper heaters outputting more heat energy than lower heaters per Prince Castle) to improve a similar device (Fortmann’748’s cabinet) in the same way (higher setpoint temperatures for upper heaters relative to lower heaters). Once the Fortmann’748 cabinet is modified to have independently controllable upper and lower heaters—which itself had a high expectation of success implementing—the POSA would have had a high expectation of success in providing the capability of operating the upper (*e.g.*, first) heating elements to output more heat energy than the lower (*e.g.*, second) heating elements.

1253. In implementing this modification, each upper (*e.g.*, first) heating element of the modified Fortmann’748 cabinet would be adapted to output more heat energy than each lower heating element via having a higher setpoint temperature, higher maximum temperature setting, and/or higher wattage rating.



EX1010: Figs. 2 and 6 (modified, annotated).

1254. Accordingly, each limitation of Claim 42 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food

holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 42.

B. Claim 44: the food holding bin of claim 42, wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction

1255. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1256. The additional “wherein the first and third heating elements provide heat energy through radiation and the second and fourth heating elements provide heat energy through conduction” limitation added in Claim 44 is identical in claim scope to the limitation added in Claim 4.

1257. Accordingly, as explained above in Paragraphs 979-986, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the food holding bin as claimed in Claim 44.

C. Claim 45

45.a: the food holding bin of claim 42, further comprising a first bezel attached to the chassis

1258. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1259. The additional “first bezel is attached to the chassis” limitation added in Claim 45.a is included in the claim scope of the Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1260. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 942-945 above.

45.b: the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone

1261. The additional “the first bezel comprising dedicated displays for each of the first and second-food holding zones that display a temperature setting for a corresponding food holding zone” limitation added in Claim 45.b. is identical in claim scope to the limitation added in Claim 5 limitation.

1262. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 987-993 above.

1263. As such, each limitation of Claim 45 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, and/or Prince Castle. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 45.

D. Claim 46: the food holding bin of claim 45, wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone

1264. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 45.

1265. The additional “wherein the dedicated displays display additional information about a food item stored in the corresponding food holding zone” limitation added in Claim 46 is identical in claim scope to the limitation added in Claim 6.

1266. Accordingly, as explained above in Paragraphs 994-1001, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967,

McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the food holding bin as claimed in Claim 46.

NN. Claim 47

47.a: the food holding bin of claim 42, wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis

1267. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1268. The additional “wherein the first and second food holding compartments each have a second opening, uncovered and located at the rear face of the chassis” limitation added in Claim 47.a is identical in claim scope to the limitation added in Claim 7.a.

1269. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1003-1006 above.

47.b: the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the first opening and removed from the planar and bottom surface from the second opening

1270. The additional “the substantially planar bottom surface is configured to allow food items to be placed on the substantially planar surface through the

first opening and removed from the planar and bottom surface from the second opening” limitation added in Claim 47.b is identical in claim scope to the limitation added in Claim 7.b.

1271. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1007-1011 above.

1272. As such, each limitation of Claim 47 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099, and/or Prince Castle. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 47.

OO. Claim 48

48.a.1: the food holding bin of claim 47, further comprising a first bezel attached to the chassis proximate the front face of the chassis

1273. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 47.

1274. The additional “further comprising a first bezel attached to the chassis proximate the front face of the chassis” limitation added in Claim 48.a.1 is identical in claim scope to the limitations added in Claim 8.a.1. Notably, Claim 8.a.1 obtained antecedent basis for the “first bezel attached to the chassis” from Claim 1.f limitation (“a first bezel is attached to the chassis and is set forward from the shelf by a space”).

1275. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 942-945 and 1013-1018 above.

48.a.2: the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones

1276. The additional “the first bezel comprising dedicated controls and/or dedicated displays for each of the first and second-food holding zones” limitation added in Claim 48.a.2 is identical in claim scope to the limitation added in Claim 8.a.2.

1277. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1019-1020 above.

48.b: further comprising a second bezel located proximate the opposing rear face of the chassis

1278. The additional “further comprising a second bezel located proximate the opposing rear face of the chassis” limitation added in Claim 48.b is identical in claim scope to the limitation added in Claim 8.b.

1279. Accordingly, this limitation is disclosed by the prior art as explained in Paragraphs 1021-1025 above.

1280. As such, each limitation of Claim 48 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 48.

PP. Claim 49: the food holding bin of claim 42, wherein the substantially planar surface is a continuous surface

1281. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1282. The additional “wherein the substantially planar surface is a continuous surface” limitation added in Claim 49 is identical in claim scope to the limitation added in Claim 9.

1283. Accordingly, as explained above in Paragraphs 1026-1029, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the food holding bin as claimed in Claim 49.

QQ. Claim 50: the food holding bin of claim 49, wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones

1284. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 49.

1285. The additional “wherein the substantially planar surface is substantially free of any dividing walls or other structure between the first and second food holding zones” limitation added in Claim 50 is identical in claim scope to the limitation added in Claim 10.

1286. Accordingly, as explained above in Paragraphs 1030-1033, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the food holding bin as claimed in Claim 50.

RR. Claim 52: the food holding bin of claim 42, further comprising a food holding tray resting on the substantially planar surface

1287. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1288. The additional "further comprising a food holding tray resting on the substantially planar surface" limitation added in Claim 52 is identical in claim scope to the limitation added in Claim 12.

1289. Accordingly, as explained above in Paragraphs 1034-1037, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the food holding bin as claimed in Claim 52.

SS. Claim 53: the food holding bin of claim 42, the first food holding zone and the second food holding zone being heated to different temperatures

1290. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967,

McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1291. The additional “the first food holding zone and the second food holding zone being heated to different temperatures” limitation added in Claim 53 is identical in claim scope to the limitation added in Claim 13.

1292. Accordingly, as explained above in Paragraphs 1038-1042, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann'748, the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the food holding bin as claimed in Claim 53.

XVII. GROUND 14: Claims 3, 11, 16, 24, 31, 39, 56, and 64 Would Have Been Obvious Over Fortmann'748 in View of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Veltrop and/or Shei'155.

A. Claims 3, 16, 31, and 56: the food holding bin of claim [1/14/27/54], wherein the first, second, third, [and] fourth[, fifth, and sixth] heating elements each comprise resistive wire

1293. As discussed above in Ground 12, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claims 1, 14, 27, and 54.

1294. Fortmann'748 does not describe the construction of its heaters (60) but does explain that the heaters are in “electrical communication” with the control system. EX1010: ¶[0004].

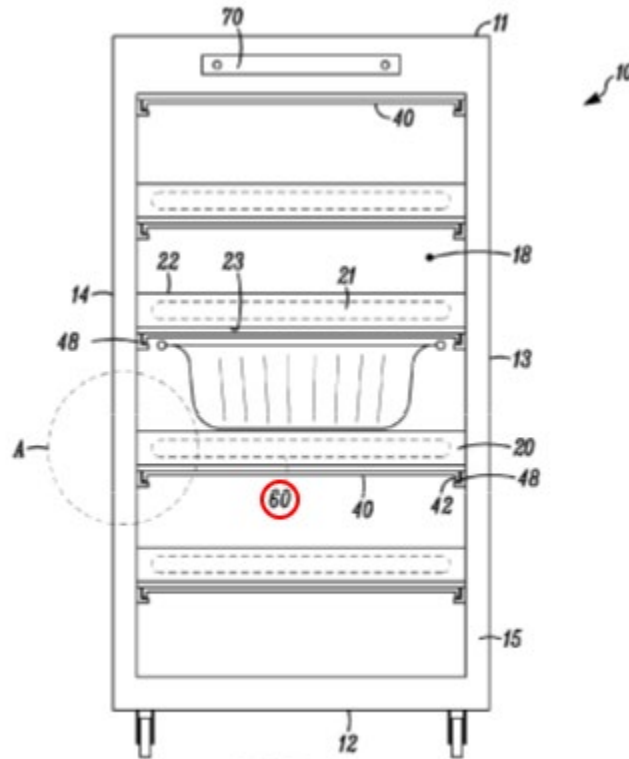


FIG. 2

EX1010: Fig. 2 (annotated).

