

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 B2

Before GLENN J. PERRY, HYUN J. JUNG, and JASON J. CHUNG,
Administrative Patent Judges.

PERRY, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

A. *Procedural Posture*

Petitioner, Webasto Roof Systems, Inc. (“Webasto”), filed a Corrected Petition (Paper 4, “Pet.”) on April 30, 2014, requesting *inter partes* review of claims 1, 2, and 5–8 of U.S. Patent No. 8,217,612 B2 (“the ’612 patent”). Patent Owner UUSI, LLC (“UUSI”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”) to the Petition. On October 17, 2014, we instituted *inter partes* review of claims 1–2 and 5–8 on the following grounds of unpatentability alleged in the Petition:

- A. claims 6–8 are unpatentable under 35 U.S.C. § 102 as anticipated by Bernard;¹
- B. claims 1, 2, and 5–8 are unpatentable under 35 U.S.C. § 103 over Lamm,² Itoh,³ and Bernard; and
- C. claims 1, 2, and 6–8 are unpatentable under 35 U.S.C. § 103 over Duhome⁴ and Kinzl.⁵

Paper 14 (“Dec.”), 17–18.

Following institution, UUSI filed a Response (Paper 20, “PO Resp.”). Webasto filed a Reply (Paper 24, “Reply”). Webasto moved (Paper 26, “Mot.”) to exclude evidence. UUSI opposed (Paper 28, “Opp.”) that motion. We heard oral argument on June 29, 2015. Paper 31 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written

¹ U.K. Published Patent Application GB 2 026 723 A, published Feb. 6, 1980 (Ex. 1005, “Bernard”).

² German Published Patent Application DE 40 00 730 A1, published Aug. 1, 1991 (Translation Ex. 1008, “Lamm”).

³ U.S. Patent No. 4,870,333, issued Sept. 26, 1989 (Exhibit 1006, “Itoh”).

⁴ U.S. Patent No. 5,218,282, issued June 8, 1993 (Ex. 1009, “Duhome”).

⁵ U.S. Patent No. 4,468,596, issued August 28, 1984 (Ex. 1007, “Kinzl”).

Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For reasons stated below, Webasto has shown, by a preponderance of the evidence, that claims 1, 2, and 5–8 of the '612 patent are unpatentable.

B. Related Matters

The parties state that the '612 patent is asserted in the following district court proceedings:

1. *UUSI, LLC v. Robert Bosch LLC*, No. 2:13-cv-10444 (E.D. Mich.) (“UUSI v. BNA”), filed February 4, 2013. *See* Pet. 1 and Paper 6, 2.

2. *UUSI, LLC v. Webasto Roof Sys., Inc.*, No. 2:13-cv-11704 (E.D. Mich.) (“UUSI v. Webasto”), filed April 15, 2013. *See* Pet. 1, Paper 6, 2.

The '612 patent belongs to a family of patents involved in multiple *inter partes* reviews including IPR2014-00416, IPR2014-00417, IPR2014-00648 (this proceeding), IPR2014-00649, and IPR2014-00650. The petition in IPR2014-00416 (“the '416 proceeding”), like the present Petition, challenges the '612 Patent. We determined in a Final Decision that claims 1, 2, and 5–8 of the '612 patent have been shown to be unpatentable. *See Brose North America, Inc. and Brose Fahrzeugteile GMBH v. UUSI, LLC*, Case IPR2014-00416 (PTAB July 27, 2015) (Paper 40).

II. THE '612 PATENT

A. Described Invention

The '612 patent describes protecting against pinching objects in the travel path of a vehicle power-driven movable panel, such as a window or sun roof. The '612 patent further describes analyzing sensor signals to determine panel movement directly or indirectly and determine whether a

panel collides with an object in its travel path. *See* Ex. 1001 at [57] and 1:56–2:20.

