

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

EP FAMILY CORP.

Petitioner,

v.

OFFICE KICK, INC.

Patent Owner.

Inter Partes Review No. 2025-00471

Petition Filing Date: January 16, 2025

PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NUMBER 11,849,843

TABLE OF CONTENTS

I.	INTRODUCTION	12
II.	GROUNDS FOR STANDING.....	13
III.	NOTICE OF REAL PARTY IN INTEREST.....	13
IV.	NOTICE OF RELATED MATTERS	14
V.	NOTICE OF LEAD AND BACKUP COUNSEL	14
VI.	NOTICE OF SERVICE INFORMATION.....	14
VII.	STATEMENT OF RELIEF REQUESTED	14
VIII.	THE '843 PATENT.....	15
A.	Discussion of the Disclosure of the '843 Patent	15
B.	Discussion of the Prosecution History of the '843 Patent.....	16
C.	Person of Ordinary Skill in the Art (“POSITA”).....	16
D.	Claims Being Challenged and Their Constructions.....	18
1.	Description of Claims	18
2.	Claim Construction	18
a)	Claim 1 and its Dependent Claims	19
E.	Overview of Prior Art References.....	24
1.	Overview of Patent WO 9117906 to Lindahl.....	25
2.	Overview of Patent US 4,574,785 to Yamamoto	26
3.	Overview of Patent US D308,537 to Clark	27
4.	Overview of Patent US 3,282,566 to Clarke	28
5.	Overview of Patent US 2014/0041554 to Huang	29
6.	Overview of Patent CN203934825 to Zhang	30
IX.	STATEMENT OF REASONS FOR RELIEF REQUESTED	31

A.	Ground 1: The Asserted Claims are Unpatentable Under §103 as Obvious Over Lindahl in View of Yamamoto and in Further View of Clark	33
1.	Independent Claim 1 Is Obvious Over Lindahl in View of Yamamoto and in Further View of Clark.....	33
a)	Element 1P: “a desktop workspace that adjusts vertically”	33
b)	Element 1a: “a work surface platform”	35
c)	Element 1b: “a platform element sitting on the work surface platform...including an elevated platform surface above the work surface platform”	36
d)	Element 1c: “a base configured to sit on an existing platform”	37
e)	Element 1d: “a height adjustment mechanism connecting the work surface platform and the base, the height adjustment mechanism including:”	38
(1)	Element 1d1: “a first set of pivot arms that connect at a scissoring pivot point creating a scissoring motion when raising and lowering the work surface platform to various heights”	40
(2)	Element 1d2: “a second set of pivot arms”	41
(3)	Element 1d3: “an element that connects the first set of pivot arms to the second set of pivot arms”	42
(4)	Element 1d4: “a base pivot point fixed relative to the base and connecting the base and the first set of pivot arms”	42
(5)	Element 1d5: “a platform pivot point fixed relative to the work	

	surface platform and connecting the work surface platform and the first set of pivot arms”	43
(6)	Element 1d6: “a sliding mechanism on an end of an arm of the first set of pivot arms between the end of the arm and either the work surface platform or the base”	43
(7)	Element 1d7: “a gas spring that assists in elevation of the work surface platform by applying a force to one of the first set of pivot arms as part of the scissoring motion”	44
(8)	Element 1d8: “wherein one end of the gas spring is fixed to the work surface platform, and wherein the gas spring acts as a locking device that holds the work surface platform at various vertical heights above the base”	45
(9)	Element 1d9: “a handle that unlocks the locking device in response to pressure applied by a user”	47
2.	Dependent Claims 2, 3, and 6-14 of the ’843 Patent are Obvious Over Lindahl in View of Yamamoto and in Further View of Clark.	47
a)	Claim 2.....	47
(1)	Element 2a: “wherein the platform element further includes four legs that support the elevated platform surface above the work surface platform”	48
(2)	Element 2b: “each of the four legs being proximate to one of four corners of the elevated platform surface”	48
b)	Claim 3.....	49

(1)	Element 3a: “wherein the platform element includes four sides including a bottom side on the work surface platform”	49
(2)	Element 3b: “a top side forming the elevated platform surface and two sidewalls that support the elevated platform surface above the bottom side and the work surface platform”	49
c)	Claim 6.....	50
(1)	Element 6a: “wherein the one end of the gas spring is fixed to the work surface platform via a bracket fixed to an underside of the work surface platform”	50
d)	Claim 7.....	51
(1)	Element 7a: “wherein the gas spring is attached directly to the one of the first set of pivot arms”	51
e)	Claim 8.....	52
(1)	Element 8a: “wherein the gas spring is attached directly to the one of the first set of pivot arms”	52
f)	Claim 9.....	53
(1)	Element 9a: “wherein the sliding mechanism is a first sliding mechanism”	53
(2)	Element 9b: “the desktop workspace further comprising a second sliding mechanism”	53
(3)	Element 9c: “wherein either the first sliding mechanism or the second sliding mechanism is attached or slides along the work surface platform”	54

(4)	Element 9d: “and the other of the first sliding mechanism and the second sliding mechanism is attached to or slides along the base”	54
g)	Claim 10.....	55
(1)	Element 10a: “wherein the scissoring motion when raising and lowering the work surface platform to various heights of the height adjustment mechanism moves the work surface platform in a straight vertical direction relative to the base”	55
h)	Claim 11.....	56
(1)	Element 11a: “wherein the sliding mechanism includes a wheel mounted on the end of the arm of the first set of pivot arms”	56
i)	Claim 12.....	56
(1)	Element 12a: wherein the base pivot point is a first base pivot point”	57
(2)	Element 12b: “wherein the height adjustment mechanism further includes a second base pivot point fixed relative to the base and connecting the base and the second set of pivot arms”	57
(3)	Element 12c: “wherein the base includes one or multiple stationary pieces of material connecting the first and second base pivot points to one another”	58
j)	Claim 13.....	58
(1)	Element 13a: “wherein the gas spring is attached to the one of the first set of pivot arms via an arm pivot point”	59

k)	Claim 14.....	59
(1)	Element 14a: “wherein the element that connects the first set of pivot arms to the second set of pivot arms is attached on the same sides of the arms as the sliding mechanism relative to the scissoring pivot points”	59
3.	Independent Claim 16 Is Obvious Over Lindahl in View of Yamamoto and in Further View of Clark.....	60
a)	Element 16d9: “wherein the gas spring, the first set of pivot arms, the base pivot point, and the platform pivot point align side-by-side when the desktop workspace is in a fully lowered position such that the desktop workspace adjusts vertically”	60
4.	Dependent Claim 17 is Obvious Over Lindahl in View of Yamamoto and in Further View of Clark, Clarke, and Zhang	62
a)	Element 17a: “wherein the gas spring is a first spring”	63
b)	Element 17b: “the desktop workspace comprising a pair of springs attached to the height adjustment mechanism to assist in the elevation of the work surface platform, the pair of springs including the first spring and a second spring”	63
5.	A POSITA Would Have Been Motivated to Combine Lindahl, Yamamoto, and Clark.....	65
a)	A POSITA Would Have Been Motivated to Combine Lindahl and Yamamoto	65
b)	A POSITA Would Have Been Motivated To Combine Lindahl and Yamamoto with Clark.....	67

B.	Ground 2: The Asserted Claims are Unpatentable Under §103 as Obvious Over Clarke in View of Lindahl and in Further View of Clark.....	68
C.	Ground 3: The Asserted Claims are Unpatentable Under §103 as Obvious Over Huang in View of Clarke and in Further View of Clark	70
D.	Ground 4: The Asserted Claims are Unpatentable Under §103 as Obvious Over Yamamoto in View of Zhang and in Further View of Clark	72
X.	CONCLUSION.....	75

TABLE OF AUTHORITIES

Cases

<i>Arendi v. Apple,</i> 832 F.3d 1355 (2016)	33
<i>Comaper Corp. v. Antec, Inc.,</i> 596 F.3d 1343 (Fed. Cir. 2010)	32
<i>Envtl. Designs, Ltd. v. Union Oil Co.,</i> 713 F.2d 693 (Fed.Cir.1983)	17
<i>Graham v. John Deere Co. of Kansas City,</i> 383 U.S. 1 (1966)	33
<i>In re GPAC Inc.,</i> 57 F.3d 1573 (Fed. Cir. 1995)	17
<i>KSR Int’l Co. v. Teleflex Inc.,</i> 550 U.S. 398 (2007)	32
<i>NidecMotor Corp. v. Zhongshan Broad Ocean Motor Co.,</i> 868 F.3d 1013 (Fed. Cir. 2017)	19
<i>Samsung Elecs. Co., Ltd. v. Dodots Licensing Sols. LLC,</i> 2023 WL 6633786 (P.T.A.B. Oct. 11, 2023)	18
<i>Up v. Techs.,</i> 2020 WL 582387 (P.T.A.B. Feb. 4, 2020)	33
<i>Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.,</i> 200 F.3d 795 (Fed. Cir. 1999)	19

Vizio, Inc. v. Broadcom Corp.,
2018 WL 4278993 (P.T.A.B. Sept. 7, 2018).....17

Statutes

35 U.S.C. §103 31, 67
35 U.S.C. §282(b)18

Regulations

37 C.F.R. §42.10018
37 C.F.R. §42.104(a).....13

LISTING OF PETITIONER’S EXHIBITS

Exhibit No.	Description
1001	US Patent No. 11,849,843 (“843 Patent”)
1002	Declaration of Nathan J. Macdonald
1003	Attachment 1 to Macdonald Declaration – Nathan Macdonald’s Curriculum Vitae
1004	Attachment 2 to Macdonald Declaration – Nathan Macdonald’s Previous Testimony
1005	Attachment 3 to Macdonald Declaration – Nathan Macdonald’s Reviewed Information
1006	Attachment 4 to Macdonald Declaration – Fundamental Concepts Regarding Invalidity
1007	Attachment 5 to Macdonald Declaration – Lindahl in View of Yamamoto, and in Further View of Clark with the Knowledge of a POSITA
1008	Attachment 6 to Macdonald Declaration – Clarke in View of Lindahl and in Further View of Clark with the Knowledge of a POSITA
1009	Attachment 7 to Macdonald Declaration – Huang (2014 Published Application) in View of Clarke and in Further View of Clark with the Knowledge of a POSITA
1010	Attachment 8 to Macdonald Declaration – Yamamoto in View of Zhang and in Further View of Clark with the Knowledge of a POSITA
1011	WO Patent No. 9117906 (“Lindahl”)
1012	US Patent No. 4,574,785 (“Yamamoto”)
1013	US Patent No. D308,537 (“Clark”)
1014	US Patent No. 3,282,566 (“Clarke”)
1015	US Patent No. 2014/0041554 (“Huang”)
1016	CN Patent No. 203934825 (“Zhang”)

I. INTRODUCTION

EP Family Corp. (“Petitioner”) petitions for *Inter Partes* Review (“IPR”) of Claims 1-3, 6-14, 16, and 17 (“Asserted Claims”) of US Patent No. 11,849,843 (“’843 Patent”) (Ex. 1001),¹ under 35 U.S.C. §§311-319 and 37 C.F.R. §42.

The Asserted Claims never should have been issued because prior art that was not disclosed to and considered by the Patent Examiner render them obvious. The elements of the Asserted Claims were present in the prior art, and a person of ordinary skill in the art (“POSITA”) would have been prompted to combine the elements in the way the Asserted Claims do.

Petitioner has retained an independent expert, Nathan J. Macdonald, who is a registered professional engineer as well as a certified safety professional. Mr. Nathan Macdonald has prepared a declaration in support of this Petition filed concurrently herewith. The Macdonald Declaration (“Macdonald Dec.”) establishes that Mr. Macdonald is a POSITA and performs a comprehensive invalidity analysis on the Asserted Claims to demonstrate the obviousness of the ’843 Patent in view of the prior art references discussed herein.

The ’843 Patent is directed to “[a] desktop workplace that adjusts vertically and includes a work surface platform, a base configured to sit on an existing platform, such as a desk, a height adjustable mechanism including at least one set of arms that connect at a pivot point(s) creating a scissoring motion to raise and lower the said work surface platform to various heights. (Ex. 1001, ’843 Patent

¹ The ’843 Patent has an effective filing date of October 4, 2021 (Ex. 1001, ’843 Patent), and thus is subject to AIA laws and rules.

Abstract). The '843 Patent is directed to a “locking and unlocking mechanism may connect to the height adjustable mechanism.” *Id.* In some cases, the apparatus directed by the '843 Patent “includes an adjustable mechanism to support items such as a keyboard” as well as “elements to raise items such as a monitor to an additional height.” *Id.*

However, as this Petition will demonstrate, the '843 Patent should never have been issued because it attempts to claim mundane components that are (and have) been easily incorporated into numerous mechanical designs as a matter of ordinary practice in the field of engineering. As grounds for cancellation of the Asserted Claims, this Petition relies on six prior art references, four of which were not before the Office during prosecution. As described in the Petition, there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the challenged claims. Accordingly, Petitioner requests institution of the IPR.

The required fee is being submitted herewith.

II. GROUNDS FOR STANDING

In accordance with 37 C.F.R. §42.104(a), Petitioner certifies that the patent for which review is sought is available for IPR and that Petitioner is not barred or estopped from requesting an IPR challenging the patent claims on the grounds identified in the Petition.

III. NOTICE OF REAL PARTY IN INTEREST

Petitioner is a California corporation specializing in e-commerce business for furniture and other home furnishing services. Petitioner has its main office

address at 368 Cheryl Lane, Walnut, CA 91789. There are no other real parties in interest.

IV. NOTICE OF RELATED MATTERS

This petition presents the same asserted claims as those at issue in *EP Family Corp. v. Office Kick, Inc.*, Case No. 2:24-cv-0067 AB (PVCx), in the Central District of California.

V. NOTICE OF LEAD AND BACKUP COUNSEL

Lead Counsel for Petitioner is Kevin Terrazas (Reg. No. 60417) of Terrazas, PLLC, 1001 S Capital of Texas Hwy, Building L, Suite 250, Austin TX 78746. Kevin Terrazas' phone number is 512-680-3257 and his email is kterrazas@terrazaspllc.com.

