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 IPR2014-00650
Patent 7,579,802

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 7,579,802 ("the '802 patent").

I. INTRODUCTION

The Corrected Petition (Paper No. 4, "Petition") for *inter partes* review of the '802 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. Combination Cannot Be Obvious If One Reference Expressly Defeats Another

A. Ground A: Claims 1, 6-9, And 15-16

1. Request To Stay Institution Of Ground A Due To Prior IPR And Ground A Is Redundant Within This Petition

Pursuant to 37 C.F.R. § 42.122(a), UUSI respectfully requests the Board to stay the institution of Ground A for common claims challenged in Ground 5 in an earlier filed proceeding, IPR 2014-00417, where the combination of Itoh and Kinzl is being asserted against many of these same claims. Alternatively, UUSI respectfully requests the Board to follow the decision of Ground 5 in IPR 2014-00417.

UUSI additionally respectfully requests the Board to not institute Ground A because Ground A is redundant since it cites two references that are also separately cited in combination with other references in Grounds C and E to allege unpatentability of the same claims as in Ground A. "[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).

2. Itoh And Kinzl Cannot Be Combined

The Petition fails to establish a reasonable likelihood that Claims 1, 6-9, and 15-16 are obvious in view of U.S. Patent No. 4,870,333 ("Itoh", Ex. 1006) and

U.S. Patent No. 4,468,596 ("Kinzl", Ex. 1007). Kinzl cannot be combined with Itoh to render Claims 1, 6-9, and 15-16 obvious because Kinzl expressly requires a sensor to determine window position whereas Itoh expressly emphasizes that no sensor is desired. Specifically, Kinzl states that "[s]ome of the **essential characteristics** of the invention" include "[p]osition recognition which is carried out by the **sensor means**[.]" Ex. 1007 at 4:59-60, and 5:1-2 (emphasis added).

In contrast, Itoh states that "the number of rotations of the motor 20 is counted by the counter 36, whereby the position of the window 26 is detected and a **sensor is never mounted** in the part of transmission mechanism including the motor's own body". Ex. 1006 at 12:32-36 (emphasis added). Itoh reiterates that "it is possible to detect the squeezing of obstacles in an early stage and it is possible to prevent damage or injury of the squeezed obstacle **without providing a special sensor**." *Id.* at 13:58-61 (emphasis added). Accordingly, ordinarily skilled artisans would not have been motivated to combine Kinzl with Itoh because adding Kinzl's sensor will defeat the express objectives of Itoh.

Therefore, Kinzl cannot be combined with Itoh to render Claims 1, 6-9, and 15-16 obvious, and the Petition fails to establish a reasonable likelihood that Claims 1, 6-9, and 15-16 are obvious over the combination of Itoh and Kinzl.

B. GROUND C: CLAIMS 1, 6-9, AND 15-16

The Petition fails to establish a reasonable likelihood that at least Claims 1, 6-9, and 15-16 are obvious in view of German Published Patent Application No. P 40 00 730.8 corresponding to Patent No. DE 40 00 730 A 1 ("Lamm", Ex. 1008) and U.S. Patent No. 4,870,333 ("Itoh", Ex. 1006). Lamm cannot be combined with Itoh to render Claims 1, 6-9, and 15-16 obvious because Lamm expressly requires a separate sensor to infer the position of the window whereas Itoh requires the opposite. Specifically, Lamm states that a "sensor 13 detects the rotary speed of the motor 10" and that a "**Hall effect sensor is particularly suitable** for the detection of the rotary speed of the drive 10." Ex. 1008; Page 3, Col. 5; and Page 5, Col. 7 (emphasis added).

In contrast, Itoh unequivocally states that "the number of rotations of the motor 20 is counted by the counter 36, whereby the position of the window 26 is detected and a **sensor is never mounted** in the part of transmission mechanism including the motor's own body". Ex. 1006 at 12:32-36 (emphasis added). Itoh reiterates that "it is possible to detect the squeezing of obstacles in an early stage and it is possible to prevent damage or injury of the squeezed obstacle **without providing a special sensor**." Ex. 1006 at 13:58-61 (emphasis added).

