

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCO Brands Corporation and
ACCO Brands USA LLC
Petitioners

v.

Think Products, Inc.
Patent Owner

Case IPR2015-01146
Patent 8,717,758

PETITION FOR INTER PARTES REVIEW

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EXHIBITS

Exh. No.	Description
1001	Allen, U.S. Patent No. 8,717,758
1002	File history, U.S. Patent No. 8,717,758
1003	Allen, U.S. Patent No. 8,837,144
1004	File history, U.S. Patent No. 8,837,144
1005	Bill Phillips, PROFESSIONAL LOCKSMITHING TECHNIQUES, Chapter 5 (TAB Books 1991)
1006	Makous, U.S. Patent No. 5,050,836
1007	Allen, U.S. Patent No. 8,139,356
1008	McDaid, U.S. Patent No. 6,360,405
1009	Chen, U.S. Patent No. 5,829,280
1010	Cheng, U.S. Patent No. 5,447,045
1011	Mick Friend, ENCYCLOPEDIA FOR LOCKSMITHS (Authors OnLine Ltd. 2004)
1012	Lee, U.S. Patent No. 7,073,358
1013	ClickSafe video
1014	ClickSafe video images
1015	Declaration of Robert Humphrey
1016	Screenshot of <i>www.clickittokeepit.com</i> web page dated October 16, 2010
1017	Screenshot of <i>www.clickittokeepit.com</i> web page dated September 3, 2011
1018	Screenshot of <i>https://www.youtube.com/watch?v=CgdVMaOeNrow</i> web page
1019	Murray, U.S. Patent No. 5,506,989

Exh. No.	Description
1020	Think Products Infringement Contentions
1021	Declaration of Ryan White

Petitioners request Inter Partes Review of claims 1-7, 9-14, and 16 of U.S. Patent No. 8,717,758 (the “’758 patent,” Ex. 1001). These claims relate to a locking assembly for a portable electronic device such as a laptop computer.

I. MANDATORY NOTICES AND FEE PAYMENT AUTHORIZATION

A. Real Party-in-Interest

The real parties-in-interest, on whose behalf this petition is filed, are Petitioners ACCO Brands Corporation and ACCO Brands USA LLC, both of Lake Zurich, Illinois.

B. Related Matters

On November 12, 2014, a complaint was filed in the U.S. District Court for the Eastern District of New York alleging that the Petitioners infringe the ’758 patent. *Think Products, Inc. v. ACCO Brands Corp.*, Case No. 2:14-cv-06659 (E.D.N.Y.). The complaint was served on the Petitioners on December 8, 2014.

Petitioners are concurrently filing a petition for inter partes review of Ex. 1003, U.S. Patent No. 8,837,144, which is a continuation of Ex. 1001, the ’758 patent.

C. Lead and Back-up Counsel and Service Information

Lead and back-up counsel are identified in the signature block at the end of this petition. Service may be made upon such counsel by directing papers to the indicated addresses (including email).

D. Fee Payment Authorization

Payment of the required fees is submitted in accordance with 37 C.F.R §§ 42.103 (a) and 42.15 (a). If payment of any additional fees is due during this proceeding, the Patent Office is authorized to charge such fees to Deposit Account No. 13-2855 under Order No. 32160/10003, and credit any overpayment to the same account.

II. GROUNDS FOR STANDING

The petitioner hereby certifies that the '758 patent is available for inter partes review, and that the Petitioners are not barred or estopped from requesting an inter partes review of the patent.

III. STATEMENT OF PRECISE RELIEF REQUESTED

The Petitioners request that claims 1-7, 9-14, and 16 of U.S. Patent No. 8,717,758 (the “’758 patent,” Ex. 1001) be canceled based on the following grounds of unpatentability.

Ground 1: Claims 1-7, 9-14, and 16 would have been obvious under 35 U.S.C. § 103 over McDaid, U.S. Patent No. 6,360,405 (Ex. 1008) and Chen, U.S. Patent No. 5,829,280 (Ex. 1009);

Ground 2: Claims 1-7, 9-14, and 16 would have been obvious under 35 U.S.C. § 103 over McDaid (Ex. 1008) and Cheng, U.S. Patent No. 5,447,045 (Ex. 1010);

Ground 3: Claims 1-7, 9-14, and 16 would have been obvious under 35

U.S.C. § 103 over McDaid (Ex. 1008) and Lee, U.S. Patent No. 7,073,358 (Ex. 1012);

Ground 4: Claims 1-7, 9-13, and 16 are anticipated under 35 U.S.C. § 102 by the ClickSafe video (Ex. 1013); and

Ground 5: Claim 14 would have been obvious under 35 U.S.C. § 103 over the ClickSafe video (Ex. 1013) and McDaid (Ex. 1008).

IV. FIELD OF THE INVENTION AND LEVEL OF SKILL IN THE ART

The '758 patent, entitled "Locking Assembly for Electronic Tablet and Other Devices," relates to locking assemblies for tablet computers, smart phones, e-readers, laptop computers, and other hand-held electronic devices. Ex. 1001, '758 patent at 1:30-41.

A declaration of Ryan White (Ex. 1021) is submitted in support of the Petition. Mr. White received a B.S. in Industrial Design in 2001 and has 14 years of experience in designing products, including several years of experience designing and developing computer lock products for the Petitioners. Mr. White is also a named inventor on at least 48 issued patents and pending applications, relating to subject matters including locking devices for portable electronic devices. Ex. 1021, White Decl. ¶¶ 5-12.

A person of ordinary skill in the art pertaining to the '758 patent ("POSA") would have at least an undergraduate degree in industrial design or mechanical

engineering, and about two years of experience designing locking devices for portable electronic equipment such as laptop computers, or equivalent experience.

Ex. 1021, White Decl. ¶¶ 13, 14.

Based on Mr. White's skills and experience, he has greater than ordinary skill in the art and is well qualified to testify as to what would be known and understood by POSA at all times relevant to this Petition.

V. CLAIMS OF THE '758 PATENT, CLAIM CONSTRUCTION, AND EFFECTIVE FILING DATE

A. General Description of Claims

The '758 patent contains 16 claims, of which claims 1 and 16 are independent. Claim 1 recites a locking assembly for securing a portable electronic device; claim 16 recites a method for securing a portable electronic device. Claim 1 is representative of the claimed subject matter and reads as follows:

1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising:
[b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is passed through the at least one housing to anchor the captive security rod thereto;

[c] said captive security rod partially in said at least one housing and partially out of said at least one housing during and before locking use; and

[d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device.

Ex. 1001 at 19:18-34.

B. Claim Construction

Below is a table of claim terms with proposed constructions, followed by a discussion of the broadest reasonable interpretation for each term.

No.	Claim Term	'758 Claims	Construction
1	<i>wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the [installed] security rod and portable electronic device to the locking device</i>	1-15	the locking device has an opening into which the locking end of the captive security rod fits, and upon insertion of the captive security rod in the locking device, the rod becomes locked in the locking device

No.	Claim Term	'758 Claims	Construction
2 ¹	[intentionally omitted]		
3	<i>means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object</i>	2-4	<p>Construe under 35 U.S.C. § 112, ¶ 6</p> <p><u>Function</u>: securing the locking device, the captive security rod, and the portable electronic device to a substantially non-movable object.</p> <p><u>Structure</u>: includes a cable or lanyard.</p>
4	<i>wherein the small knob that is captured and held by the locking mechanism at locking actuation</i>	6	wherein the knob is captured and held by the locking mechanism at locking actuation
5	<i>said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing</i>	10	the captive security rod extends out of the housing
6	<i>[said captive security rod] operates to extend in a deployed position out of a surface of said second housing.</i>	11	the captive security rod extends out of the second housing
7	<i>pin lock</i>	14	a lock with a mechanism that uses pins of varying lengths to prevent the lock from unlocking without the correct key
8	<i>The locking assembly as set forth</i>	13	The locking assembly as

¹ Term 2 was intentionally omitted for consistency with the numbering of claim terms in Ex. 1021, White Decl., which also addresses U.S. Patent No. 8,837,144, a continuation of the '758 patent.

No.	Claim Term	'758 Claims	Construction
	<i>in claim 2</i>		set forth in claim 3
9	<i>base plate</i>	12	a security plate to which a computer or other object is attached

Ex. 1021, White Decl. ¶ 32.

Term 1 recites: *wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device.* The feature of the invention recited in Term 1 is not depicted in any of the patent Figures 1-65. However, based on the claim language, POSA would understand that the broadest reasonable interpretation this term should be as follows: the locking device has an opening into which the locking end of the captive security rod fits, and upon insertion of the captive security rod in the locking device, the rod becomes locked in the locking device. Ex. 1021, White Decl. ¶¶ 33, 34.

Term 3 recites, in claims 2-4: *means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object* This term should be interpreted as a means-plus-function term under 35 U.S.C. § 112, ¶ 6, because it recites the term “means” following by functional language. The function

recited in the term is securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object. The structure for performing the recited function must include “a cable or a lanyard,” because dependent claim 3 recites that “the means for securing is a cable or lanyard.” For purposes of the IPR, the Board does not need to determine what other structures (if any) may be within the scope of this term. Ex. 1021, White Decl. ¶¶ 35, 36.

Term 4 recites, in claim 6: *wherein the small knob that is captured and held by the locking mechanism at locking actuation*. The meaning of this term is unclear due to the two words emphasized by underlining above. First, the term refers to a “small” knob, however, claim 5 from which claim 6 depends recites a “knob,” but not a “small” knob. For that reason, the word “small” in the claim appears to be an error. Second, the meaning of this term is unclear because the word “that” between “knob” and “is” also appears to be an error. However, under the broadest reasonable interpretation standard, this term may be interpreted as POSA would understand that it was probably intended to read: “wherein the knob is captured and held by the locking mechanism at locking actuation.” Ex. 1021, White Decl. ¶ 37.