1295. While Fortmann'748 is silent as to the construction of the heating elements, the POSA would additionally recognize that other prior art references disclose the additional limitation added in Claims 3, 16, 31, and 56 further requiring the independently controllable heating elements “comprise a resistive wire.”

1297. It would have been obvious to have Fortmann’748’s heaters (*e.g.*, the first, third, fifth, and sixth (upper) independently controllable heaters and the second and fourth (lower) independently controllable heaters) comprise an electrically resistive heater wire in view of Veltrop to generate the heat for the compartments.

1298. While Fortmann’748 does not describe how its heaters generate heat, the POSA would understand Veltrop’s electrically resistive heater wire (67) is a suitable source of heat for the heaters of food warming cabinets like Fortmann’748’s cabinet. EX1022: ¶[0025] (“when the wire 67 temperature rises due to an electric current flow, it provides heat energy into the plates 51 and/or 53, to which the wire 67 is thermally coupled to”).

1299. Further, Veltrop’s electrically resistive heater wire (67) is electrically controlled, thus enabling Fortmann’748’s control system (*e.g.*, controller) to operate it. EX1022: ¶[0025].

1300. This would have been nothing more than specifying the use of a known technique (electrically resistive heater wire of Veltrop) with a similar device (a food warming cabinet with generically recited heaters of Fortmann’748) in the same way (electrically resistive heater wire to heat compartments containing food).

1301. There would have been a high expectation of success given that Fortmann’748’s heaters—though not specifically identified as being electrically-resistive heater wire heaters—are disclosed as being electrically controlled and Fortmann’748 and Veltrop are both food warming cabinets.

1302. When implementing this modification, each heater (60) of Fortmann’748’s modified cabinet (10) would comprise Veltrop’s electrically resistive heater wire.

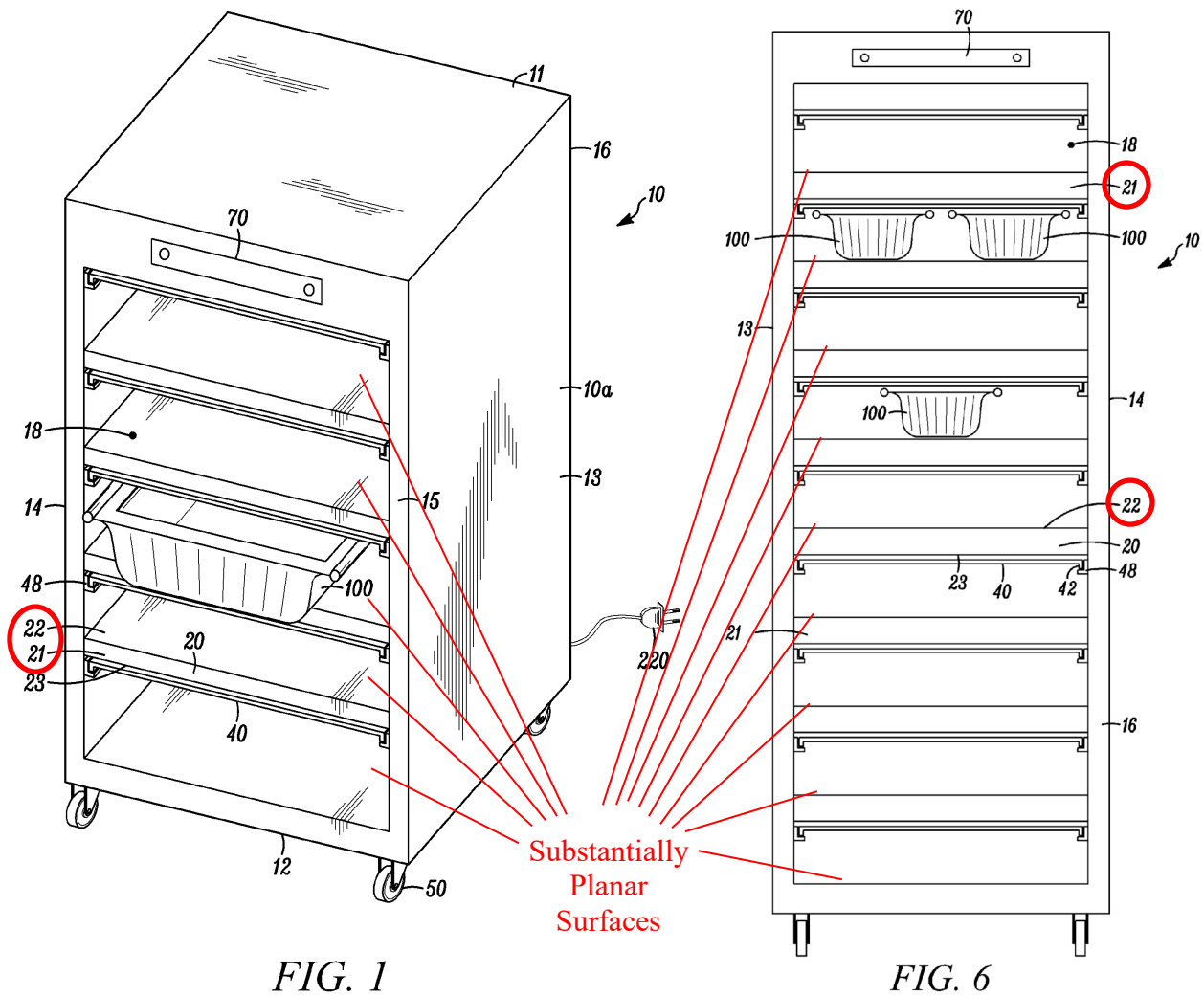
1303. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, Veltrop and/or Shei’155 to arrive at the food holding bin as claimed in Claims 3, 16, 31, and 56.

B. Claims 11, 24, 39, and 64: The food holding bin of claim [1/14/27/54], wherein the substantially planar surface comprises aluminum.

1304. As discussed above, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, and/or Shei’099 to arrive at the claimed food holding bin of Claims 1, 14, 27, and 54.

1305. Fortmann'748 teaches that its first planar surface (22) of the shelf (21) and the second planar surface of the bottom panel (12) are made of stainless steel.

EX1010: ¶[0019] (“the shelves 21 may include two planar sheets of thin material (such as stainless steel)”); *see also* Paragraphs 921-924 and 1176-1178 ((1.c.3) and (54.j.1)).



EX1010: Figs. 1 and 6 (annotated).

1306. While Fortmann'748 teaches the use of stainless steel, the POSA would additionally recognize that other prior art references disclose the additional limitation added in Claims 11, 24, 39, and 64 further requiring that “the substantially planar surface comprises aluminum.”

1307. For example, Veltrop (EX1022) teaches the upper plates (51) of its shelves (52) are made of aluminum. EX1022: ¶[0023] (“thermally-conductive plates 51 and 53 are preferably made of aluminum,”), Fig. 2.