Accordingly, ordinarily skilled artisans will not be motivated to combine Lamm with Itoh because adding Lamm's sensor to Itoh's system will defeat a significant objective of Itoh's sensor-less system. Therefore, Lamm cannot be combined with Itoh to render Claims 1, 6-9, and 15-16 obvious, and the Petition fails to establish a reasonable likelihood that Claims 1, 6-9, and 15-16 are obvious over the combination of Itoh and Lamm.

C. Ground B: Claim 11

The Petition fails to establish a reasonable likelihood that Claim 11 is obvious in view of U.S. Patent No. 4,870,333 ("Itoh", Ex. 1006), U.S. Patent No. 4,468,596 ("Kinzl", Ex. 1007) and U.S. Patent No. 4,831,509 ("Jones", Ex. 1010). Claim 11 recites "wherein the controller includes an interface for monitoring user actuation of control inputs for controlling movement of the object and wherein in response to a specified input the controller conducts a calibration motor energization sequence to determine parameters of [the] object." Ex. 1001 at 28:62-67. Itoh and Kinzl, however, cannot be combined as explained above with reference to Ground A. Additionally, Jones cannot be combined with each of Itoh and Kinzl for at least the following reasons.

1. Roller Door Of Jones

Jones relates to "roller type doors" that "comprise a **flexible door curtain** which can be raised and lowered from a drum located above the door aperture." Ex. 1010 at 1:6-9 (emphasis added). In contrast, Itoh relates to a "motor driven . . .

power window . . . for an automobile." Ex. 1006 at 1:7-12 (emphasis added). Notably, Itoh's power window is neither flexible nor mounted on a drum like Jones's flexible door curtain. This is a similar distinction for Kinzl.

Additionally, Jones discloses that "[t]he door curtain position . . . is obtained from an encoder coupled to the door drum" and "at least two optoelectric sensors are used to [sense] the direction of the door travel[.]" Ex. 1010 at 3:7-16. In contrast, Itoh states that "the number of rotations of the motor 20 is counted by the counter 36, whereby the position of the window 26 is detected and a **sensor is never mounted** in the part of transmission mechanism including the motor's own body". Ex. 1006 at 12:32-36 (emphasis added). Accordingly, Itoh neither uses a sensor to sense window position nor uses any sensors to sense the direction of travel of the window. Itoh emphasizes the desire to not use a special sensor, and certainly not one in a transmission.

Accordingly, ordinarily skilled artisans will not be motivated to combine Jones with Itoh or Kinzl for at least two reasons: First, Jones's teachings relating to drum-mounted, flexible door curtains are inapplicable to Itoh's or Kinzl's system comprising power windows, which are unlike Jones's drum-mounted, flexible door curtains thereby improperly requiring radical hindsight reengineering; and second, adding Jones's multiple sensors to Itoh's sensor-less system will defeat Itoh's objectives.

2. Calibration Differences

Additionally, Jones uses a complex and extensive calibration procedure due to its roller door construction, which is described in sections titled "Door Characteristic Learning" and "Limit Setting", which are reproduced as follows. For example, to determine door travel characteristics, Jones divides the door travel into segments and further sub-divides each segment into sectors, produces a running average of peak speed changes for each sector, and uses running average of peak speed changes for each segment to represent the door travel speed characteristic. Jones also updates a sector sensitivity value used in detection of an obstruction. Jones performs limit setting manually or by detecting motor overload conditions when the door curtain is driven down into the floor and then upward until the upper door stops are reached. Jones's elaborate procedures for learning door characteristics and limit setting are as follows.

> Door Characteristic Learning
>
> In order to understand the characteristic learning function of the door controller the general concept of achieving such a function will first be described followed by one preferred implementation of this concept. The door curtain position relative to the door opening is obtained from an encoder coupled to the door drum. Pulses are provided to the encoder from optoelectronic sensors appropriately placed or positioned in relation to a set of spinning blades coupled to the drive means for the roller door. In this way the encoder can produce signals

indicative of the position of the door curtain. For preference, at least two optoelectronic sensors are used so as to enable the direction of door travel to be sensed.

In order to determine a door travel characteristic the processing means samples the time taken for the door curtain to travel a fixed distance and therefrom determines changes in the speed of the door. Preferably this is done by notionally dividing the door travel into a plurality of segments and further sub-dividing each segment into a plurality of sectos (sic) and producing a running average of peak speed changes for each sector and storing this average for each segment of the door travel. This running average of peak speed changes for each segment is used to represent the door travel speed characteristic.

