

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 IPR2014-00417
Patent 7,579,802 B2

Before GLENN J. PERRY, HYUN J. JUNG, and JASON J. CHUNG,
Administrative Patent Judges.

CHUNG, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
Inter Partes Review
37 C.F.R. § 318(a) AND 37 C.F.R. § 42.73

I. INTRODUCTION

A. Procedural Background

Brose North America, Inc. and Brose Fahrzeugteile GmbH & Co. KG, Hallstadt (collectively “Petitioner”), filed a Corrected Petition (Paper 6, “Pet.”) to institute an inter partes review of claims 1, 6–9, and 14 of U.S. Patent No. 7,579,802 (Ex. 1005, “the ’802 patent”) pursuant to 35 U.S.C. §§ 311–319.

UUSI, LLC (“Patent Owner”) filed a Preliminary Response. Paper 10. On August 1, 2014, we instituted review as to claims 1, 6–9, and 14 of the ’802 patent and instituted trial on seven grounds of unpatentability as set forth below. Paper 11, “Dec. on Inst.”

Claims	Grounds	Reference
1, 7–9, and 14	§ 102(b)	Itoh ¹
1, 6–9, and 14	§ 103(a)	Itoh
7, 9, and 14	§ 102(b)	Kinzl ²
7, 9, and 14	§ 103(a)	Kinzl
1, 6–9, and 14	§ 103(a)	Itoh and Kinzl
7–9 and 14	§ 103(a)	Itoh and Zuckerman ³
7–9 and 14	§ 103(a)	Itoh, Kinzl, and Zuckerman

Patent Owner filed a Patent Owner’s Response (Paper 31, “PO Resp.”), and Petitioner filed a Reply (Paper 34, “Reply”).

In addition, Patent Owner filed a Motion to Exclude (Paper 41, “Motion”), seeking to exclude certain of Petitioner’s evidence in Exhibits 1054, 1055, 1057, 1058, 1063, 1065, 1066, and 2004.

¹ U.S. Patent No. 4,870,333 issued Sept. 26, 1989 (Ex. 1007, “Itoh”).

² U.S. Patent No. 4,468,596 issued Aug. 28, 1984 (Ex. 1008, “Kinzl”).

³ U.S. Patent No. 5,069,000 issued Dec. 3, 1991 (Ex. 1009, “Zuckerman”).

Petitioner opposed (Paper 44, “Opp.”) Patent Owner’s Motion to Exclude. We heard Oral Argument on April 30, 2015. Paper 48, (“Tr.”).

B. Related Matters

Petitioner indicates that the ’802 patent is being asserted in: *UUSI, LLC v. Robert Bosch LLC*, No. 2:13-cv-10444, filed in the United States District Court for the Eastern District of Michigan, on February 4, 2013; and *UUSI, LLC v. Webasto Roof Sys., Inc.*, No. 2:13-cv-11704, filed in the United States District Court for the Eastern District of Michigan, on April 15, 2013.

The ’802 patent belongs to a family of patents involved in multiple *inter partes* reviews including IPR2014-00416, IPR2014-00417, IPR2014-00648, IPR2014-00649, and IPR2014-00650.

C. Summary of Conclusions

In this Final Written Decision, issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73, we deny Patent Owner’s Motion to Exclude and we determine that Petitioner has demonstrated by a preponderance of the evidence that all claims for which trial was instituted, claims 1, 6–9, and 14, are unpatentable.