Term 5 recites: *said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing*. Similarly, Term 6

recites that said captive security rod *operates to extend in a deployed position out of a surface of said second housing*. The phrase “deployed to extend” in Term 5 and the phrase “operates to extend” in Term 6 suggest that after the captive security rod is installed in the housing, the rod is movable between retracted and extended positions. These features are not shown in any of Figs. 1-65 or described in the Detailed Description of the patent, however, the specification states as follows:

The captive security rod, upon anchoring to the at least one housing of the portable electronic device, is stored in a recess and *grasped to deploy in an extended position*.

The locking end of the captive security rod *operates to collapse* into the at least one housing during non-use.

Ex. 1001, 758 patent at 5:32-36 (emphasis added). This language also suggests that the captive security rod is movable between retracted (collapsed) and extended positions after it has been installed, however, the broadest reasonable construction may read on a captive security rod that is not necessarily moveable. Accordingly, this Petition relies on the following construction for both Terms 5 and 6: “the captive security rod extends out of the housing.” Ex. 1021, White Decl. ¶¶ 38, 39.

Term 7 recites a *pin lock*. The term *pin lock* should be interpreted according to its ordinary meaning to POSA: a lock with a mechanism that uses pins of varying lengths to prevent the lock from unlocking without the correct key. Ex.

1021, White Decl. ¶ 40; *see* Ex. 1005, Bill Phillips, PROFESSIONAL LOCKSMITHING TECHNIQUES, Chapter 5 (TAB Books 1991).

Term 8 recites, in claim 13: “[t]he locking assembly as set forth in claim 2 wherein the cable or lanyard has a loop.” This claim language indicates that claim 13 depends from claim 2, referring to “the cable or lanyard” of that claim; however, claim 3, not claim 2 recites a “cable or lanyard.” Accordingly, the reference to claim 2 appears to be an error, and the broadest reasonable interpretation of this term should correct that apparent error; claim 13 should be construed as referring to and depending from the locking assembly of claim “3.” Ex. 1021, White Decl. ¶ 41.

Term 9 recites a *base plate*. The term *base plate* should be interpreted according to its ordinary meaning to POSA: a security plate to which a computer or other object is attached. Ex. 1021, White Decl. ¶ 42; *see* Ex. 1006, Makous, U.S. Patent No. 5,050,836 at 3:63-4:10; Figs. 1-2 (describing a “cable security system” for locking a computer or other portable equipment to a base plate 22 with a security cable).

The remaining terms of the challenged claims should be construed according to their ordinary meaning to POSA and do not require any further discussion. Ex. 1021, White Decl. ¶ 43.

C. Effective Filing Date

For a claim in a later-filed application to be entitled to the benefit of the filing date of an earlier-filed application under 35 U.S.C. § 120, the earlier-filed application (as well as any intervening applications) must provide support for each limitation contained in the claim, as required by the written description requirement of 35 U.S.C. § 112. *Lockwood v. Am. Airlines, Inc.*, 107 F.3d 1565, 1571-72 (Fed. Cir. 1997). It is not sufficient for an element or limitation to be obvious or apparent from the prior application. “Rather, a prior application itself must describe an invention, and do so in sufficient detail that one skilled in the art can clearly conclude that the inventor invented the claimed invention as of the filing date sought.” *Lockwood*, 107 F.3d at 1572.

The earliest date to which the ’758 patent claims priority benefit is May 10, 2004. Grounds 1 and 2 exclusively rely on patents and printed publications that are prior art to the ’758 patent under 35 U.S.C. § 102(b), assuming that the challenged claims are all entitled to the claimed benefit date of May 10, 2004.

As shown below, however, the challenged claims are not entitled to a priority benefit date earlier than February 18, 2011 (the filing date of the application that issued as U.S. Patent No. 8,223,488, of which the ’758 patent is a continuation). The subject matter of these claims was not described in earlier applications to which the ’758 Patent claims priority. In particular, these claims are

not described in the application that issued as Ex. 1007, U.S. Patent No. 8,139,356, of which the '488 patent is a continuation-in-part. *See* Ex. 1001 at 1:6-28; Ex. 1021, White Decl. ¶¶ 44-62. Accordingly, Grounds 3-5 also rely on patents and printed publications that are prior art relative to the February 18, 2011, priority date.

Descriptive support for Claims 1-7, 9-14, and 16 of the '758 patent is not found in either the text or Figs. 1-58² of Ex. 1007, the '356 patent. For example, the figures and text do not depict or describe a locking assembly including a captive security rod having a locking end and an anchoring end; the captive security rod partially in a housing of an electronic device and partially out of the housing; and a locking device with a locking mechanism including an opening to receive the locking end of the captive security rod, where the insertion of the locking end of the captive security rod in the opening activates and locks the locking mechanism, as recited in the claims. Ex. 1021, White Decl. ¶ 48.

Most of the patent figures and accompanying text of the '356 patent depict and describe embodiments of locking devices completely unrelated to the claims of the '758 patent. Figs. 1-27 depict various locking *cases* for securing electronic devices. Figs. 32-58 depict “strip locks” inserted into the hinge of various

² Figs. 1-58 of the '356 patent are identical to Figs. 1-58 of the '758 patent.

electronic devices to secure them. Ex. 1021, White Decl. ¶¶ 49, 50.

Figs. 28-31 may appear to be more pertinent to the claims of the '758 patent, because they depict laptop (notebook) computers with protrusion spikes, spikes, ferrules, or a padlock shackle that extend through one or more surfaces of housings of a laptop computer. However, as discussed below, none of these embodiments of locking devices depicts a captive security rod as recited in each of the claims of the '758 patent (even though the specification uses the term “captive security rod 291” in connection with some of these embodiments). Ex. 1021, White Decl. ¶ 51.

Fig. 28 depicts a laptop computer with three “through holes” that extend through the lower housing of the laptop. *See* Ex.1007, '356 patent at 10:52-57. Fig. 28 does not depict any locking device, but appears to be related to the embodiments shown in Figs. 28A-D, discussed below, which involve locking devices used in combination with various holes in laptop housings. Ex. 1021, White Decl. ¶ 52.

Fig. 28A depicts an embodiment in which a padlock is used to lock the laptop, by inserted a padlock shackle (hasp 506) through holes in both the upper and lower housings of a laptop computer:

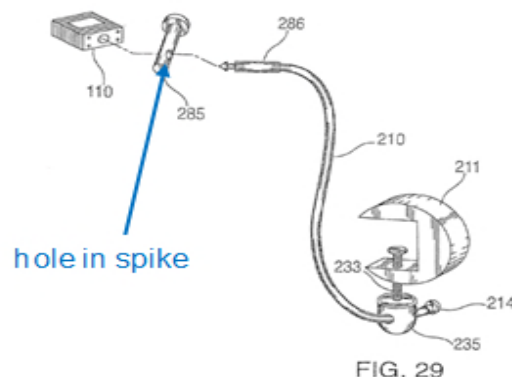
See Ex.1007, '356 patent at 10:58-63. This embodiment does not involve any captive security rod that is installed in a housing of the laptop or that extends out of the housing, or any locking device that receives a locking end of a captive security rod, as recited in the claims of the '758 patent. Instead, in this embodiment a padlock shackle is extended through the housing and locked to the padlock. Ex. 1021, White Decl. ¶ 53.

Figs. 28B-D (Fig. 28C reproduced below) depict a laptop computer that is secured by a locking device inserted through a “through hole 517” in the upper-right corner of a laptop housing:

See Ex. 1007, '356 patent at 11:4-13. Ex. 1021, White Decl. ¶ 54.

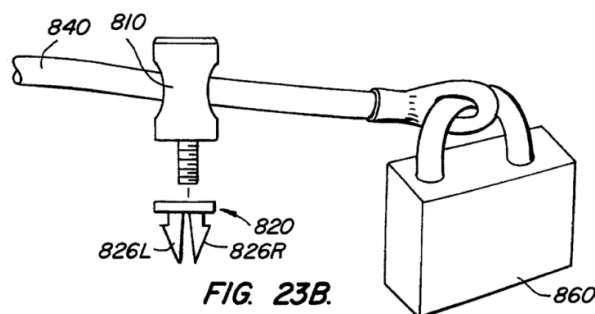
The apparatus of Figs. 28C-D is locked by inserting ferrule 286 through hole 517, and engaging the ferrule 286 into pin lock 110, which is placed behind the laptop upper housing. Ex. 1007, '356 patent at 11:7-10; Figs. 28C, 28D. Similar to the padlock embodiment of Fig. 28A, this embodiment does not involve any captive security rod that is installed in a housing of the laptop or that extends out of the housing, or any locking device that receives a locking end of a captive security rod. Instead, in these embodiments a ferrule is extended through the housing and locked to a pin lock, and Figs. 28B-C illustrate that the ferrule 286 extends freely through hole 517 in the housing. The ferrule 286 is not depicted or described as being fixed, installed, or captive in the housing. Ex. 1021, White Decl. ¶ 55.

Fig 29 depicts a locking rod or spike 285, “which is inserted through any of the three hole locations discussed” (apparently referring to the three holes in a laptop housing depicted in Fig. 28, and perhaps to the additional holes depicted in Figs. 28A-D). Ex. 1007, '356 patent at 11:19-20; Ex. 1021, White Decl. ¶ 56.