The running average is regularly updated with each run of the door unless the value of peak speed change is outside predetermined limits indicating an error in the system or detection of an obstruction. Thus over a period of time the processing means learns a door travel speed characteristic for the particular door being controlled.

Referring to FIG. 1 a particular example of a program implementation of the door travel characteristic learning function will be described.

In order to determine the time taken for the door to travel a fixed distance the processor determines whether a fixed number of encoder transitions have occurred, in this example sixteen, if they have not, the subroutine returns to main program and awaits the next test. When the number of transitions have occurred, that is the door has travelled a predetermined distance, the processor calculates the time period to travel this distance by summing the last sixteen encoder periods.

This time summation is then compared with a previously stored time sum for the particular sector of interest. This comparison takes the form of subtracting the old time summation from tee (sic) newly calculated time sum. If the difference is negative, that is the new value is less than the old value, the difference value is set to zero. If the difference is positive or zero the program drops through to the next test.

The next test compares the newly calculated difference value for the particular sector with a previously stored peak difference value. If the new difference value is greater than the old peak difference value, it replaces the old value and is stored. The new difference value is then compared with a value representing an 8% speed change. This value represents the upper limit of speed change considered acceptable, any higher value is considered an error or obstruction. If the new difference is above the 8% speed change value, it is replaced by this upper limit value.

The processor next tests whether the values of peak difference are suitable for updating the sector sensitivity characteristic. This is done by testing whether the door curtain is travelling downward, and has been for more than a predetermined period, in this example 2 seconds. If either of these tests is not satisfied, the peak difference value is reinitialized to a value representing a 1% speed change. If the door movement satisfies these two conditions a further test is made to determine whether the door curtain is approaching its lower limit, in this example within 25 mm of its lower limit. If the door curtain is not close to its lower limit the subroutine considers the value of peak difference for a particular sector to be suitable for further processing. If the door is close to its lower limit the peak difference value is again reinitialized to a 1% speed change value.

Once reinitialization has taken place the processor tests whether the sector number presently being reinitialized is greater than the previously stored sector number, if it is not, the subroutine is exited. If it is greater, then the old sector number is replaced by the present sector number and the program loops back to reinitialize the value of the peak difference.

If further processing of the peak difference value is indicated by the above tests the subroutine compares the new difference value with a previously stored sector sensitivity value. If the new difference value is greater than the stored sector sensitivity value, this indicates the detection of an obstruction and the subroutine steps in relation to this result will be described later. If the new difference value is not greater than the previously stored sector sensitivity value, the door position is tested to determine whether it is close to its lower limit. If it is within 50 mm of the lower limit the sector number is set to a value of zero and the value of sector number is then compared with the old stored sector number. If the sector sensitivity value has already been updated, that is the present sector number equals the old stored sector number, then the subroutine is again exited.

If the sector sensitivity is to be updated, a running average technique is used, in this particular embodiment, the new sector sensitivity is set to 75% of the old sensitivity value plus half the new peak difference value. The old stored sector number is then replaced with the present sector number and the peak difference value is reinitialized before the subroutine is exited.

. . .

Limit Setting

As the door controller is provided with information from the door position encoder, in order to ensure correct operation of the door this position information must in some way be referred to door curtain position in relation to the door opening. This requires setting the limits of the door travel within the opening.

In the past this has been done by providing detectors at the lowermost limit of door travel, usually ground level, and at the uppermost limit of door travel, usually near the top of the door opening. This has in most cases required accurate manual adjustment by the installer of the door limit detectors.

The embodiments of the present invention overcome the need for adjustment of such detectors and also do away with the need for separate limit detectors by enabling the limits of door travel to be set within the memory of the door controller.

The limit setting function is performed as follows. The door curtain is driven down into the floor or lower limit of the door opening by activation of a first switch until an overload condition is detected and the motor cut-out activated. A second switch is then operated to cause the lower limit to be stored in a memory register of the controller. In the case where an overload condition has been detected a number or count representing the lower limit setting is reduced by several counts so that the lower limit is a predetermined distance above the overload condition point.