Backup Counsel for Petitioner is Joshua G. Simon (*Pro Hac Vice* to be filed), of Call & Jensen, 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660. Mr. Simon's phone number is (949) 717-3000 and his email is jsimon@calljensen.com.

VI. NOTICE OF SERVICE INFORMATION

Documents may be hand delivered to the address of Lead and Backup Counsel above. Petitioner also consents to electronic service by email.

VII. STATEMENT OF RELIEF REQUESTED

Petitioner requests cancellation of the Asserted Claims of U.S. Patent No. 11,849,843 ('843 Patent) (Ex. 1001) based on the following grounds, each of which is supported in detail below:

Ground 1: The Asserted Claims are unpatentable under §103 as obvious over Lindahl in view of Yamamoto and in further view of Clark.

Ground 2: The Asserted Claims are unpatentable under §103 as obvious over Clarke in view of Lindahl and in further view of Clark.

Ground 3: The Asserted Claims are unpatentable under §103 as obvious over Huang in view of Clarke and in further view of Clark.

Ground 4: The Asserted Claims are unpatentable under §103 as obvious over Yamamoto in view of Zhang and in further view of Clark.

VIII. THE '843 PATENT

A. Discussion of the Disclosure of the '843 Patent

The '843 Patent was filed on October 4, 2021, by Nathan Mark Poniatowski (“Mr. Poniatowski”) (who is the named inventor on the '843 Patent). The alleged invention disclosed in the '843 patent includes several mundane embodiments. One such embodiment uses a locking gas spring to adjustably set the height of the common scissor lift mechanism that largely comprises the alleged invention. (Ex. 1001, '843 Patent). Gas springs are commonplace components which are easily incorporated into various mechanical designs as a matter of ordinary engineering practice. Gas springs of ordinary and customary design are produced in many different sizes and with different options and functionality. Petitioner assumes that the critical date and effective filing date are both October 4, 2021, for all claims of the '843 Patent.

B. Discussion of the Prosecution History of the '843 Patent

During the prosecution of the '843 patent, in order to overcome a rejection, Mr. Poniatowski argued that the locking device is a device that restricts motion rather than drives motion by citing the Broder reference (US 6,220,558). However, the citation Mr. Poniatowski relies upon is actually from US 3,282,566 to J.E. Clarke ("Clarke"). Clarke discloses a scissor operating linkage that is operated by a double acting hydraulic cylinder. In an attempt to overcome a rejection, Mr. Poniatowski argued contrary to the disclosure of the '843 Patent, which recites using a linear actuator as a locking device.

Like a hydraulic cylinder, a linear actuator is a double acting element that can apply a force in both extension and retraction. *See* Ex. 1002, Declaration of Nathan Macdonald ("Macdonald Dec."), ¶ 13. A POSITA would understand that linear actuators are generally provided as an electric alternative to a traditional hydraulic cylinder. *Id.* at ¶ 14. There is no rationale as to why a hydraulic cylinder is not a locking device, but a linear actuator is. Further, it is well-known and easily understood that when a locking gas spring is unlocked, it acts as a gas spring (i.e. it exerts the force typical of a gas spring). *Id.* Accordingly, a locking gas spring will drive motion and not just inhibit it, contrary to what the applicant stated during the prosecution of the '843 Patent. *Id.*

C. Person of Ordinary Skill in the Art ("POSITA")

In determining the level of ordinary skill in the art, various factors may be considered, including the "type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made;

sophistication of the technology; and educational level of active workers in the field.” *Vizio, Inc. v. Broadcom Corp.*, 2018 WL 4278993, at *3 (P.T.A.B. Sept. 7, 2018); *see also In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (internal quotation or citation omitted); *Envtl. Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 696 (Fed. Cir. 1983).

The types of problems encountered in the art of vertically adjustable work surfaces (such as the those encountered by the '843 Patent) include but are not limited to choice of materials, management of load capacity, mechanism topology selection, actuator selection, management of mechanical advantage, management of the input of force and/or power, and the overall stability of the mechanism. *See* Ex. 1002, Macdonald Dec., ¶ 17. Additionally, innovations in the vertically adjustable work surface industry have typically been slow with the overall form and function of vertically adjustable work surface remaining largely unchanged. *Id.* at ¶ 19. For example, the prior art that will be discussed in this Petition is replete with scissor mechanisms used to vertically position work surfaces, dating back to at least as early as 1878 in a patent (US 200,057) issued to W.W. Hart. *Id.* Indeed, many vertically adjustable work surfaces use a similar scissor mechanism to this day. *Id.* Active workers in the field would typically be individuals with a bachelor's degree in mechanical engineering who may have only a few years of professional experience. *Id.*

Based on the above, a POSITA in the field of vertically adjustable work surfaces would have at least a bachelor's degree in Mechanical Engineering (or another technical field) and at least 2 years of experience in consumer product

design. *See* Ex. 1002, Macdonald Dec., ¶ 20. More industry experience could reduce the amount of educational experience required. *Id.* As previously mentioned, Mr. Nathan Macdonald is a POSITA, in addition to earning a Bachelor of Science in Mechanical Engineering, he is a certified commercial building inspector and a certified trainer for operators of forklifts, telehandlers, and mobile elevating work platforms. *Id.*

D. Claims Being Challenged and Their Constructions

1. Description of Claims

The Asserted Claims of the '843 Patent include two independent claims (Claims 1 and 16). (Ex. 1001, '843 Patent). Claims 2, 3, 6-14 are dependent on Claim 1, and Claim 17 is dependent on Claim 16. *Id.* Claims 1-3, 6-14, 16, and 17 are all being challenged.

2. Claim Construction

The Board is required, by 37 C.F.R. §42.100, to interpret claims using the same claim construction standard that would be used to construe claims in a civil action under 35 U.S.C. §282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by a POSITA and the prosecution history pertaining to the patent. *Samsung Elecs. Co., Ltd. v. Dodots Licensing Sols. LLC*, 2023 WL 6633786, at *11 (P.T.A.B. Oct. 11, 2023). Only those terms that are in controversy need be construed, and only to the extent necessary to resolve the controversy. *Dodots Licensing Sols. LLC*, 2023 WL 6633786, at *11; *NidecMotor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868

F.3d 1013, 1017 (Fed. Cir. 2017) (citing *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

a) Claim 1 and its Dependent Claims

Claim 1 consists of the following elements:

1P. A desktop workspace that adjusts vertically, comprising:

1a. a work surface platform;

1b. a platform element sitting on the work surface platform, the platform element including an elevated platform surface above the work surface platform;

1c. a base configured to sit on an existing platform; and

1d. a height adjustment mechanism connecting the work surface platform and the base, the height adjustment mechanism including:

1d1. a first set of pivot arms that connect at a scissoring pivot point creating a scissoring motion when raising and lowering the work surface platform to various heights;

1d2. a second set of pivot arms;

1d3. an element that connects the first set of pivot arms to the second set of pivot arms;

1d4. a base pivot point fixed relative to the base and connecting the base and the first set of pivot arms;

1d5. a platform pivot point fixed relative to the work surface platform and connecting the work surface platform and the first set of pivot arms;

1d6. a sliding mechanism on an end of an arm of the first set of pivot arms between the end of the arm and either the work surface platform or the base;

1d7. a gas spring that assists in elevation of the work surface platform by applying a force to one of the first set of pivot arms as part of the scissoring motion;

1d8. wherein one end of the gas spring is fixed to the work surface platform, and wherein the gas spring acts as a locking device that holds the work surface platform at various vertical heights above the base; and

1d9. a handle that unlocks the locking device in response to pressure applied by a user.

Claims 2, 3, and 6-14 add the following elements to the desktop workplace of **Claim 1**:

Claim 2

2a. Wherein the platform element further includes four legs that support the elevated platform surface above the work surface platform; and

2b. each of the four legs being proximate to one of four corners of the elevated platform surface.

Claim 3

3a. Wherein the platform element includes four sides including a bottom side on the work surface platform; and

3b. a top side forming the elevated platform surface and two sidewalls that support the elevated platform surface above the bottom side and the work surface platform.

Claim 6

6a. Wherein the one end of the gas spring is fixed to the work surface platform via a bracket fixed to an underside of the work surface platform.

Claim 7

7a. Wherein the gas spring is attached directly to the one of the first set of pivot arms.

Claim 8

8a. Wherein the gas spring is attached directly to the one of the first set of pivot arms.

Claim 9

- 9a.** Wherein the sliding mechanism is a first sliding mechanism;
- 9b.** the desktop workspace further comprising a second sliding mechanism;
- 9c.** wherein either the first sliding mechanism or the second sliding mechanism is attached or slides along the work surface platform; and
- 9d.** and the other of the first sliding mechanism and the second sliding mechanism is attached to or slides along the base.

Claim 10

10a. Wherein the scissoring motion when raising and lowering the work surface platform to various heights of the height adjustment mechanism moves the work surface platform in a straight vertical direction relative to the base.

Claim 11

11a. Wherein the sliding mechanism includes a wheel mounted on the end of the arm of the first set of pivot arms.

Claim 12

12a. Wherein the base pivot point is a first base pivot point;

12b. wherein the height adjustment mechanism further includes a second base pivot point fixed relative to the base and connecting the base and the second set of pivot arms; and

12c. wherein the base includes one or multiple stationary pieces of material connecting the first and second base pivot points to one another.

Claim 13

13a. Wherein the gas spring is attached to the one of the first set of pivot arms via an arm pivot point.

Claim 14

14a. Wherein the element that connects the first set of pivot arms to the second set of pivot arms is attached on the same sides of the arms as the sliding mechanism relative to the scissoring pivot points.

Claim 16 consists of the following elements:

16P. A desktop workspace that adjusts vertically, comprising:

16a. a work surface platform;

16b. a platform element sitting on the work surface platform, the platform element including an elevated platform surface above the work surface platform;

16c. a base configured to sit on an existing platform; and

16d. a height adjustment mechanism connecting the work surface platform and the base, the height adjustment mechanism including:

16d1. a first set of pivot arms that connect at a scissoring pivot point creating a scissoring motion when raising and lowering the work surface platform to various heights;

16d2. a second set of pivot arms;

16d3. an element that connects the first set of pivot arms to the second set of pivot arms; a base pivot point fixed relative to the base and connecting the base and the first set of pivot arms;

16d4. a platform pivot point fixed relative to the work surface platform and connecting the work surface platform and the first set of pivot arms;

16d5. a sliding mechanism on an end of an arm of the first set of pivot arms between the end of the arm and either the work surface platform or the base;

16d6. a gas spring that assists in elevation of the work surface platform by applying a force to one of the first set of pivot arms as part of the scissoring motion;

16d7. wherein one end of the gas spring is fixed to the work surface platform;

16d8. wherein the gas spring acts as a locking device that holds the work surface platform at various vertical heights above the base; and

16d9. wherein the gas spring, the first set of pivot arms, the base pivot point, and the platform pivot point align side-by-side when the desktop workspace is in a fully lowered position such that the desktop workspace adjusts vertically.

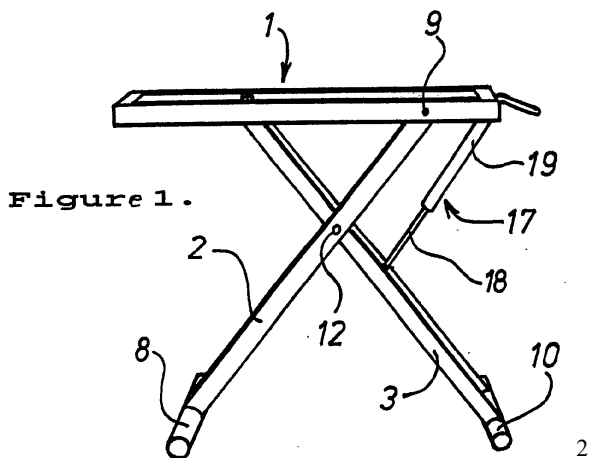
Claim 17 depends on Claim 16 (the desktop workplace) and adds the establishment of the gas spring as a first spring along with the attachment of a pair of springs to the height adjustment mechanism to assist in the elevation of the work surface platform. Claim 17 also adds a pair of springs including the first spring and a second spring.

E. Overview of Prior Art References

The following prior art references will demonstrate that the '843 Patent is not inventive and should not have been granted. Further, the following prior art references (and their combinations) also demonstrate that the vertically adjusting desktop workspace is merely the amalgamation of ordinary and widely recognized design elements and methods. The vast amount of analogous prior art references in the field of desktop workplace designs proves the lack of inventiveness of the '843 Patent.

Accordingly, a POSITA would find the following prior art references are particularly relevant in rendering the '843 Patent obvious to produce. *See* Ex. 1002, Macdonald Dec., ¶ 23. Notably, four of these prior art references were not disclosed to the examiner during the prosecution of the '843 Patent.

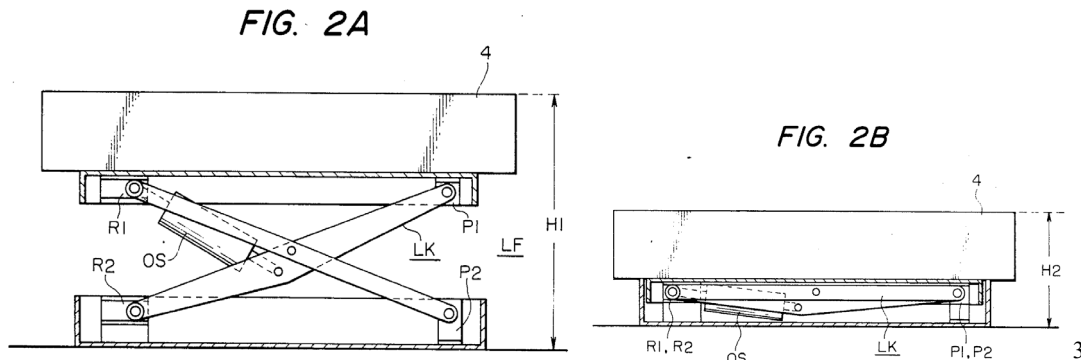
1. Overview of Patent WO 9117906 to Lindahl



Patent WO 9117906 to Lindahl (“Lindahl”) was issued November 28, 1991. (See Ex. 1011, Lindahl). Lindahl was *not* before the Examiner. Lindahl discloses a continuously adjustable scissor lift platform using a locking gas spring (a commonplace component that interacts with a scissor leg mechanism). *Id.* The locking gas spring allows the platform to be set at any height desired by the user of the apparatus. *Id.* Lindahl also discloses the use of a simple handle to lock or unlock the gas spring. *Id.* Lindahl demonstrates how a POSITA would easily understand the interchangeability between a hydraulic cylinder and a locking gas spring. See Ex. 1002, Macdonald Dec., ¶ 24.