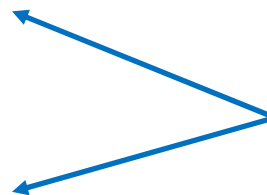
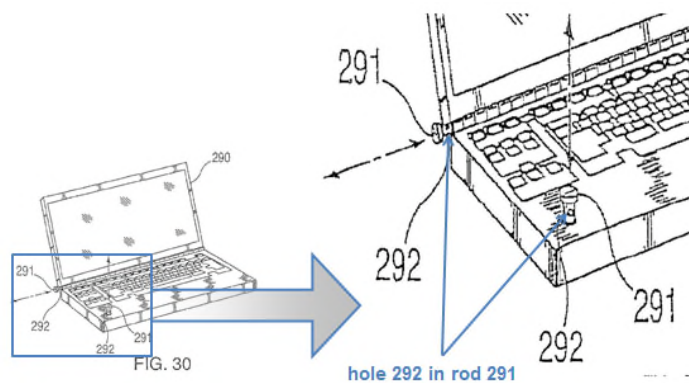
The locking rod or spike 285 of Fig. 29 is not a captive security rod as recited in the claims of the '758 patent. The spike 285 is inserted through a hole in a laptop housing, but is not inserted into the opening of a locking mechanism as the recited captive security rod; instead in the embodiment of Fig. 29, the laptop is secured by inserting a ferrule 286 through a hole in the spike (identified in blue annotation above), and then engaging the ferrule 286 into the pin lock 110. This arrangement is similar to the embodiments of Figs. 28A-D, except that the ferrule extends through a transverse hole in a spike, instead of through a laptop housing. Ex.1007, '356 patent at 11:19-22; Ex. 1021, White Decl. ¶ 57.

The Patent Owner admitted that any embodiment with a spike and ferrule as shown in Fig. 29 is not within the scope of the claims, by arguing during prosecution of the '758 patent that the pending claims were not obvious over Ex. 1019, Murray, U.S. Patent No. 5,502,989. The Patent Owner distinguished the pending claims from a disclosure in Murray of “a locking member 840 (cable) [] inserted into a hollow member 810,” as shown in Fig. 28B of Murray:



Ex. 1002 at 942, Amendment dated November 22, 2013; Ex. 1019, Fig. 23B. Any argument by the Patent Owner that a spike and ferrule embodiment discloses the claimed invention would directly contradict this argument made during prosecution.

Additional variations of the “spike” and ferrule embodiment of Fig. 29 are depicted in Figs. 30 and 31 (with blue annotations added):



Ex.1007, '356 patent at 11:28-47; Ex. 1021, White Decl. ¶ 58.

In the embodiment of Fig. 30, the separate spike 285 is replaced by what the '356 patent refers to as a “captive security rod, 291.” Despite the use of the term

“captive security rod,” the “captive security rod 291” is *not* a captive security rod as recited in the claims of the ’758 patent. The “rod 291” is apparently described as “captive” because, unlike the embodiments of Figs. 28A-D in which a ferrule moves freely through a hole in a laptop housing, the rod 291 is mounted (i.e., “captive”) in the laptop housing. The rod 291 is also designed to be “stored in a recessed position with only a small knob protruding so that [it] may be easily grasped to unlock into [an] extended position” for use in locking the laptop. Ex.1007, ’356 patent at 11:28-36. Similar to the spike 285 of Fig. 29, the rod 291 is not inserted into the opening of a locking mechanism as recited in the claims of the ’758 patent. Instead, in the embodiment of Fig. 30, “[f]errule 286 and lock 110 are then used in the same manner as with the separate spike 285” of Fig. 29, that is, the laptop is secured by inserting ferrule 286 *through a hole (292) in the rod 291* (identified in blue annotation above), and then engaging the ferrule 286 into the pin lock 110. Ex.1007, ’356 patent at 11:28-38; Ex. 1021, White Decl. ¶ 59.

Fig. 31 depicts “another spike variation,” similar to Fig. 30, in which “long spike 296” is inserted through the housing of a laptop, and the laptop is secured by inserting a transverse pin 299 through a transverse hole 297 of the spike 296 (with transverse hole 297 shown locked from below the laptop housing and table in Fig. 31, in contrast to the transverse hole shown only above the laptop housing in Fig. 30), and then inserting the transverse pin 299 into a pin lock 110. Ex.1007, ’356

patent at 11:38-45. As in the embodiments of Figs. 28-30, spike 296 of Fig. 31 is not a “captive security rod” as recited in the claims of the ’758 patent. Spike 296 is not inserted into the opening of a locking mechanism as the recited captive security rod, and instead is secured by using a transverse pin and pin lock. Ex. 1021, White Decl. ¶ 60.

Aside from the figures and text of the ’356 patent discussed above, none of the other text or figures of the patent depicts or describes the subject matter of the claims of the ’758 patent. For these reasons, POSA would understand that the earlier ’356 patent does not include a description of the subject matter of any claims of the ’758 patent, and the challenged claims are not entitled to an effective filing date earlier than February 18, 2011. Ex. 1021, White Decl. ¶¶ 61, 62.

VI. DESCRIPTION OF THE PRIOR ART RELIED ON IN THE PETITION

A. General State of the Art

As of 2004, cable lock security devices for use with laptop computers or other portable electronic devices were well known in the art. In 1992, Kensington (which is part of Petitioner ACCO Brands Corporation) first introduced the MicroSaver[®] line of computer locks. These locks included a cable connected to a lock mechanism. The cable was designed to be wrapped around a substantially immovable object (such as a table). MicroSaver locks are still marketed by Kensington today. Ex. 1021, White Decl. ¶¶ 63, 64.

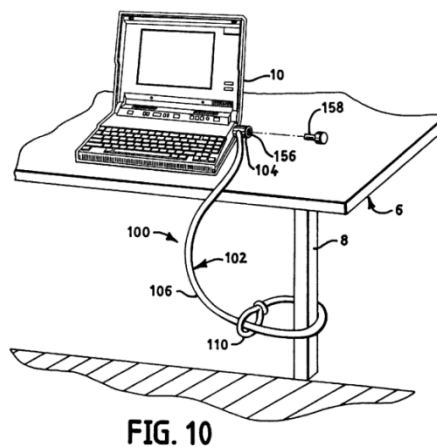
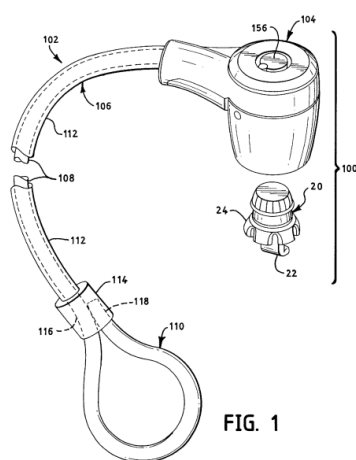
The lock mechanism included a lock designed to engage a slot in the housing of a computer. To unlock the computer, the lock is removed from the slot. These security slots have been included in many laptop computers, and are sometimes referred to as “Kensington Security Slots.” Ex. 1021, White Decl. ¶ 65.

B. McDaid, U.S. Patent No. 6,360,405 (Ex. 1008)

McDaid, entitled “Security Anchor/Tether Assemblage for Portable Articles,” was issued on March 26, 2002.

McDaid disclosed various improvements to a security device for locking a portable electronic device, such as a laptop computer, to a substantially immovable object. Among these improvements, McDaid described the use of an anchor that was to be installed in, and protrude from, the housing of the portable device. A locking head attached to a cable grasps the protruding portion of this anchor directly, thereby locking the device to an immovable object.

The invention is shown generally in Figures 1 and 10:

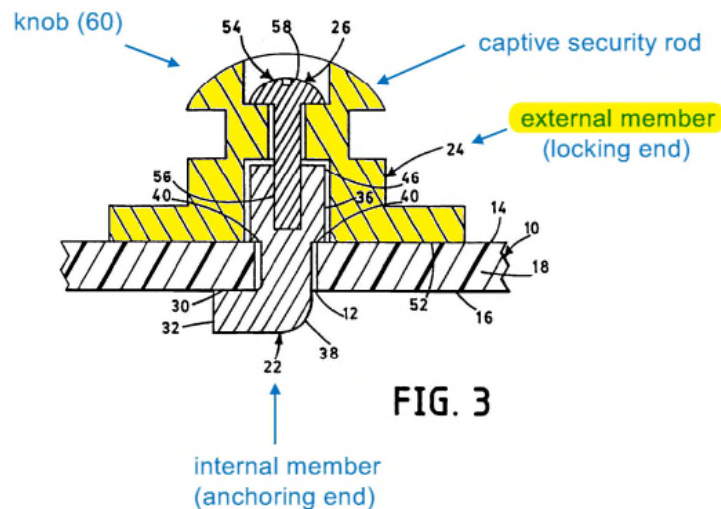
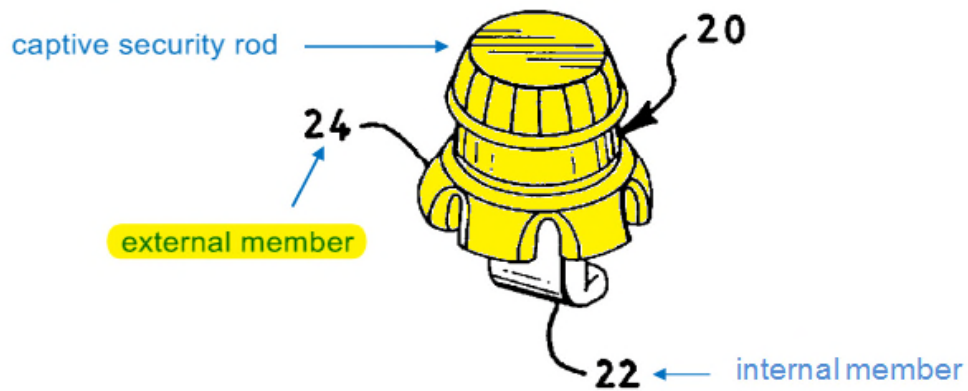


As shown below, McDaid discloses nearly all limitations of claims 1-7, 9-14, and 16 of the '758 patent. Ex. 1021, White Decl. ¶¶ 69-82, 110. As described in the Summary of the Invention: “The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” Ex. 1008 at 1:57-59. As described more specifically in the Detailed Description:

The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These slots 12 are being manufactured into portable articles, such as laptop computers, in known standard dimensions.