An alternative form of lower limit setting can be also performed by manually moving the door to a desired lower limit point and operating the second switch to store the limit setting in a memory register. In this case the count representing the lower limit is not altered as no overload condition has occurred.

Once the lower limit has been set the first switch is again operated and causes the door curtain to travel upward until the door curtain reaches the upper door stops and an overload condition is again detected and the motor de-activated. A similar procedure is then followed to set the upper limit. Manual adjustment of the door is again possible if an overload condition has not been caused.

In normal operation a door position counter holding a count representative of the door curtain position is regularly compared with the limit setting counts stored in the appropriate memory registers. When an equality with either stored count is detected the door curtain will be considered to have reached the upper or lower limit of travel and the drive motor will be stopped.

A particular example of a processor subroutine for performing the limit set function will now be described.

The subroutine begins by testing whether the power limit button has been pressed. If the button is pressed the motor is activated and drives down towards the lower limit or floor. The subroutine then tests for the period of time the motor has been running. If this period is below a predetermined value, in this example 25 seconds, the program loops back to the start of the subroutine. If the predetermined time value is exceeded the subroutine tests for a motor overload. If a motor overload is detected the door position register is initialized, thus setting the lower limit. The motor is then turned off and depression of the limit set button is tested for, if the button is depressed the subroutine loops back and waits for release of the button before proceeding to the next test which tests for release of the power limit button.

Once the power limit button is released the subroutine proceeds to the upper limit setting program. The state of the power limit button is again tested and if it is depressed the motor is activated in an upward direction and its running time is monitored and the program loops back continually to test for depression of the power limit button until the running time exceeds a predetermined value, in this example two seconds. Once this value is exceeded a motor overload is tested for with similar program to that used for lower limit setting until an overload occurs. When this condition is satisfied the door position is tested. If the door is not a predetermined distance above the lower limit when an overload occurs, in this example 500 mm, the program returns to the beginning of the limit setting procedure. If the door is above the predetermined distance, the door size register is set, the motor is deactivated and the upper limit setting completed, followed by return by the subroutine to the main program.

If the power limit button is not depressed once the upper limit setting program is entered, the motor is deactivated and the state of the limit set button is tested. When the limit set button is detected as being depressed and the door is a predetermined distance above the lower limit, the door register size is set allowing for door overrun and the motor is deactivated and the subroutine exited.

Ex. 1010 at 3:1 to 4:46; 5:9 to 6:34.

In contrast, Itoh uses a simple and very different procedure: "[I]f the value of the counter 36 is made to 0 when the window 26 is at the entirely closed position, and value Pmax of the counter 36 is 2000 when the window 26 is at the full-opened position, it is possible to detect the position of the window 26 according to the contents of the counter 36." Ex. 1006 at 9:27-33. In other words, Itoh's system detects position of the window simply according to the contents of the counter.

Itoh's system simply does not and cannot use Jones's complicated procedure to determine door travel characteristics involving dividing the roller door travel into segments and further sub-dividing each segment into sectors, producing a running average of peak speed changes for each sector, and using running average of peak speed changes for each segment to represent the door travel speed characteristic. Nor does Itoh's system need the overhead of updating a sector sensitivity value since Itoh's system simply does not use a sector sensitivity value to detect an obstruction. Itoh's simple system also does not need and cannot use Jones's limit setting procedure, which is performed either manually in contrast to Itoh's automated system, or by detecting motor overload conditions after forcing the door curtain to extremities since Itoh's system does not detect the limits by driving the window to extreme positions and detecting motor overdrive conditions. Itoh's system therefore plainly does not need and cannot use Jones's complex and roller-door-specific calibration procedure, which would thereby be redundant or superfluous. Even radical, hindsight reengineering cannot combine these very different calibration procedures.

Jones also cannot be combined with Kinzl because, unlike Jones, Kinzl does not utilize sector sensitivity to detect obstruction, and Kinzl does not set limits by detecting motor overdrive conditions after forcing the window to extreme open and closed positions. Instead, Kinzl uses a very straightforward procedure: Kinzle infers window position from a counter. Ex. 1007 at 4: 17-24. Kinzl establishes a limit value based on a first measured value in Zone 2 with which each subsequent change is compared to detect an obstacle. *Id.* at 4:24-31. Accordingly, Kinzl simply does not need and cannot use the extensive learning and limit-setting procedures of Jones.