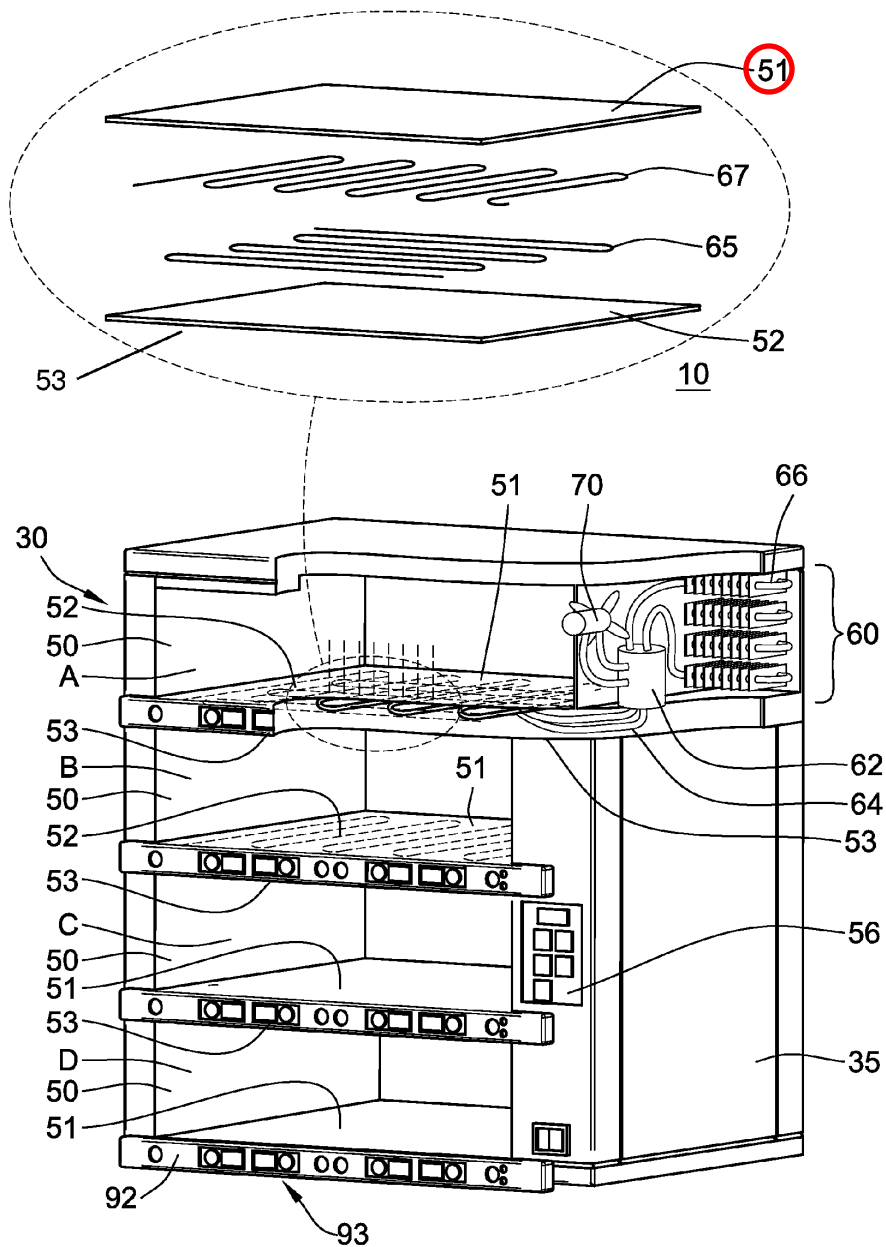
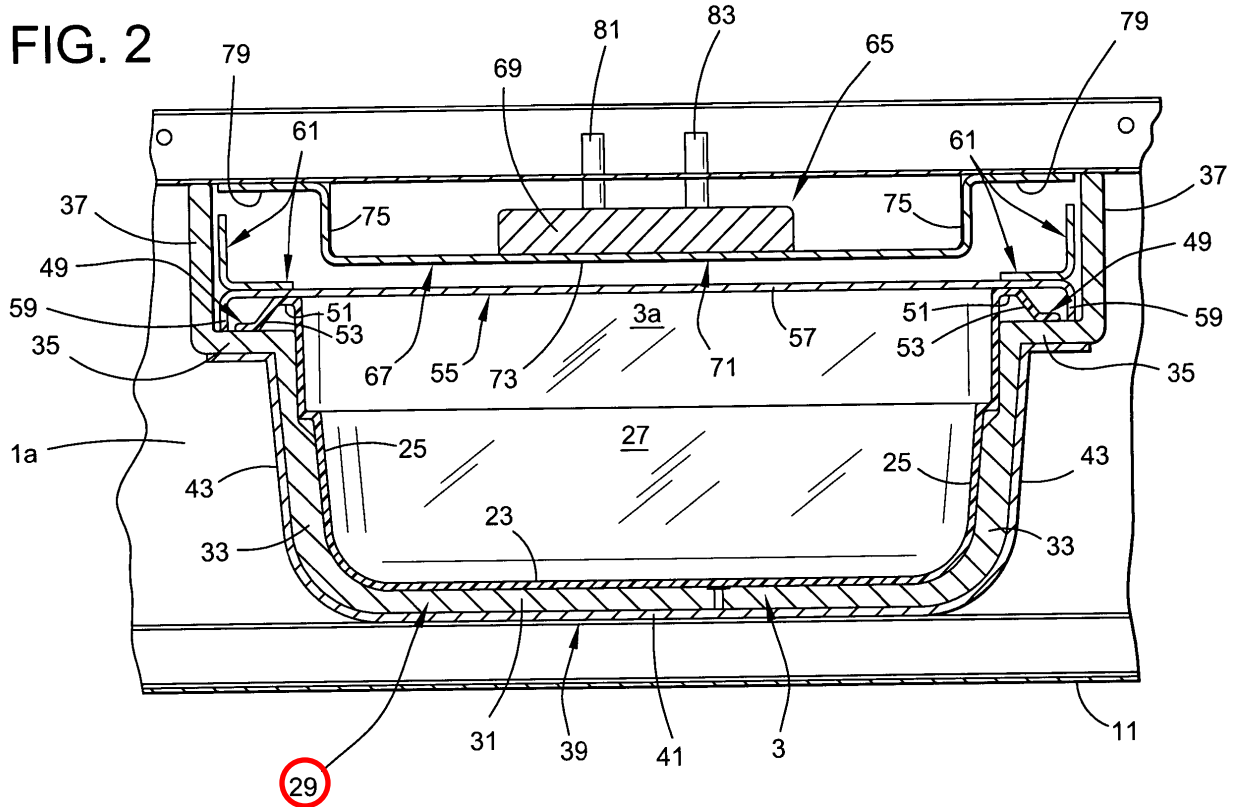


FIG. 2

EX1022: Fig. 2 (annotated).

1308. Shei'155 likewise teaches constructing its heat sink (29) out of aluminum. EX1016: ¶[0039] (“heat sink 29, which is made of aluminum”).



EX1016: Fig. 2 (annotated).

1309. It would have been obvious to make the upper plates of Fortmann'748's shelf and bottom panel out of aluminum as taught by Veltrop and/or Shei'155 because aluminum is a preferred material for such structures and "conducts heat well." EX1017: 3:32-33; EX1022: ¶[0023]; EX1020: ¶¶[0021]-[0023] (in the context of individually controllable heating zones A-C across a shelf (21), disclosing that "shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf 21 into the compartment"); EX1021: ¶¶[0020]-[0022] (in the context of

individually controllable heating zones A-C across a shelf (21), disclosing that “shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf 21 into the compartment”).

1310. Further, the use of aluminum, instead of heavier materials such as glass and stainless steel, would reduce the weight of the unit (making it easier to ship) and reduce cost.

