

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEBASTO ROOF SYSTEMS, INC.
Petitioner,

v.

UUSI, LLC
Patent Owner.

Case IPR2014-_____
Patent 8,217,612

**PETITION FOR INTER PARTES REVIEW
PURSUANT TO 35 U.S.C. §§ 311–319 AND 37 C.F.R. § 42**

Attorney Docket: 130163.231151

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Petitioner Webasto Roof Systems, Inc. (“WRSI”) requests *inter partes* review (“IPR”) of claims 1-2 and 5-8 of U.S. Patent No. 8,217,612 (“the ’612 Patent”) (Ex. 1001). This Petition shows that there is a reasonable likelihood that these claims are unpatentable. Petitioner requests that the claims be declared unpatentable and canceled.

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8

Real party-in-interest: Webasto Roof Systems, Inc.

Related matters: The following matters involving the ’612 Patent would affect, or be affected by, a decision in the proceeding: *UUSI, LLC v. Webasto Roof Sys., Inc.*, No. 2:13-cv-11704 (E.D. Mich.); *UUSI, LLC v. Robert Bosch LLC and Brose North Am., Inc.*, No. 2:13-cv-10444 (E.D. Mich.); *Brose North Am., Inc. and Brose Fahrzeugteile GmbH & Co. KG, Hallstadt v. UUSI, LLC*, IPR2014-00416.¹

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¹ The second ground of invalidity herein, obviousness of claims 1-2 and 5-8 based on Itoh in view of Kinzl, is the only ground of invalidity herein that also appears in the petition filed in IPR2014-00416.

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Counsel consents to electronic service at their email addresses. A power of attorney accompanies this Petition.

II. PAYMENT OF FEES

We hereby authorize the Office to charge the fee set forth in 37 C.F.R. § 42.15(a) for this Petition to a credit card, and further authorize payment of any additional fees to be charged to Deposit Account No. 50-4494.

III. REQUIREMENTS UNDER 37 C.F.R. § 42.104

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

WRSI certifies that the '612 Patent is available for IPR and that WRSI is not barred or estopped from requesting this IPR.

B. Identification of Challenge Under 37 C.F.R. § 42.104(b)

WRSI requests IPR of claims 1-2 and 5-8 of the '612 Patent based on the following prior art references. An Appendix of Exhibits is also attached.

Exhibit	Description	Publication or Filing Date	Type of Prior Art
Ex. 1005	U.K. Published Patent Application GB 2 026 723 to Bernard et al. ("Bernard")	Feb. 6, 1980	§ 102(b)

Ex. 1006	U.S. Patent No. 4,870,333 to Itoh et al. (“Itoh”)	Sep. 26, 1989	§ 102(b)
Ex. 1007	U.S. Patent No. 4,468,596 to Kinzl (“Kinzl”)	Aug. 28, 1984	§ 102(b)
Ex. 1008	Translation of German Published Patent Application DE4000730A1 to Lamm et al. ² (“Lamm”)	Aug. 1, 1991	§ 102(a)
Ex. 1009	U.S. Patent No. 5,218,282 to Duhamel (“Duhamel”)	Mar. 22, 1990	§ 102(e)

Section VI below sets forth, per 37 C.F.R. § 42.104(b)(2), the grounds under 35 U.S.C. §§ 102 or 103 on which the challenges to the claims are based.

C. How the Challenged Claims are to be Construed

As required by 37 C.F.R. § 42.104(b)(3), Petitioner provides interpretation for a claim term in Section V. Because the ’612 Patent has expired, the Patent Trial and Appeal Board construes the terms pursuant to *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc). *See, e.g., In re Rambus, Inc.*, 694 F.3d 42, 46 (Fed. Cir. 2012); *Facebook, Inc., LinkedIn Corp. and Twitter Inc. v. Software Rights Archive*, IPR2013-00479, Paper 18 at 9-10 (Feb. 3, 2014).

Petitioner has proposed constructions herein that take into account Patent Owner’s apparent interpretation of the claims, even if Petitioner disagrees; Petitioner expressly reserves the right to present interpretations of the claims in litigation that

² Ex. 1017 is the German Published Patent Application DE4000730A1 to Lamm *et al.*, published on August 1, 1991. Ex. 1018 is the certification that Ex. 1008, Lamm, is an accurate translation of Ex. 1017.

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