UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FORD MOTOR COMPANY
Petitioner,

v.

PAICE LLC & ABELL FOUNDATION, INC.
Patent Owners.

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Case IPR2014-00570
Patent 8,214,097

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**PATENT OWNER'S MOTION FOR OBSERVATIONS ON THE
CROSS EXAMINATION OF DR. JEFFERY STEIN**

EXHIBITS

Patent Owner Exhibit Number	Exhibit Description
PAICE Ex. 2001	Arbitration Agreement between Paice LLC and Ford Motor Company
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
PAICE Ex. 2007	Declaration in support of *Pro Hac Vice* of Peter Guarnieri
PAICE Ex. 2008	Transcript of Deposition of Jeffrey L. Stein, Ph.D.

1.   In exhibit 2008, on page 8, line 14 – page 9, line 3, Dr. Stein testified

that the sentence in Anderson (Ex. 1006) that states "[s]ome of this effect can be

reduced using a hybrid strategy that only allows slow transients, but this places

greater strain on the LLD" is not related to a single type of hybrid vehicle but

related to all types of vehicles. This testimony is relevant to paragraph 17 of the

Reply Declaration of Dr. Stein (Ex. 1043), where Dr. Stein testified that a POSITA

would have understood that the same sentence "simply mean[s] that a parallel

HEV can reduce the transient emissions problem by supplementing the engine

output torque with torque from another power source, namely an electric motor."

This testimony is relevant because it shows that a POSITA would not have

understood the sentence at issue to refer to a parallel hybrid vehicle or the parallel-

specific strategy of supplementing the engine output torque with torque from the

electric motor.

2.   In exhibit 2008, on page 16, line 14 – page 17, line 11, Dr. Stein

testified that the term "hybrid strategy" used by Anderson (Ex. 1006) in the

sentence "[s]ome of this effect can be reduced using a hybrid strategy that only

allows slow transients, but this places greater strain on the LLD" is not referring to

a particular strategy but is a suggestion that coming up with a hybrid strategy

should involve thinking about the trade-off between different variables and

different issues as they relate to the performance of a hybrid vehicle. This

testimony is relevant to paragraphs 27 and 28 of the Reply Declaration of Dr. Stein (Ex. 1043), where Dr. Stein testified that a POSITA would have understood that "Anderson's 'hybrid strategy' is a strategy for actively controlling the engine (slowing its transient performance) and the motor during transient conditions using software." This testimony is relevant because it shows that a POSITA would not have understood that the term "hybrid strategy" refers to a specific strategy of actively controlling the engine (slowing its transient performance) and the motor during transient conditions using software.

3.   In exhibit 2008, on page 30, line 20 – page 33, line 15, Dr. Stein testified that Anderson's hybrid strategy includes considering the weight and volume of the vehicle and choosing the sizes of the APU (engine) and LLD (battery). This testimony is relevant to paragraphs 27 and 28 of the Reply Declaration of Dr. Stein (Ex. 1043), where Dr. Stein testified that a POSITA would have understood that Anderson's hybrid strategy is not referring to choosing a particular engine size with characteristics of slow transient capabilities based on the engine's inherent mechanical inertia. This testimony is relevant because it shows that a POSITA would have understood that Anderson's hybrid strategy is to be understood broadly to include choosing the size of the engine.

4.   In exhibit 2008, on page 19, line 20 – page 20, line 7, Dr. Stein testified that a POSITA would understand Anderson's thermostat mode would

result in the battery being cycled frequently. And on page 27, line 23 – page 29, line 7, Dr. Stein testified with reference to the vehicle disclosed by Anderson that "[i]n the following mode for this vehicle, the magnitude and frequency of the cycling in the battery is less than in the thermostat mode." This testimony is relevant to paragraphs 64 and 65 of the Reply Declaration of Dr. Stein (Ex. 1043), where Dr. Stein testified that a POSITA would understand that Anderson's discussion of strain on the LLD in the sentence "[s]ome of this effect can be reduced using a hybrid strategy that only allows slow transients, but this places greater strain on the LLD" becomes more important as one approaches follower mode and less important in thermostat mode. This testimony is relevant because it shows that a POSITA would have understood that the reference to "strain on the LLD" refers to Anderson's thermostat mode rather than the follower mode.

5.   In exhibit 2008, on page 59, line 3 – page 60, line 16, when asked about the hybrid mode of U.S. Patent No. 5,343,970 ("Severinsky," Ex. 1009) in which a POSITA would apply Anderson's teachings, Dr. Stein was unable to provide a response. This testimony is relevant to paragraphs 38-47 of the Reply Declaration of Dr. Stein (Ex. 1043), where Dr. Stein opines that it would have been obvious to a POSITA to combine Severinsky and Anderson. This testimony is relevant because it shows that Dr. Stein has failed to provide any analysis

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