Ex. 1008 at 3:17-24; Ex. 1021, White Decl. ¶ 71, 72.

McDaid discloses a security device including a captive security rod (anchor 20) having a locking end (external member 24) and an anchoring end (internal member 22). The anchoring end is passed through the housing to anchor the captive security rod, as described in the specification and shown in Figures 1 and 3 (with blue annotations and yellow highlighting added):



The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion

The cable 106 (including braid 108) is permanently attached to the locking head 104 by a swage 182 and eyelet 124:

The last component of the locking head 104 is the eyelet 124, which attaches the cable 106 to the locking head 104. . . . A swage 182 is clamped to the end of the cable 106 to prevent the cable 106 from being pulled back through the bore 180 and from the eyelet 124.

Ex. 1008 at 7:1-15; Fig. 8 (see above); Ex. 1021, White Decl. ¶ 76.

The external member 24 of the captive security rod (anchor 20) includes a knob 60 that extends from the housing after the anchoring end 22 is anchored to the housing:

The anchor device 20 of the present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.

Ex. 1008 at 5:25-28; Figs. 2-3. Ex. 1021, White Decl. ¶ 77.

The anchor 20, including knob 60, is captured and held by the locking head 104 at locking actuation:

The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is

placed on the anchor 20 and the key 158 is rotated back to the closed position, securing the ball bearings 140 in the knob annular groove 62.

Ex. 1008 at 7:33-39; Ex. 1021, White Decl. ¶ 78.

The captive security rod is stored in a recess (internal member 22), and deployed in an extended position (external member 24): “The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.” Ex. 1008 at 3:53-55; see Fig. 3; Ex. 1021, White Decl. ¶ 79.

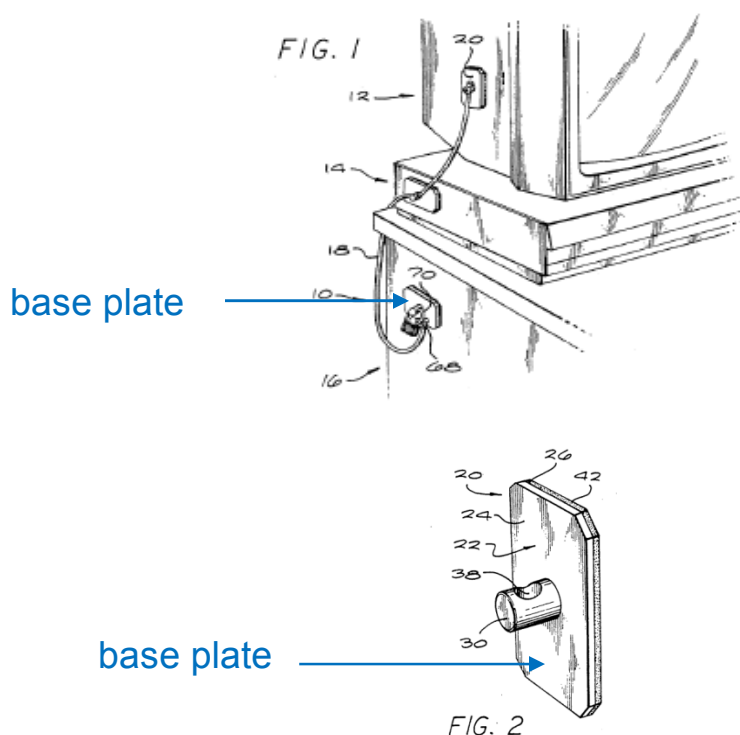
Although McDaid identifies a table as an example of a substantially immovable object, the security device can be attached to any substantially immovable object, such as a base plate:

The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These slots 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.

Ex. 1008 at 3:17-24; *see* Figs. 1, 10; Ex. 1021, White Decl. ¶ 80.

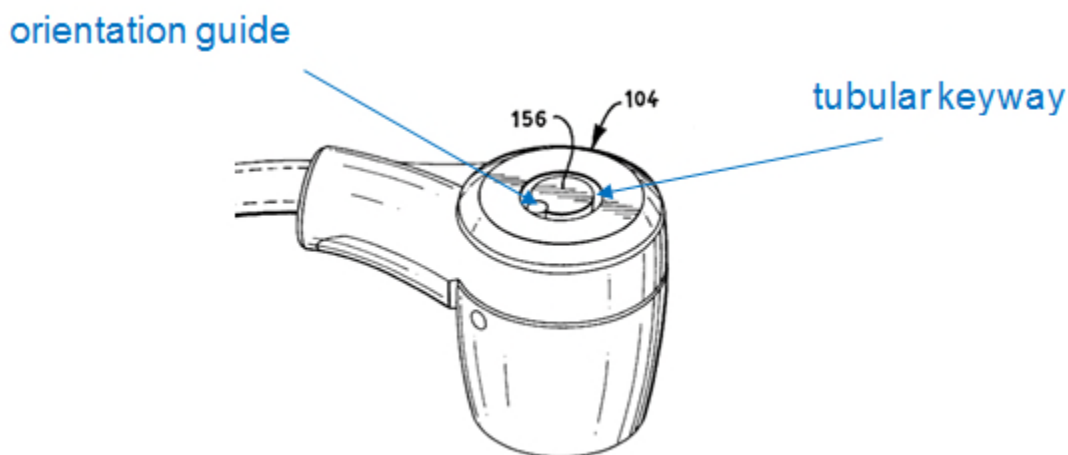
Use of a base plate to secure a cable lock for a computer or other portable electronic device was well known in the art. *See, e.g.*, Ex. 1006, Makous, U.S.

Patent No. 5,050,836, disclosing a cable security system 10 for a computer, including a base plate 22. Ex. 1006 at 3:63-4:10; Figs. 1-2 (reproduced below, with blue annotations added).



Ex. 1021, White Decl. ¶ 81.

The locking device disclosed in McDaid is a pin lock. Although that term is not expressly used in the patent, a POSA would understand that McDaid discloses a pin lock. In particular, the lock mechanism shown in Fig. 1 depicts a tubular key type pin lock. See Ex. 1008, Fig. 1 (excerpt reproduced below, with blue annotations added):

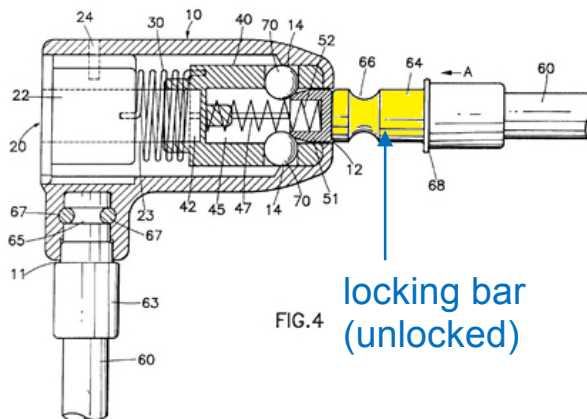
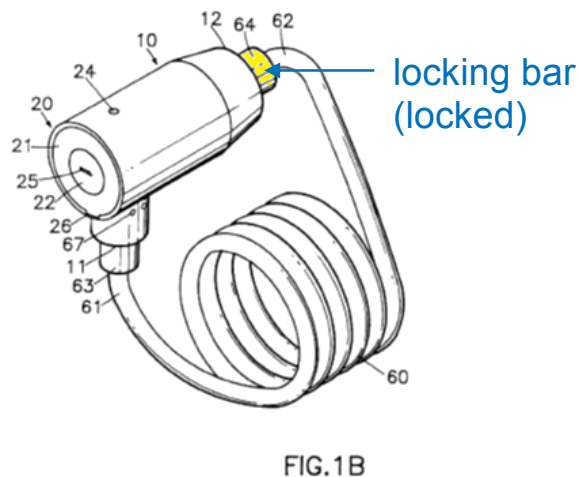


Ex. 1008, McDaid Fig. 1 (excerpt).

In a tubular key lock, pins are arranged in a circle, and a tubular key is used to open a such a pin lock. *See* Ex. 1005 at 10. The Kryptonite U-shaped bicycle lock with tubular key was one common example of a tubular key lock in wide use at the time of the McDaid patent. As shown in Fig. 1, the locking mechanism includes a tubular keyway opening at the top of the lock, with an orientation guide that directs a tubular key into the proper position to fit the lock mechanism. POSA would recognize from Fig. 1 that McDaid discloses a tubular key type of pin lock. Ex. 1021, White Decl. ¶ 82.

C. Chen, U.S. Patent No. 5,829,280 (Ex. 1009)

Chen, entitled “Cable Locking Device with Automatic Pop-up Feature,” was issued on November 3, 1998. Chen discloses a cable locking device for use on portable objects such as bicycles, shown generally in Figs. 1B and 4 (with yellow highlight and blue annotation added):



Ex. 1021, White Decl. ¶ 83.

