

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

3M Company, Merck & Co., Inc. and Merck Sharp & Dohme Corp.,
Petitioners

v.

Aptar France S.A.S.,
Patent Owner

Case IPR2018-01055
Patent No. 9,370,631 B2

**Patent Owner's Motion to Strike Portions of
Petitioners' Reply to Patent Owner's Response**

Pursuant to 37 C.F.R. §§ 42.20 and 42.23(b) and the Board's email dated June 11, 2019, Aptar France S.A.S. ("Patent Owner") identifies the following portions of Petitioner's Reply to Patent Owner's Response, filed May 13, 2019, ("Reply"), which are objectionable under 37 C.F.R. § 42.23(b) and should be stricken:¹

- Page 5, line 6 through 8 and Page 6, lines 5 through 8 (describing that the flexible legs are part of the second member);
- Page 10, line 7, through page 11, line 8, including the figure on page 11 (describing that a POSA would have combined Bason and Rhoades by widening the cap and adding a rib to the outside of the housing);
- Page 12, line 5, through page 13, line 5, including the figure on page 12, and including footnotes 4 and 5 on page 13, (describing that a POSA would have combined Bason and Allsop by designing slots through which teeth 2 would protrude);
- Page 14, line 14, through page 15, line 2 (describing that a POSA would have combined Bason/Rhoades and Bason/Allsop by extending the diameter of ring 4 so that teeth 7 interact with teeth 2); and

¹ Patent Owner will file its Motion to Exclude any evidence offered by Petitioners in support of the above-identified portions of their Reply on the date specified in the Scheduling Order, and does not waive this right here.

- Page 15, line 6 through line 13 (describing that a POSA would have combined Bason/Allsop by moving window 13 to the side of the device).

Respectfully submitted,

Dated: June 18, 2019

by: /Ashley N. Moore/
Ashley N. Moore
Registration No. 51,667
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4000
Facsimile: (214) 978-4044
amoore@mckoolsmith.com

Counsel for Aptar France S.A.S.

CERTIFICATE OF SERVICE

A copy of the **Patent Owner's Motion to Strike Portions of Petitioners' Reply to Patent Owner's Response** has been served on Petitioner via electronic mail at the following correspondence address:

Steven D. Maslowski
AKIN GUMP STRAUSS HAUER & FELD LLP
Gregory A. Morris
Ron N. Sklar (to be admitted *pro hac vice*)
HONIGMAN MILLER SCHWARTZ AND COHN LLP
Rubén H. Muñoz
Jason Weil
Caitlin Olwell
AKIN GUMP STRAUSS HAUER & FELD LLP
AG-3M-APTARIPR@akingump.com

Respectfully submitted,

Dated: June 18, 2019

by: /Ashley N. Moore/
Ashley N. Moore
Registration No. 51,667

Counsel for Aptar France S.A.S.