UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEBASTO ROOF SYSTEMS, INC.
Petitioner,

v.

UUSI, LLC
Patent Owner.

Case IPR2014-00650
Patent 7,579,802

REPLY DECLARATION OF HAMID A. TOLIYAT, PH.D.

Attorney Docket: 130163.231151

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Table of Contents

Page

I. SUMMARY OF OPINIONS FOR THE '802 PATENT 4

II. QUALIFICATIONS 5

III. CLAIM CONSTRUCTION 8

A. "a sensor for measuring a parameter of a motor that varies in response to a resistance to motion" (independent claim 1) 8

B. "a travel path" (independent claims 7 and 15) 9

C. "in response to a specified input the controller conducts a calibration motor energization sequence to determine parameters of object" (dependent claim 11) 11

D. "a logic unit for making a comparison between a value representing window or panel speed based on a currently sensed motor speed signal with the calculated obstacle detect threshold, and generating a control output if an obstacle is detected based on said comparison" 13

IV. CLAIMS 1, 6-9, 11, 15, AND 16 WOULD HAVE BEEN OBVIOUS 16

A. Ground 1: Obviousness over Itoh and Kinzl 16

(a) Obviousness of the Combination and Enablement 17

(b) Independent Claim 15 and Dependent Claim 16 21

B. Ground 2: Obviousness over Itoh, Kinzl, and Jones 24

(a) Obviousness of the Combination and Enablement 24

(b) Dependent Claim 11 25

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

C. Ground 3: Obviousness over Lamm and Itoh 26

(a) Obviousness of the Combination and Enablement.....27

(b) Independent Claim 1 31

(c) Dependent Claim 6 34

(d) Independent Claim 7 and Dependent Claims 8-9.....38

(e) Independent Claim 15 and Dependent Claim 16.....40

D. Ground 4: Obviousness over Lamm, Itoh and Duhame.....43

(a) Obviousness of the Combination and Enablement.....44

(b) Dependent Claim 11 47

E. Ground 5: Obviousness over Duhame and Kinzl.....48

(a) Obviousness of the Combination.....48

(b) Independent Claim 1 49

(c) Independent Claim 7 and Dependent Claims 8-9.....51

(d) Dependent Claim 11 53

(e) Independent Claim 15 and Dependent Claim 16.....53

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

I, Hamid A. Toliyat, hereby declare as follows:

1. I have been retained by counsel for Petitioner Webasto Roof Systems, Inc. I am being compensated for my work in this matter at a rate of $450 per hour, and my compensation is not dependent in any way on the outcome of this proceeding.

2. I previously submitted a declaration regarding the invalidity of the '802 Patent in this Inter Partes review proceeding. *See* IPR2014-00650, Ex. 1003. I incorporate and stand by my opinions from my prior declaration that claims 1, 6-9, 11, and 15-16 of the '802 patent are invalid based on the prior art.

3. I submit this declaration to reply to certain statements made by Dr. Ehsani in his Declaration (Ex. 2001) in support of the Patent Owner's Response and in the Patent Owner, UUSI, LLC's ("UUSI's") Response (Paper No. 20).

I. SUMMARY OF OPINIONS FOR THE '802 PATENT

4. The Board instituted an Inter Partes Review of the '802 patent for claims 1, 6-9, 11, 15, and 16 based on the following grounds:

- Claims 15 and 16 under 35 U.S.C. § 103(a) as obvious over Itoh (Ex. 1006) and Kinzl (Ex. 1007);
- Claim 11 under 35 U.S.C. § 103(a) as obvious over Itoh, Kinzl, and Jones (Ex. 1010);
- Claims 1, 6-9, 15, and 16 under 35 U.S.C. § 103(a) as obvious over Lamm (Ex. 1008) and Itoh;

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

- Claim 11 under 35 U.S.C. § 103(a) as obvious over Lamm, Itoh, and Duhame (Ex. 1009); and
- Claims 1, 7–9, 11, 15, and 16 under 35 U.S.C. § 103(a) as obvious over Duhame and Kinzl.

IPR2014-00650, Paper 14.

5. As I described in my original Declaration (Ex. 1003) and as further described in more detail below, it is my opinion that claims 1, 6-9, 11, 15, and 16 of the ’612 patent are invalid based on each of the instituted grounds for inter partes review.

II. QUALIFICATIONS

6. As described in my original Declaration (Ex. 1003), I am familiar with the state of the art as it relates to the ’802 patent during the relevant time period, April 1992. My qualifications are set forth more fully in my curriculum vitae (Ex. 1004) and my original Declaration (Ex. 1003), so I will only briefly address them here. I am a licensed Professional Engineer, and earned a Ph.D. with a specialization in Industrial Drives, Electrical Machines, Power Electronics, Power Systems and Control from the University of Wisconsin-Madison in 1991, and a M.S. in Electrical Engineering from West Virginia University in 1986, and a B.S. in Electrical Engineering from Sharif University of Technology in May 1982. Since 1987, I have held numerous teaching and research positions in the field of

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.