

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY Petitioner

v.

PAICE LLC & THE ABELL FOUNDATION, INC.

Patent Owner

Case IPR2014-00570

Patent 8,214,097

**Patent Owner's Response to Petition for *Inter Partes* Review of**

**U.S. Patent No. 8,214,097**

## TABLE OF CONTENTS

I.	Introduction.....	1
II.	Background of the '097 Patent .....	4
III.	Defects in the instituted grounds of unpatentability.....	8
IV.	Ground 6 is defective because claims 30, 31, 35, 36 and 39 are not obvious over the proposed combination of Severinsky and Anderson.....	9
A.	Overview of the References .....	9
1.	Parallel Hybrid System and Series Hybrid System .....	10
2.	Severinsky .....	12
3.	Anderson .....	13
B.	Severinsky and Anderson do not disclose the controller claimed in claim 30 .....	18
C.	Severinsky and Anderson do not disclose “wherein the controller controls said engine such that a rate of increase of output torque of said engine is limited . . .” .....	24
D.	Severinsky and Anderson do not disclose limiting the rate of increase of engine output torque .....	27
E.	Severinsky and Anderson do not disclose a “controller . . . such that combustion of fuel within the engine occurs at a substantially stoichiometric ratio” .....	29
F.	Severinsky and Anderson cannot be combined in the manner asserted by Ford.....	32
G.	Severinsky and Anderson teach away from the claimed invention ....	37
H.	Ford’s proposed reasoning for combining the references is flawed ...	41
I.	Ford’s expert should be given little or no weight .....	44

V. Ground 7 is defective because claim 32 is not obvious over the proposed combination of Severinsky, Anderson, and Yamaguchi .....48

VI. Ground 8 is defective because claim 33 is not obvious over the proposed combination of Severinsky, Anderson, Yamaguchi, and Katsuno.....49

A. Ford’s proposed combination of references would not render obvious claim 33, because the combination does not meet all the requirements of the claim .....50

1. Katsuno does not disclose or suggest supplying fuel and air to an engine at an air-fuel ratio of no more than 1.2 of the stoichiometric ratio 51

2. Katsuno does not disclose or suggest supplying fuel and air at the ratio of 1.2 of the stoichiometric ratio for starting the engine .....54

B. Ford’s proposed reasoning for combining the references is flawed ...58

VII. CONCLUSION.....59

**TABLE OF AUTHORITIES**

Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 796 F.2d 443 (Fed. Cir. 1986) .....39

Fluor Tec, Corp. v. Kappos, 499 Fed. Appx. 35 (Fed. Cir. 2012).....40

In re Giannelli, 739 F.3d 1375 (Fed. Cir. 2014) .....59

In re Gurley, 27 F.3d 551 (Fed. Cir. 1994) .....37

In re Kahn, 441 F.3d 977 (Fed. Cir. 2006) ..... 41, 43

KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398 (2007)..... 40, 41

Outside The Box Innovations, LLC v. Travel Caddy, Inc., 695 F.3d 1285 (Fed. Cir. 2012) .....40

Sata GmbH & Co., v. Anest Iwata Corp., 2013 WL 5970199 (June 25, 2013 Patent Tr. & App. Bd.) ..... 48, 57

Spectralytics, Inc. v. Cordis Corp., 649 F.3d 1336 (Fed. Cir. 2011).....37

Unigene Labs., Inc. v. Apotex, Inc., 655 F.3d 1352 (Fed. Cir. 2011) .....40

**STATUTES**

35 U.S.C. § 103 ..... 47, 48

### UPDATED TABLE OF EXHIBITS

<b>Patent Owner Exhibit Number</b>	<b>Exhibit Description</b>
PAICE Ex. 2002	Declaration of Neil Hannemann
PAICE Ex. 2003	Neil Hannemann CV
PAICE Ex. 2004	Jeffrey Stein Deposition Transcript (Jan. 12, 2015)
PAICE Ex. 2005	Complaint
PAICE Ex. 2006	Griffith Hack

# 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.