UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WEBASTO ROOF SYSTEMS, INC.
Petitioner,

v.

UUSI, LLC
Patent Owner.

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Case IPR2014-00648
Patent 8,217,612

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PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

Attorney Docket: 130163.231151

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The prior art discloses or suggests all elements of claims 1-2 and 5-8 construed according to their plain and ordinary meaning, as proposed in the Petition and reflected in the institution Decision. Patent Owner reads unsupported limitations into the claims to try to preserve their validity. Patent Owner argues that "identifying a collision" in independent claim 1 requires a distinct algorithm from "sensing of a collision," even though this "identifying" step is part of "sensing a collision" in claim 1. To narrow independent claim 6, Patent Owner asserts that "to deactivate said motor in response to a sensing said window or panel has stopped moving" requires deactivation to occur *instantaneously* in response to an *abrupt* stoppage. These incorrect claim constructions should be rejected.

Patent Owner also disputes enablement of the cited references, relying on irrelevant arguments about how well they would work. There is no genuine dispute that a person of ordinary skill in the art would have been able to implement them. Patent Owner also argues that references cannot be combined because one cannot merge references wholesale, without modification. However, this is neither how a person of ordinary skill in the art would combine teachings nor how Petitioner has proposed to combine them.

I.   RESPONSE TO PATENT OWNER'S INTRODUCTORY REMARKS

Patent Owner dedicates the first 18 pages of its Response to assertions having little to do with the merits that appear intended to sway the Board to credit

Patent Owner over Petitioner. Given the page limit, Petitioner will only respond briefly. Patent Owner's allegations regarding its background and contributions are unsupported. For example, there is no evidence that the patent was implemented or would perform acceptably "in real world automobile scenarios" (Paper 20 at 3). Ex. 1022 at 28:24-29:22, 116:5-12, 116:24-117:3, 118:17-119:3.

Patent Owner also criticizes that Dr. Toliyat was not familiar with the details of "production vehicles" such as "the typical revolutions per minute of an automotive window lift motor when it was operating at its fastest closing speed in early 1990s." Paper 20 at 6, 12. However, such details are irrelevant to the issues here. As Dr. Ehsani admitted, experience in designing automotive sunroof or window lift system is not needed to understand the '612 patent. Ex. 1023 at 282:8-22. Dr. Ehsani could not answer the same questions posed to Dr. Toliyat about these production details, and criticized the questions as irrelevant. *Id.* at 287:6-288:2, 293:14-21, 297:7-298:13. Dr. Toliyat is well-qualified to address the issues in this proceeding. He is an expert in control systems, such as those used in automotive vehicles. *See* Ex. 1004. He is a distinguished lecturer for the IEEE Vehicular Technology Society and has authored numerous journal papers, received many grants, and spoken at several seminars in this field. Ex. 1021, ¶¶ 8-9.

II.   CLAIM CONSTRUCTION

A.   "identifying a collision" and "sensing of a collision" (Claim 1)

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