Therefore, Jones cannot be combined with Itoh or Kinzl to render Claim 11 obvious, and the Petition fails to establish a reasonable likelihood that Claim 11 is obvious over the combination of Itoh, Kinzl, and Jones.

D. Ground D: Claim 11

The Petition fails to establish a reasonable likelihood that Claim 11 is obvious in view of German Published Patent Application No. P 40 00 730.8 corresponding to Patent No. DE 40 00 730 A 1 ("Lamm", Ex. 1008), U.S. Patent No. 4,870,333 ("Itoh", Ex. 1006), and U.S. Patent No. 5,218,282 ("Duhame", Ex. 1009). Claim 11 recites "wherein the controller includes an interface for monitoring user actuation of control inputs for controlling movement of the object and wherein in response to a specified input the controller conducts a calibration motor energization sequence to determine parameters of [the] object." Ex. 1001 at 28:62-67. Lamm cannot be combined with Itoh as explained above with reference to Ground C. Additionally, Duhame cannot be combined with each of Lamm and Itoh for at least the following reasons.

1. Calibration Differences Between Duhame And Lamm

Duhame cannot be combined with Lamm to render Claim 11 obvious because Duhame relates to residential garage doors and performs **manual calibration** of the garage door whereas Lamm determines thresholds for **different motors** instead of performing calibration for **different windows or panels**, and Lamm does not use manual calibration. Specifically, while Duhame calibrates every garage door, Lamm does not calibrate every window; instead, Lamm calibrates every motor. Additionally, Duhame performs calibration that involves a person to manually move the garage door. In contrast, Lamm's calibration does not involve manual movement of the window; rather, Lamm calibrates the motor theoretically or experimentally using clamping tests, which is very different from Duhame's manual calibration of every garage door.

Duhame discloses: "Using the close limit switch 30 **the installer adjusts the close travel limit** to just beyond the location of the floor. Then **the installer closes the door** using the operator. The automatic door operator will detect an obstruction at the floor and will stop and reverse the door." Ex. 1009 at 22:4-9 (emphasis added). In one embodiment, "travel counter may also be employed for detection of the fully opened and fully closed limits. . . . The controller stops the motor when the travel reaches or passes the close travel count while closing the door, and stops the motor when the travel count reaches or passes the open travel count while opening the door. In accordance with the preferred embodiment of this invention, both the close travel count and the open travel count are **operator settable**." *Id.* at 3:42-60 (emphasis added). In one embodiment, "[a]n obstruction is detected when closing if the detected motor speed indicates a motor torque greater than the lesser of the **operator selected closing torque limit** or the adaptive closing torque limit[.]" *Id.* at 3:21-25 (emphasis added). The **operator (or user) selects the appropriate closing torque limit** by placing socket 64 over the corresponding input pin 61." *Id.* at 8:27-29 (emphasis added). Accordingly, Duhame discloses **manual calibration** of the garage door.

Lamm does not and cannot use Duhame's manual calibration for at least two reasons: First, Lamm determines thresholds for **different motors** instead of performing calibration for **different windows or panels**. Second, Lamm determines the thresholds **theoretically or experimentally**. Therefore, ordinarily skilled artisans will not be motivated to incorporate Duhame's manual calibration that is used for every garage door into Lamm's system that performs calibration for different motors. Specifically, Lamm discloses: "The threshold values can be derived **theoretically**. An **experimental** threshold value determination is preferably included." Ex. 1008, Page 5, Col. 7 (emphasis added). "In one practical embodiment, the threshold values are determined adaptively by means of **clamping tests**. With this measure, it is possible to **pre-specify** optimum threshold values of each individual component." *Id.*, Page 2, Col. 2 (emphasis added). "The adaptive threshold determination described above is particularly advantageous because the characteristic curve 16 may be subject to **variation between individual motors**. . . . The specific slope of the characteristic curve is determined **for this motor** from various different measuring points. This measurement process can be carried out **separately for each rotary device**, ..." *Id.*, Page 5, Col. 7 (emphasis added).

In other words, Lamm determines the thresholds for **different motors** instead of performing calibration for **different windows or panels**, and Lamm determines the thresholds **theoretically or experimentally**. Lamm therefore does not need and cannot use Duhame's manual calibration procedure, which is performed for every garage door instead of every motor. Accordingly, Duhame cannot be combined with Lamm to render Claim 11 obvious.

