

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEALS BOARD

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

v.

UUSI, LLC  
Patent Owner

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Case No. IPR2014-00416  
Patent No. 8,217,612

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**PETITIONERS' MOTION TO SUBMIT REPLACEMENT EXHIBITS**

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Pursuant to 37 C.F.R § 42.5, Petitioners Brose North America, Inc. and Brose Fahrzeugteile GmbH & Co. KG, Hallstadt (collectively, “Brose”) hereby move to replace certain exhibits that were filed with Brose’s Petition for *Inter Partes Review* via the Patent Review Processing System. Specifically, Brose seeks leave to replace BNA/Brose Exhibits 1005, 1007, 1008 and 1010 with corrected versions. Patent Owner UUSI, LLC (“UUSI”) has indicated that it does not oppose this motion. Authorization to file the motion was granted on October 7, 2014. *See* Order Conduct of Proceeding, Paper 20 (Oct. 7, 2014) at 2.

The exhibits at issue are publicly available U.S. Patents:

BNA/Brose Exhibit 1005	U.S. Pat. No. 8,217,612
BNA/Brose Exhibit 1007	U.S. Pat. No. 4,870,333
BNA/Brose Exhibit 1008	U.S. Pat. No. 4,468,596
BNA/Brose Exhibit 1010	U.S. Pat. No. 6,064,165

The originally-filed exhibits were retrieved using Google Patent Search. It is Brose’s understanding that this resource incorrectly rendered certain Figures within the patents. Specifically, certain lines, portions of lines and other aspects of

the Figures were omitted when the patents were printed. The portions of the exhibits that are defective are as follows<sup>1</sup>:

BNA/Brose Exhibit 1005	U.S. Pat. No. 8,217,612	Incomplete images of the Figure found on page 1, as well as Figures 1, 2A, 2B, 2C, 5, 6, 7 and 8.
BNA/Brose Exhibit 1007	U.S. Pat. No. 4,870,333	Incomplete images of the Figure found on page 1, as well as Figures 1, 2, 3, 5, 6, 7, 8, 9, 11, 12 and 13.
BNA/Brose Exhibit 1008	U.S. Pat. No. 4,468,596	Incomplete images of the Figure found on page 1, as well as Figures 1 and 2.
BNA/Brose Exhibit 1010	U.S. Pat. No. 6,064,165	Incomplete images of Figures 1A–1C, 2–5, 8–17, and 19–22.

The defects were first discovered the afternoon of September 25, 2014, during preparation for the September 26, 2014 deposition of Brose’s declarant, Dr. MacCarley. Brose immediately took steps to address the issue, leading to this motion.

Complete versions of patents that are Exhibits 1005, 1007, 1008 and 1010 (*i.e.*, versions with complete Figures) were available at the deposition of Dr.

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<sup>1</sup> Side-by-side comparisons of examples of incomplete Figures in the originally-filed exhibits and the corresponding complete Figures in Brose’s proposed replacement exhibits are attached hereto as **Appendix A**.

MacCarley, and complete versions of the patents that are Exhibits 1005, 1007 and 1008 were marked as exhibits during the deposition. Complete versions of all three patents also were relied upon by Dr. MacCarley when conducting his work and preparing his declaration.

Brose seeks leave to correct the defects in the exhibits by replacing the exhibits with versions that contain complete Figures. Other than the portions of the exhibits identified above, the proposed replacement exhibits do not and will not differ in any way from the corresponding exhibits originally filed.

For the foregoing reasons, the Board should permit Brose to submit replacement exhibits for BNA/Brose Exhibits 1005, 1007, 1008 and 1010, and order the originally-filed exhibits expunged. To avoid confusion and preserve existing citations in the record, Brose proposes filing the replacement exhibits with the same exhibit numbers as originally used, titling them, for example “BNA/Brose Exhibit 1005 (corrected),” “BNA/Brose Exhibit 1007 (corrected),” *etc.*

Motion to Submit Replacement Exhibits  
Case No. IPR2014-00416

Date: October 13, 2014

Respectfully submitted,

*/s/ Craig Leavell*

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