Chen discloses a cable lock assembly with a lock that is automatically locked (activated) when a locking bar (referred to as locking head 64) is inserted into the locking device (head hole 12 of main body 10):

To fasten and lock the cable 60 to the locking device, the user can manually insert the locking head 64 of the cable 60 into the head hole 12 in the main body 10. By doing this, the locking head 64 is locked to the locking device. The user needs not to use the key of the locking device to turn the inner cylinder 22 and the locking mechanism 40 to the unlocked state in order to receive the locking head 64 as required when using a prior art locking device.

Ex. 1009 at 5:49-57; Ex. 1021, White Decl. ¶ 84.

D. Cheng, U.S. Patent No. 5,447,045 (Ex. 1010)

Cheng states that the padlock is unlocked by use of a key. Ex. 1010 at 2:44-46 (“When an associated key is inserted into the lock body of the padlock 21 and opens the same, the padlock 21 can be removed from the lock support 10 . . .”). Padlocks are well known in the art. In a padlock, a U-shaped shackle includes a locking rod at its end, which engages the lock mechanism in the body of the lock, such that the lock is locked (activated) by inserting the shackle of the lock into the corresponding opening in the lock mechanism. Padlocks generally do not require turning a key to lock the padlock. For these reasons, POSA would understand that padlock 21 can be locked upon insertion of the shackle, without use of a key. Ex. 1021, White Decl. ¶¶ 87, 88; *see* Ex. 1011 at 3 (referring to padlocks with “key to open and snap shut” design).

E. Lee, U.S. Patent No. 7,073,358 (Ex. 1012)

Lee, entitled “Self-Locking Cable Lock,” was issued on July 11, 2006. Lee discloses a self-locking cable lock for use with a laptop computer. The lock attaches through an opening in the housing of the computer, as shown in Figure 1:

Ex. 1012; Ex. 1021, White Decl. ¶ 89.

The cable lock is self-locking (i.e., requires no key)—a feature that Lee explains makes the lock more convenient:

The present invention relates to a cable lock, especially to a self-locking cable lock. . . . Cable locks are attached securely to cables that bind, lock and hold objects securely. Generally speaking, small, high value, pilferable objects such as computers, household appliances and the like on display need to be locked in place. Cable locks are used to keep the objects from being stolen. However, conventional cable locks must be locked and unlocked with keys. *Using keys to lock conventional cable locks on objects is inconvenient* because the keys must be controlled and protected. To overcome the shortcomings, *the present invention provides a self-locking cable lock* to mitigate or obviate the aforementioned problems.

Ex. 1012 at 1:6-20 (emphasis added); see Fig. 1; Ex. 1021, White Decl. ¶ 90.

F. ClickSafe Product Website Video (Ex. 1013)

Exhibit 1013, the ClickSafe® Product Website Video (“ClickSafe video”), is a video promoting Kensington’s ClickSafe product line that was publicly available at the URL <http://clickittokeepit.com> from October 12, 2010 to at least September 3, 2011, and at <https://www.youtube.com/watch?v=CgdVMaOeNro> from at least November 29, 2010 to the present. Ex. 1015, Declaration of Robert Humphrey ¶¶ 4-8; Exs. 1016-1018. Exhibit 1014 is a collection of still images obtained from

frames of the Ex. 1013 video (with red annotations added, and bookmarks indicating time-stamps for each image). Ex. 1015, Humphrey Decl. ¶ 10.

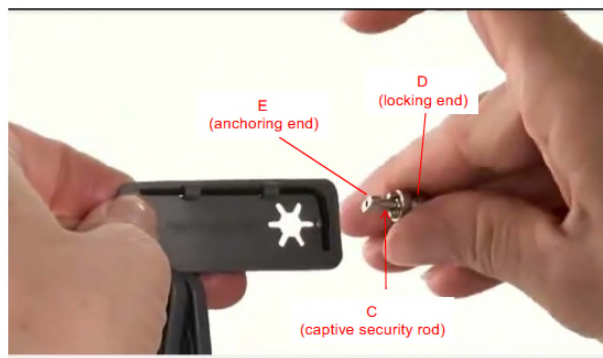
The ClickSafe video discloses a locking assembly A for securing a portable electronic device (laptop computer) B to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 9:



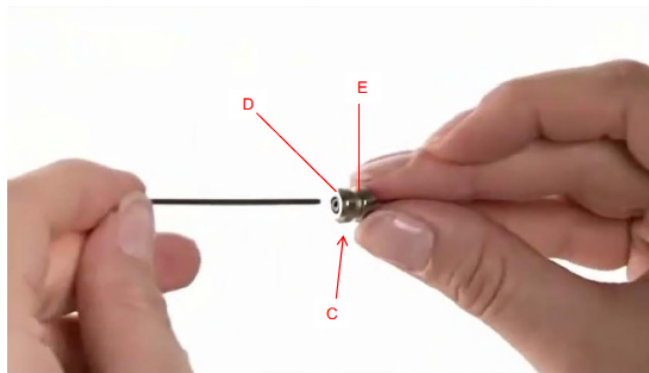
Ex. 1014 at 1, 9; Ex. 1021, White Decl. ¶ 92.

The locking assembly A includes a captive security rod C, with a locking end D and an anchoring end E. The anchoring end E is passed through a housing of

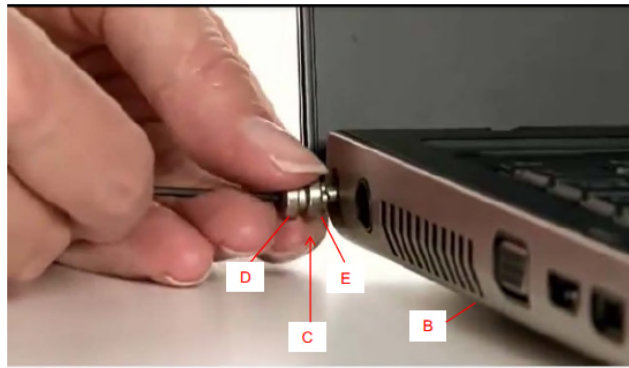
the portable electronic device B. Ex. 1013; Ex. 1014 at 2-5. As shown in pages 2-5 of Ex. 1014 (with pages 2-4 reproduced below), the captive security rod C is installed in the laptop housing by inserting the T-shaped anchoring end E (shown in page 2) into a slot in the housing (page 4). An Allen wrench is used to tighten the captive security rod in place (pages 3-4). Ex. 1021, White Decl. ¶ 93.



Kensington ClickSafe Keyed Laptop Lock



Kensington ClickSafe Keyed Laptop Lock



Kensington ClickSafe Keyed Laptop Lock

Ex. 1014 at 2-4.

The captive security rod C is partially in the housing and partially out of the housing before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13. Pages 5 and 11 show the captive security rod C partially in the housing and partially out of the housing before locking use. Pages 12 and 13 show that the captive security rod is in the same position after the locking device G is locked onto the captive security rod. Ex. 1021, White Decl. ¶ 94.

The disclosed ClickSafe locking assembly A includes a locking device G having a locking mechanism with an opening H. The opening H receives locking end D of the captive security rod C, thereby activating the locking mechanism and locking the captive security rod C—and consequently the portable electronic device B—to locking device G. Ex. 1013; Ex. 1014 at 11-13. Although the opening H is not directly visible in the video images, the images show that there must be an opening in the locking device G in which the captive security rod is inserted, as shown in pages 11-13. Ex. 1021, White Decl. ¶ 95.

The ClickSafe locking assembly A disclosed in the ClickSafe video includes a cable J, for securing the locking device to a substantially immovable object B. Ex. 1013; Ex. 1014 at 1, 6-10. The cable J is permanently attached to the locking device G. Ex. 1013; Ex. 1014 at 1, 12. Ex. 1021, White Decl. ¶ 96.

The locking end D of the captive security rod C includes a knob that extends from the housing after the anchoring end E is anchored to the housing. Ex. 1013; Ex. 1014 at 11. Upon actuation, the locking end/knob D is captured and held by the locking mechanism. Ex. 1013; Ex. 1014 at 11-13. The captive security rod C is stored in a recess (anchoring end E) and deployed in an extended position (locking end D). Ex. 1013; Ex. 1014 at 5, 11. Ex. 1021, White Decl. ¶ 97.

The portable electronic device B is a laptop computer, which includes first and second housings (one for the display, the other for the keyboard) connected by a hinge. The captive security rod C includes a locking end D that extends and protrudes from the keyboard housing. Ex. 1013; Ex. 1014 at 1, 5, 11. The captive security rod C is inserted through and anchored in the keyboard housing of the laptop computer B. Ex. 1013; Ex. 1014 at 1, 13. Ex. 1021, White Decl. ¶ 98.

The ClickSafe locking assembly can be attached to any substantially immovable object, such as a base plate. Ex. 1013; Ex. 1014 at 1, 6-10. Use of a base plate to secure a cable lock for a computer or other portable electronic device

is well known in the art. *See* Section VI.B above; Ex. 1021, White Decl. ¶¶ 81, 99, 100.

The cable J has a loop K opposite its end attached to the locking device. The locking device is passed through loop K after cable J is wrapped around the substantially immovable object F. The locking device is thereafter secured to captive security rod C, and as a consequence, to the portable electronic device B in which the captive security rod is anchored. Ex. 1013; Ex. 1014 at 1, 6-13; Ex. 1021, White Decl. ¶ 101.

The locking device G is a disk lock. POSA would understand that the locking device G is a disk lock by observing the device G and its key K. Ex. 1013; Ex. 1014 at 13, 14. The profile of the key, with its machined, angled facets, is a design known by POSA to fit into a disk lock. Ex. 1021, White Decl. ¶ 102.