² See Ex. 1011, Lindahl

2. Overview of Patent US 4,574,785 to Yamamoto

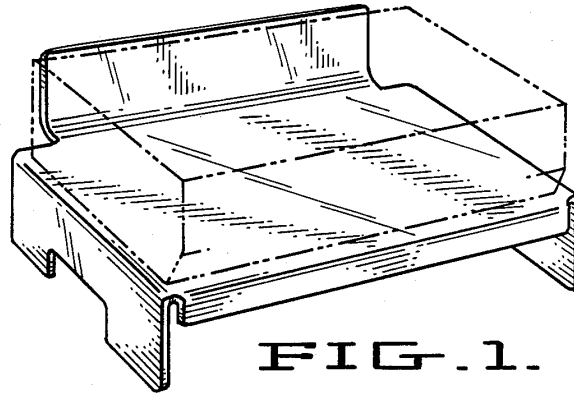


Patent US 4,574,785 to Yamamoto (“Yamamoto”) was issued on March 11, 1986. (See Ex. 1012, Yamamoto). Yamamoto was *not* before the Examiner. Yamamoto discloses a scissor lift platform where the scissor mechanism is operable from a completely collapsed position to a fully deployed one. *Id.* Even though the Yamamoto apparatus is applied to a medical bed, a POSITA would easily understand that such a scissor lift surface has broader applications and can extend to devices such as desktop workplaces. See Ex. 1002, Macdonald Dec., ¶ 24. The crux of Yamamoto lies in its controls system and on the fluidized bed itself. *Id.* The scissor lift mechanism described by Yamamoto is so mundane that it is not a major point of focus in Yamamoto. *Id.* Additionally, the use of gas springs to assist linkages such as scissor lifts was well known as well. *Id.*

Based on the above, a POSITA would easily recognize that the interchangeability of the hydraulic cylinder and locking gas spring would provide advantages in simplifying the lift mechanism to no longer need an external hydraulics system. *Id.*

³ See Ex. 1012, Yamamoto

3. Overview of Patent US D308,537 to Clark

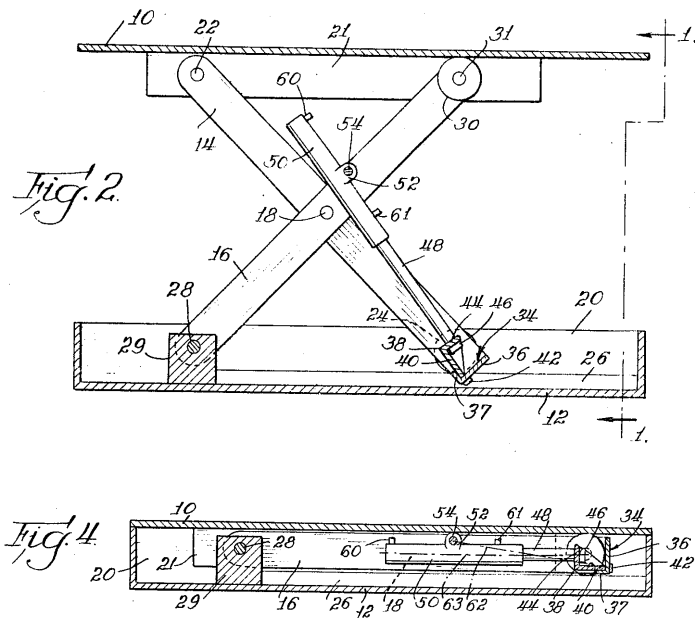


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Patent US D308,537 to Clark (“Clark”) was issued on June 12, 1991. (*See* Ex. 1013, Clark). Clark was *not* before the Examiner. Clark discloses the ornamental appearance of a computer printer stand. *Id.* Clark illustrates a design for a platform that is generally rectangular in shape and is provided with four support legs generally positioned at the corners of the platform. *Id.* However, despite the fact that Clark only covers the ornamental appearance of the article of manufacture (in this case a printer stand), a POSITA would easily recognize the utilitarian features of the printer stand as being an elevated platform on which objects can be supported at a height that enhances their ease of use. *See* Ex. 1002, Macdonald Dec., ¶ 20. A POSITA would also recognize that such a platform could be placed on a desk or table of any type including an elevating work platform. *Id.*

⁴ *See* Ex. 1013, Clark

4. Overview of Patent US 3,282,566 to Clarke

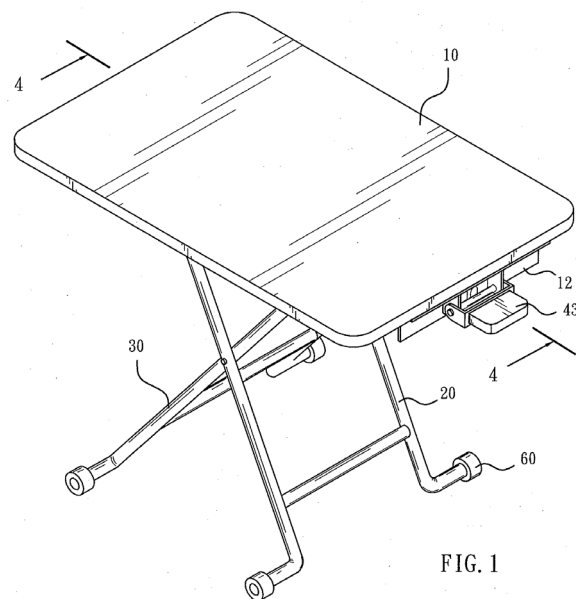


Patent US 3,282,566 to Clarke (“Clarke”) was issued on May 18, 1964. Clarke was before the Examiner and cited in a prior rejection. (See Ex. 1014, Clarke). Clarke discloses a scissor lift mechanism for vertically lifting a table from a stowed position to an open position. *Id.* Clarke addresses the well-known problem that can occur in actuated scissor lift mechanisms when the mechanism lifts up from a completely flat position. In typical scissor lift mechanisms that collapse to become perfectly flat, it may become impossible to lift the upper platform without the assistance of some other mechanism. Many scissor lift mechanisms solve this problem by never allowing a linkage to go completely flat. However, this solution detracts from one of the main advantages of a scissor mechanism: Compactness. Clarke proposes an alternate solution through an eccentric trunnion mounted cylinder which allows the actuator to develop a vertical

⁵ See Ex. 1014, Clarke

lift force even when the linkage is fully collapsed. A POSITA would easily recognize that the hydraulic cylinder could be swapped for a locking gas spring to achieve this solution. *See* Ex. 1002, Macdonald Dec., ¶ 24. Further, a POSITA would recognize that making this adjustment would provide significant advantages in simplifying the lift mechanism to no longer need the external hydraulics system. *Id.*

5. Overview of Patent US 2014/0041554 to Huang



Patent Application US 2014/0041554 to Huang (“Huang”) was published February 13, 2014. (*See* Ex. 1015, Huang). Huang was not before the Examiner. Huang discloses a height-adjustable scissor lift table of ordinary design. *Id.* Huang also discloses the use of a locking gas spring (which Huang refers to as a “air pressure bar”) that can be selectively locked and unlocked through the use of a handle. *Id.* Notably, Huang configures the structural elements of the sliding mechanism to reinforce the structural strength of the table. Accordingly, a POSITA

would recognize that an air pressure bar effectively functions as a gas spring because the air pressure bar is merely a simple piston-cylinder device with no inlet and outlet ports (features that are typical of a gas spring). *See* Ex. 1002, Macdonald Dec., ¶ 24.

6. Overview of Patent CN203934825 to Zhang

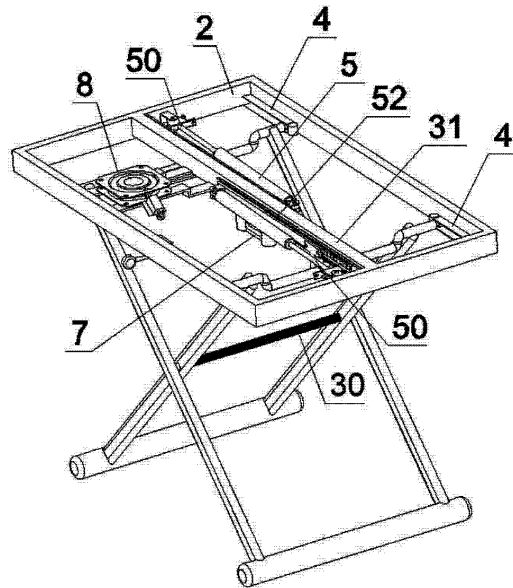


图4

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Patent CN203934825 to Zhang (“Zhang”) was issued on May 26, 2014. (*See* Ex. 1016, Zhang). Zhang was before the Examiner but not cited. Zhang discloses an elevated work surface platform that can be continuously adjusted to a variety of heights and locked in place. *Id.* Zhang describes the use of a pair of locking gas springs (which Zhang refers to as “driving air rods”) to facilitate the adjustment and support of an elevated desktop workplace. The locking gas springs described in Zhang are of ordinary design. Additionally, Zhang describes a Bowden cable-based

Continued from the previous page

⁶ See Ex. 1015, Huang

⁷ See Ex. 1016, Zhang

arrangement with a handle that can be used to selectively unlock or lock the gas springs. *Id.* When the gas springs are unlocked, they exert an outward assistive force which aids in lifting the work surface platform. Zhang also describes a turntable which allows the tabletop portions to be swiveled and unfolded. *Id.* Accordingly, Zhang proffers a design which can be stored very compactly when not in use. *See* Ex. 1002, Macdonald Dec., ¶ 24.

IX. STATEMENT OF REASONS FOR RELIEF REQUESTED

In light of the following grounds and cited art, the Asserted Claims are not patentable and should be cancelled under §103 as obvious.

Even if all the elements of a patented invention cannot be found in a single piece of prior art, the patent may still be found to be invalid if the invention is found to be obvious. 35 U.S.C. § 103(a) codifies the requirement that a patented invention cannot be obvious:

A patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Obviousness may be shown by considering “whether two or more pieces of prior art could be combined, or a single piece of prior art could be modified, to produce the claimed invention. This analysis typically invokes the familiar teaching-suggestion-motivation (“TSM”) test...” *Comaper Corp. v. Antec, Inc.*, 596 F.3d 1343, 1351-52 (Fed. Cir. 2010). “If a person of ordinary skill in the art can

implement a predictable variation [on the prior art], and would see the benefit of doing so, §103 likely bars its patentability.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 401 (2007).

Although the Supreme Court has rejected a rigid test of obviousness, the Court noted that “it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *KSR*, 550 U.S. at 418. The Supreme Court explained that when making a determination of whether the inventor would be motivated to combine elements from prior art references, a court must look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis must be made explicit. *Id.* at 419. “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 550 U.S. at 416.

The Federal Circuit also stated, “... we conclude that while ‘common sense’ can be invoked, even potentially to supply a limitation missing from the prior art, it must still be supported by evidence and a reasoned explanation. In cases in which ‘common sense’ is used to supply a missing limitation, as distinct from a motivation to combine, moreover, our search for a reasoned basis for resort to common sense must be searching. And, this is particularly true where the missing

limitation goes to the heart of an invention.” *Arendi v. Apple*, 832 F.3d 1355, 1363 (Fed. Cir. 2016).

While obviousness under § 103 is a question of law, it is resolved on the basis of 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 skill in the art; and (4) objective evidence of nonobviousness. *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966); *Up v. Techs.*, 2020 WL 582387, at *5 (P.T.A.B. Feb. 4, 2020).

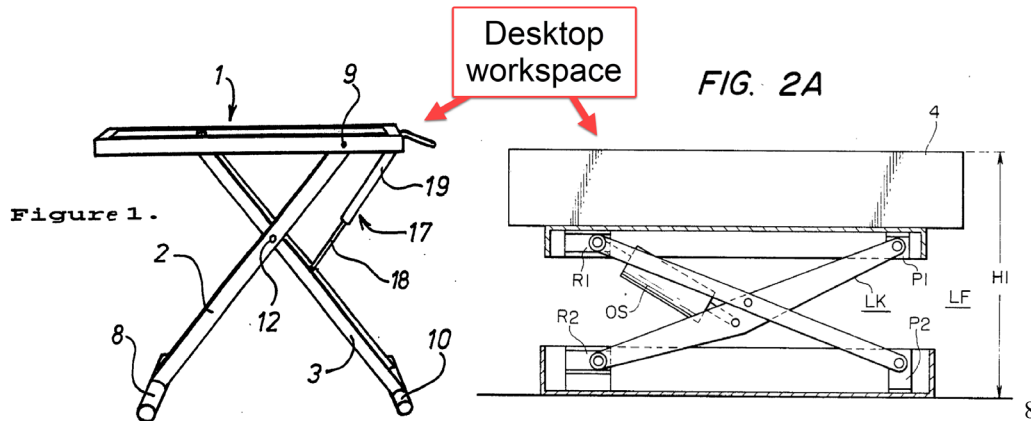
A. Ground 1: The Asserted Claims are Unpatentable Under §103 as Obvious Over Lindahl in View of Yamamoto and in Further View of Clark

The Asserted Claims are obvious over Lindahl in view of Yamamoto and in further view of Clark. A POSITA would have been prompted by these three references (none of which were disclosed to the Examiner during the prosecution of the '843 Patent) to combine their elements in the same manner as the Asserted Claims, as demonstrated by Mr. Macdonald’s comprehensive invalidity analysis. *See generally* Exs. 1007-1010.

