

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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SCHRADER-BRIDGEPORT INTERNATIONAL, INC. and  
SCHRADER ELECTRONICS, INC.

Petitioner

v.

CONTINENTAL AUTOMOTIVE SYSTEMS US, INC.

Patent Owner

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Case IPR2013-00014

Patent No. 6,998,973

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

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## I. INTRODUCTION

As set forth in the Petition for *Inter Partes* Review, claims 1-5 and 7-11 of US 6,998,973 (“the ’973 patent”) are *prima facie* obvious in view of the combined teachings of US 6,271,748 (“Derbyshire”), US 6,486,773 (“Bailie”), and US 5,883,582 (“Bowers”). Paper 1 at 23-24. Once the *prima facie* case of obviousness was established, the burden shifted to Patent Owner to rebut the *prima facie* case. See *In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984)(“After a *prima facie* case of obviousness has been established, the burden of going forward shifts to the applicant.”), and *In re Sullivan*, 498 F.3d 1345, 1351 (Fed. Cir. 2007)(“[W]hen a *prima facie* case is made, the burden shifts to the applicant to come forward with evidence and/or argument supporting patentability.” Citation omitted.).

Notable in Patent Owner’s response to the decision by the Patent Trial and Appeal Board (“Board”) instituting this *inter partes* review (“the Decision”) was the total lack of evidence of any objective indicia of non-obviousness, also referred to as secondary considerations. As the courts have held, “evidence of secondary considerations may often be the most probative and cogent evidence in the record.” *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1538 (Fed. Cir. 1983). In this case, however, Patent Owner failed to point to any evidence showing

commercial success, long-felt but unresolved need, failure of others, copying, or other objective indicia of non-obviousness.

Without the need to balance any evidence of secondary considerations, the issue remaining in this case is simple and straight-forward: under a preponderance of evidence standard, is there a *prima facie* case of obviousness for claims 1-5 and 7-11 of the '973 patent in view of Derbyshire, Bailie, and Bowers? The answer is a resounding yes.

As discussed in more detail below, Patent Owner's assertions that there is no *prima facie* case of obviousness are unavailing. Patent Owner's arguments are based on misunderstandings of the prior art and the law.

## **II. Claims 1-5 and 7-11 of the '973 patent are *prima facie* obvious in view of Derbyshire, Bailie, and Bowers**

Independent claim 1 of the '973 patent recites:

1. A data transmission method for a tire-pressure monitoring system (10) of a vehicle, said data being transmitted by wheel units (12) to a central computer (13) located in the vehicle, said method comprising:

a data transmission phase in parking mode, over a first period;  
and

a data transmission phase in running mode, over a second period shorter than the first period; said method being characterized in that:

a natural time lag between various internal clocks with which each wheel unit (12) is equipped is used to prevent collisions between transmissions from the various wheel units of one and the same vehicle.

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