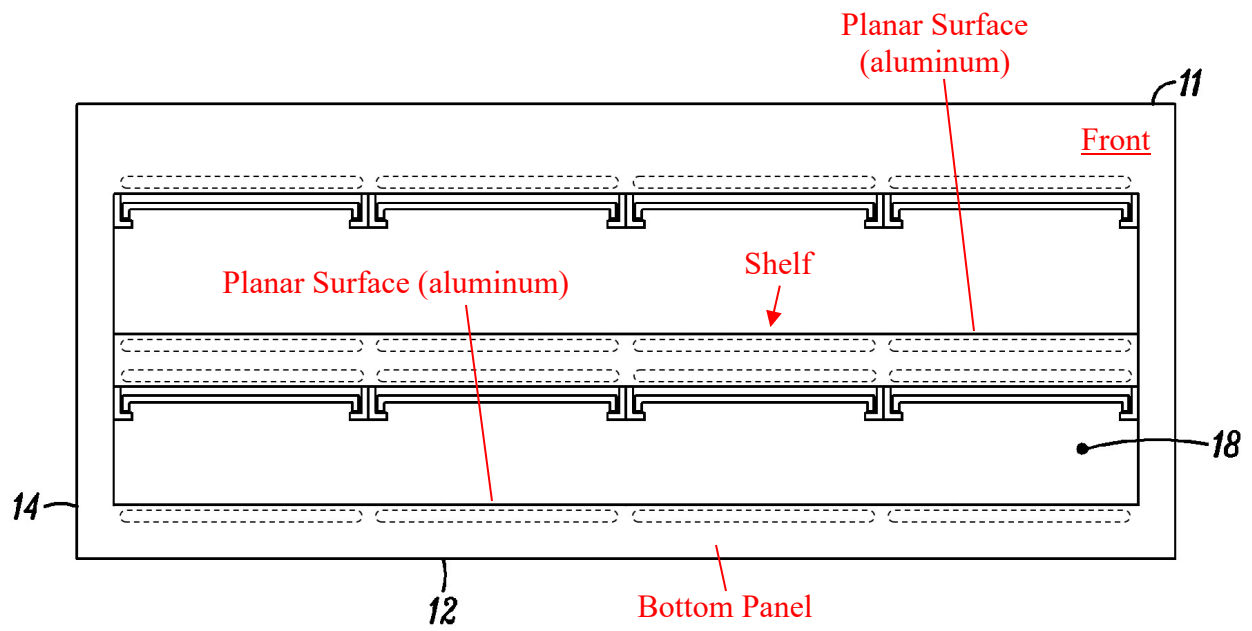
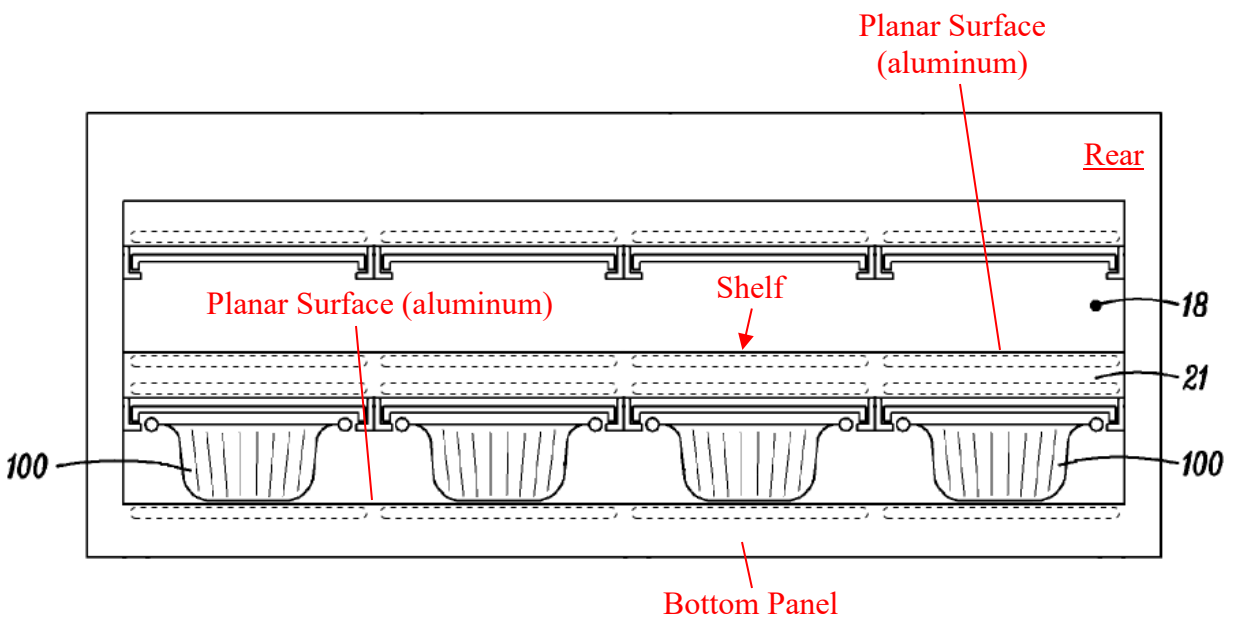
1311. This would have been nothing more than the use of a known technique (aluminum from Veltrop and Shei’155) to improve a similar device (the construction of Fortmann’748) in the same way (the use of a thermally conductive material for supporting food tray/pans for localized heating).

1312. There would have been a high expectation of success given (1) each of Fortmann’748, Veltrop, and Shei’155 are food warming cabinets, (2) the well-known suitability of aluminum in the art for heat sinks, including heat sinks with zoned heating. EX1006: 1 (“Anodized aluminum HeatSink”); EX1007: 53 (“HeatSink”); EX1016: ¶[0039] (“heat sink 29, which is made of aluminum”); EX1020: ¶[0021] (“shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf

21 into the compartment”); EX1021: ¶[0020] (“shelves 21 are preferably made from thermally conductive materials such as aluminum, copper or steel, so that the temperature of the food holding compartments 23 can be maintained by the transfer of heat from the shelf 21 into the compartment”); EX1022: ¶[0023] (“thermally-conductive plates 51 and 53 are preferably made of aluminum”).

1313. In making this modification, the upper plates (22) of the shelf (21) and the bottom panel (12) of Fortmann’748’s modified cabinet would be made of aluminum. The upper plate (22) of the shelf (21) forms the substantially planar surface of the first/upper food holding compartment and the upper plate of the bottom panel (12) forms of a planar surface of the second/bottom food holding compartment.

1314. A representation of the resulting modified cabinet of Fortmann’748 in a 2x4 configuration is demonstrated as follows:



EX1010: Figs. 2 and 6 (modified, annotated).

1315. The fact that the heatsinks span multiple heating zones which may have different temperature setpoints would not have discouraged the POSA from using thermally conductive materials generally, or aluminum more specifically.

1316. As demonstrated by U.S. Publication No. 2011/0114618 (“Chung”), the POSA knew that heat sinks with multiple heating zones could be made of aluminum. EX1020: ¶¶[0021]-[0023]. Specifically, the shelves (21) of Chung were made of aluminum despite that each of its shelves (21) was divided into three separately controlled temperature zones (A, B, C). EX1020: ¶[0021]; EX1020: ¶[0022] (“[t]emperature control of the separate zones A, B and C is accomplished by using separate temperature control elements in each zone, and which are thermally coupled preferentially to one zone over the others. By way of example, zone A in a first shelf has a heater embedded in the shelf and centered in the “A” zone. It therefore provides most of its heat output into the A zone.”).

XVIII. GROUND 15: Claims 43 and 51 Would Have Been Obvious Over Fortmann’748 in view of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, Prince Castle, Veltrop, and/or Shei’155

A. Claim 43: the food holding bin of claim 42, wherein the first, second, third, and fourth heating elements each comprise resistive wire

1318. As discussed above in Ground 13, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1319. The additional “wherein the first, second, third, and fourth heating elements each comprise resistive wire” limitation added in Claim 43 is identical in claim scope to the limitation added in Claims 3, 16, and 56.

1320. As discussed above in Paragraphs 1294-1304 with respect to Ground 14 Claims 3, 16, and 56, it would have been obvious to have each heater comprise a resistive wire in view of Veltrop and/or Shei’155.

1321. Accordingly, each limitation of Claim 43 is either disclosed in Fortmann’748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann’748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder,

Shei'099, Prince Castle, Veltrop, and/or Shei'155. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 43.

B. Claim 51: the food holding bin of claim 42, wherein the substantially planar surface comprises aluminum

1322. As discussed above in Ground 13, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, and/or Prince Castle to arrive at the claimed food holding bin of Claim 42.

1323. The additional “wherein the substantially planar surface comprises aluminum” limitation added in Claim 51 is identical in claim scope to the limitation added in Claims 11, 24, 39, and 64.

1324. As discussed above in Paragraphs 1314-1327 with respect to Ground 14 Claims 11, 24, 39, and 64, it would have been obvious to have the planar surfaces comprise aluminum in view of Veltrop and/or Shei'155.

1325. Accordingly, each limitation of Claim 51 is either disclosed in Fortmann'748 or would have been an obvious modification to the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Prince Castle, Veltrop, and/or Shei'155. As such, the POSA would have found it obvious to arrive at the food holding bin as claimed in Claim 51.

XIX. GROUND 16: Claim 29 Would Have Been Obvious Over Fortmann'748 in View of the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Shei'821, and/or Shei'155.