1. Independent Claim 1 Is Obvious Over Lindahl in View of Yamamoto and in Further View of Clark.

a) Element 1P: “a desktop workspace that adjusts vertically”

Both Lindahl and Yamamoto disclose a desktop workspace that adjusts vertically. Ex. 1007, pp. 2–4.



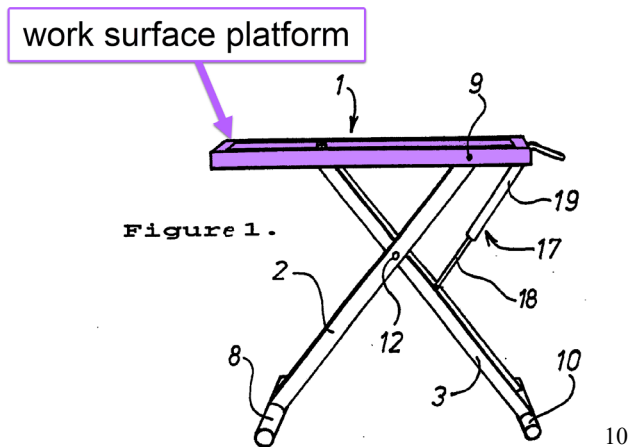
Lindahl clearly discloses a platform that “can be adjusted vertically to different positions.” *See* Ex. 1011, Lindahl *Abstract*. Yamamoto also describes a vertically adjustable workspace platform (a patient support platform). *See* Ex. 1012, Yamamoto 1:53-60. The usage of the term “desktop workspace” within the ’843 patent is consistent with the plain and ordinary meaning of the words from which the term is composed. *See* Ex. 1007, p. 4. For example, the desktop workspace in the ’843 Patent is described as having a top surface at which an operator stands to perform their work.⁹ Similarly, Yamamoto discloses a work surface in the form of a bed on a table at which an operator stands to perform various tasks. Ex. 1012, Yamamoto. Lindahl also discloses a desk surface which is a dedicated space allocated for one’s work should they so choose. Ex. 1011, Lindahl.

⁸ See Ex. 1011, Lindahl; Ex. 1012, Yamamoto

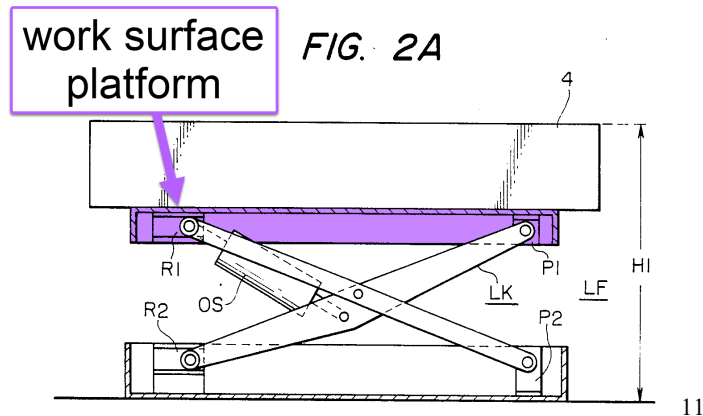
⁹ Ex. 1001, ’843 Patent 1:33-66

b) Element 1a: “a work surface platform”

Both Lindahl and Yamamoto disclose a work surface platform. Ex. 1007, pp. 4-6. Lindahl describes a work surface platform that is intended to be used as exactly that: a work surface platform. Ex. 1011, Lindahl 3:1-3.



A POSITA would understand that a dining table is perfectly suitable for use as a work surface, and that it is common for dining tables to be used for other types of tasks that are unrelated to dining. Ex. 1007, p. 5. Conversely, Yamamoto describes a platform for supporting a patient.



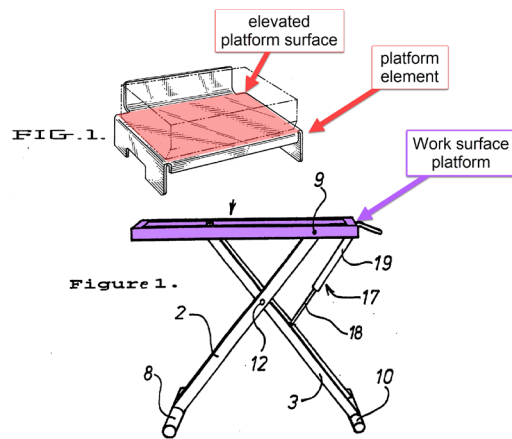
¹⁰ Ex. 1011, Lindahl

¹¹ Ex. 1012, Yamamoto; 1:53-60.

A POSITA would also understand that this is a platform where doctors and nurses perform work on patients, which is clearly an example of a work surface platform. Ex. 1007, p. 6.

c) Element 1b: “a platform element sitting on the work surface platform...including an elevated platform surface above the work surface platform”

As shown below, Lindahl in view of Yamamoto, and in further view of Clark also discloses a platform element sitting on the work surface platform with an elevated platform surface above the work surface platform. Ex. 1007, pp.6-8.



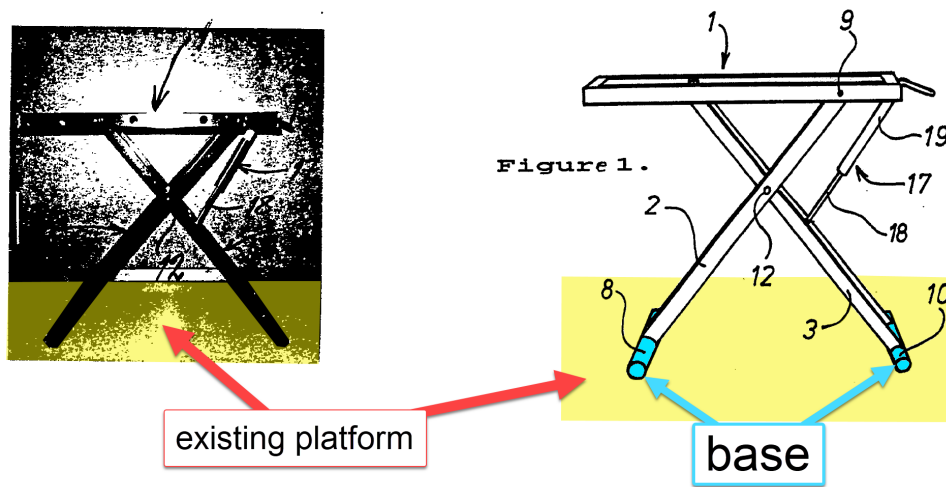
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As previously discussed, Clark discloses an elevated platform surface configured to be placed on another surface. Clark Figure 1, and Lindahl Figure 1, combined and annotated. Despite the fact that Clark only covers the ornamental appearance of the article of manufacture (in this case a printer stand), a POSITA would easily recognize the utilitarian features of the printer stand as being an elevated platform on which objects including electronics can be supported at a height that enhances their ease of use. See Ex, 1007, pp. 6-8. Clark illustrates a

design for a platform that is generally rectangular in shape and is provided with four support legs generally positioned at the corners of the platform. *Id.*; Ex. 1013, Clark, p. 1. A POSITA would easily recognize that such a platform could be placed on a desk or table of any type including an elevating work platform. *See Ex.* 1007, p. 8.

d) Element 1c: “a base configured to sit on an existing platform”

Both Lindahl and Yamamoto disclose a base configured to sit on an existing platform. Ex. 1007, pp. 8-10. As shown previously, Lindahl discloses a work surface platform that is configured to be used in caravans and motorhomes:



13

A POSITA will recognize that the floor of a caravan or motorhome is an existing platform on which the desk is taught to be used. MacDonald Dec., Ex. 1007, p. 9. The floor of a caravan or motorhome is a large flat surface consistently held at a height elevated from the ground. *Id.* Lindahl also has a base in the form of

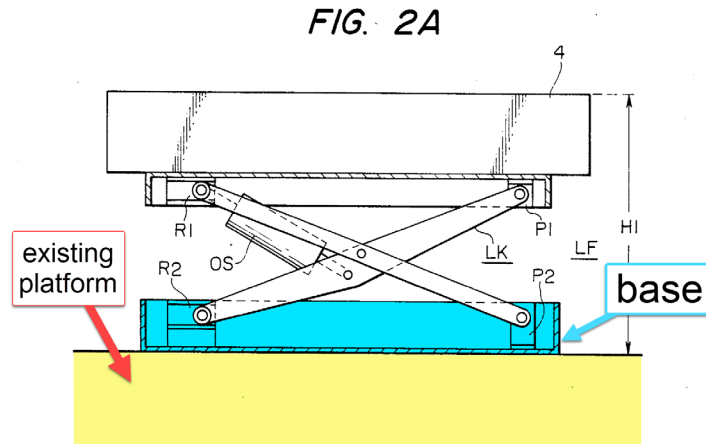
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¹² Ex. 1011, Lindahl; Ex. 1013, Clark

¹³ Ex. 1011, Lindahl cover page and Figure 1; 1:3-6; 13-14; 3:3-10.

transverse rods that supports the stand against the underlying support surface (i.e. existing platform). *Id.*

Yamamoto also discloses a base configured to sit on an existing platform:

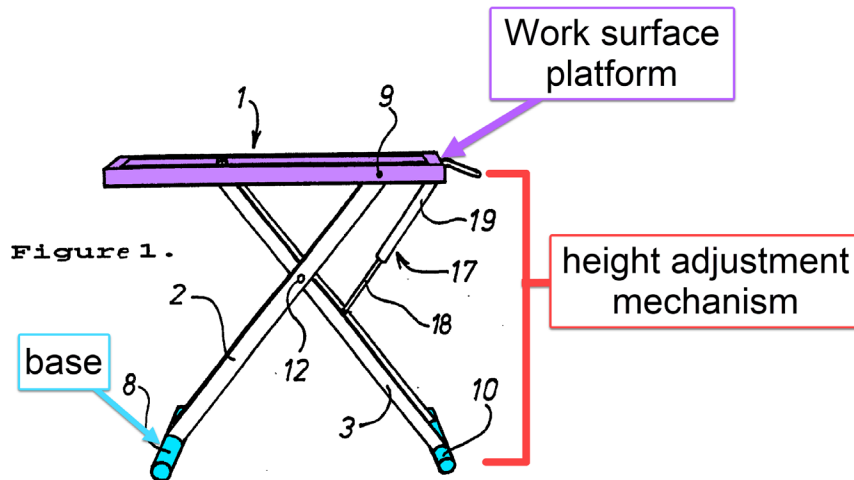


A POSITA will easily recognize that a floor is an existing platform. Ex. 1007, p. 10.

- e) **Element 1d: “a height adjustment mechanism connecting the work surface platform and the base, the height adjustment mechanism including:”**

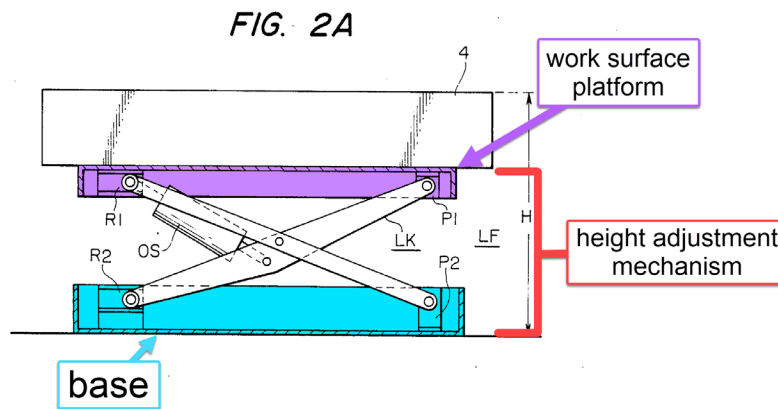
Both Lindahl and Yamamoto disclose a height adjustment mechanism connecting the work surface platform and the base. Ex. 1007, pp. 10-12. Just like with the '843 Patent, the Lindahl mechanism uses a scissor linkage to serve as a height adjustment mechanism which connects the work surface platform to the base:

¹⁴ Ex. 1012, Yamamoto Figure 2A; 1:53-60



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Yamamoto also discloses a height adjustment mechanism:



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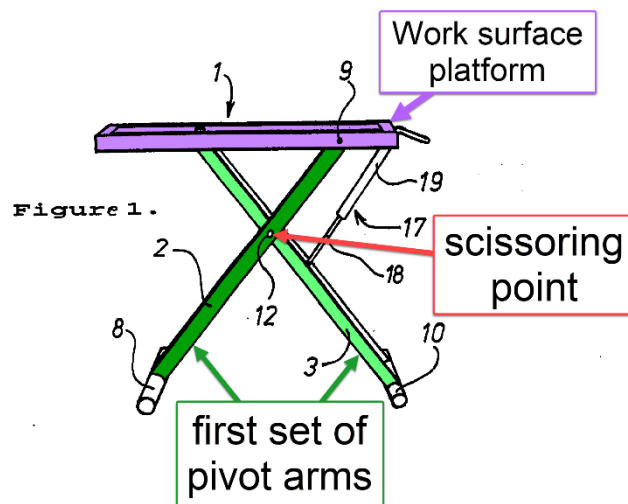
A POSITA will recognize that both Lindahl and Yamamoto use a scissor linkage and that the height adjustment mechanism of Yamamoto and Lindahl mechanism are interchangeable. Ex. 1007, p. 12.

