

Filed on behalf of UUSI, LLC
By: Monte L. Falcoff (mlfalcoff@hdp.com)
Hemant M. Keskar (hkeskar@hdp.com)
HARNESS, DICKEY & PIERCE, P.L.C.
5445 Corporate Drive, Ste. 200
Troy, MI 48098
Telephone: (248) 641-1600
Facsimile: (248) 641-0270

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEBASTO ROOF SYSTEMS, INC.
Petitioner

v.

UUSI, LLC
Patent Owner

Case IPR2014-00648
Patent 8,217,612

PATENT OWNER'S PRELIMINARY RESPONSE

I.	INTRODUCTION.....	3
II.	PRIMA FACIE FAILURE.....	3
A.	GROUND D: CLAIMS 1-2 AND 5-8	3
1.	CLAIM 1	4
a)	CLAIM LIMITATIONS	4
b)	DEFICIENCIES OF DUHAME	4
c)	DEFICIENCIES OF KINZL	5
d)	PRIMA FACIE FAILURE	7
2.	CLAIM 5	7
III.	COMBINATION CANNOT BE OBVIOUS IF ONE REFERENCE EXPRESSLY DEFEATS ANOTHER	9
A.	GROUND B: CLAIMS 1-2 AND 5-8.....	9
1.	REQUEST TO STAY INSTITUTION OF GROUND B	9
2.	ITOH AND KINZL CANNOT BE COMBINED.....	10
B.	GROUND C: CLAIMS 1-2 AND 5-8	11
IV.	CONCLUSION	12

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107, Patent Owner UUSI, LLC (“UUSI”) submits the following Preliminary Response to the Petition for *Inter Partes* Review of U.S. Patent 8,217,612 (“the ‘612 patent”).

I. INTRODUCTION

The Corrected Petition (Paper No. 4, “Petition”) for *inter partes* review of the ‘612 patent should be denied at least with respect to the alleged grounds for unpatentability discussed below because Petitioner does not meet its burden of establishing obviousness on these grounds. Petitioner’s other grounds and allegations not discussed below shall also fail, but UUSI will address the deficiencies of these grounds as may be necessary and appropriate if the *inter partes* review is instituted. In other words, this Preliminary Response simply refutes the clearest alleged grounds of unpatentability asserted by Petitioner without requiring a full substantive claim-by-claim analysis; UUSI shall later challenge Petitioner’s other grounds.

II. PRIMA FACIE FAILURE

A. GROUND D: CLAIMS 1-2 AND 5-8

The Petition fails to establish a reasonable likelihood that at least Claims 1, 2, and 5 are obvious in view of U.S. Patent No. 5,218,282 (“Duhame”, Ex. 1010) and U.S. Patent No. 4,468,596 (“Kinzl”, Ex. 1007).

1. CLAIM 1

a) CLAIM LIMITATIONS

Claim 1 recites “adjusting an obstacle detection threshold in real time based on immediate past measurements of the signal sensed by the sensor to adapt to varying conditions encountered during operation of the window or panel”. Ex. 1001 at 27:31-34.

b) DEFICIENCIES OF DUHAME

Significantly, Claim 1 is directed to “controlling activation of a motor coupled to a **motor vehicle window** or panel.” Ex. 1001 at 27:12-13 (emphasis added). In contrast, Duhame relates to “**residential garage doors.**” Ex. 1010 at 1:8 (emphasis added). Duhame therefore simply cannot and in fact does not account for the “**varying conditions**” recited in Claim 1, which are encountered during operation of a motor vehicle window when the motor vehicle operates in real-world conditions. For example, as the ‘612 patent emphasizes, “[o]bstacle detection thresholds are actively modified with increasing vehicle air speed and with increasing wind buffeting....” Ex. 1001 at 13: 28-31. Duhame’s garage door simply does not encounter such conditions. As another example, the claimed thresholds can be adjusted to account for variations in motor speed due to voltage variations caused by operation of other DC-driven components of the vehicle (e.g., turning on the vehicle’s headlight). The claimed threshold adjustment is desirable because in the

past, wind buffeting and/or voltage variations have been known to adversely affect obstacle detection in window lift anti-trap systems thereby making them less accurate. For example, the '612 patent points out that "[o]peration under varying power supply voltage results in actuator speed variations that result in increased obstacle detection thresholds." Ex. 1001 at 1:53-55. Further, wind-buffeting "cyclically alters motor loading" and can cause "false obstacle detection", which is undesirable, and which the '612 patent seeks to prevent as recited in Claim 1. Duhamé's garage door application simply does not experience such variations since the garage door is operated by an AC motor powered by a power grid. Since Duhamé's garage door does not experience the varying conditions encountered during operation of the motor vehicle window, Duhamé does not have to and in fact does not adapt obstacle detection thresholds to varying conditions encountered during the operation of a motor vehicle window or panel.

Accordingly, Duhamé does not disclose "adjusting an obstacle detection threshold in real time based on immediate past measurements of the signal sensed by the sensor to adapt to varying conditions encountered during operation of the window or panel" as recited in Claim 1.

c) DEFICIENCIES OF KINZL

Petitioner does not rely on Kinzl to disclose the above limitation of Claim 1. Petition, Pages 52-53. Nonetheless, for completeness it is noted that Kinzl also

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.