

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

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

v.

UUSI, LLC
Patent Owner

Case No. IPR2014-00417
Patent No. 7,579,802

PETITIONERS' NOTICE OF PROPOSED MOTIONS

An initial conference call is scheduled for September 4, 2014, at 1:00 PM (ET) among the Board, Petitioners Brose North America, Inc. and Brose Fahrzeugteile GmbH & Co. KG, Hallstadt (“Brose”), and Patent Owner UUSI, LLC (“UUSI”) (collectively, the “Parties”). Pursuant to the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765–66 (Aug. 14, 2012), Brose hereby submits the following notice of proposed motions it may file in this IPR proceeding.

Brose’s list is provided without prejudice to its right to seek authorization from the Board to file additional motions or decide not to file any of the listed motions. Brose requests that the Board permit it to submit an opposition to any motion(s) filed by UUSI.

1. Motion to Submit Supplemental Information

Brose seeks authorization to file a motion under 37 C.F.R. § 42.123(a) to submit supplemental information, *viz.*: (1) U.S. Patent No. 6,404,158; (2) U.S. Patent Pub. No. 2002/0121872; and (3) U.S. Patent Pub. No. 2002/0101210, all of which are related to the ’802 patent, identify UUSI as assignee, and are relevant to the construction of instituted claims of the ’802 patent.¹ Patent owner does not oppose Brose’s motion.

¹ The one-month deadline under 37 C.F.R. 42.123 to seek authorization for this motion was waived by the Board, without patent owner objection, so that the request for authorization could be made during the September 4, 2014

2. Motion to Permit Appearance of Additional Attorney on *Pro Hac Vice* Basis

Brose seeks authorization to file a motion under 37 C.F.R. § 42.10(c) seeking to have its attorney Luke Dauchot, P.C. of Kirkland & Ellis LLP appear *pro hac vice* in this IPR proceeding.

* * *

Brose does not anticipate any additional motions at this time. Brose reserves its right to seek authorization from the Board to file motions as appropriate. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. at 48765 (“Submission of a list would not preclude the filing of additional motions not contained in the list.”).

In addition, Brose notes that Webasto Roof Systems, Inc. (“Webasto”) has filed a motion to partially join its own petition regarding the ’802 patent with Brose’s petition. *Webasto Roof Systems, Inc. v. UUSI, LLC*, IPR2014-00650, Paper No. 11 (Aug. 29, 2014). Webasto’s petition relating to the ’802 patent addresses three claims that are not addressed in Brose’s petition—claims 11, 15, and 16. Brose was not involved in the preparation of Webasto’s petition, and does not believe it should be subject to estoppel should the Board issue a final written decision addressing claims that Brose did not address in its petition. As such, Brose is opposed to joinder absent clear and binding confirmation from UUSI and

conference call. *See* Order on Conduct of Proceeding, Paper No. 14 (Aug. 27, 2014).

the Board that no estoppel shall attach to Brose or any of its affiliates or subsidiaries in connection with any determination as to any claims of the '802 patent that are added to this proceeding through joinder. Brose will be prepared to discuss Webasto's request during the initial conference call.

Date: September 2, 2014

Respectfully submitted,

/s/ Craig Leavell

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PETITIONERS' NOTICE OF PROPOSED MOTIONS** was served on September 9, 2014 via electronic mail upon the following:

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/s/ Craig Leavell

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