¹⁵ Ex. 1011, Lindahl Figure 1; 1:30-35; 2:12-22

¹⁶ Ex. 1012, Yamamoto; 1:63-2:3

(1) Element 1d1: “a first set of pivot arms that connect at a scissoring pivot point creating a scissoring motion when raising and lowering the work surface platform to various heights”

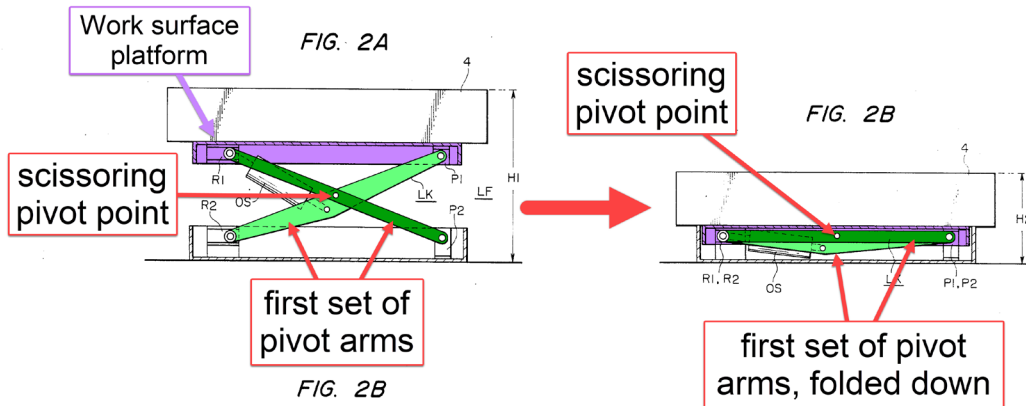
Both Lindahl and Yamamoto have a first set of pivot arms that connect at a scissoring pivot point creating a scissoring motion when raising and lowering the work surface platform to various heights. Ex. 1007, pp. 11-14. Lindahl discloses a first set of pivot arms connecting at a scissoring point to accomplish a scissoring motion when raising and lowering the work surface to various heights:



17

Yamamoto also has a first set of pivot arms connecting at a scissoring point to accomplish the same scissoring motion as Lindahl:

¹⁷ Ex. 1011, Lindahl Figure 1; Abstract, 3:1-3, 11-20



18

A POSITA would understand that scissor mechanisms are suitable for vertical lifting applications such as Lindahl and Yamamoto. Scissor mechanisms are well-known and are very commonly built with two sets of pivots arms. Ex. 1007, p. 14.

(2) Element 1d2: “a second set of pivot arms”

At least Lindahl discloses a second set of pivot arms. Ex. 1011, Lindahl 3:12-20; Ex. 1007, p. 14-15. A POSITA would also understand Yamamoto to disclose a second set of pivot arms because it would be impossible and nonfunctional to raise or lower a bed using a single set of pivot arms as the other side of the bed would either not be raised or would cause the apparatus to topple over. A POSITA would understand that the scissor lift mechanism created by the pair of pivot arms is of typical and ordinary design. Ex. 1007, p. 15. A POSITA would also understand and be familiar with the fact that scissor lift mechanisms (such as a common scissor lift machine or even a small table) are commonly built with a pair of scissoring links. *Id.* Multiple scissoring links provide lateral stability to the machine over what would be typical of a single set of scissoring links. *Id.*

¹⁸ Ex. 1012, Yamamoto Figures 2A and 2B; 1:63-2:3

(3) Element 1d3: “an element that connects the first set of pivot arms to the second set of pivot arms”

At least Lindahl discloses an element that connects the first set of pivot arms to the second set of pivot arms. Ex. 1011, Lindahl 3:3-10, 12-20; Ex. 1007, pp.15-16. A POSITA will understand that these connecting elements are a typical and ordinary part of the design for scissor lift mechanisms and any one of these components in both Clarke and Lindahl are elements connecting the first set of pivot arms to the second set of pivot arms. Ex. 1007, p. 16. A POSITA would also understand Yamamoto to disclose an element that connects the first set of pivot arms to the second set of pivot arms because of the stability and support provided by the connection and the assurance that a bed (particularly a hospital bed) would be raised at equal heights.

(4) Element 1d4: “a base pivot point fixed relative to the base and connecting the base and the first set of pivot arms”

Lindahl in view of Yamamoto discloses a base pivot point fixed relative to the base and connecting the base and the first set of pivot arms. Ex. 1011, Lindahl, 2:12-22, 1:30-35; Ex. 1012, Yamamoto 1:63-2:3; Ex. 1007, pp. 16-17. A POSITA would understand that a base pivot point that is fixed relative to the base and connects it with the first set of pivot arms is ubiquitous with scissor lift mechanism designs. Ex. 1007, p. 17. Such a design is a required part of any scissor lift

mechanism that is fixed to a base because it is one of the main supports for the entire lift mechanism. *Id.*

(5) Element 1d5: “a platform pivot point fixed relative to the work surface platform and connecting the work surface platform and the first set of pivot arms”

Both Lindahl and Yamamoto have a platform pivot point fixed relative to the work surface platform and connecting the work surface platform and the first set of pivot arms. Ex. 1007, pp. 17-19; Ex. 1011, Lindahl 3:3-11; Ex. 1012, Yamamoto 1:68-2:3. As previously discussed, a platform pivot point is ubiquitous in scissor lift linkage design which is precisely why both Lindahl and Yamamoto disclose it. Ex. 1007, p. 19. A POSITA would understand this pivot point exists merely by knowing that a scissor lift mechanism is involved in the design. *Id.*

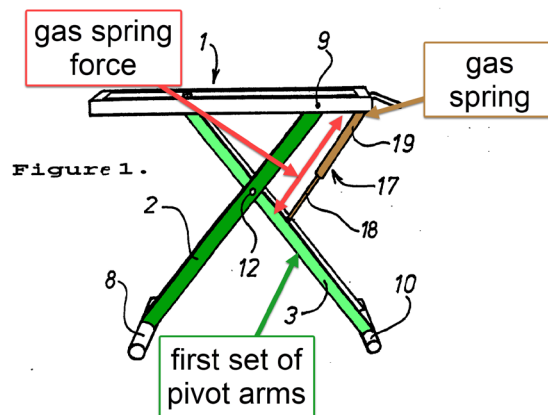
(6) Element 1d6: “a sliding mechanism on an end of an arm of the first set of pivot arms between the end of the arm and either the work surface platform or the base”

Both Lindahl and Yamamoto disclose a sliding mechanism on an end of an arm of the first set of pivot arms between the end of the arm and either the work surface platform or the base. Ex. 1007, pp. 18–21; Ex. 1011, Lindahl Figure 1 and 2, 3:31-4; Ex. 1012, Yamamoto Figures 2A and 2B, 1:68-2:3. It is kinematically necessary as a part of the design of a scissor lift linkage to allow these pivot points to move in this way. Ex. 1007, p. 22. The term “sliding mechanism” must be

interpreted to include rolling contact based on the language of the '843 Patent. *Id.* at p. 21. A POSITA would understand that a wheel is used for rolling contact (which is typically different from sliding contact). *Id.* A POSITA would also understand that scissor linkages can and often are made with rolling or sliding contact that function the same. *Id.*

- (7) **Element 1d7: “a gas spring that assists in elevation of the work surface platform by applying a force to one of the first set of pivot arms as part of the scissoring motion”**

Lindahl discloses a gas spring that assists in the elevation of the work surface platform by applying a force to one of the first set of pivot arms as part of the scissoring motion. Ex. 1007, pp. 21–22; Ex. 1011, Lindahl 4:5-15.



19

As shown above, the gas-spring of Lindahl is connected between the work surface platform and the pivot arms which enables it to apply force to the pivot arms as well as the work surface platform as part of the scissoring motion. Lindahl also provides yet another teaching of the interchangeability of a gas-spring and a

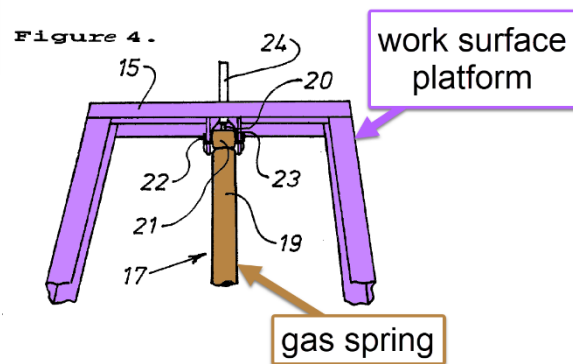
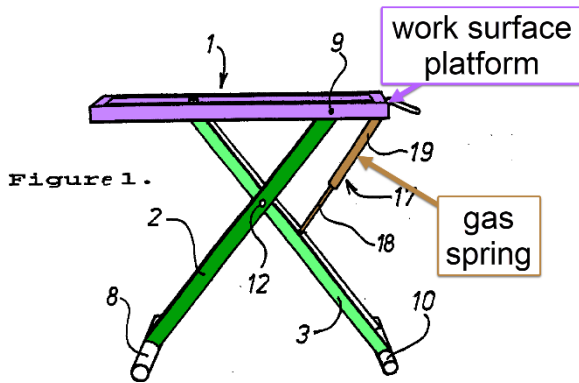
¹⁹ See Ex. 1011, Lindahl Figure 1

hydraulic cylinder. A POSITA would easily understand that a lockable gas-spring is analogous to a piston-cylinder device. Ex. 1007, p. 23. A POSITA would also understand that a hydraulic or pneumatic cylinder is analogous to a piston-cylinder device. *Id.* Yamamoto also shows a piston-cylinder device between the work surface platform and the pivoting links:²⁰ Such a design is widely known because it is commonplace design that is often used for scissor lift mechanisms. Ex. 1007, p. 23. Notably, a POSITA would also understand that the hydraulic cylinder of Yamamoto could be replaced with a gas spring. *Id.*

(8) Element 1d8: “wherein one end of the gas spring is fixed to the work surface platform, and wherein the gas spring acts as a locking device that holds the work surface platform at various vertical heights above the base”

Lindahl discloses that one end of the gas spring is fixed to the work surface platform, and wherein the gas spring acts as a locking device that holds the work surface platform at various vertical heights above the base. Ex. 1011, Lindahl 4:5-15; Ex. 1007, pp. 22-23.

²⁰ See Ex. 1012, Yamamoto Figure 2A element OS which is connected to R1 and LK



21

As shown above, Lindahl discloses the use of a gas spring to facilitate the movement of the scissor linkage. Ex. 1011, Lindahl. Specifically, the gas-spring cited is a locking gas-spring which is a common component that any POSITA would be very familiar with. Ex. 1007, p. 24. As Lindahl describes, the locking gas spring is used to set the work surface platform at various heights in ordinary usage of the Lindahl apparatus. Ex. 1011, Lindahl 4:5-15. A POSITA would understand that a hydraulic cylinder, such as the one used by Yamamoto, is also a device that can be used to lock the vertical position of the platform at any height within its ordinary range of motion. Ex. 1007, p. 24. The hydraulic cylinder of Yamamoto (item OS²²) is a piston-cylinder device that is attached to the roller that engages with the work surface platform on one end as can be clearly seen in view 2A of Yamamoto. *Id.* A POSITA would understand that the hydraulic cylinder of Yamamoto could be replaced with a locking gas spring described in element 1d8 of Claim 1 in view of Lindahl. *Id.*

²¹ Ex. 1011, Lindahl, Figures 1 and 4

²² Ex. 1012, Yamamoto 2: 3

(9) Element 1d9: “a handle that unlocks the locking device in response to pressure applied by a user”

Lindahl in view of Yamamoto discloses a handle that unlocks the locking device in response to pressure applied by a user. Ex. 1007, p. 25; Ex. 1011, Lindahl 5:8-6:8. Accordingly, every element of Claim 1 is present in the prior art references discussed above thereby rendering Claim 1 obvious.

2. Dependent Claims 2, 3, and 6-14 of the '843 Patent are Obvious Over Lindahl in View of Yamamoto and in Further View of Clark.

Claims 2, 3, and 6-14 of the '843 Patent are obvious over Lindahl in view of Yamamoto and in further view of Clark as all their elements are disclosed by those references and their combinations. Ex. 1007, pp. 25-42. Claims 2, 3, and 6-14 depend on Claim 1 as they are all the same desktop workplace. Their additional elements were also disclosed in the prior art, and a POSITA would have been prompted to combine them in the same way as the dependent Claims do as set forth in detail in Mr. Macdonald's expert declaration. *See generally* Ex. 1007, pp. 25-43.

a) Claim 2

Claim 2 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 2 also appear in the prior art references (and their combinations) discussed below.

(1) Element 2a: “wherein the platform element further includes four legs that support the elevated platform surface above the work surface platform”

Clark already discloses that the platform element further includes four legs that support the elevated platform surface above the work surface. Ex. 1011, Lindahl Figure 1; Ex. 1012, Yamamoto Figure 2A; Ex. 1013, Clark Figures 1 and 4; Ex. 1007, p. 26. Therefore, a POSITA would recognize that the four legs of Clark could be used to support elevated platforms such as those described by Lindahl and Yamamoto. Ex. 1011, Lindahl Figure 1; Ex. 1012 Yamamoto Figure 2A.

(2) Element 2b: “each of the four legs being proximate to one of four corners of the elevated platform surface”

Clark already discloses each of the four legs being proximate to one of the four corners of the elevated platform surface. Ex. 1011, Lindahl Figure 1; Ex. 1012, Yamamoto Figure 2A; Ex. 1013, Clark Figures 1 and 4; Ex. 1007, p. 26-27. Therefore, a POSITA would recognize that Lindahl in view of Yamamoto and in further view of Clark already discloses element 2a of Claim 2. Since every element of Claim 2 appears in the prior art references (and their combinations) discussed above, Claim 2 is rendered obvious.

b) Claim 3

Claim 3 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 3 also appear in the prior art references (and their combinations) discussed below.