A. Claim 29: The food holding bin of claim 27, wherein the lid holding shelf comprises sheet metal.

1326. As discussed above in Ground 12, the POSA would have found it obvious to modify the multi-zone food holding bin of Fortmann'748 in view of the teachings and disclosures the IRHS Documents, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, and/or Shei'099 to arrive at the claimed food holding bin of Claim 27.

1327. Fortmann'748 does not expressly describe the material of the tracks (48), but the tracks are shown in the figures as an L-shaped flange or bracket, consistent with having been made from sheet metal. EX1010: ¶[0018], Figs. 1-6.

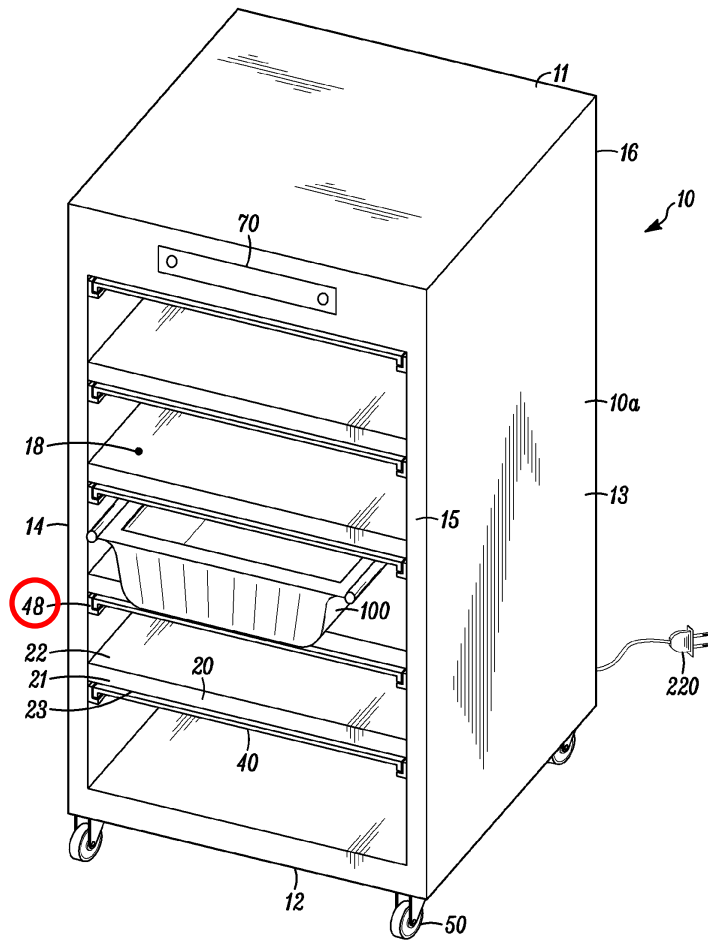


FIG. 1

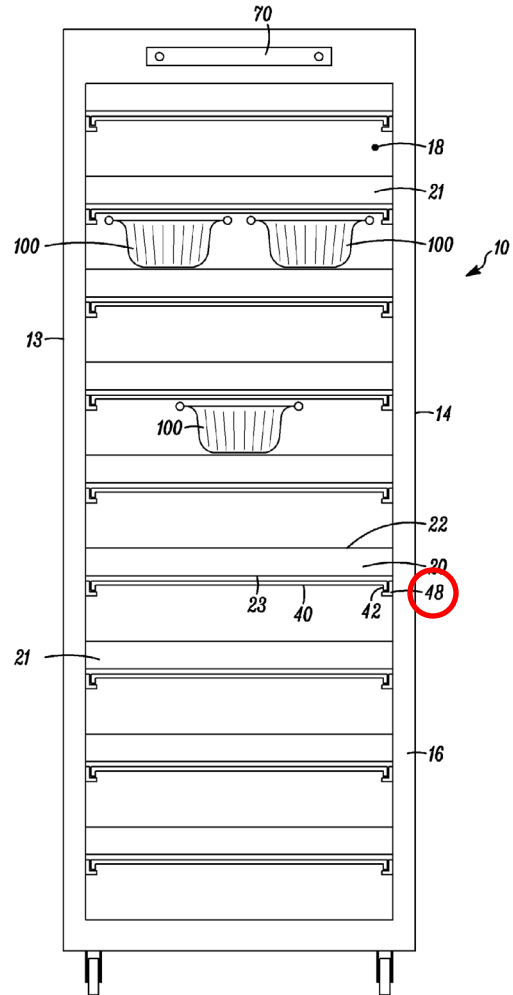


FIG. 6

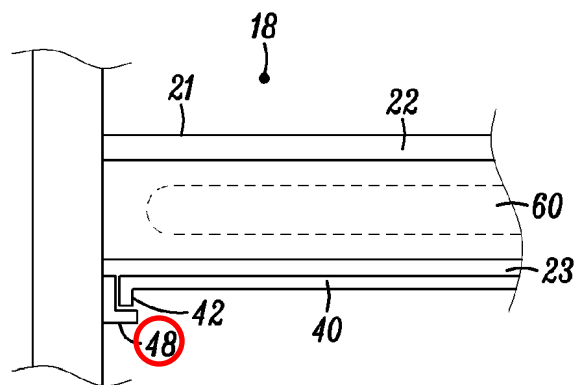
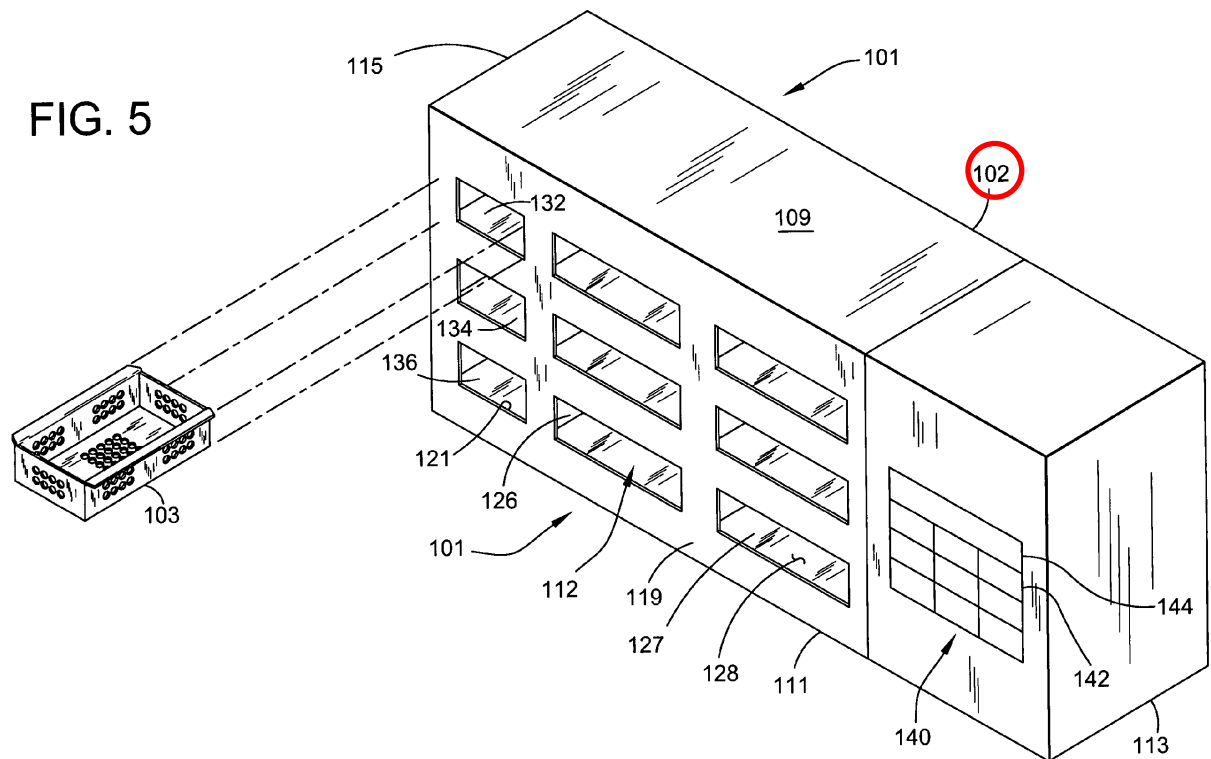


FIG. 3

EX1010: Figs. 1, 3, and 6 (annotated).