2. CALIBRATION DIFFERENCES BETWEEN DUHAME AND ITOH

Itoh also does not need and cannot use Duhame's manual calibration because Itoh uses a simple procedure instead: "[I]f the value of the counter 36 is made to 0 when the window 26 is at the entirely closed position, and value Pmax of the counter 36 is 2000 when the window 26 is at the full-opened position, it is possible to detect the position of the window 26 according to the contents of the counter 36." Ex. 1006 at 9:27-33. In other words, Itoh simply sets a counter to zero when the window is fully closed and to Pmax when the window is fully open and detects position of the window according to the contents of the counter. Accordingly, ordinarily skilled artisans will not be motivated to incorporate Duhame's manual calibration into Itoh's simple automated system, even with improper, radical hindsight reengineering. Therefore, Duhame cannot be combined with Lamm to render Claim 11 obvious, and the Petition fails to establish a reasonable likelihood that Claim 11 is obvious over the combination of Lamm, Itoh, and Duhame.

E. Ground E: Claim 11

The Petition fails to establish a reasonable likelihood that Claim 11 is obvious in view of U.S. Patent No. 5,218,282 ("Duhame", Ex. 1009) and U.S. Patent No. 4,468,596 ("Kinzl", Ex. 1007). Claim 11 recites "wherein the controller includes an interface for monitoring user actuation of control inputs for controlling movement of the object and wherein in response to a specified input the controller conducts a calibration motor energization sequence to determine parameters of [the] object." Ex. 1001 at 28:62-67. Duhame, however, cannot be combined with Kinzl at least because Duhame relates to residential garage doors and performs **manual calibration** of the garage door while Kinzl does not use manual calibration.

Duhame discloses: "Using the close limit switch 30 **the installer adjusts the close travel limit** to just beyond the location of the floor. Then **the installer closes the door** using the operator. The automatic door operator will detect an obstruction at the floor and will stop and reverse the door." Ex. 1009 at 22:4-9 (emphasis added). In one embodiment, "travel counter may also be employed for detection of the fully opened and fully closed limits. . . . The controller stops the motor when the travel reaches or passes the close travel count while closing the door, and stops the motor when the travel count reaches or passes the open travel count while opening the door. In accordance with the preferred embodiment of this invention, both the close travel count and the open travel count are **operator settable**." *Id.* at 3:42-60 (emphasis added). In one embodiment, "[a]n obstruction is detected when closing if the detected motor speed indicates a motor torque greater than the lesser of the **operator selected closing torque limit** or the adaptive closing torque limit[.]" *Id.* at 3:21-25 (emphasis added). The **operator (or user) selects the appropriate closing torque limit** by placing socket 64 over the corresponding input pin 61." *Id.* at 8:27-29 (emphasis added). Accordingly, Duhame discloses **manual calibration** of the garage door.

In contrast, Kinzl uses a simple, automated procedure to operate a window by dividing the window in three zones: "(a) coupling to the computer means signals representing the position of the unit at fixed positions during the opening cycle of the unit; (b) coupling to the computer means signals representing the position of the unit at fixed positions during the closing cycle of the unit and subtracting those signals from the signals representing the position of the unit during the opening cycle, the difference in said signals indicating whether the unit is in a first, a second or a third zone, said first zone being in a range extending from open to approximately half open, said second zone being in a range extending from approximately half open to almost fully closed and said third zone being in a range extending from almost fully closed to fully closed[.]" Ex. 1007 at 5:51 to 6:6. Kinzl therefore does not need and cannot use Duhame's complicated manual calibration procedure, even with improper hindsight reengineering.

Accordingly, Duhame cannot be combined with Kinzl to render Claim 11 obvious, and the Petition fails to establish a reasonable likelihood that Claim 11 is obvious over Duhame and Kinzl.

III. Conclusion

For the above reasons, UUSI requests that the Board deny at least in part the Petition for *inter partes* review of the '802 patent.

Respectfully submitted,

Dated: July 24, 2014 By: ______________________

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(E)(4)

It is hereby certified that today, 7/24, 2014, a copy of the foregoing document was served via electronic mail upon the following:

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