(1) Element 3a: “wherein the platform element includes four sides including a bottom side on the work surface platform”

Lindahl in view of Yamamoto, and in further view of Clark discloses that the platform element includes four sides including a bottom side on the work surface platform. Ex. 1007, p. 27; Ex. 1013, Clark; Ex. 1011, Lindahl Figure 1; Ex. 1012, Yamamoto Figure 1 and 2A;

(2) Element 3b: “a top side forming the elevated platform surface and two sidewalls that support the elevated platform surface above the bottom side and the work surface platform”

Lindahl in view of Yamamoto and in further view of Clark also disclose that the platform element has a top side forming the elevated platform surface and two sidewalls that support the elevated platform surface above the bottom side along the work surface platform. Ex. 1007, p. 28; Ex. 1011, Lindahl Figure 1; Ex, 1013, Clark Figure 1. As previously discussed, a POSITA would understand and find it obvious that the Clark style printing stand would typically be placed on top of a work surface (such as the one described in Lindahl) or any other adequately sized horizontal surface. Ex. 1007, p. 28. When the Clark printer stand is placed on

Lindahl, the bottom side of the printer stand will be in direct contact with the work surface platform. Ex. 1007, p. 29. Additionally, Yamamoto has a bed on top of the work surface platform. Ex. 1012, Yamamoto, Figure 2A. Since every element of Claim 3 appears in the prior art references (and their combinations) discussed above, Claim 3 is rendered obvious.

c) Claim 6

Claim 6 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 6 also appear in the prior art references (and their combinations) discussed below.

(1) Element 6a: “wherein the one end of the gas spring is fixed to the work surface platform via a bracket fixed to an underside of the work surface platform”

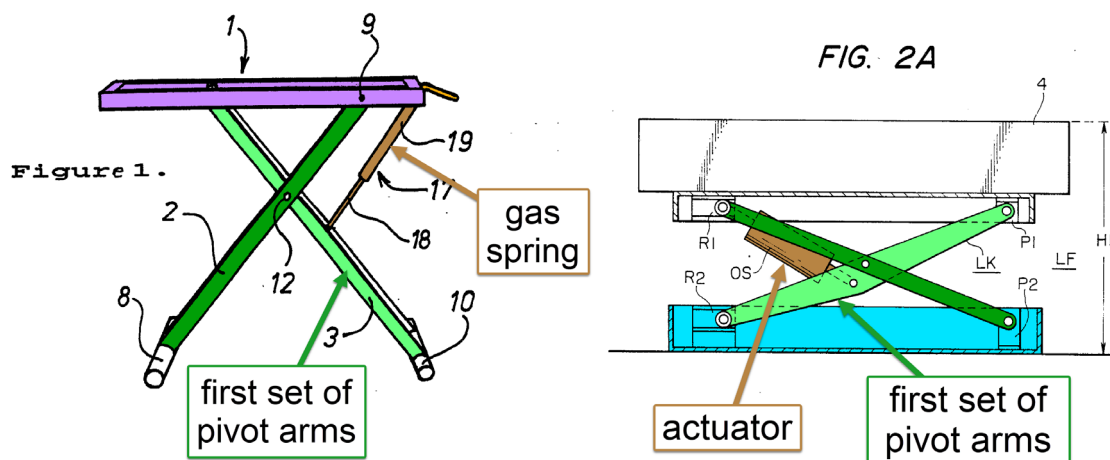
Lindahl discloses that one end of the gas spring is fixed to the work surface platform by a bracket fixed to an underside of the work surface platform. Ex. 1007, p. 29; Ex. 1011, Lindahl 4:5-15, 23-27. Conversely, Yamamoto teaches mounting the pivot arms to the bottom side of the work surface platform using a bracket. Ex. 1012, Yamamoto 1:68-2:5. A POSITA would understand that the gas spring could easily be mounted to the bottom of the work surface platform using the same methodology. Ex. 1007, p. 31. Since every element of Claim 6 appears in the prior art references (and their combinations) discussed above, Claim 6 is rendered obvious.

d) Claim 7

Claim 7 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 7 also appear in the prior art references (and their combinations) discussed below.

(1) Element 7a: “wherein the gas spring is attached directly to the one of the first set of pivot arms”

Lindahl in view of Yamamoto discloses that the gas spring is attached directly to one of the first set of pivot arms. Ex. 1011, Lindahl 4:10-12, Ex. 1012, Yamamoto, Figure 2A; Ex. 1007, p. 31.



23

As shown above, the gas spring is attached directly to one of the first set of pivot arms. The gas spring has a bottom part 18 (the rod end) which is pivotally connected to leg member 3, which is one of the first set of pivot arms. Additionally, Yamamoto Figure 2A shows that the piston cylinder style actuator is directly connected to the first set of pivot arms. Since all the elements of Claim 7 appear in the prior art references discussed above, Claim 7 is rendered obvious.

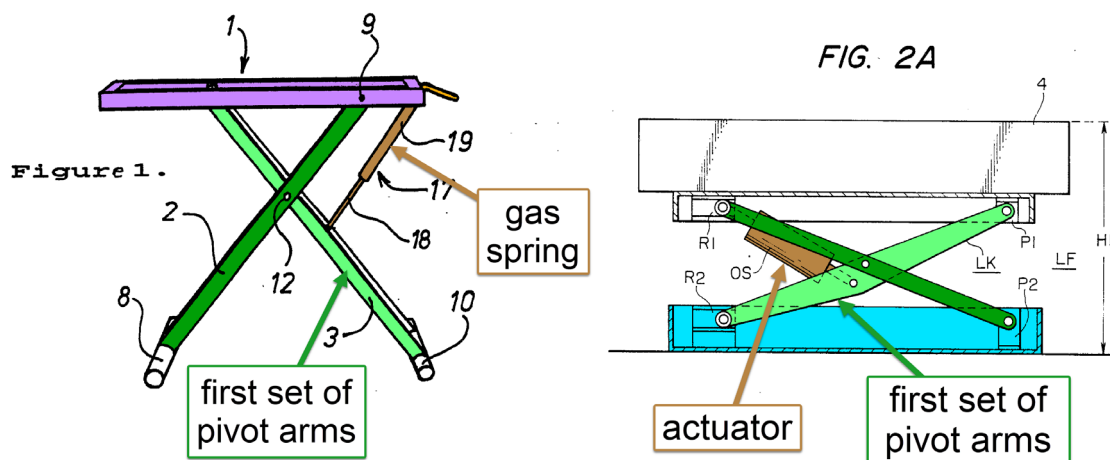
²³ Ex. 1011, Lindahl Figure 1; Ex. 1012, Yamamoto Figure 2A

e) **Claim 8**

Claim 8 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 8 also appear in the prior art references (and their combinations) discussed below.

(1) **Element 8a: “wherein the gas spring is attached directly to the one of the first set of pivot arms”**

Lindahl in view of Yamamoto discloses that the gas spring is attached directly to one of the first set of pivot arms. Ex. 1011, Lindahl 4:10-12, Ex. 1012, Yamamoto, Figure 2A; Ex. 1007, p. 31.



As shown above, the gas spring is attached directly to one of the first set of pivot arms. The gas spring has a bottom part 18 (the rod end) which is pivotally connected to leg member 3, which is one of the first set of pivot arms. Additionally, Yamamoto Figure 2A shows that the piston cylinder style actuator is directly connected to the first set of pivot arms. Since all the elements of Claim 8 appear in the prior art references discussed above, Claim 8 is rendered obvious.

f) Claim 9

Claim 9 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 9 also appear in the prior art references (and their combinations) discussed below.

(1) Element 9a: “wherein the sliding mechanism is a first sliding mechanism”

Lindahl in view of Yamamoto discloses that the sliding mechanism is a first sliding mechanism. Ex. 1011, Lindahl 3:31–4:3; Ex. 1012, Yamamoto Figure 2A, 1:68-2:3; Ex. 1007, p. 32. Both Lindahl and Yamamoto have a first sliding mechanism, which is what allows the top portion of the scissor links to translate relative to the work surface platform. Ex.1011, Lindahl 3:31-4:3; Ex. 1007, p. 32. Such a mechanism is typical in scissor linkage design that any POSITA would readily understand is ubiquitous. Ex. 1007, p. 33.

(2) Element 9b: “the desktop workspace further comprising a second sliding mechanism”

Lindahl in view of Yamamoto also discloses a second sliding mechanism. Ex. 1011, Lindahl 3:31–4:3; Ex. 1012, Yamamoto Figure 2A, 1:68-2:3; Ex. 1007, p. 32. Yamamoto discloses a second sliding mechanism that is operable between the pivot arms and the base. Ex. 1012, Yamamoto 1:68-2:3. Such a mechanism is typical in scissor linkage design that any POSITA would readily understand is ubiquitous. Ex. 1007, p. 33.

(3) Element 9c: “wherein either the first sliding mechanism or the second sliding mechanism is attached or slides along the work surface platform”

Lindahl in view of Yamamoto discloses that either the first or the second sliding mechanism is attached or slides along the work surface platform. Ex. 1011, Lindahl 3:31–4:3; Ex. 1012 Yamamoto, Figure 2A, 1:68-2:3; Ex. 1007, p. 33. As previously discussed, both Lindahl and Yamamoto show that the first sliding mechanism(s) are attached to or slide along the work surface platform. Ex. 1007, p. 34.

(4) Element 9d: “and the other of the first sliding mechanism and the second sliding mechanism is attached to or slides along the base”

Lindahl in view of Yamamoto already discloses the other first and second sliding mechanism is attached to or slides along the base. Ex. 1011, Lindahl 3:31–4:3; Ex. 1012 Yamamoto, Figure 2A, 1:68-2:3; Ex. 1007, p. 33. As previously discussed, both Lindahl and Yamamoto show that the first sliding mechanism(s) are attached to or slide along the work surface platform. Ex. 1011, Lindahl 3:31-4:3. Further, Yamamoto has a second sliding mechanism that is attached to or slides along the base. Ex. 1012, Yamamoto 1:68-2:3. As discussed previously, the combination of Lindahl in view of Yamamoto would incorporate the base of Yamamoto. Ex. 1007, p. 33. Consequently, it would also incorporate the sliding mechanism in the base of Yamamoto *Id.* Since all elements of Claim 9 appear in

the prior art references (and their combinations) discussed above, Claim 9 is rendered obvious.

g) Claim 10

Claim 10 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 10 also appear in the prior art references (and their combinations) discussed below.

- (1) Element 10a: “wherein the scissoring motion when raising and lowering the work surface platform to various heights of the height adjustment mechanism moves the work surface platform in a straight vertical direction relative to the base”**

Lindahl discloses a straight-line vertical motion. Ex. 1011, Lindahl Figure 1 and 2:12-22 Yamamoto discloses that the scissoring motion when raising and lowering the work surface platform to various heights of the height adjustment mechanism moves the work surface platform in a straight vertical line relative to the base. Ex. 1012, Yamamoto, Figures 2A and 2B, 1:61–2:9; Ex. 1007, pp. 34-36. A POSITA would recognize that the scissor mechanism of Yamamoto moves the work surface platform in a straight vertical line relative to the base (a feature typical of scissor lifting mechanisms). Ex. 1007, p. 36. Since all elements of Claim 10 appear in the prior art references (and their combinations) discussed above, Claim 10 is rendered obvious.

h) Claim 11

Claim 11 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 11 also appear in the prior art references (and their combinations) discussed below.

(1) Element 11a: “wherein the sliding mechanism includes a wheel mounted on the end of the arm of the first set of pivot arms”

Lindahl in view of Yamamoto discloses that the sliding mechanism includes a wheel mounted on the end of the arm of the first set of pivot arms. Ex. 1011, Lindahl Figure 1 and 2, 3:31-4; Ex. 1012, Yamamoto, Figure 2A, 1:68-2:5; Ex. 1007, pp. 36–37. Such a design is very common for scissor lifts. Ex. 1007, p. 37; Ex. 1012, Yamamoto, Figure 2A, 1:68-2:5. A sliding or rolling mechanism of some kind is generally necessary to allow a scissor linkage to move up and down. Ex. 1007, p. 37. A POSITA would be motivated to use the wheel as disclosed in Yamamoto on the end of the arm of the first set of pivot arms because a rolling contact has less friction than sliding contact. *Id.*

i) Claim 12

Claim 12 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 12 also appear in the prior art references (and their combinations) discussed below.

(1) Element 12a: wherein the base pivot point is a first base pivot point”

Lindahl in view of Yamamoto already discloses that that base pivot point is a first base pivot point. Ex. 1011, Lindahl Figure 2, 3:12-20; Ex. 1012, Yamamoto, Figure 2A, 1:68-2:5; Ex. 1007, p. 37-38. As is ubiquitous with scissor linkage design, Yamamoto discloses a set of pivot points, two which are fixed and two of which are able to translate. Ex. 1012, Yamamoto Figure 2A, 1:68-2:3. This is what allows the scissor lift mechanism to move with the traditional scissoring action. Ex. 1007, p. 37-38. Consequently, all scissor linkages with a base member have a first base pivot point. Ex. 1007, p. 38-39. *Id.*

(2) Element 12b: “wherein the height adjustment mechanism further includes a second base pivot point fixed relative to the base and connecting the base and the second set of pivot arms”

Lindahl in view of Yamamoto discloses that the height adjustment mechanism further includes a second base pivot point fixed relative to the base and connecting the base to the second set of pivot arms. Ex. 1007, pp. 38-40. Lindahl has a pair of pivot arms as previously discussed. Ex. 1011, Lindahl Figure 2, 3:12-20. As shown previously, Yamamoto discloses a first base pivot point and at least one set of pivot arms. Ex. 1012, Yamamoto Figure 2A, 1:68-2:5. It is extremely common in scissor lift design to have a pair of scissor lift linkages (and therefore a pair of pivot arms). Ex. 1007, pp. 38-40. Therefore, the combination of Lindahl in

view of Yamamoto will also have a second base pivot point which accompanies the second set of pivot arms of Lindahl. Ex. 1007, pp. 38-40.