1328. Even to the extent that the POSA would not simply assume that Fortmann'748's lid-holding shelves were not already comprised of sheet metal, it would have still been obvious for the lid-holding shelves to comprise sheet metal in view of Shei'821 and/or Shei'155.

1329. Shei'155 (EX1016) teaches a holding cabinet (102) entirely fabricated by sheet metal. EX1016: ¶[0046] (“the entire cabinet 102 is fabricated of sheet metal”).



EX1016: Fig. 5 (annotated).

1330. Shei'821 (EX1011) teaches a pan storage apparatus (10) which lid supports (36A) for supporting lid (18) made out of sheet metal. EX1011: ¶¶[0024],

[0035], [0039] (“the cover supports 36A and the cover retainers 36B, including the keepers 36E, are formed as one piece of metal”).

1331. The lid supports (36A) are shown as thin bent sheets of material, and Shei’821 discloses the material as being metal. EX1011: ¶[0039], Figs. 1, 7, and 8.

FIG. 1

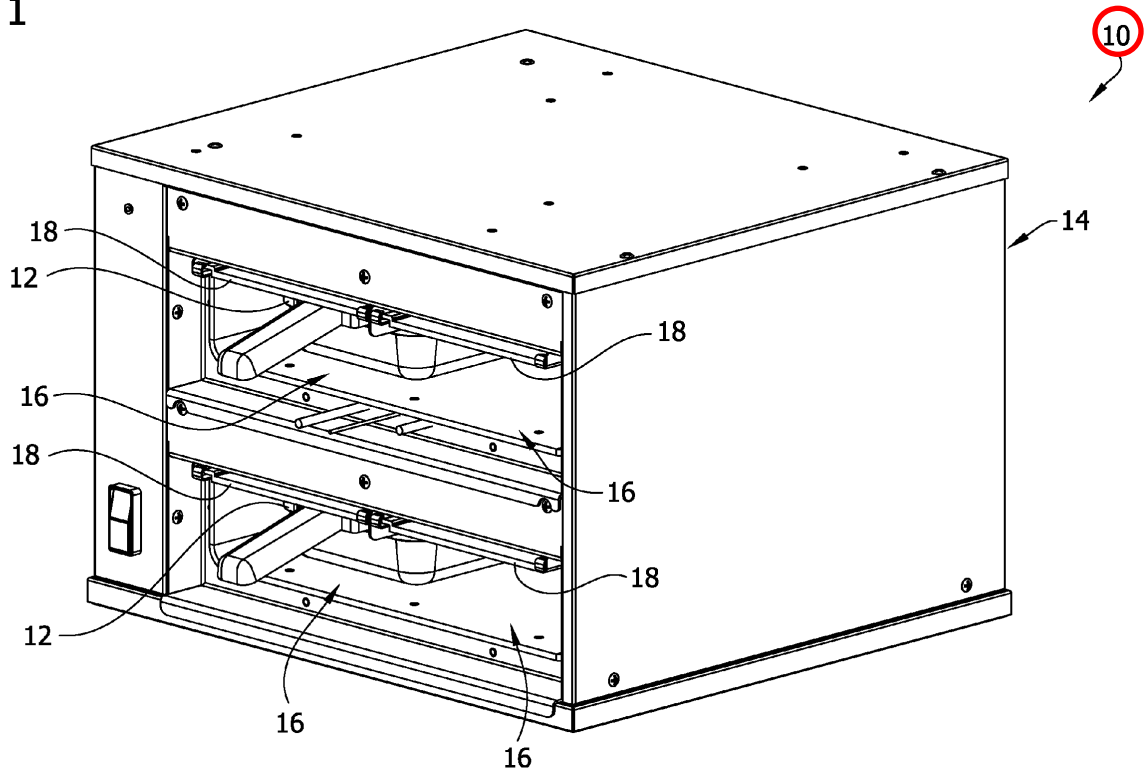


FIG. 7

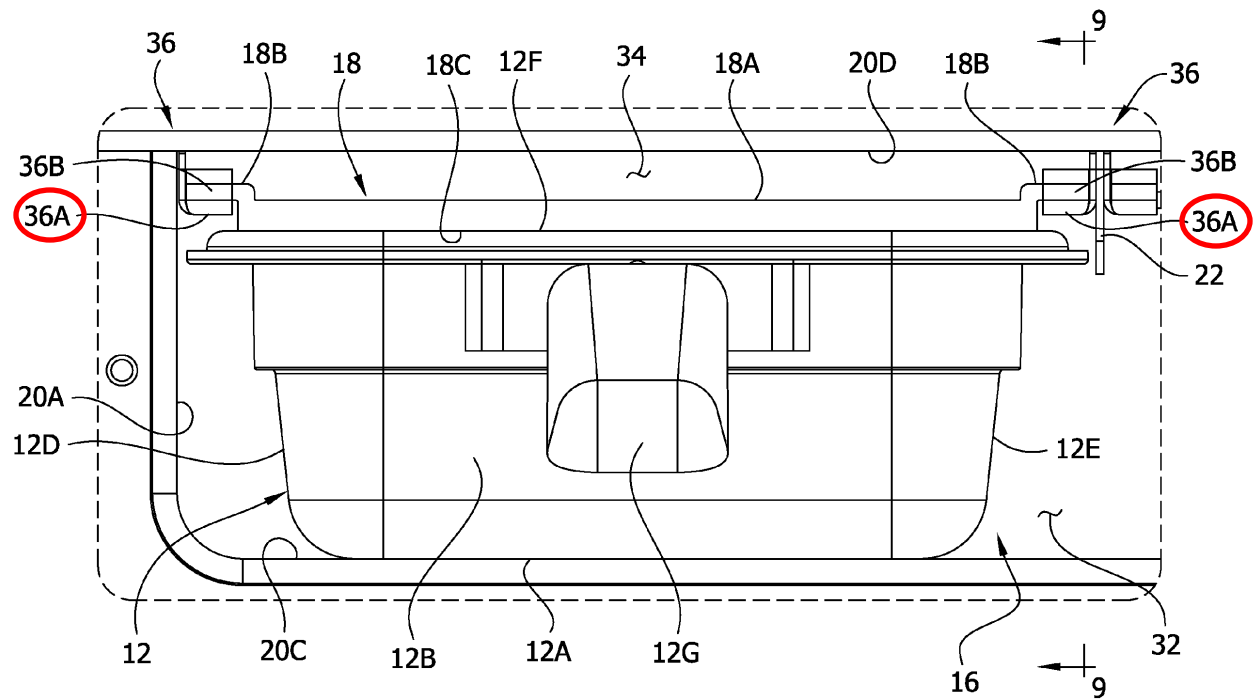
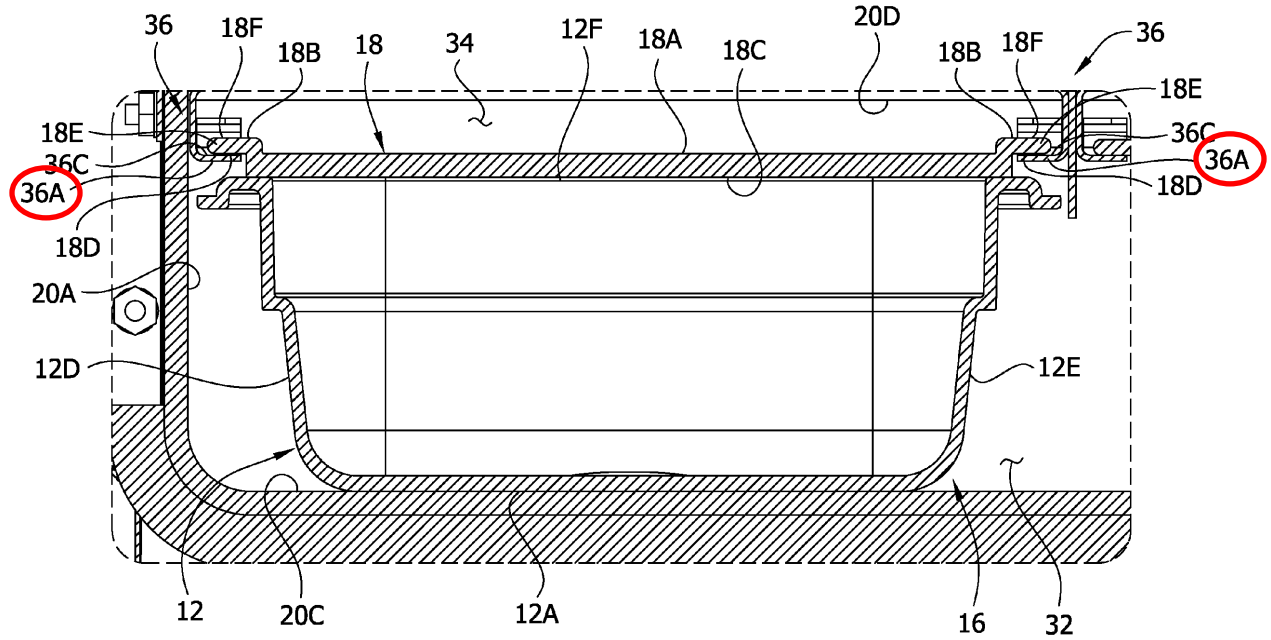


