Filed on behalf of UUSI, LLC

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### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

# WEBASTO ROOF SYSTEMS, INC. Petitioner

٧.

UUSI, LLC Patent Owner

Case IPR2014-00648 Patent 8,217,612

PATENT OWNER'S PRELIMINARY RESPONSE



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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 Page 4 of 13



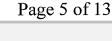
past, wind buffeting and/or voltage variations have been known to adversely affect obstacle detection in window lift anti-trap systems thereby making them less accurate. For example, the '612 patent points out that "[o]peration under varying power supply voltage results in actuator speed variations that 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. Duhame'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 Duhame's garage door does not experience the varying conditions encountered during operation of the motor vehicle window, Duhame 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, Duhame 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





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