Filed on behalf of UUSI, LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

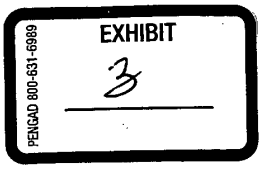
WEBASTO ROOF SYSTEMS, INC.
Petitioner

v.

UUSI, LLC
Patent Owner

Case IPR2014-00649
Patent 7,548,037

PATENT OWNER'S PRELIMINARY RESPONSE



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 7,548,037 ("the '037 patent").

I. INTRODUCTION

The Corrected Petition (Paper No. 4, "Petition") for *inter partes* review of the '037 patent should be denied at least in part because the Petition is replete with redundant grounds of alleged unpatentability and because Petitioner does not meet its *prima facie* burden of establishing anticipation and obviousness in at least the alleged grounds noted hereianfter. While UUSI has not addressed all of Petitioner's allegations of unpatentability, Petitioner's other allegations not addressed below shall also fail, but UUSI will address the deficiencies of these allegations as may be necessary and appropriate if the *inter partes* review is instituted. In other words, this Preliminary Response simply refutes the clearest allegations of unpatentability asserted by Petitioner without requiring a full substantive claim-by-claim analysis; UUSI shall later challenge Petitioner's other allegations.

II. TRIAL SHOULD NOT BE INSTITUTED FOR PETITIONER'S FAILURE TO SET FORTH A PRIMA FACIE SHOWING

A. GROUND D: CLAIM 7

The Petition fails to establish a reasonable likelihood that Claim 7 would be anticipated by U.S. Patent No. 5,218,282 ("Duhame", Ex. 1010) for at least the following reasons. Claim 7 recites "A method for detecting presence of an object caught between a closure and its respective frame". Ex. 1003 at 28:5-6. Duhame does not disclose "detecting an object caught between the closure and its frame" as recited in Claim 7. Duhame relates to "residential garage doors". Ex. 1010 at 1:8. Residential garage doors inherently do not include a frame, nor does Duhame explicitly show or describe a frame. Additionally, Duhame merely detects "an obstruction one inch off the floor" in contrast to the claim limitation of "an object caught between the closure and its frame". *Id.* at 22:14. Duhame therefore does not disclose "detecting an object caught between the closure and its frame" as recited in Claim 7. Accordingly, for at least the above reasons, Petitioner has failed to present the requisite *prima facie* case of anticipation, and the Petition fails to establish a reasonable likelihood that Claim 7 would be anticipated by Duhame.

B. GROUND E: CLAIM 1

"[T]o secure just, speedy, and inexpensive resolution of every proceeding" as required by 37 C.F.R. § 42.1(b), "the Board may deny some or all grounds for unpatentability for some or all of the challenged claims." 37 C.F.R. § 42.108(b). UUSI respectfully requests the Board to not institute Ground E because Ground E is redundant in view of Grounds B, C, G, and I, which also allege that Claim 1 is obvious.

Additionally, the Petition fails to establish a reasonable likelihood that Claim 1 would be obvious in view of U.S. Patent No. 5,218,282 ("Duhame", Ex. 1010) and U.S. Patent No. 4,433,509 ("Seppala", Ex. 1016) for at least the following reasons. Claim 1 recites "A method for detecting presence of an object caught between a closure and its respective frame". Ex. 1003 at 27:31-32. Duhame does not teach at least the above-quoted limitations of Claim 1 for similar reasons to those set forth hereinabove regarding Petitioner's alleged Ground D. Seppala does not cure the deficiencies of Duhame with respect to Claim 1. Many automobiles, especially those around the filing date of Seppala, had frameless side windows to save cost – Seppala appears to have such a frameless window. Therefore, for at least the above reasons, Petitioner has failed to present the requisite *prima facie* case of obviousness, and the Petition fails to establish a reasonable likelihood that Claim 1 would be obvious in view Duhame and Seppala.

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