FIG. 8



EX1011: Figs. 1 (annotated).

1332. It would have been obvious to make Fortmann’748’s tracks out of sheet metal in view of Shei’821 and/or Shei’155. While Fortmann’748 does not expressly teach a material of its tracks, the POSA would understand from Shei’821 and/or Shei’155 that sheet metal is a suitable material and would have been a natural design choice for constructing Fortmann’748 cabinet and its tracks. EX1016: ¶[0046] (“the entire cabinet 102 is fabricated of sheet metal”); EX1011: ¶[0039] (“the cover supports 36A and the cover retainers 36B, including the keepers 36E, are formed as one piece of metal”).

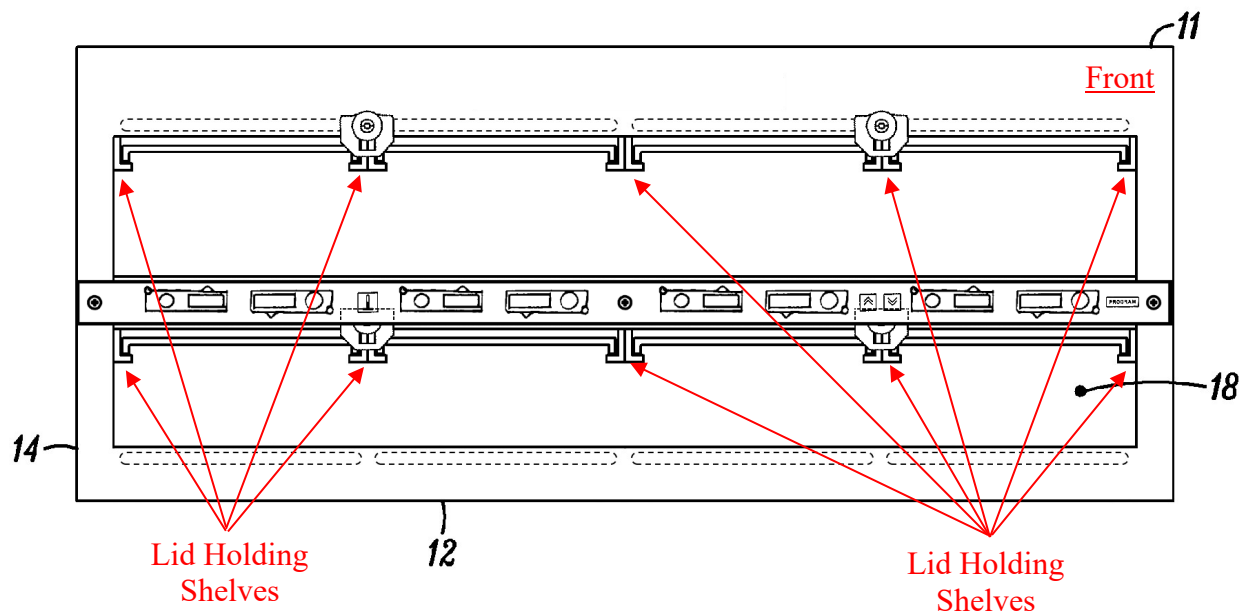
1333. This modification is nothing more than combining known elements (specifically, the inclusion of Fortmann’748’s lid-holding shelves with the use of sheet metal as the material of construction) according to known methods (the construction taught by Fortmann’748) to yield predictable results of sturdy and durable lid-holding shelves capable of supporting the lids.

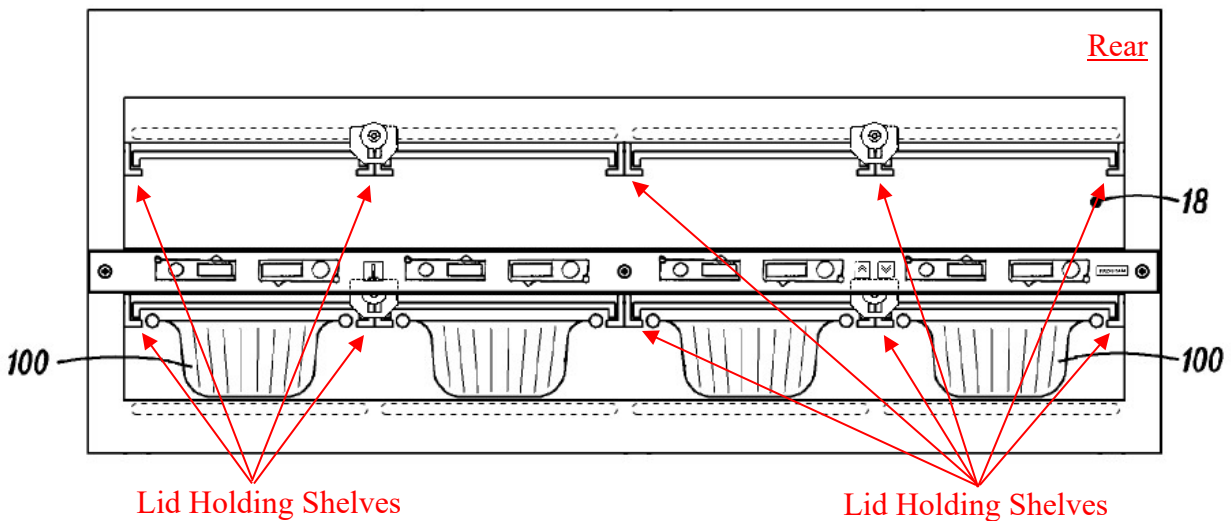
1334. This modification is also nothing more than the use of a known technique (using sheet metal) from a similar food holding unit in the same way to construct lid-holding shelves capable of supporting the lids.

1335. This modification is also nothing more than a simple selection of one known alternative (use of sheet metal) where Fortmann’748 does not expressly identify the material lid-holding shelves are made of.

1336. Given that the POSA would already have presumed that the Fortmann'748's lid-holding shelves were formed by bending pieces of sheet metal given their shape, the POSA would have had a high expectation of success forming Fortmann'748's tracks from sheet metal. EX1010: Fig. 3.

1337. In making this material selection/modification, each track (lid holding shelf) of Fortmann'748's modified cabinet would be made of sheet metal.





EX1010: Figs. 2 and 6 (modified, annotated).

1338. Accordingly, the POSA would have found it obvious to combine the teachings and disclosures of Fortmann’748, the IRHS Documents, Jones, Fortmann’197, Fortmann’967, McMillan, Vaseloff, Hartfelder, Shei’099, Shei’821, and/or Shei’155 to arrive at the food holding bin as claimed in Claim 29.