The ClickSafe video illustrates the use of the ClickSafe lock. The disclosed method shows the use of locking assembly A to secure a portable electronic device (laptop computer) B having a housing to a substantially immovable object F. Ex. 1013; Ex. 1014 at 1, 6, 9; Ex. 1021, White Decl. ¶ 103.

The locking assembly A includes a captive security rod C, with an anchoring end E separated axially by a protruding, locking end D. Ex. 1013; Ex. 1014 at 2-5. The captive security rod C is partially in the housing and partially out of the housing, before and during locking use. Ex. 1013; Ex. 1014 at 4, 5, 11-13. The

locking assembly A includes a locking mechanism G, which is permanently attached to a cable J. Ex. 1013; Ex. 1014 at 1, 12; Ex. 1021, White Decl. ¶ 104.

The method includes securing the anchoring end E of the captive security rod C to the laptop computer B through the lower housing of the laptop computer B. Ex. 1013; Ex. 1014 at 3-5. The method includes attaching an end of the cable J to the substantially immovable object F. Ex. 1013; Ex. 1014 at 6-10. The method includes inserting the protruding end D of the captive security rod C into an opening H of the locking device G, to actuate the locking mechanism and lock the locking device G to the captive security rod C, and therefore the laptop computer B to the substantially immovable object F. Ex. 1013; Ex. 1014 at 11-13; Ex. 1021, White Decl. ¶¶ 105-107.

VII. CLAIMS 1-7, 9-14, AND 16 ARE UNPATENTABLE

A. Ground 1: Claims 1-7, 9-14, and 16 Are Obvious over McDaid and Chen

Both McDaid and Chen are prior art to the '758 patent under 35 U.S.C. § 102(b), as both patents issued more than one year before the earliest claimed priority date for the '758 patent (May 10, 2004). McDaid issued on March 26, 2002, and Chen issued on November 3, 1998.

1. McDaid Discloses All But One of the Claim Limitations

As shown in Section VI.B above, and as summarized in the table below, McDaid discloses all limitations of claims 1-7, 9-14, and 16, except the activation

of the locking mechanism by insertion of the captive security rod. McDaid discloses a locking assembly activated by a key. Ex. 1021, White Decl. ¶¶ 110, 116.

'758 Patent Claims	McDaid, USP 6,360,405
<p>1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising:</p>	<p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” 1:57-59.</p> <p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.” 3:17-24; see Figs. 1, 10.</p>
<p>[b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is passed through the at least one housing to anchor the captive security rod thereto;</p>	<p>“The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . .</p>

'758 Patent Claims	McDaid, USP 6,360,405
	The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the article wall 18 when the anchor 20 is installed.” 3:26-43; see Figs. 1-3.
[c] said captive security rod partially in said at least one housing and partially out of said at least one housing during and before locking use; and	“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.” 3:53-55; see Fig. 3.
[d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device.	“The tether 102 . . . includes a locking head 104 and a cable 106. . . . The locking head is composed of a . . . housing 122, an eyelet 124, a cup 126, a cylinder 128, and a barrel 130. . . . The outer end has an opening 132 for receiving the anchor knob 60.” 5:41-6:15; see Figs. 1, 8.
2. The locking assembly as set forth in claim 1, further comprising means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object.	“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.” 7:30-34; Fig. 10.
3. The locking assembly as set forth in claim 1, wherein the means for securing is a cable or lanyard.	“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.” 7:30-34; Fig. 10.
4. The locking assembly as set forth in	“The last component of the locking

'758 Patent Claims	McDaid, USP 6,360,405
claim 3, wherein the cable or lanyard is permanently attached to the locking device.	head 104 is the eyelet 124, which attaches the cable 106 to the locking head 104. . . . A swage 182 is clamped to the end of the cable 106 top prevent the cable 106 from being pulled back through the bore 180 and from the eyelet 124.” 7:1-15; Fig. 8.
5. The locking assembly as set forth in claim 1, wherein the locking end of the captive security rod comprises a knob that extends from the at least one housing after the anchoring end anchors the captive security rod thereto.	“The anchor device 20 of the present invention provides a knob 60 with an annular groove 62 for removably attaching the tether 102. In one configuration, shown in FIGS. 2 and 3, the knob 60 is formed in the external member 24.” 5:25-28; Figs. 2-3.
6. The locking assembly as set forth in claim 5, wherein the small knob that is captured and held by the locking mechanism at locking actuation.	“The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated back to the closed position, securing the ball bearings 140 in the knob annular groove 62.” 7:33-39.
7. The locking assembly as set forth in claim 1, wherein the captive security rod, upon anchoring to the at least one housing of the portable electronic device is stored in a recess and grasped to deploy in an extended position.	“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.” 3:53-55; see Fig. 3.
9. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer,	“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.”

'758 Patent Claims	McDaid, USP 6,360,405
a cell phone, a camera, a Smartphone, a music storage and a playback device.	1:57-59; see Fig. 10.
10. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing.	“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10.
11. The locking assembly as set forth in claim 10, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing.	“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device, particularly laptop computers.” 1:57-59; see Fig. 10.
12. The locking assembly as set forth in claim 1, wherein the substantially immovable object is a base plate.	<p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.” 3:17-24; see Figs. 1, 10.</p> <p><i>See also, Ex. 1006, Makous, U.S. Patent No. 5,050,836, at 3:63-4:10; Figs. 1-2 (describing a “cable security system” for locking a computer or other portable</i></p>

'758 Patent Claims	McDaid, USP 6,360,405
	equipment to a base plate 22 with a security cable).
13. The locking assembly as set forth in claim 2 [sic, 3], wherein the cable or lanyard has a loop opposite its end permanently attached to the locking device through which the locking device is passed after the cable is wrapped around the substantially immovable object wherein after the locking device is lockingly attached to the captive security rod and, therefore, the portable electronic device to which the captive security rod is anchored.	“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.” 7:30-34; Fig. 10.
14. The locking assembly as set forth in claim 1, wherein the locking device is a pin lock.	<i>See</i> Fig. 1; White Decl. ¶ 82.
16. [a] A method for securing a portable electronic device having a housing [sic, housing] to a substantially immovable object utilizing a locking assembly, the locking assembly comprising a captive security rod or spike formed with an anchoring end separated axially by a protruding end, said captive security rod being captive partially in said at least one housing and partially out of said at least one housing during and before locking use; a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of:	<p>“The present invention is an anchor/tether assemblage for use with the security slot found on many portable electronic device[s], particularly laptop computers.” 1:57-59.</p> <p>“The security anchor/tether assemblage 100 of the present invention, shown in figure 1, is used to secure the portable article 10 to a stationary fixture 6, such as a table leg 8. The assemblage 100 is intended for use in conjunction with a generally rectangular slot 12 in the wall of the article 10 to be secured. These blocks 12 are being manufactured into portable articles, such as laptop computers, and known standard dimensions.” 3:17-24; <i>see</i> Figs. 1, 10.</p>

'758 Patent Claims	McDaid, USP 6,360,405
	<p data-bbox="862 310 1404 1119">“The anchor 20 . . . includes an internal member 22, an external member 24, and a means 26 for securing the two together. The internal member 22 includes a retaining portion 32, a slot engagement portion 34, and an external member engagement portion 36. The slot engagement portion 34 resides in the slot 12 when the anchor 20 is installed. . . . The retaining portion 32 extends from the slot engagement portion 34 at approximately a right angle, where the inner surface 30 of the retaining portion 32 makes contact with the inner surface 16 of the article wall 18 when the anchor 20 is installed.” 3:26-43; <i>see</i> Figs. 1-3.</p> <p data-bbox="862 1167 1404 1371">“The external member 24 secures the internal member 22 into the slot 12 and provides an anchor 44 for attaching the tether 102.” 3:53-55; <i>see</i> Fig. 3.</p> <p data-bbox="862 1419 1404 1791">“The tether 102 . . . includes a locking head 104 and a cable 106. . . . The locking head is composed of a . . . housing 122, an eyelet 124, a cup 126, a cylinder 128, and a barrel 130. . . . The outer end has an opening 132 for receiving the anchor knob 60.” 5:41-6:15; <i>see</i> Figs. 1, 8.</p>
[b] securedly fixing the anchoring end of the captive security rod or spike to the	“The anchor of FIG. 2 is installed by curling the retaining portion 32

'758 Patent Claims	McDaid, USP 6,360,405
portable electronic device upon or through the housing;	and slot engaging portion 34 of the internal member 22 into the slot 12, fitting the external member aperture 46 onto the external member engaging portion 36 of the internal member 22, and securing the external member 24 to the internal member 22 with the screw 58.” 7:17-22; <i>see</i> Figs. 2, 3.
[c] attaching an other end of the cable to the substantially immovable object; and	“The tether 102 is attached to the stationary fixture 6. In one method of attaching, shown in FIG. 10, the cable 106 is looped around a table leg 8 and the locking head 104 is passed through the loop 110.” 7:30-34; Fig. 10.
[d] inserting the protruding end of the captive, security rod into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object.	“The locking head 104 is installed on the anchor 20 by inserting the key 158 into the keyway 156 and rotating the cylinder 128 until the ball bearings 140 can retract into the cup apertures 138. Then the locking head 104 is placed on the anchor 20 and the key 158 is rotated back to the closed position, securing the ball bearings 140 in the knob annular groove 62.” 7:33-39.

2. The Remaining Limitation Is Disclosed in Chen

As shown in Section VI.C above, Chen discloses a cable lock assembly in which the lock is automatically activated (without need of a key) when the locking bar (locking head 64) is inserted into the locking device (head hole 12 of main body 10):

To fasten and lock the cable 60 to the locking device, *the user can manually insert the locking head 64* of the cable 60 into the head hole 12 in the main body 10. *By doing this, the locking head 64 is locked to the locking device.* The user needs not to use the key of the locking device to turn the inner cylinder 22 and the locking mechanism 40 to the unlocked state in order to receive the locking head 64 as required when using a prior art locking device.

