

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. IPR2014-00417

Patent No. 7,579,802

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**PETITIONERS' REQUEST FOR ORAL ARGUMENT**

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## I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.70(a), Petitioners Brose North America, Inc. and Brose Fahrzeugteile GmbH & Co. Kg, Hallstadt ("Brose"), hereby request oral argument. The oral argument is presently scheduled for April 30, 2015. (Paper 16).

Brose requests that oral argument for this IPR be scheduled in connection with the oral argument for IPR2014-00416, for which Brose is filing a similar request for oral argument. The two IPRs, which address related patents, have been on the same schedule throughout the proceedings, and are presently both scheduled for oral argument on the same date, April 30, 2015.

Brose also requests that oral argument for the two IPRs be combined into a single argument, thereby eliminating the need to twice address issues overlapping among the two IPRs. Brose requests that the combined arguments be scheduled for a total of three (3) hours, with 90 minutes per side. Patent owner UUSI does not oppose this requested format.

Brose, as Petitioners, requests it be permitted to argue first. Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). Brose would address both IPRs, followed by patent owner UUSI, with Brose having the right to reserve a portion of its allotted time for rebuttal.

The issues to be argued relating to IPR2014-00416 are identified in Brose's request for argument submitted in that IPR. The issues to be argued relating to this IPR (2014-00417) include the following:

**A. Claim Construction**

1. The proper construction of the phrase “a sensor for measuring a parameter of a motor coupled to the motor driven element that varies in response to a resistance to motion” in claim 1: Whether the sensor limitation, limitation 1(a) requires a current value (magnitude) sensor (as Patent Owner contends), or whether, instead, the limitation is sufficiently broad to include other types of sensors, including speed sensors, including a speed sensor in the form of a motor current commutation pulse sensor (as Brose contends).

2. The proper construction of the phrase “a movement sensor for monitoring movement of the object” in claim 7: Whether the sensor limitation, limitation 7(a) requires a separate, discrete physical sensor (such as a Hall effect sensor or other encoder (as Patent Owner contends), or whether, instead, the limitation is sufficiently broad to include other types of sensors from which motor speed of movement can be determined, including, for example, a motor current commutation pulse sensor (as Brose contends).

3. The proper construction of the preamble phrase “[a]pparatus for controlling activation of a motor for moving an object along a travel path” and the

phrase “a movement sensor for monitoring movement of the object as the motor moves said object along a travel path” in claim 7: Whether claim 7 requires that obstacle detection based on the obstacle detect threshold and/or monitoring movement of an object be performed along the entire path of travel of the window (as Patent Owner contends), or whether, instead, claim 7 merely requires such detection and/or movement monitoring at some position(s) along the travel path (such as in a safety zone, for example) (as Brose contends).

4. The proper construction of claim 14: Whether limitations (c) and (c)(i)–(iv) of Claim 14 are written in “means-plus-function” format (as Patent Owner contents), or not (as Brose contends).

## **B. Unpatentability**

Patent Owner UUSI does not separately argue either of dependent claims 8 and 9. Thus, Brose submits (and UUSI does not dispute) that, if independent claim 7 is canceled as unpatentable, dependent claims 8 and 9 should also be canceled as unpatentable. For this reason, Brose does not plan to focus on challenged dependent claims 8 and 9 at the argument.

Patent Owner UUSI also does not contest the mathematical equivalence and/or the obviousness of re-writing prior art reference Itoh's equation, which is the only concept for which Brose relies on prior art reference Zuckerman. Accordingly, Ground 6 (obviousness over Itoh in view of Zuckerman) essentially

overlaps with Ground 1 (obviousness over Itoh), and Ground 7 (obviousness over Itoh in view of prior art reference Kinzl and Zuckerman) essentially overlaps with Ground 5 (obviousness over Itoh in view of Kinzl). Therefore, Brose does not plan to focus on Grounds 6–7 at oral argument, but maintains that claims 7–9 and 14 should also be cancelled based on Grounds 6 and 7, among other grounds.

Accordingly, the Grounds and corresponding claims that Brose intends to focus on at the argument are listed below, and summarized in the chart further below:

1. Unpatentability based primarily on prior art reference Itoh
  - (1) Anticipation of Claims 1, 7 and 14 by Itoh (Ground 2)
  - (2) Obviousness of Claims 1, 6, 7 and 14 over Itoh and the knowledge of one having ordinary skill in the art (Ground 1)
  - (3) Obviousness of Claims 1, 6, 7 and 14 over Itoh in view of Kinzl (Ground 5)
  
2. Unpatentability based primarily on prior art reference Kinzl
  - (1) Anticipation of Claims 7 and 14 by Kinzl (Ground 3)
  - (2) Obviousness of Claims 7 and 14 over Kinzl and the knowledge of one having ordinary skill in the art (Ground 4)

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