XX. Fortmann’197 is Supported by its Provisional Application

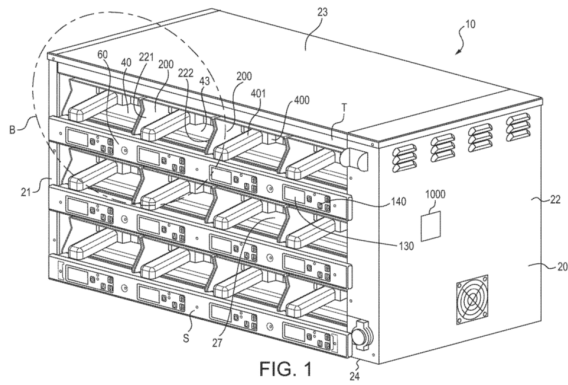
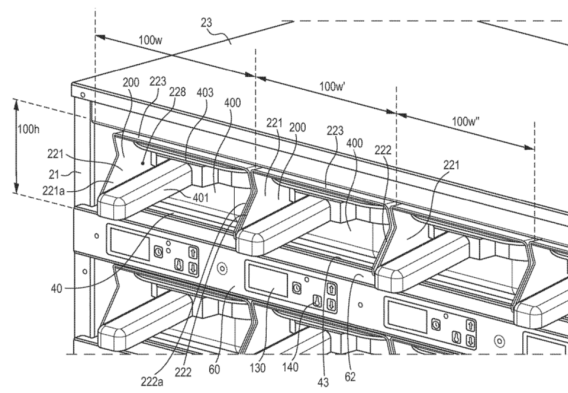
1339. I understand that the non-provisional application that issued as Fortmann’197 was filed after the earliest priority date of the ‘981 Patent. I also understand that Fortmann’197 claims priority to U.S. Provisional App. No. 62/193,992 (“the ‘992 Provisional”; EX1023), filed July 17, 2015, before the earliest priority date of the ‘981 Patent.

1340. I have been informed that because Fortmann'197 is relying on the filing date of its provisional application (the '992 Provisional) to qualify as prior art against the '981 Patent, the provisional application must describe the subject matter in Fortmann'197 used in the invalidity positions herein.

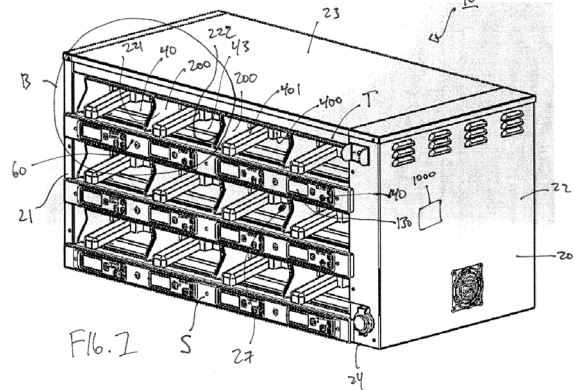
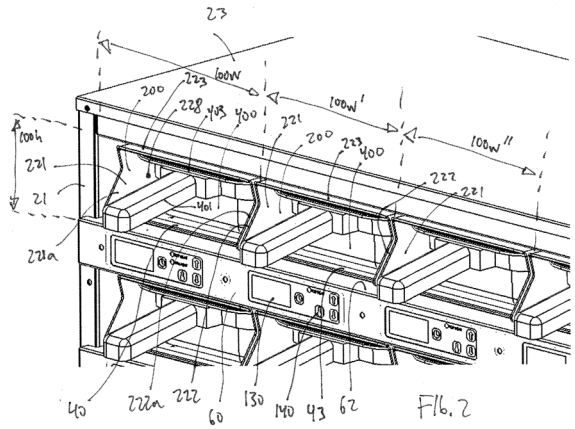
1341. In my opinion, the '992 Provisional describes the subject matter in Fortmann'197 forming the prior art invalidity positions described herein. The Fortmann'197's written description is essentially identical to the written description of the '992 Provisional. *compare* EX1014: 1:13-10:9 with EX1023: ¶¶[0001]-[0055].

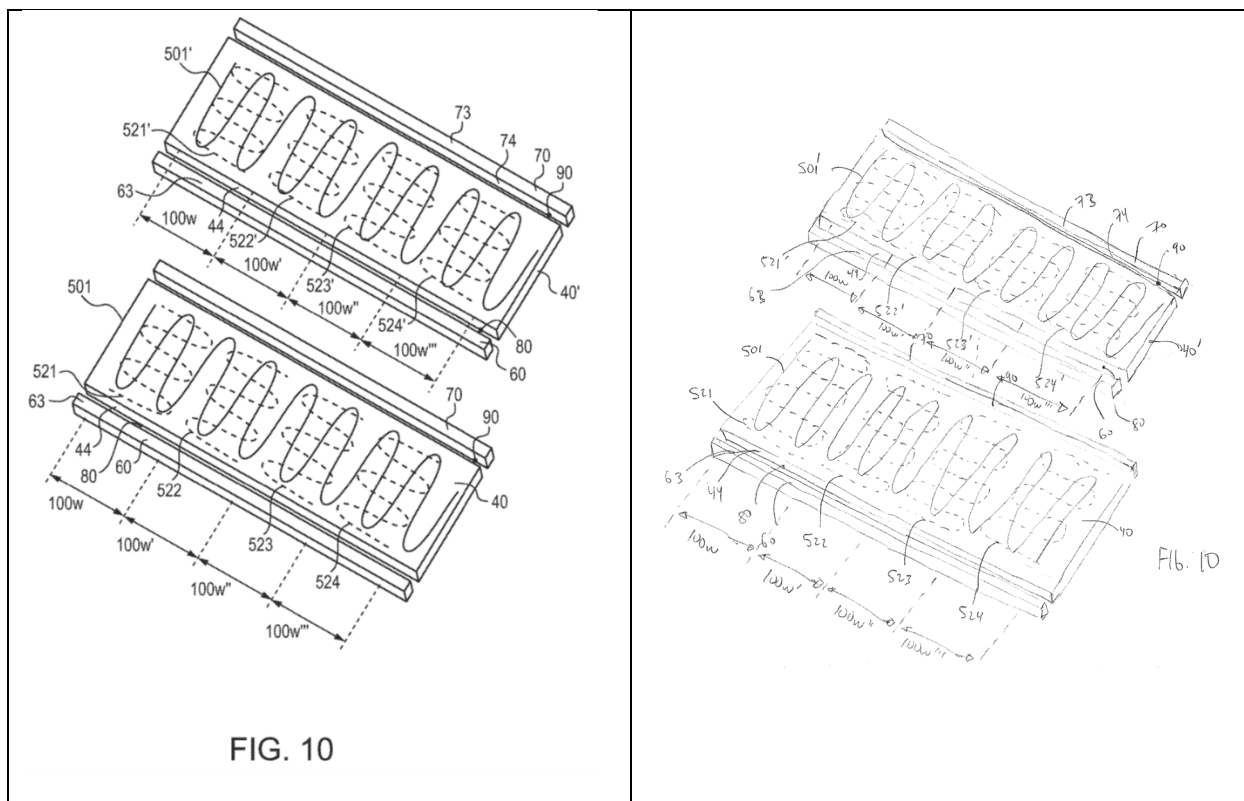
1342. In addition, the figures between Fortmann'197 and the '992 Provisional are generally identical. *compare* EX1014: Figs. 1-10 with EX1023: Figs. 1-10). A select sampling of these corresponding figures is provided below, which shows the figures being nearly identical (the main difference being the use of hand drawn reference numbers in the '992 Provisional):

Fortmann'197 Figures



'992 Provisional Figures





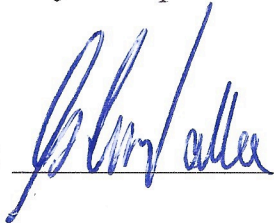
1343. Therefore, in my opinion, the '992 Provisional describes the subject matter relied upon in Fortmann'197 establishing the invalidity positions described herein.

1344. In signing this declaration, I recognize that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in this proceeding and that cross examination will take place within the United States. If cross examination is required of me, I will be available for any such cross examination.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of September, 2026.

By Glenn Vallee:



A handwritten signature in blue ink, appearing to read "Glenn Vallee", is written over a horizontal line.