Ex. 1009 at 5:49-57 (emphasis added); see Ex. 1021, White Decl. ¶¶ 114-116.

3. POSA Would Have Had a Reason to Combine McDaid and Chen

As of May 10, 2004, POSA would have had a reason to combine the disclosures of McDaid and Chen to arrive at the subject matter of claims 1-7, 9-14, and 16 of the '758 patent. Both McDaid and Chen are directed to cable lock assemblies for use to secure portable articles. Automatically-activated lock mechanisms, such as those disclosed in Chen, were well known in the art. A POSA would have understood that the Chen lock mechanism was suitable for use in the McDaid locking assembly. In addition, as suggested in Chen and known in the art, an automatic lock mechanism has advantages over key-activated lock mechanisms in that such mechanisms may be locked without the use of a key. Ex. 1021, White Decl. ¶ 117.

For these reasons, the subject matter of claims 1-7, 9-14, and 16 of the '758

patent would have been obvious over McDaid and Chen as of May 10, 2004. Ex. 1021, White Decl. ¶ 118.

B. Ground 2: Claims 1-7, 9-14, and 16 Are Obvious over McDaid and Cheng

Both McDaid and Cheng are prior art to the '758 patent under 35 U.S.C. § 102(b), as both patents issued more than one year before the earliest claimed priority date for the '758 patent (May 10, 2004). McDaid issued on March 26, 2002, and Cheng issued on September 5, 1998.

1. McDaid Discloses All But One of the Claim Limitations

As shown in Sections VI.B and VII.A.1 above, McDaid discloses all limitations of claims 1-7, 9-14, and 16, except the activation of the locking mechanism by insertion of the captive security rod. McDaid discloses a locking assembly activated by a key. Ex. 1021, White Decl. ¶¶ 110, 116.

2. The Remaining Limitation Is Disclosed in Cheng

As shown in Section VI.D above, Cheng discloses an apparatus for locking a laptop computer to a substantially immovable object, that includes a padlock 21:

Referring to FIGS. 1 and 2, an apparatus of this invention is used for locking a closed notebook computer 30 on a computer support or computer table 40 (see FIG. 3). . . .

The apparatus includes a lock support 10, an L-shaped locking plate 20, and a padlock unit consisting of a padlock 21 and a flexible fixing member or metal chain 22. . . . As shown in FIG. 3, the hollow table 40 has a

front wall through which a chain hole 41 is formed and through which the chain 22 extends.”

Ex. 1010 at 1:64-2:12; see Figs. 1-3.

Padlocks were well known in the art, and POSA knew that that padlocks are generally locked by inserting the shackle of the lock into the locking mechanism, without need of a key. Ex. 1021, White Decl. ¶¶ 121, 122; Ex. 1011 at 3.

3. POSA Would Have Had a Reason to Combine McDaid and Cheng

As of May 10, 2004, POSA would have had a reason to combine the disclosures of McDaid and Cheng to arrive at the subject matter of claims 1-7, 9-14, and 16 of the '758 patent because both McDaid and Cheng are directed to security devices for locking a portable electronic device such as a laptop computer to a substantially immovable object such as a table. In addition, both McDaid and Cheng are directed to locking assemblies that include a lock that fastens to an anchor member that is mounted to a housing of the laptop computer. Padlock mechanisms similar to those disclosed in Cheng were well known in the art. POSA would have understood that the Cheng padlock mechanism could be locked upon insertion of the padlock shackle into the padlock locking mechanism. POSA knew that an automatic lock mechanism such as the padlock disclosed in Cheng has an advantage over key-activated lock mechanisms. Such automatic mechanisms are easier to use and more convenient than those requiring a key. Ex. 1021, White

Decl. ¶ 123.

For these reasons, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent would have been obvious over McDaid and Cheng as of May 10, 2004. Ex. 1021, White Decl. ¶ 124.

C. Ground 3: Claims 1-7, 9-14, and 16 Are Obvious over McDaid and Lee

McDaid is prior art to the '758 patent under 35 U.S.C. § 102(b), as it issued on March 26, 2002, more than one year before the earliest claimed priority date for the '758 patent (May 10, 2004).

Lee issued on July 11, 2006. As shown in Section V.C above, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent is not described in Ex. 1007, the '356 patent, and for that reason these claims are not entitled to a priority benefit date earlier than February 18, 2011. Accordingly, Lee is prior art under 35 U.S.C. § 102(b).

1. McDaid Discloses All But One of the Claim Limitations

As shown in Sections VI.B and VII.A.1 above, McDaid discloses all limitations of claims 1-7, 9-14, and 16, except the activation of the locking mechanism by insertion of the captive security rod. McDaid discloses a locking assembly activated by a key. Ex. 1021, White Decl. ¶¶ 110, 116.

2. The Remaining Limitation is Disclosed in Lee

As shown in Section VI.E above, Lee discloses a self-locking cable lock that secures a laptop computer through an opening in its housing:

The present invention relates to a cable lock, especially to a self-locking cable lock. . . . Cable locks are attached securely to cables that bind, lock and hold objects securely. Generally speaking, small, high value, pilferable objects such as computers, household appliances and the like on display need to be locked in place. Cable locks are used to keep the objects from being stolen. However, conventional cable locks must be locked and unlocked with keys. *Using keys to lock conventional cable locks on objects is inconvenient* because the keys must be controlled and protected. *To overcome the shortcomings, the present invention provides a self-locking cable lock* to mitigate or obviate the aforementioned problems.

Ex. 1012 at 1:6-20 (emphasis added); see Fig. 1; Ex. 1021, White Decl. ¶ 128.

Lee describes a self-locking cable lock apparatus for locking a laptop computer to a substantially immovable object. Lee expressly teaches use of a self-locking cable lock, instead of a conventional key-activated lock, due to the greater convenience of the self-locking design. Ex. 1021, White Decl. ¶ 129.

3. POSA Would Have Had a Reason to Combine McDaid and Lee

As of February 18, 2011, POSA would have had a reason to combine the disclosures of McDaid and Lee to arrive at the subject matter of claims 1-7, 9-14, and 16 of the '758 patent because both McDaid and Lee are directed to cable-lock security devices for locking a portable electronic device such as a laptop computer to a substantially immovable object such as a table. Moreover, Lee expressly describes the self-locking lock as a design that overcomes shortcomings in key-operated locks, in particular, the inconvenience of protecting and controlling the needed keys. POSA knew that an automatic lock mechanism, such as the self-locking cable lock disclosed in Lee, has advantages over key-activated lock mechanisms in that such mechanisms may be locked without the use of a key. Ex. 1021, White Decl. ¶ 130.

For these reasons, the subject matter of claims 1-7, 9-14, and 16 of the '758 patent would have been obvious over McDaid and Lee as of February 18, 2011. Ex. 1021, White Decl. ¶ 131.

D. Ground 4: Claims 1-7, 9-13, and 16 Are Anticipated by the ClickSafe Video

The ClickSafe video, Ex. 1013, is prior art to the '758 patent under 35 U.S.C. § 102(a). “An electronic publication, including an on-line database or Internet publication, is considered to be a ‘printed publication’ within the meaning of 35 U.S.C. § 102(a)(1) and pre-AIA 35 U.S.C. § 102(a) and (b) provided the publication was accessible to persons concerned with the art to which the

document relates.” MPEP § 2128 (9th ed. 2014) (citing *In re Wyer*, 655 F.2d 221, 227, 210 USPQ 790, 795 (CCPA 1981)). The ClickSafe video, an electronic publication, was first made publicly available at the URL <http://clickittokeepit.com> on October 12, 2010, and has been continuously available to the public since that time. Ex. 1015, Humphrey Decl. ¶¶ 4-8; Exs. 1016-1018. As shown in Section V.C above, the subject matter of claims 1-7, 9-14, and 16 of the ’758 patent is not described in Ex. 1007, the ’356 patent, and for that reason these claims are not entitled to a priority benefit date earlier than February 18, 2011. Accordingly, the ClickSafe video is prior art under 35 U.S.C. § 102(a). Ex. 1021, White Decl. ¶¶ 132, 133.

As shown in Section VI.F above, and as summarized in the table below, all limitations of claims 1-7, 9-13, and 16 of the ’758 patent are disclosed in the ClickSafe video, Ex. 1013. In particular, the ClickSafe video discloses a locking assembly for securing a portable electronic device to a substantially immovable object, including all of the limitations of claims 1-7, 9-13, and 16. For these reasons, claims 1-7, 9-13, and 16 are invalid for anticipation under 35 U.S.C. § 102(a).³ Ex. 1021, White Decl. ¶¶ 112, 134-136.

³ Exhibit 1020, the Infringement Contentions served by the Patent Owner on April 20, 2015, essentially admit that Exhibit 1013 anticipates at least claims 1 and 16.

'758 Patent Claims	ClickSafe Video
1. [a] A locking assembly for securing a portable electronic device having at least one housing to a substantially immovable object, the locking assembly comprising:	Ex. 1013; ⁴ Ex. 1014 at 1, 6, 9; Ex. 1021, White Decl. ¶ 92.
[b] a captive security rod having a locking end and an anchoring end, wherein the anchoring end is passed through the at least one housing to anchor the captive security rod thereto;	Ex. 1013; Ex. 1014 at 2-5; Ex. 1021, White Decl. ¶ 93.
[c] said captive security rod partially in said at least one housing and partially out of said at least one housing during and before locking use; and	Ex. 1013; Ex. 1014 at 4, 5, 11-13; Ex. 1021, White Decl. ¶ 94.
[d] a locking device with a locking mechanism, wherein the locking device is configured with an opening to receive the locking end of the captive security rod to activate the locking mechanism, where the activation causes the locking mechanism to securely grasp the locking end and thereby lock the security rod and portable electronic device to the locking device.	Ex. 1013; Ex. 1014 at 11-13; Ex. 1021, White Decl. ¶ 95.