Figure 1 of the '612 patent is shown below:

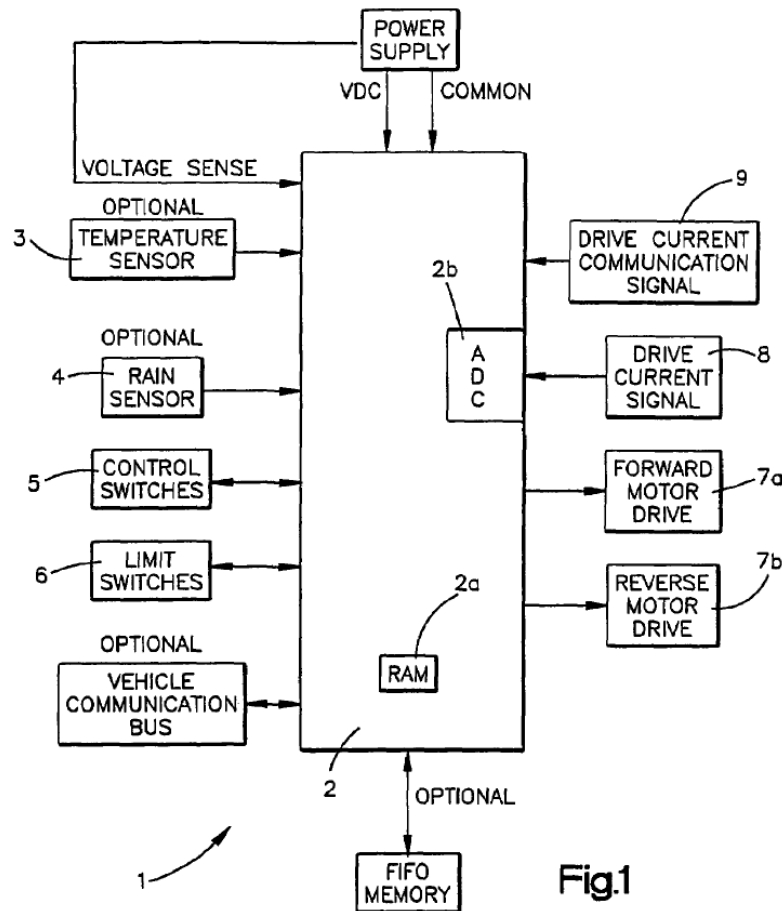


Fig.1

Figure 1 is a schematic diagram of an exemplary actuator safety feedback control system 1. Ex. 1001, 2:24–25, 2:63–65. Controller 2 monitors and controls movement of a motor driven panel. *See id.* at 2:65–3:5. Forward and reverse motor drive elements 7a and 7b drive the motor (not shown in Figure 1) in forward and reverse directions, respectively. *See id.* at 3:36–41. Controller 2 can sense obstacles in the panel's path in various ways based on sensor signals from, e.g., a paired infrared emitter and detector disposed

along the panel's path (*see id.* at 3:60–4:64), a motor current monitor (*see id.* at 4:9–11, 7:20–8:3, 8:33–10:5), and other monitors (*see id.* at 11:14–20).

B. Illustrative Claim

Of the challenged claims, claims 1 and 6 are independent. Claim 1 is illustrative and is reproduced below.

1. Apparatus for controlling activation of a motor coupled to a motor vehicle window or panel for moving said window or panel along a travel path and de-activating the motor if an obstacle is encountered by the window or panel, said apparatus comprising:

a) a sensor for sensing movement of the window or panel and providing a sensor output signal related to a speed of movement of the window or panel;

b) a switch for controllably actuating the motor by providing an energization signal;

c) one or more switches for use by the controller to determine window or panel position; and

d) a controller having an interface coupled to the sensor and the switch for controllably energizing the motor; said controller sensing a collision with an obstruction when power is applied to the controller by:

i) monitoring movement of the window or panel by monitoring a signal from the sensor related to the movement of the window or panel;

ii) 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;

iii) identifying a collision of the window or panel with an obstacle due to a change in the signal from the sensor that is related to a change in movement of the window or panel by comparing a value based on a most recent signal from the sensor with the obstacle detection threshold; and

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