II. THE ’802 PATENT (Ex. 1005)

The ’802 patent describes a system and method for sensing an obstruction in the travel path of a moveable panel, such as a window or sunroof of a vehicle. *See* Ex. 1005, Abstract and Background. Figure 1 is reproduced below:

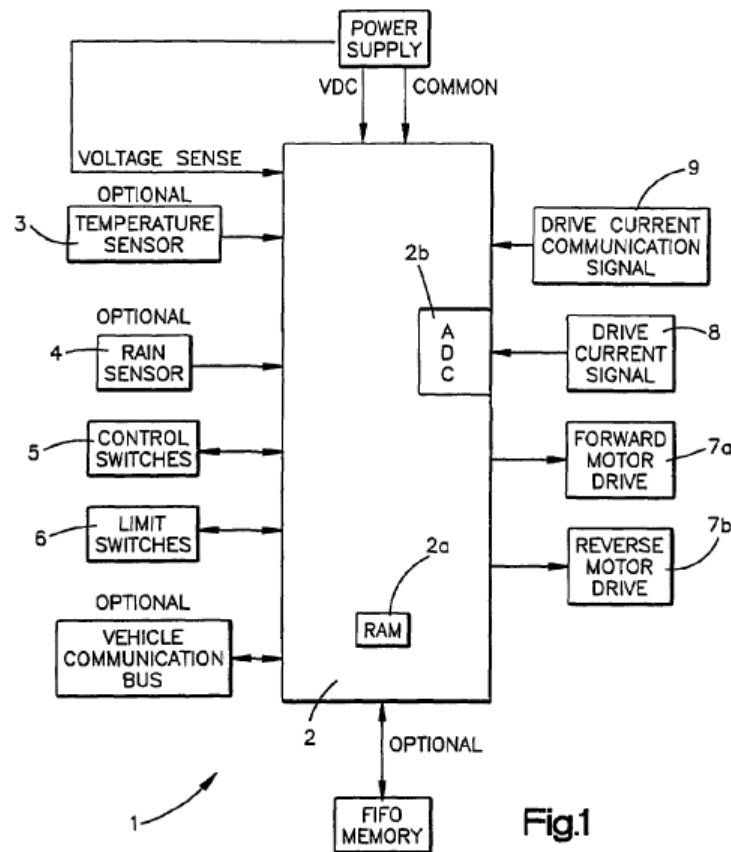


Fig.1

Figure 1 is a schematic of an exemplary actuator safety feedback control system 1. *Id.* at 2:26–27; 2:65–66. Controller 2 monitors and controls movement of a motor driven panel. *Id.* at 2:65–3:5. Motor drive outputs 7a and 7b control whether the motor (not shown in Figure 1) drives the panel in a forward or a reverse direction. *Id.* at 3:38–39. Controller 2 can sense obstacles in the panel’s path in various ways, including a paired infrared emitter and detector disposed along the panel’s path (*id.* at 3:63–4:53), a motor current monitor (*id.* at 5:53–57; 7:26–8:3), and other motor monitors (*id.* at 11:9–32).

Independent claim 7, reproduced below, is illustrative.

7. Apparatus for controlling activation of a motor for moving an object along a travel path and de-activating

the motor if an obstacle is encountered by the object comprising:

- a) a movement sensor for monitoring movement of the object as the motor moves said object along a travel path;
- b) a switch for controlling energization of the motor with an energization signal; and
- c) a controller including an interface coupled to the switch for controllably energizing the motor and said interface additionally coupling the controller to the movement sensor for monitoring signals from said movement sensor; said controller comprising a stored program that:
 - i) determines motor speed of movement from an output signal from the movement sensor;
 - ii) calculates an obstacle detect threshold based on motor speed of movement detected during a present run of said motor driven element;
 - iii) compares a value based on currently sensed motor speed of movement with the obstacle detect threshold; and
 - iv) outputs a signal from the interface to said switch for stopping the motor if the comparison based on currently sensed motor movement indicates the object has contacted an obstacle.

III. CLAIM CONSTRUCTION

As a step in our analysis, we determine the meaning of the claims for purposes of this decision. In an *inter partes* review, the proper claim construction standard in an expired⁴ patent is set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). See *In re Rambus*, 694 F.3d 42, 46 (Fed. Cir. 2012) (“[T]he Board’s review of the claims of an

⁴ The ’802 patent expired in November 2014.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.