(3) Element 12c: “wherein the base includes one or multiple stationary pieces of material connecting the first and second base pivot points to one another”

Lindahl in view of Yamamoto discloses that the base includes one or multiple stationary pieces of material connecting the first and second base pivot points to one another. Ex. 1007, pp. 40-41. Lindahl discloses material connecting the first set of pivot arms to the second set of pivots arms. Ex. 1011, Lindahl Figure 2, 3:3-10. Yamamoto has a stationary base (a patient bed that functions as a work surface platform) that moves up and down while the base remains in stationary contact with the existing platform (i.e. the floor). Ex. 1012, Yamamoto Figure 2A, 1:61–64, 68-2:3. A POSITA would be prompted by Lindahl in view of Yamamoto to incorporate the base of Yamamoto allowing the stationary base to connect the first and second base pivot points to one another. Ex. 1007, pp. 40-41. Thus, since every element of Claim 12 appears in the prior art references (and their combinations) discussed above, Claim 12 is rendered obvious.

j) Claim 13

Claim 13 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 13 also appear in the prior art references (and their combinations) discussed below.

(1) Element 13a: “wherein the gas spring is attached to the one of the first set of pivot arms via an arm pivot point”

Lindahl discloses that the gas spring is attached to one of the first set of pivot arms via an arm pivot point. Ex. 1011, Lindahl Figures 1 and 2, 5:1–6; Ex. 1012, Yamamoto Figure 2A. Ex. 1007, pp. 41-42. A POSITA would accordingly recognize the aforementioned elements present in both Lindahl and Yamamoto. Since every element of Claim 13 appears in the prior art references (and their combinations) discussed above, Claim 13 is rendered obvious.

k) Claim 14

Claim 14 depends on the desktop workplace of Claim 1. However, the additional elements of Claim 14 also appear in the prior art references (and their combinations) discussed below.

(1) Element 14a: “wherein the element that connects the first set of pivot arms to the second set of pivot arms is attached on the same sides of the arms as the sliding mechanism relative to the scissoring pivot points”

Lindahl discloses that the element that connects the first set of pivot arms to the second set of pivot arms is attached on the same sides of the arms as the sliding mechanism relative to the scissoring pivot points. Ex. 1011, Lindahl Figure 2, 3:3-10, 31–4:3; Ex. 1012, Yamamoto, Figure 2A; Ex. 1007, pp. 42-43. A POSITA would accordingly recognize the aforementioned elements present in both Lindahl

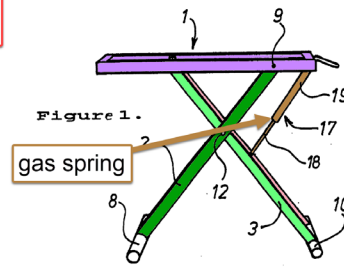
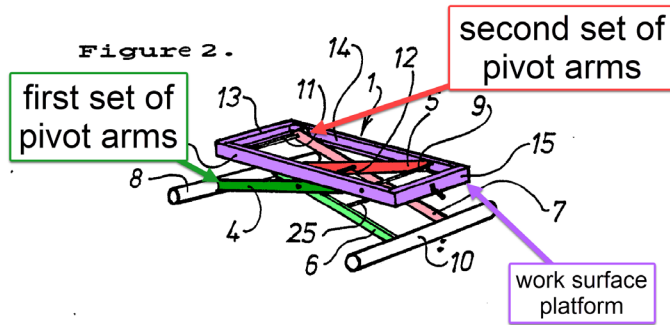
and Yamamoto. Since every element of Claim 14 appears in the prior art references (and their combinations) discussed above, Claim 14 is rendered obvious.

3. Independent Claim 16 Is Obvious Over Lindahl in View of Yamamoto and in Further View of Clark.

Independent Claim 16 of the of the '843 Patent is obvious over Lindahl in view of Yamamoto and in further view of Clark. Ex. 1007, pp. 43–48. The only element Claim 16 does not share in common with Claim 1 is 16d9.

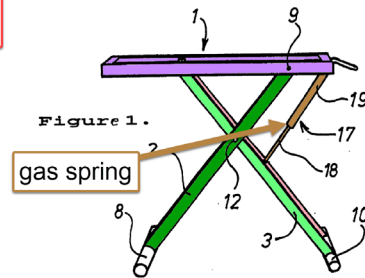
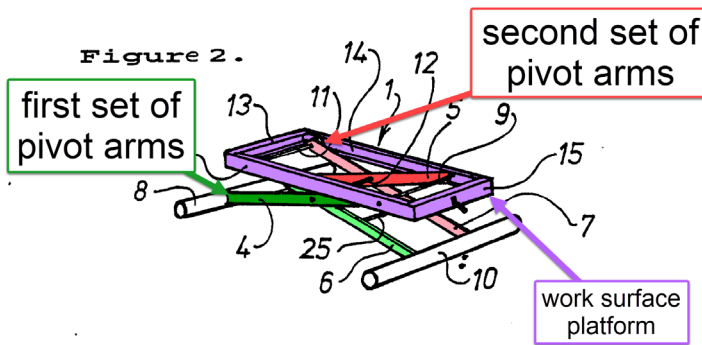
- a) **Element 16d9: “wherein the gas spring, the first set of pivot arms, the base pivot point, and the platform pivot point align side-by-side when the desktop workspace is in a fully lowered position such that the desktop workspace adjusts vertically”**

Lindahl in view of Yamamoto discloses that the gas spring, the first set of pivot arms, the base pivot point, and the platform pivot point align side-by-side when the desktop workspace is in a fully lowered position such that the desktop workspace adjusts vertically. Ex. 1007, pp. 44-48. The locking gas spring of Lindahl is mounted such that when permitted to fully collapse as the linkage in Yamamoto does, the gas spring pivots points will be in perfect horizontal alignment with the other pivot points:



24

Lindahl uses a gas spring to assist in the lifting of the work surface platform as opposed to the hydraulic cylinder that Yamamoto uses. Ex. 1012, Yamamoto Figures 2A and 2B, 1:53-64; Ex. 1011, Lindahl Figures 1 and 2, 4:5-15.



25

Further, like Yamamoto, the top pivot point of the gas spring of Lindahl is aligned with the rest of the pivot points in the work surface platform frame. Ex. 1007, p. 47. The second pivot point of the Lindahl gas spring is centrally located within the width of the pivot arms. *Id.* In accordance with Yamamoto's focus on compactness, which is a common reason why scissor lift mechanisms are used, a POSITA would be motivated to combine the linkage of Yamamoto with the linkage of Lindahl in a way that the scissor arms will line up flat when the platform is fully lowered. *Id.*

²⁴ Ex. 1011, Lindahl Figure 1; 4:5-15

²⁵ See Ex. 1011, Lindahl Figures 1 and 2

A POSITA would understand that gas springs are essentially constant force devices, unlike the hydraulic cylinders such as used in Yamamoto. *Id.* at p. 48. A POSITA would also recognize that the actuator has the worst mechanical advantage for lifting the platform at the bottom and that a gas spring present challenges in lifting the platform. *Id.* Therefore, the lifting assistance provided by a nearly horizontal gas spring would be outweighed by the loss of compactness offered by keeping the gas spring in a non-horizontal orientation. *Id.* This dilemma would motivate a POSITA to combine the linkage of Yamamoto with the gas spring placement already in Lindahl to have maximum compactness in the stowed position. *Id.*

Accordingly, the combination of Lindahl in view of Yamamoto is configured in a way that aligns the gas spring, the first set of pivots arms, the base pivot point, and the platform pivot point align side-by-side when the desktop is in a fully lowered position. *Id.* Since it is the very nature of scissor lift mechanisms generally to adjust vertically and the aforementioned combination offers a clear solution to the complications discussed above, Claim 16 is rendered obvious over Lindahl in view of Yamamoto. *Id.*

4. Dependent Claim 17 is Obvious Over Lindahl in View of Yamamoto and in Further View of Clark, Clarke, and Zhang

Claim 17 is dependent on Claim 16 and is obvious over Lindahl in view of Yamamoto and in further view of Clark, Clarke, and Zhang. Ex. 1007, pp. 48-53.

Claim 17 adds two additional elements (17a and 17b) to Claim 16, both of which are present in the prior art.

a) Element 17a: “wherein the gas spring is a first spring”

Lindahl discloses a gas spring that is a first spring. Ex. 1011, Lindahl Figure 1, 4:5-15; Ex. 1007, pp. 48–49.

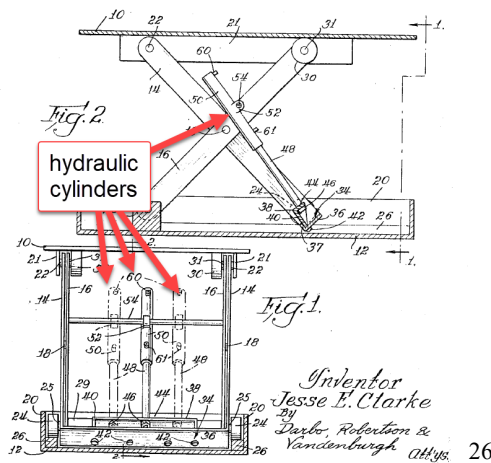
b) Element 17b: “the desktop workspace comprising a pair of springs attached to the height adjustment mechanism to assist in the elevation of the work surface platform, the pair of springs including the first spring and a second spring”

A POSITA would recognize the addition of a second gas spring as an ordinary design choice with certain advantages such that the desktop workspace comprises a pair of springs attached to the height adjustment mechanism to assist in the elevation of the work surface platform, the pair of spring including the first spring and a second spring. Ex. 1007, pp. 49-53. Additionally, Lindahl in view of Yamamoto, and in further view of Clark and other references such as CN203934825 to Zhang disclose a second gas spring such that the desktop workspace comprises a pair of springs attached to the height adjustment mechanism to assist in the elevation of the work surface platform, the pair of springs including the first spring and a second spring. *Id.* at p. 51.

Further, a POSITA will also be motivated to use a pair of gas springs as this increases the amount of lifting assistance that is provided without detracting from the overall compactness of the stowed lift assembly. *Id.* A POSITA will recognize

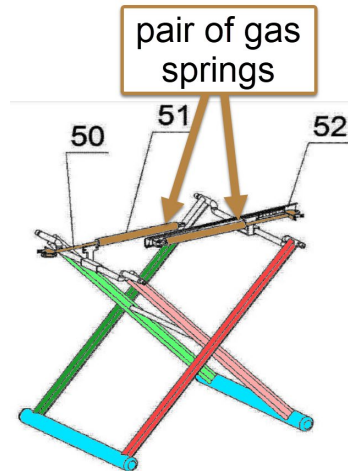
that were a single larger locking gas spring to be used instead of two locking gas springs the larger gas spring will prevent the scissor linkage from collapsing to the same extent as it could with a smaller diameter actuator. *Id.*

In addition to this, a POSITA could look to other pieces of prior art that make this optional design choice. *Id.* For example, US 3,282,566 to Clarke discloses a scissor lift platform with as many as three fluid power cylinders acting in parallel. Ex. 1014, Clarke Figures 1 and 2, 1:56-59, 2:67-69. *Id.*



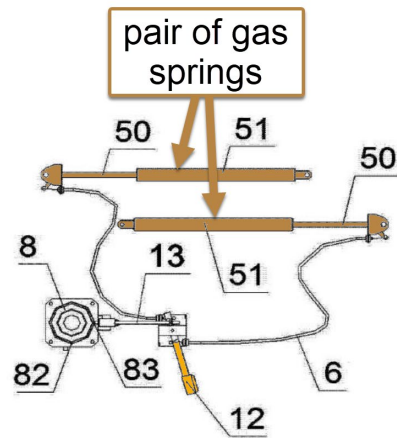
Further, a POSITA could also look to CN203934825 to Zhang which discloses the use of a pair of gas springs to facilitate the movement of a scissoring linkage style platform. The gas springs are locking gas springs and are tied together through the use of Bowden cables in a manner well known and in accordance with typical engineering practice. Ex. 1007, pp. 47-49; Ex. 1016, Zhang Abstract, [0009]. Zhang discloses the use of a pair of locking gas springs to adjustably set the height of a desktop work surface.

²⁶ See Ex. 1014, Clarke



[Image]

Figure 5



[Image]

Figure 8

27

Even without the disclosure of Zhang or Clarke, a POSITA would readily be aware of and familiar with the optional design choice of adding a second gas spring to Lindahl. Ex. 1007, pp. 49-51.

5. A POSITA Would Have Been Motivated to Combine Lindahl, Yamamoto, and Clark

A POSITA would have been motivated to combine Lindahl and Yamamoto as well the combination of Lindahl and Yamamoto with Clark.

a) A POSITA Would Have Been Motivated to Combine Lindahl and Yamamoto

A POSITA would have been motivated to combine both Lindahl and Yamamoto. *See* Ex. 1007., p. 1. Lindahl and Yamamoto both describe vertically adjustable platforms that use a scissor linkage and cylindrical actuator. Ex. 1011, Lindahl; Ex. 1012, Yamamoto. Accordingly, they are highly compatible with each other. Yamamoto shows greater vertical adjustability afforded by the ability to

²⁷ Ex. 1016, Zhang Figure 5 and 8, [0009]

lower to a point where the pivots points are aligned. Ex. 1012, Yamamoto. Combining Yamamoto with Lindahl is an obvious next step because it would allow for greater height adjustability as well as allowing the Lindahl table to store more compactly. *See* Ex. 1007., p. 1. When combined, the gas spring of Lindahl will also be aligned with the links as in Yamamoto leading to maximum compactness for storage. *Id.*

Additionally, a POSITA would be motivated to combine the base of Yamamoto with the Lindahl mechanism to gain additional advantages. *Id.* at p. 2. For example, using Lindahl on a delicate surface would make the legs of the apparatus cause concentrated pressure at certain points. *Id.* Such pressure would inevitably cause depression marks in material such as carpet if applied continuously over time. *Id.* This potential issue would be easily recognized by a POSITA and would ultimately motivate the POSITA to incorporate the base as taught by Yamamoto (which presents a broad base surface). *Id.* The broader base surface would evenly distribute the pressure which, thereby mitigating the potential damage to the surface supporting the apparatus. *Id.* Indeed, the principle behind using a broad supportive base to generally mitigate indentation in surfaces such as carpets is well known. *Id.* A POSITA would recognize that the legs of Lindahl would present the same threat of indentation as any other piece of furniture on carpet. *Id.*

b) A POSITA Would Have Been Motivated To Combine Lindahl and Yamamoto with Clark

A POSITA would have been motivated to combine Lindahl and Yamamoto with Clark. As previously mentioned, Clark discloses a printer stand which could be placed on top of a vertically adjustable platform. *See* Ex. 1013, Clark. It is common knowledge that a printer stand is not commonly placed alone on the floor and instead placed on an elevated flat surface such as a table or a cabinet. An elevated placement allows the printer to be accessed without having to stoop down.

