

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

Before GLENN J. PERRY, HYUN J. JUNG, and GEORGE R. HOSKINS,
Administrative Patent Judges.

HOSKINS, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On April 16, 2014, Webasto Roof Systems, Inc. (“Petitioner”) filed a Petition requesting *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”). Petitioner filed a Corrected Petition (Paper 4, “Petition” or “Pet.”) on April 30, 2014. UUSI, LLC (“Patent Owner”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”) on July 24, 2014. We have jurisdiction under 35 U.S.C. § 314.

To institute an *inter partes* review, we must determine the information presented in the Petition and the Preliminary Response shows “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Petitioner contends the challenged claims are unpatentable under 35 U.S.C. § 103.

For reasons stated below, we determine there is a reasonable likelihood Petitioner would prevail in showing the unpatentability of claims 1, 6–9, 11, 15, and 16. We therefore institute an *inter partes* review as to those claims. Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far (prior to Patent Owner’s Response). This is not a final decision as to patentability of claims for which *inter partes* review is instituted. Our final decision will be based on the record as fully developed during trial.

A. *The ’802 Patent*

The ’802 patent discloses a system and method for sensing obstructions for a moveable panel, such as a sunroof. *See* Ex. 1001, Abstract. Figure 1 is shown below:

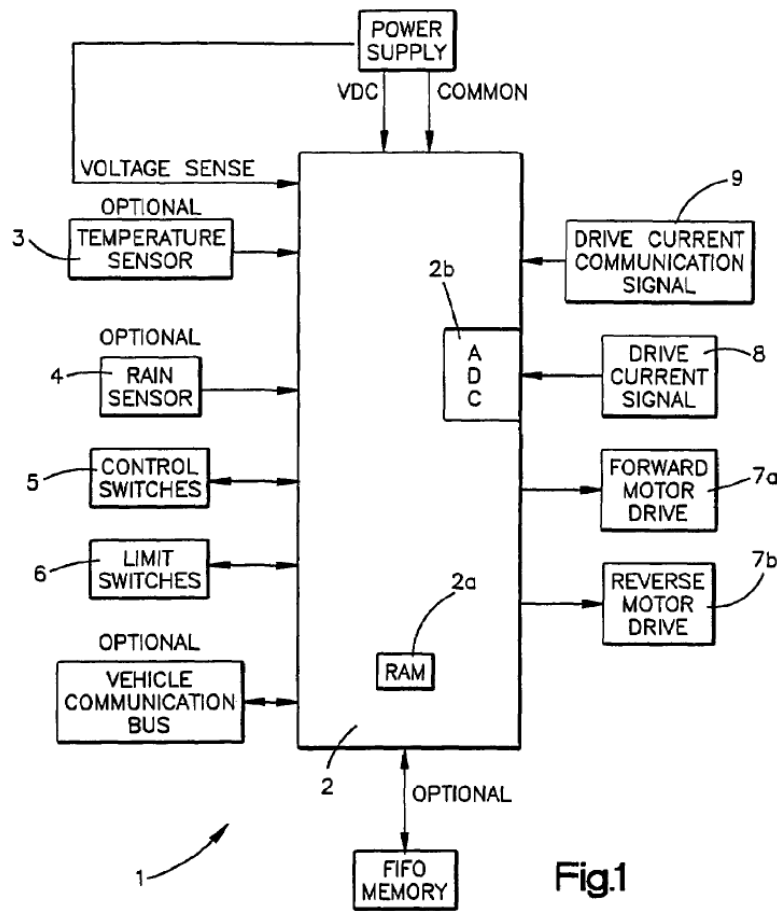


Fig.1

Figure 1 is a schematic of an exemplary actuator safety feedback control system 1. *See id.* at 2:26–27, 2:65–66. Controller 2 monitors and controls movement of a motor driven panel. *See 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. *See 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 (*see id.* at 3:63–4:53), a motor current monitor (*see id.* at 5:53–57, 7:26–8:3), and other motor monitors (*see id.* at 11:9–32).

B. Illustrative Claim

Claim 7 of the '802 patent 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.

C. Related Matters

Petitioner and Patent Owner have identified two district court proceedings involving the '802 patent. The first is *UUSI, LLC v. Webasto Roof Systems, Inc.*, No. 2:13-cv-11704 (E.D. Mich.). See Pet. 1; Paper 8, at 2. The second is *UUSI, LLC v. Robert Bosch LLC*, No. 2:13-cv-10444 (E.D. Mich.). See Pet. 1; Paper 8, at 2. The '802 patent belongs to a family of

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patents involved in multiple *inter partes* reviews including IPR2014-00416, IPR2014-00417, IPR2014-00648, IPR2014-00649, and IPR2014-00650.

The petition in IPR2014-00417 (“the ’417 Proceeding”), like the present Petition, challenges the ’802 patent. We instituted trial in the ’417 Proceeding on August 1, 2014. *See Brose North Am., Inc. v. UUSI, LLC*, Case IPR2014-00417 (PTAB Aug. 1, 2014), Paper 11 (“IPR2014-00417 Dec.”). As discussed further below, there is some overlap between the grounds instituted in the ’417 Proceeding and the grounds proposed by the present Petition.

D. *Prior Art Relied Upon*

Itoh	US 4,870,333	Sept. 1989	Ex. 1006
Kinzl	US 4,468,596	Aug. 1984	Ex. 1007
Lamm	DE 40 00 730 A1	Aug. 1991	Ex. 1008 (translation) Ex. 1017 (original) Ex. 1018 (certification)
Duhamé	US 5,218,282	June 1993	Ex. 1009
Jones	US 4,831,509	May 1989	Ex. 1010

Petitioner cites to a certified translation of Lamm (Ex. 1008), and we do likewise. However, while Petitioner cites to page numbers of the translation, we cite to column and line numbers.

E. *Asserted Grounds of Unpatentability*

Petitioner contends claims 1, 6–9, 11, 15, and 16 of the ’802 patent are unpatentable based on the following grounds. *See* Pet. 10, 25, 28, 43, 44.

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