

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COLLEGE PRODUCTS, INC.
Petitioner,

v.

INTIRION CORPORATION
Patent Owner

Case PGR2024-00003
Patent No. 11,674,745

**PETITIONER'S REPLY TO PATENT OWNER'S
PRELIMINARY RESPONSE**

EXHIBIT LIST¹

Exhibit No.	Description
1001	U.S. Patent No. 11,674,745
1002	Expert Declaration
1003	Prosecution File History, U.S. Patent No. 11,674,745
1004	Original Intirion Complaint Filed on June 8, 2022.
1005-1007	RESERVED
1008	U.S. Application No. 14/262,290 (“the ’290 Application”), published as U.S. Publication 2014/0251982.
1009	Exemplary embodiment Claim chart 1 sent by Intirion related to U.S. Patent No. 11,274,876
1010	RESERVED
1011	U.S. Application No. 12/317,632 (“the ’632 Application”) published as U.S. Publication U.S. Pub. 2009/0188911 (“Emma”)
1012	“ISDU: Integrated Smoke detector Unit for Commercial Microwave Ovens”, Cory Lloyd <i>et. al</i> , Northeastern University (2007). (“ISDU”)
1013	RESERVED
1014	U.S. Patent No. 4,496,817 to Smith (“Smith”)
1015	U.S. Patent No. 8,446,048 to Butt (“Butt”)
1016	Redline Comparison between 290 and Emma
1017-1019	RESERVED

¹ No exhibits are being filed with Petitioner’s Reply to the Patent Owner’s Preliminary Response.

Exhibit No.	Description
1020	U.S. Application No. 13/094,747 (“the ’747 Application”) published as U.S. Publication U.S. Pub. 2012/0276763A1 (“Quezada”)
1021	Scheduling Order for <i>Intirion Corporation v. College Products, Inc.</i> , 5:23-cv-04023-KEM, Dkt. 75.
1022	Amended Complaint filed by Initiron Corporation, 5:23-cv-04023-KEM, Dkt. 62.
1023	Supplemental Expert Declaration related to the 11,674,745 Petition

Petitioner respectfully submits this Reply to Patent Owner's Preliminary Response to Petition (Paper 7, hereafter "Response") to correct several blatant mischaracterizations of the Petition in Patent Owner's Response. The Board authorized this Reply in an email, dated March 6, 2024.

First, Patent Owner asserts the Petition's "full allegation" that Emma meets the "Withhold and Deliver Electrical Power" limitation is confined to one sentence and an improper incorporation of Dr. Horenstein's declaration. Response at 17-18. That is incorrect. The Petition describes in detail over five pages how this limitation is met by explaining that Emma (Ex. 1011) discloses a microwave microprocessor that is configured to manage power to a refrigerator and auxiliary outlets, including the hardware (e.g., Emma, Fig.4) and software logic decisions (e.g., Emma Figs. 6-7) to both withdraw and deliver power to those components in the appliance. Petition at 41-46. Everything the Board needs to determine that Emma meets this limitation is in the Petition at pages 41-46, and the Petition's showings are properly supported by Dr. Horenstein's expert opinions.

Second, Patent Owner asserts the Petition "failed to even allege" that the smoke sensor in ISDU/Smith/Butt is in operative connection with Emma. Response at 19-20, 29-30, 40. Patent Owner mischaracterizes the Petition by focusing solely on the smoke sensors disclosed in these three references. These three references teach much more than a smoke sensor. As explained in the

Petition, they teach smoke sensors used with microwaves and microwave control circuits (e.g., ISDU and Smith) or a smoke sensor used with kitchen appliance control circuits generally (e.g., Butt). Petition at 20-25. Thus, the Petition alleges these three references meet the “Smoke Sensor” limitation, including that their smoke sensors are in operative connection with a control circuit and cooking area. *Id.* at 46-52. The Petition then asserts that a POSITA would combine these disclosures (i.e., smoke sensor and functionality with a control circuit, including hardware and software) with Emma’s microwave. *Id.* at 68-81. This establishes a *prima facie* case of obviousness under Grounds 1-4.

Third, the Patent Owner asserts Petitioner has “failed to allege” ending a microwave operation prior to a set end time of a current cooking session. Response at 20. Again, that is not correct. The Petition argues ISDU meets the “Shut-Down Function” limitation and provides two quotes from ISDU that show that. Petition at 52-53.

Fourth, Patent Owner misleadingly asserts the Petition’s “full argument” that ISDU meets the “Reset Enable Function” limitation is confined to one sentence and an improper incorporation of Dr. Horenstein’s declaration. Response at 21-22. The Petition, however, argues ISDU discloses re-enabling the microwave after a shutdown, and then provides a direct quote from ISDU that shows exactly that. Petition at 56 (ISDU (Ex. 1012 at 8-9) disclosing “*Acknowledgement of the alarm*

state will reinstate all normal microwave functions and reset the smoke detector circuit for further use.”) (emphasis added). Everything the Board needs to determine ISDU meets this limitation is in the Petition, and the Petition’s showings are properly supported by Dr. Horenstein’s expert opinions.

Fifth, Patent Owner again mischaracterizes the Petition by claiming that in connection with the “Smoke Sensor” limitation, the Petition does not address Smith’s actual disclosure but rather relies on Figaro. Response at 28. The Petition, however, shows how Smith teaches gas detection for char/smoke/smolder and explains Smith’s disclosure with the teachings of Figaro. Petition at 47-50.

Sixth, Patent Owner asserts the Petition does not argue Smith discloses the “Shut-Down Function” limitation. Response at 30. This is another incorrect assertion from Patent Owner. The Petition argues Smith’s flow chart of Fig. 5 shows the instruction to turn off the microwave magnetron and blower, and highlights that function in the chart. Petition at 53-54.

Seventh, Patent Owner misleadingly suggests the Petition does not argue Smith discloses the Reset Enable Function. Response at 27, 31. The Petition, however, argues Smith teaches cycling power to the magnetron via relays. Petition at 58-59. It also argues that if the Board disagrees this disclosure does not meet the Reset Enable Function, it would have been obvious to modify Smith or Smith/Emma to include it based on that disclosure. *Id.* at 75-76.

Dated: March 8, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PETITIONER'S
REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE was served on
counsel of record on March 8, 2024, by electronic mail at the following address:

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