A POSITA would recognize that an elevated platform surface is configured to support a printer or other electronic device, or any suitable object placed thereon. *See* Ex. 1007, p. 2. Notably, it would be atypical to place a small printer stand, on the floor as this would still require users to stoop in order to interact with the printer. *Id.* A POSITA will be familiar with the purpose of using a small printer stand to elevate the printer and provide easier access to the printed papers it dispenses. Such a design is less expensive and more versatile because it affords the user greater optionality as to where to place it. *Id.*

Based on the above, Lindahl in view of Yamamoto and in further view of Clark with the knowledge of a POSITA renders obvious each and every element of the Asserted Claims of the '843 Patent. In addition to this, certain things that would be well within the ordinary knowledge and familiarity of a POSITA are also explicitly demonstrated in Clarke and Zhang. For at least the reasons shown above, it is my opinion that the Asserted Claims of the '843 Patent are invalid due to obviousness under 35 U.S.C §103.

B. Ground 2: The Asserted Claims are Unpatentable Under §103 as Obvious Over Clarke in View of Lindahl and in Further View of Clark

The Asserted Claims are unpatentable because each of their elements is obvious over Clarke in view of Lindahl and in further view of Clark. A POSITA would have been prompted by these three references to combine their elements in the same manner as the Asserted Claims. *See generally* Ex. 1008.

Exhibit 1008 to the Macdonald Declaration sets forth in detail, element by element, why each Claim of the '843 Patent is obvious over Clarke in view of Lindahl and in further view of Clark as indicated below:

- Independent Claim 1: Ex. 1008, pp. 2-33;
- Dependent Claims 2-3, 6-14: Ex. 1008, pp. 33-54;
- Independent Claim 16: Ex. 1008, pp. 54-57;
- Dependent Claim 17: Ex. 1008, pp. 57-60.

A POSITA would be motivated to combine Clarke, Lindahl, and Clark in accordance with the teachings therein. Ex. 1008, p. 1. For example, Clarke and Lindahl are both vertically adjustable platforms that use a scissor linkage and a cylindrical actuator. *See* Ex. 1014, Clarke; Ex. 1011, Lindahl. Even though Clarke affords a greater vertical adjustability due to the ability to lower to a point where the pivot points are aligned, it is still highly compatible with Lindahl. Ex. 1008, p. 1. Accordingly, a POSITA would recognize that combining Clarke with Lindahl would allow for greater height adjustability while allowing for the compactness of Lindahl. *Id.* When combined, the gas spring of Lindahl will also be aligned with

the links in the same manner as described in Clarke which leads to maximum compactness for storage. *Id.* A POSITA would further be motivated to combine the locking gas spring of Lindahl with the Clarke linkage to create a scissor lift platform that is simpler in its construction and more suitable for lighter duty loading applications. *Id.*

Clarke uses one or more fluid power cylinders to actuate. Ex. 1014, Clarke. Fluid power cylinders require hoses, valves, control systems, and pumps to operate. Conversely, the locking gas spring of Lindahl has a self-contained pressure source and thus obviates the need for such additional complexity. A POSITA would easily recognize that a self-contained pressure source is a more desirable option especially while adapting the Clarke arrangement to a lighter duty load application such as that described by Lindahl. Ex. 1008, p. 1.

Further, a POSITA would also be motivated to combine Clark with the combination of Clarke in view of Lindahl. *Id.* at p. 2. As discussed in Ground 1, Clark discloses a printer stand which would foreseeably be placed on top of the vertically adjustable platform. As discussed above, a printer stand is generally placed on an elevated flat surface such as a table, a cabinet, or other similar platform. This allows the printer output to be accessed without having the user to stoop down. Therefore, it is highly predictable that a POSITA would place such a stand on another surface such as a table. Ex. 1008, p. 2. Indeed, anyone using a printer stand regardless of background could place the stand on another surface. *Id.*

C. Ground 3: The Asserted Claims are Unpatentable Under §103 as Obvious Over Huang in View of Clarke and in Further View of Clark

The Asserted Claims are unpatentable because each of their elements is obvious over Huang in view of Clarke and in further view of Clark. A POSITA would have been prompted by these three references to combine their elements in the same manner as the Asserted Claims. *See generally* Ex. 1009.

Exhibit 1009 to the Macdonald Declaration sets forth in detail, element by element, why each Claim of the '843 Patent is obvious over Huang in view of Clarke and in further view of Clark as indicated below:

- **Independent Claim 1:** Ex. 1009, pp. 2-32;
- **Dependent Claims 2-3, 6-14:** Ex. 1009, pp. 2-53;
- **Independent Claim 16:** Ex. 1009, pp. 53-56;
- **Dependent Claim 17:** Ex. 1009, pp. 57-59.

A POSITA would be motivated to combine Huang, Clarke, and Clark references in accordance with the teachings therein. Ex. 1009, p. 1. For example, Huang and Clarke are both vertically adjustable platforms that use a scissor linkage and cylindrical actuator. Accordingly, they are highly compatible with each other and are also both completely collapsible at a point where the links and the actuators are aligned side-by-side. Huang in particular is able to collapse to a point where even the pivot locations of the actuator are in alignment, a design consideration that is important and widely recognized for collapsible tables.

Additionally, a POSITA would be motivated to combine the base of Clarke with the Huang mechanism to gain ordinary and widely recognized advantages. *Id.* at p. 62. For example, using the apparatus in Huang on a delicate surface would cause its small rollers to create concentrated pressure points. Indeed, the rolling action of the legs of Huang would cause increased wear and tear on the delicate surface over time. *Id.* A POSITA would easily recognize this problem and be motivated to incorporate the base as described by Clarke (which presents a broad base surface). *Id.* The base surface described by Clarke more evenly distributes the pressure and does not have any small rolling wheels or similar mechanism that would cause relative motion. *Id.* A POSITA would also recognize that the rolling contact of the legs of the Huang mechanism would present the same wear and tear problem as an office chair on carpet. *Id.* Accordingly, a POSITA would be motivated to incorporate a base (such as the one disclosed by Clarke) to help distribute these loads and prevent the table from damaging the surface it is placed on. *Id.* When combined, the Huang mechanism would gain the aforementioned advantages of the Clarke base. *Id.*

Further, a POSITA would be motivated to combine Clark with the combination of Huang in view of Clarke because Clark discloses a printer stand which would foreseeably be placed on top of the vertically adjustable platform. *Id.* As previously discussed in Grounds 1 and 2, it is well-known that a printer stand is not just placed on the floor and is instead placed on an elevated flat surface such as a table or a cabinet. Therefore, it is ordinary and completely predictable that a

POSITA (or anyone else) will place such a stand on another surface such as a table.
Id.

D. Ground 4: The Asserted Claims are Unpatentable Under §103 as Obvious Over Yamamoto in View of Zhang and in Further View of Clark

The Asserted Claims are unpatentable because each of their elements are obvious over Yamamoto in view of Zhang and in further view of Clark. A POSITA would have been prompted by these three references to combine their elements in the same manner as the Asserted Claims. *See generally* Ex. 1010.

Exhibit 1010 to the Macdonald Declaration sets forth in detail, element by element, why each Claim of the '843 Patent is obvious over Yamamoto in view of Zhang and in further view of Clark as indicated below:

- **Independent Claim 1:** Ex. 1010, pp. 2-27;
- **Dependent Claims 2-3, 6-14:** Ex. 1010, pp. 27-46;
- **Independent Claim 16:** Ex. 1010, pp. 47-50;
- **Dependent Claim 17:** Ex. 1010, pp. 50-52.

A POSITA would be motivated to combine Yamamoto in view of Zhang and in further view of Clark. *Id.* at p. 1. For example, Yamamoto and Zhang are both vertically adjustable platforms that use a scissor linkage and cylindrical actuator. Accordingly, they are highly compatible with each other even though Yamamoto shows greater vertical adjustability due to the ability to lower to a position where the pivots points are aligned. *Id.* Combining Yamamoto with Zhang would also allow for greater height adjustability while allowing the apparatus described in

Zhang to store more compactly. *Id.* When combined, the gas springs of Zhang will also be aligned with the links in the same way as is described in Yamamoto thereby leading to maximum compactness. *Id.*

Additionally, a POSITA would be motivated to combine the locking gas springs of Zhang with the Yamamoto linkage to create a scissor lift platform that is simpler in construction and more suitable for lighter duty loading applications. *Id.* Yamamoto uses a fluid power cylinder to actuate.²⁸ Conversely, the locking gas springs of Zhang have a self-contained pressure source that mitigates the need for additional complexity. A POSITA would easily recognize that a self-contained pressure source is a more desirable option in adapting the Yamamoto arrangement to a lighter duty load application (such as that taught by Zhang). Ex. 1010, p. 1. Indeed, a POSITA would be motivated to use a pair of gas springs as described by Zhang because it would increase the amount of lifting assistance without detracting from the overall compactness of the stowed lift assembly. *Id.* If a single larger locking gas spring was used instead of two (as Zhang teaches) the larger gas spring would prevent the scissor linkage from collapsing to the same extent as it could with a smaller diameter actuator. *Id.* The prevention of collapsing the scissor linkage would be easily recognizable to a POSITA. *Id.*

Further, a POSITA would be motivated to combine the teachings of Yamamoto in view of Zhang in a way that allows for the actuator to be connected directly to the scissor pivot arms (as described in Yamamoto). *Id.* at p. 2. Combining Yamamoto in view of Zhang allows the linkage to fully collapse flat

making for maximum compactness, which is what Yamamoto describes.²⁹ When combining the teachings of a pair of locking gas springs (as taught by Zhang) with the teachings of Yamamoto, a POSITA would be motivated to connect the opposite side of the gas spring to the platform. Ex. 1010, p. 2. Notably, when swapping the hydraulic cylinder of Yamamoto for the locking gas spring of Zhang, a POSITA would find it more advantageous to attach the rod end of the locking gas spring to the platform because the rod end of a locking gas spring typically has a lever that can be operated to unlock or lock the locking gas spring. *Id.* Such a connection is an equivalent permutation of the teachings of Yamamoto that will still allow the linkage to fully collapse (in accordance with Yamamoto) but will also allow the lock lever of the gas spring to be more easily accessible by a user. *Id.*

Finally, a POSITA would be further motivated to combine Clark with the combination of Yamamoto in view of Zhang because Clark discloses a printer stand which would foreseeably be placed on top of the vertically adjustable platform. *Id.* As discussed in Grounds 1, 2, and 3, it is well-known that a printer stand is not just placed on the floor and is instead placed on an elevated flat surface such as a table or a cabinet. Therefore, it is ordinary and completely predictable that a POSITA (or anyone else) will place such a stand on another surface such as a table. *Id.*

Continued from the previous page

²⁸ See Ex. 1012, Yamamoto

²⁹ See Ex. 1012, Yamamoto 1:53-64

X. CONCLUSION

For the reasons above, Petitioner requests institution of Inter Partes Review of the Asserted Claims and cancellation of the '843 Patent. Asserted Claims.

Dated: January 16, 2025

Respectfully Submitted,

By: /s/ Kevin Terrazas

Kevin Terrazas (Reg. No. 60417)
Terrazas, PLLC
1001 S Capital of Texas Hwy, Building L
Suite 250
Austin, TX 78746
Tel: (512) 680-3257
kterrazas@terrazaspllc.com

Joshua G. Simon
(*Pro Hac Vice* To Be Filed)
CALL & JENSEN, APC
610 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Tel: (949) 717-3000
jsimon@calljensen.com

COUNSEL FOR PETITIONER

CERTIFICATE OF COMPLIANCE

I hereby certify that this petition complies with the type-volume limitations of 37 C.F.R. §42.24 because it contains 13,280 words (as determined by the Microsoft Word word-processing system used to prepare the petition), excluding the parts of the petition exempted by 37 C.F.R. §42.24.

Dated: January 16, 2025

By: /s/ Kevin Terrazas

Kevin Terrazas (Reg. No. 60417)
Terrazas, PLLC
1001 S Capital of Texas Hwy, Building L
Suite 250
Austin, TX 78746
Tel: (512) 680-3257
kterrazas@terrazaspllc.com

Joshua G. Simon (*Pro Hac Vice* To Be
Filed)
CALL & JENSEN, APC
610 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Tel: (949) 717-3000
jsimon@calljensen.com

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§ 42.6 that on January 15, 2025, a true and correct copy of the foregoing Petition For *Inter Partes* Review of U.S. Patent No. 11,849,843, including all Exhibits, was served via Certified Mail Return Receipt Requested on the Patent Owner at the following correspondence address of record as listed in the USPTO electronic filing system:

DANIEL LUND
155431 - Lund IP
1125 2nd Ave
Newport, MN 55055

and was served via electronic mail upon counsel of record for the Patent Owner in the litigation in the U.S. District Court for the Central District of California:

EP Family Corp. v. Office Kick, Inc.

Case No. 2:24-cv-00667

Isaku M. Begert ibegert@marshallip.com
James E. Doroshow jdoroshow@foxrothschild.com
Jeff H Grant jgrant@foxrothschild.com
Benjamin T. Horton bhorton@marshallip.com
Ryan N. Phelan rphelan@marshallip.com
Raymond R. Ricordati rricordati@marshallip.com

Dated: January 16, 2025

By: /s/ Kevin Terrazas

Kevin Terrazas (Reg. No. 60417)
Terrazas, PLLC
1001 S Capital of Texas Hwy, Building L
Suite 250
Austin, TX 78746
Tel: (512) 680-3257
kterrazas@terrazaspllc.com