

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROSE NORTH AMERICA, INC.
and
BROSE FAHRZEUGTEILE GMBH & CO. KG, HALLSTADT,
Petitioner,

v.

UUSI, LLC,
Patent Owner.

Case IPR2014-00416
Patent 8,217,612

Before GLENN J. PERRY, HYUN J. JUNG, and GEORGE R. HOSKINS,
Administrative Patent Judges.

PERRY, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Brose North America, Inc. and Brose Fahrzeugteile GmbH & Co. KG, Hallstadt, filed a Petition requesting an *inter partes* review of claims 1, 2, and 5-8, less than all of the claims, of U.S. Patent No. 8,217,612 (Ex. 1005, “the ’612 Patent”) pursuant to 35 U.S.C. §§ 311-319. Paper 5 (“Pet.”)¹. The Petition is supported by a Declaration of Art MacCarley, Ph.D. (Ex. 1001). Patent Owner, UUSI, LLC, submitted a Preliminary Response. Paper 11 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

To institute an *inter partes* review, we must determine the information presented in the Corrected Petition and the Preliminary Response demonstrates “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Petitioner contends the challenged claims are unpatentable under 35 U.S.C. §§ 102 and 103. *See* Pet. 4.

We determine that there is a reasonable likelihood Petitioner would prevail in establishing the unpatentability of claims 1, 2, and 5-8 and institute *inter partes* review as to those claims. Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far (prior to Patent Owner’s Response). This is not a final decision as to patentability of claims for which *inter partes* review is instituted. Our final decision will be based on the record as fully developed during trial.

¹ Throughout this decision we refer to the Corrected Petition for *Inter Partes* Review filed on Feb. 24, 2014 (Paper 5).

A. The '612 Patent

The '612 Patent describes protecting against pinching objects in the travel path of a vehicle power-driven movable panel, such as a window or sliding sun roof. Sensor signals are analyzed to determine panel movement directly or indirectly and determine whether a panel collides with an object in its travel path. *See* Ex. 1005, Abstract and Summary.

Figure 1 of the '612 Patent is shown here:

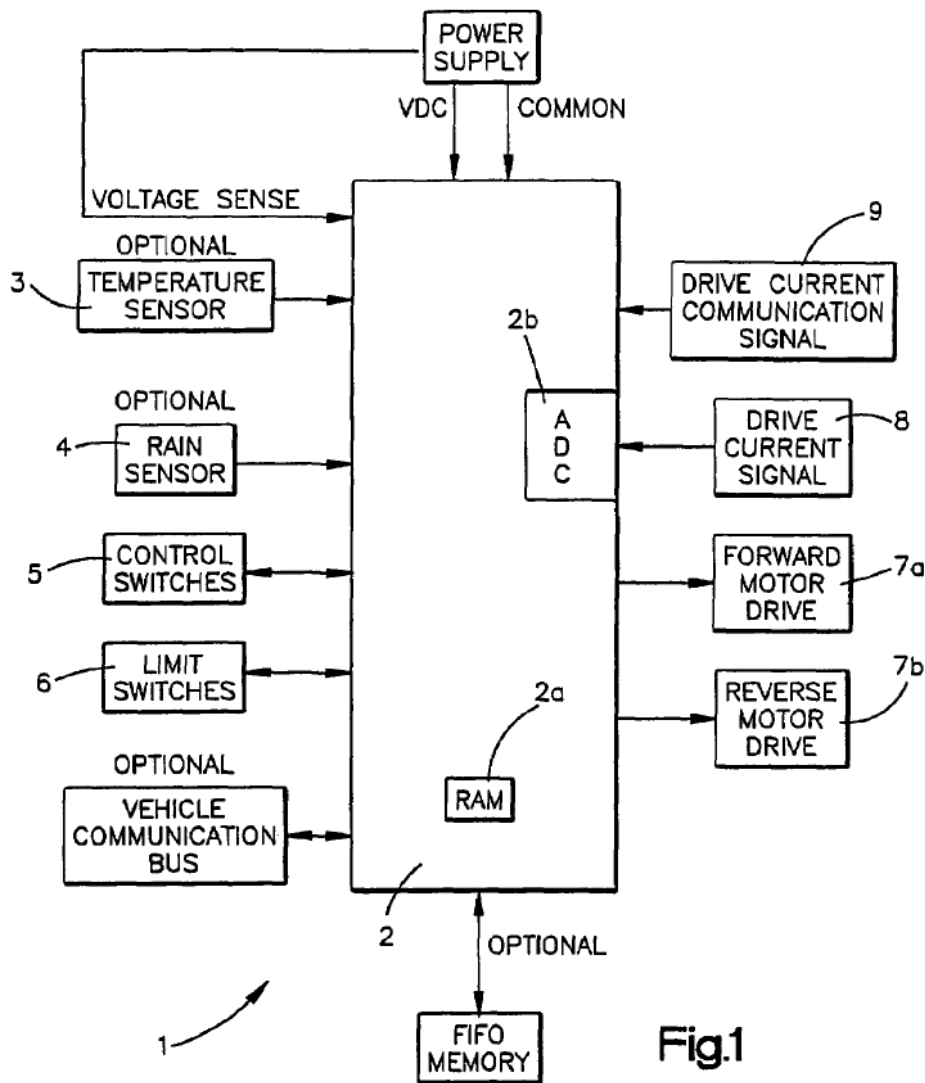


Fig.1

Figure 1 is a schematic diagram of an exemplary actuator safety feedback control system 1. Ex. 1005, 2:24-25, 2:63-65. Controller 2 monitors and controls movement of a motor driven panel. *See id.* at 2:65-3:5. Forward and reverse motor drives 7a and 7b drive the motor (not shown in Figure 1) in forward and reverse directions, respectively. *See id.* at 3:36-41.

Controller 2 can sense obstacles in the panel's path in various ways based on sensor signals from, e.g., a paired infrared emitter and detector disposed along the panel's path (*see id.* at 3:60-4:64), a motor current monitor (*see id.* at 4:9-11, 7:20-8:3, 8:33-10:5), and other monitors (*see id.* at 11:14-20).

Of the challenged claims, claims 1 and 6 are independent and are illustrative of the claimed subject matter:

1. Apparatus for controlling activation of a motor coupled to a motor vehicle window or panel for moving said window or panel along a travel path and de-activating the motor if an obstacle is encountered by the window or panel, said apparatus comprising:
 - a) a sensor for sensing movement of the window or panel and providing a sensor output signal related to a speed of movement of the window or panel;
 - b) a switch for controllably actuating the motor by providing an energization signal;
 - c) one or more switches for use by the controller to determine window or panel position; and
 - d) a controller having an interface coupled to the sensor and the switch for controllably energizing the motor; said controller sensing a collision with an obstruction when power is applied to the controller by:
 - i) monitoring movement of the window or panel by monitoring a signal from the sensor related to the movement of the window or panel;

ii) adjusting an obstacle detection threshold in real time based on immediate past measurements of the signal sensed by the sensor to adapt to varying conditions encountered during operation of the window or panel;

iii) identifying a collision of the window or panel with an obstacle due to a change in the signal from the sensor that is related to a change in movement of the window or panel by comparing a value based on a most recent signal from the sensor with the obstacle detection threshold; and iv) outputting a control signal to said switch to deactivate said motor in response to a sensing of a collision between an obstacle and said window or panel.

6. Apparatus for controlling activation of a motor coupled to a motor vehicle window or panel for moving said window or panel along a travel path and de-activating the motor when movement of the window or panel is stopped prior to reaching a predetermined position, said apparatus comprising:

a) a sensor for sensing movement of the window or panel and providing a sensor output signal related to a position of the window or panel;

b) a switch for controllably actuating the motor by providing an energization signal; and

c) a controller having an interface coupled to the sensor and the switch for controllably energizing the motor; said controller programmed with multiple position limits that define an acceptable travel range and further programmed for controlling movement of the window or panel when power is applied to the controller by:

i) monitoring the sensor output signal from the sensor related to the position of the window or panel;

ii) identifying the position of the window or panel based on the sensor output signal from the sensor; and

iii) outputting a control signal to said switch to deactivate said motor in response to a sensing said window or panel has stopped moving prior to reaching a position limit.

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