The product accused of infringement of claims 1 and 16 in Ex. 1020 is identical to the product depicted in Ex. 1013, except that the product shown in Ex. 1020 includes a combination lock instead of a key-operated lock.

⁴ This claim chart contains citations to Ex. 1013 and Ex. 1014 without discussion of the contents of those exhibits, to assure compliance with the Board's requirements for use of claim charts.

'758 Patent Claims	ClickSafe Video
2. The locking assembly as set forth in claim 1, further comprising means for securing the locking device and, therefore, the captive security rod and portable electronic device to which the captive security rod is anchored, to a substantially non-movable object.	Ex. 1013; Ex. 1014 at 1, 6-10; Ex. 1021, White Decl. ¶ 96.
3. The locking assembly as set forth in claim 1, wherein the means for securing is a cable or lanyard.	Ex. 1013; Ex. 1014 at 1, 6-10; Ex. 1021, White Decl. ¶ 96.
4. The locking assembly as set forth in claim 3, wherein the cable or lanyard is permanently attached to the locking device.	Ex. 1013; Ex. 1014 at 1, 12; Ex. 1021, White Decl. ¶ 96.
5. The locking assembly as set forth in claim 1, wherein the locking end of the captive security rod comprises a knob that extends from the at least one housing after the anchoring end anchors the captive security rod thereto.	Ex. 1013; Ex. 1014 at 11; Ex. 1021, White Decl. ¶ 97.
6. The locking assembly as set forth in claim 5, wherein the small knob that is captured and held by the locking mechanism at locking actuation.	Ex. 1013; Ex. 1014 at 11-13; Ex. 1021, White Decl. ¶ 97.
7. The locking assembly as set forth in claim 1, wherein the captive security rod, upon anchoring to the at least one housing of the portable electronic device is stored in a recess and grasped to deploy in an extended position.	Ex. 1013; Ex. 1014 at 5, 11; Ex. 1021, White Decl. ¶ 97.
9. The locking assembly as set forth in claim 1, wherein said portable electronic device comprises any of the group consisting of a laptop computer, a notebook computer, and tablet computer, a cell phone, a camera, a Smartphone, a music storage and a playback device.	Ex. 1013; Ex. 1014 at 1; Ex. 1021, White Decl. ¶¶ 92, 98.
10. The locking assembly as set forth in	Ex. 1013; Ex. 1014 at 1, 5, 11; Ex.

'758 Patent Claims	ClickSafe Video
claim 1, wherein said portable electronic device comprises a first housing, a second housing and a hinge, wherein said hinge separates and allows said first housing to be closed upon said second housing and wherein said captive security rod is deployed to extend and protrude from any surface of said first housing or said second housing.	1021, White Decl. ¶¶ 92, 98.
11. The locking assembly as set forth in claim 10, wherein said second housing is a keyboard part and said captive security rod is inserted through and anchored, and operates to extend in a deployed position out of a surface of said second housing.	Ex. 1013; Ex. 1014 at 1, 13; Ex. 1021, White Decl. ¶ 98.
12. The locking assembly as set forth in claim 1, wherein the substantially immovable object is a base plate.	Ex. 1013; Ex. 1014 at 1, 6-10; Ex. 1021, White Decl. ¶¶ 81, 99, 100; <i>see also</i> Ex. 1006, Makous, U.S. Patent No. 5,050,836, at 3:63-4:10; Figs. 1-2.
13. The locking assembly as set forth in claim 2 [sic, 3], wherein the cable or lanyard has a loop opposite its end permanently attached to the locking device through which the locking device is passed after the cable is wrapped around the substantially immovable object wherein after the locking device is lockingly attached to the captive security rod and, therefore, the portable electronic device to which the captive security rod is anchored.	Ex. 1013; Ex. 1014 at 1, 6-13; Ex. 1021, White Decl. ¶ 101.
14. The locking assembly as set forth in claim 1, wherein the locking device is a pin lock.	(Ex. 1013 does not disclose a pin lock.) <i>See</i> Ex. 1013; Ex. 1014 at 13, 14; Ex. 1021, White Decl. ¶ 102.
16. [a] A method for securing a portable electronic device having a housing [sic, housing] to a substantially immovable	Ex. 1013; Ex. 1014 at 1-9, 11-13; Ex. 1021, White Decl. ¶¶ 103, 104.

'758 Patent Claims	ClickSafe Video
object utilizing a locking assembly, the locking assembly comprising a captive security rod or spike formed with an anchoring end separated axially by a protruding end, said captive security rod being captive partially in said at least one housing and partially out of said at least one housing during and before locking use; a locking device with an internal locking mechanism and a cable permanently attached to the locking device at one end, the method comprising acts of:	
[b] securedly fixing the anchoring end of the captive security rod or spike to the portable electronic device upon or through the housing;	Ex. 1013; Ex. 1014 at 3-5; Ex. 1021, White Decl. ¶ 105.
[c] attaching an other end of the cable to the substantially immovable object; and	Ex. 1013; Ex. 1014 at 6-10; Ex. 1021, White Decl. ¶ 106.
[d] inserting the protruding end of the captive, security rod into an opening in the locking device to actuate the internal locking mechanism and lock the locking device to the captive security rod and, therefore, the portable electronic device to which it is anchored, to the substantially immovable object.	Ex. 1013; Ex. 1014 at 11-13; Ex. 1021, White Decl. ¶ 107.

E. Ground 5: Claim 14 is Obvious over the ClickSafe Video and McDaid

1. The ClickSafe Video Discloses All But One of the Claim Limitations

As shown in Section VII.D above, the ClickSafe video, Ex. 1013, is prior art to the '758 patent under 35 U.S.C. § 102(a). The ClickSafe video was first made publicly available at the URL <http://clickittokeepit.com> on October 12, 2010, and

has been continuously available to the public since that time. Ex. 1015, Humphrey Decl. ¶¶ 4-8. As shown in Section V.C above, the subject matter of claim 14 of the '758 patent is not described in Ex. 1007, the '356 patent, and for that reason this claim is not entitled to a priority benefit date earlier than February 18, 2011. Accordingly, the ClickSafe video is prior art under 35 U.S.C. § 102(a). Ex. 1021, White Decl. ¶¶ 132, 133.

As shown above in Sections VI.F and VII.D, the ClickSafe video discloses all limitations of claim 14, except the ClickSafe video discloses a disk lock, rather than a pin lock as recited in claim 14. Ex. 1021, White Decl. ¶¶ 137-141.

2. The Remaining Limitation Was Known in the Art and Disclosed in McDaid

Pin locks were well known in the art as of February 18, 2011. Ex. 1021, White Decl. ¶ 142; *see* Ex. 1005, Bill Phillips, PROFESSIONAL LOCKSMITHING TECHNIQUES, Chapter 5 (TAB Books 1991). At that time, a pin lock (sometimes referred to as a “pin tumbler” lock) was one of the most popular lock types, used in such applications as door locks, deadbolt locks, padlocks, and automobile locks. Ex. 1005 at 3.

Known uses for pin locks also included cable locks for portable electronic devices. McDaid, for example, disclosed their use in cable locks for securing laptop computers. As shown in Sections VI.B and VII.A.1 above, these cable locks were nearly identical to the device claimed in claim 14. Ex. 1021, White Decl. ¶¶

69-82, 142; Ex. 1008, McDaid.

3. POSA Would Have Had a Reason to Combine the ClickSafe Video and McDaid

As of February 18, 2011, POSA would have had a reason to combine the disclosures of the ClickSafe video and McDaid, substituting the pin lock of McDaid for the ClickSafe disk lock, to arrive at the subject matter of claim 14. Pin locks of an appropriate size were readily available at the time, at a relatively low cost compared to a disk lock, and pin locks were known to be mechanically easy to incorporate in the lock design. McDaid discloses a cable lock for portable electronic devices that includes a pin lock used in combination with a captive security rod, evidencing that a POSA would have had a reason to combine a pin lock with the locking assembly disclosed in the ClickSafe video. In addition, POSA would have had a reason to substitute a pin lock for the disk lock of the ClickSafe video because a pin lock would have been a known substitute for a disk lock in this application, more suitable for use in lower-cost products than the relatively more expensive disk lock. Ex. 1021, White Decl. ¶¶ 143, 144.

For these reasons, claim 14 of the '758 patent would have been obvious over the ClickSafe video and McDaid as of February 18, 2011. Ex. 1021, White Decl. ¶ 145.

VIII. CONCLUSION

For the foregoing reasons, the Petitioners respectfully request that this

Petition be granted, and that the Board cancel claims 1-7, 9-14, and 16 of the '758 patent as unpatentable.

Respectfully submitted,

May 6, 2015

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, pursuant to 37 CFR §§ 42.6(e) and 42.105(a), copies of this petition (including its exhibits) and the other papers transmitting and accompanying this petition to the Patent Office are being deposited on May 6, 2015, with FedEx Express (a commercial overnight delivery service), for overnight delivery, shipping charges paid (Label No. 802649816540), in a box addressed to:

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which is the correspondence address of record (37 CFR § 1.33(c)) indicated in the Patent Office's public PAIR system for U.S. Patent No. 8,717,758.

May 6, 2015

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