

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 B2

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

CHUNG, *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 Background

Webasto Roof Systems, Inc. (“Petitioner”), filed a Corrected Petition (Paper 4, “Pet.”) to institute an *inter partes* review of claims 1, 6–9, 11, 15, and 16 of U.S. Patent No. 7,579,802 (Ex. 1001, “the ’802 patent”) pursuant to 35 U.S.C. §§ 311–319.

UUSI, LLC (“Patent Owner”) filed a Preliminary Response. Paper 9. On October 17, 2014, we instituted review as to claims 1, 6–9, 11, 15, and 16 of the ’802 patent and instituted trial on five grounds of unpatentability as set forth below. Paper 14 (“Dec. on Inst.”).

Claims	Grounds	Reference
1, 6–9, 15, and 16	§ 103(a)	Lamm ¹ and Itoh ²
11	§ 103(a)	Itoh, Kinzl ³ , and Jones ⁴
1, 7–9, 11, 15, and 16	§ 103(a)	Duhamé ⁵ and Kinzl
11	§ 103(a)	Lamm, Itoh, and Duhamé
15 and 16	§ 103(a)	Itoh and Kinzl

Patent Owner filed a Patent Owner’s Response (Paper 20, “PO Resp.”), and Petitioner filed a Reply (Paper 23, “Reply”).

¹ DE 40 00 730 A1 published Aug. 1, 1991 (Ex. 1008 (translation); Ex. 1017 (original); Ex. 1018 (certification), “Lamm”).

² U.S. Patent No. 4,870,333 issued Sept. 26, 1989 (Ex. 1006, “Itoh”).

³ U.S. Patent No. 4,468,596 issued Aug. 28, 1984 (Ex. 1007, “Kinzl”).

⁴ U.S. Patent No. 4,831,509 issued May 16, 1989 (Ex. 1010, “Jones”).

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

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In addition, Petitioner filed a Motion to Exclude (Paper 25, “Motion”), seeking to exclude certain of Patent Owner’s evidence in Exhibits 2001, 2004, 2005, 2007–09, 2013, 2014, 2018, 2032, and 2033.

Patent Owner opposed (Paper 27, “Opp.”) Petitioner’s Motion to Exclude. We heard Oral Argument on June 29, 2015. Paper 30, “Tr.”

B. Related Matters

Petitioner indicates that the ’802 patent is being asserted in: *UUSI, LLC v. Robert Bosch LLC*, No. 2:13-cv-10444, filed in the United States District Court for the Eastern District of Michigan, on February 4, 2013; and *UUSI, LLC v. Webasto Roof Sys., Inc.*, No. 2:13-cv-11704, filed in the United States District Court for the Eastern District of Michigan, on April 15, 2013. Pet. 1.

The ’802 patent belongs to a family of patents involved in multiple *inter partes* reviews including IPR2014-00416, IPR2014-00417, IPR2014-00648, IPR2014-00649, and IPR2014-00650.

C. Summary of Conclusions

In this Final Written Decision, issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73, we deny Patent Owner’s Motion to Exclude and we determine that Petitioner has demonstrated by a preponderance of the evidence that all claims for which trial was instituted, claims 1, 6–9, 11, 15, and 16, are unpatentable.

II. THE '802 PATENT (Ex. 1001)

The '802 patent describes a system and method for sensing an obstruction in the travel path of a moveable panel, such as a window or sunroof of a vehicle. *See* Ex. 1001, Abstract, 1:32–57 (Background). Figure 1 is reproduced below:

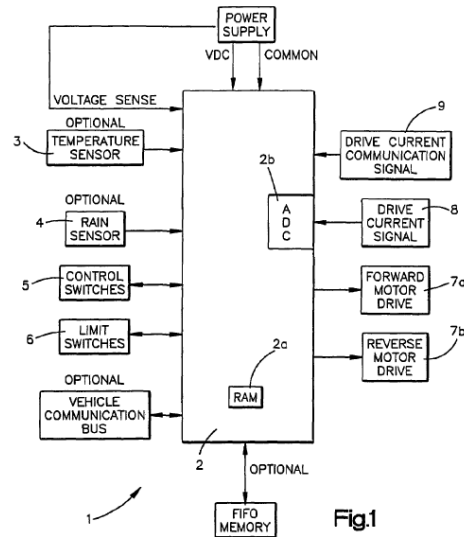


Figure 1 is a schematic of an exemplary actuator safety feedback control system 1. *Id.* at 2:26–27, 65–66. Controller 2 monitors and controls movement of a motor driven panel. *Id.* at 2:65–3:5. Motor drive outputs 7a and 7b control whether the motor (not shown in Figure 1) drives the panel in a forward or a reverse direction. *Id.* at 3:38–39. Controller 2 can sense obstacles in the panel's path in various ways, including a paired infrared emitter and detector disposed along the panel's path (*id.* at 3:63–4:53), a motor current monitor (*id.* at 5:53–57, 7:26–8:3), and other motor monitors (*id.* at 11:9–32).

Independent claim 7, reproduced below, is illustrative.

7. Apparatus for controlling activation of a motor for moving an object along a travel path and de-activating the motor if an obstacle is encountered by the object comprising:

- a) a movement sensor for monitoring movement of the object as the motor moves said object along a travel path;
- b) a switch for controlling energization of the motor with an energization signal; and
- c) a controller including an interface coupled to the switch for controllably energizing the motor and said interface additionally coupling the controller to the movement sensor for monitoring signals from said movement sensor; said controller comprising a stored program that:
 - i) determines motor speed of movement from an output signal from the movement sensor;
 - ii) calculates an obstacle detect threshold based on motor speed of movement detected during a present run of said motor driven element;
 - iii) compares a value based on currently sensed motor speed of movement with the obstacle detect threshold; and
 - iv) outputs a signal from the interface to said switch for stopping the motor if the comparison based on currently sensed motor movement indicates the object has contacted an obstacle.

III. CLAIM CONSTRUCTION

The '802 patent is now expired.⁶ In an *inter partes* review, the proper claim construction standard in an expired patent is set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). See *In re Rambus Inc.*, 694 F.3d 42, 46 (Fed. Cir. 2012) (“[T]he Board’s review of the claims of an expired patent is similar to that of a district court’s review.”). The district court’s standard is to give claim terms their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the

⁶ The '802 patent expired in November 2014.

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