

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 IPR2014-00571  
Patent 7,104,347

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**PATENT OWNER'S MOTION FOR OBSERVATIONS ON THE  
CROSS EXAMINATION OF DR. GREGORY DAVIS**

**EXHIBITS**

<b>Patent Owner Exhibit Number</b>	<b>Exhibit Description</b>
PAICE Ex. 2001	Arbitration Agreement between Paice LLC and Ford Motor Company
PAICE Ex. 2002	Declaration of Neil Hannemann
PAICE Ex. 2003	Dr. Gregory W. Davis Deposition Transcript (Jan. 13, 2015)
PAICE Ex. 2004	Excerpt from File History for U.S. Patent 8,214,097
PAICE Ex. 2005	Integrated Microprocessor Control of a Hybrid i.c. Engine/Battery-Electric Automotive Power Train,” P.W. Masding, J.R. Bumby, Jan. 1990
PAICE Ex. 2006	Masding, Philip Wilson (1988) “Some drive train control problems in hybrid i.c engine/battery electric vehicles,” Durham theses, Durham University
PAICE Ex. 2007	Excerpt from McGraw-Hill Dictionary of Scientific and Technical Terms, Sixth Ed., 2003.
PAICE Ex. 2008	Neil Hannemann CV
PAICE Ex. 2009	Paice v. Ford, C.A. No. 1:14-cv-00492-WDQ, Complaint (Feb. 19, 2014)
PAICE Ex. 2010	Griffith Hack Report
PAICE Ex. 2011	Declaration in support of Motion for <i>Pro Hac Vice</i> for Peter Guarnieri
PAICE Ex. 2012	Transcript of Deposition of Gregory W. Davis, Ph.D.

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1. In exhibit 2012, on page 37, lines 8-24, Dr. Davis testified that one could not determine whether or not the instantaneous torque required to propel the vehicle would be positive or negative from looking at only the pedal position when the driver presses on the accelerator pedal from 0% to 10% because pedal position does not provide enough information. Dr. Davis continued to testify on page 37, line 25 – page 38, line 3, that he would need to know the speed of the vehicle and whether or not the vehicle was going down a hill to make such a determination. This testimony is relevant to paragraph 8 of Dr. Davis' Reply Declaration (Ex. 1038), where Dr. Davis testified that accelerator pedal position correlates to the torque required to propel the vehicle. This testimony is relevant because it demonstrates that accelerator pedal position alone is not sufficient to determine the instantaneous torque required to propel the vehicle.

2. In exhibit 2012, on page 73, line 20 – page 74, line 11 and page 78, line 10 – page 79, line 1, Dr. Davis testified that he is relying on U.S. Patent No. 5,343,970's ("Severinsky", Ex. 1003) disclosure of a mode called "high-speed acceleration and/or hill climbing mode" to satisfy the limitation "[e]mploying both said at least one electric motor and said engine to propel said vehicle when the torque RL required to do so is more than MTO" of claim 23 of U.S. Patent No. 7,104,347. This testimony is relevant to paragraphs 286-287 of Dr. Davis' Original Declaration (Ex. 1005) where he testified that in the high-speed

acceleration and/or hill climbing mode illustrated in Fig. 6, Severinsky “discloses operating the motor to provide supplemental torque when the torque required for propulsion of the vehicle exceeds the capability (i.e., maximum torque output) of the engine.” This testimony is relevant because it reinforces Dr. Davis’ previous assertion that Severinsky’s high-speed acceleration and/or hill climbing mode is related to when to turn on the motor and is entered when the alleged torque required to propel the vehicle is above 100% of the maximum torque output of the engine.

3. In exhibit 2012, on page 70, line 15 – page 71, line 25, Dr. Davis testified that in Severinsky’s (Ex. 1003) disclosed high-speed acceleration and/or hill climbing mode, the engine and motor turn on when the torque required to propel the vehicle is above 60% of the maximum torque output of the engine. This testimony is relevant to paragraphs 286-287 of Dr. Davis’ Original Declaration (Ex. 1005) where he testified that in the high-speed acceleration and/or hill climbing mode illustrated in Fig. 6, Severinsky “discloses operating the motor to provide supplemental torque when the torque required for propulsion of the vehicle exceeds the capability (i.e., maximum torque output) of the engine.” This testimony is relevant because it shows that Dr. Davis’ new theory clearly contradicts his previous assertion that Severinsky’s high-speed acceleration and/or hill climbing mode is entered when the alleged torque required to propel the

vehicle is above 100% of the maximum torque output of the engine and not 60% of the maximum torque output of the engine as he now alleges.

Dated: May 15, 2015

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