UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD
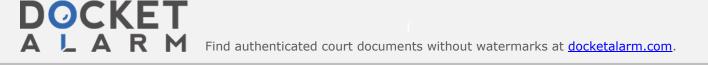
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FORD MOTOR COMPANY
Petitioner,

v.

PAICE LLC & ABELL FOUNDATION, INC.
Patent Owners.

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Case IPR2014-00884
Patent 7,104,347

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**PATENT OWNER'S MOTION FOR OBSERVATIONS ON THE
CROSS EXAMINATION OF DR. GREGORY DAVIS**

UPDATED LIST OF EXHIBITS

Patent Owner Exhibit Number	Exhibit Description
PAICE Ex. 2201	Arbitration Agreement between Paice LLC and Ford Motor Company
PAICE Ex. 2202	Memorandum Opinion, U.S. District Court for the District of Maryland, U.S. District Judge William D. Quarles, Jr.
PAICE Ex. 2203	Declaration in support of *pro hac vice* motion
PAICE Ex. 2204	Bosch Automotive Handbook, 4th Edition (excerpts)
PAICE Ex. 2205	MULTIPLA - IN BRIEF - Press Releases - Fiat Chrysler Automobiles
PAICE Ex. 2206	MULTIPLA - ENGINES - Press Releases - Fiat Chrysler Automobiles
PAICE Ex. 2207	Ford Complaint
PAICE Ex. 2208	Letter from Paice to Ford (Nov. 24, 2014)
PAICE Ex. 2209	Griffith Hack white paper
PAICE Ex. 2210	The Oxford Essential Dictionary, American Ed. (1998) (excerpt)
PAICE Ex. 2211	Introduction to Automotive Powertrains (excerpts)
PAICE Ex. 2212	Gregory Davis deposition transcript (Feb. 25, 2015)
PAICE Ex. 2213	Gregory Davis deposition transcript (Jan. 13, 2015)
PAICE Ex. 2214	Davis, G. W., Hodges, G. L., and Madeka, F. C., "The Development and Performance of the AMPhibian Hybrid Electric Vehicle," SAE Technical Publication 940337, 1994.
PAICE Ex. 2215	Declaration of Neil Hannemann

| PAICE Ex. 2216 | Neil Hannemann CV |
| PAICE Ex. 2217 | Deposition of Gregory W. Davis Ph.D. (June 3, 2015) |

1.   In exhibit 2217, on 11:16-12:5, Dr. Davis testified that his use of

"inherency" meant "this particular attribute, if it's inherent it simply may exist or

be obvious within the disclosed device." Dr. Davis also testified at 17:12-22 that

his definition of "inherent" was the "more commonly understood non-legal

meaning, for example, an attribute may simply exist or be obvious within a

disclosed device." Dr. Davis also testified on 24:21-25:17 and 26:2-19 that he was

applying the legal definition of obviousness but the non-legal definition of

"inherent." This testimony is relevant to 153:14-22 of Ex. 2212, where Dr. Davis

testified that "I think 'inherency' means that if something -- if one of ordinary skill

in the art would know that something must be there in order for it to function,

maybe, in the claimed way, that it would be inherently there." The testimony is

relevant because it shows that Dr. Davis is applying the wrong standard of

inherency in his reply, and that his reply contradicts his prior deposition testimony.

2.   In exhibit 2217, on 28:9-10, Dr. Davis testified that Caraceni does not

"specifically disclose an engine fuel performance map." This testimony is relevant

to paragraphs 16-17 on page 13 of exhibit 1248, where Dr. Davis testified that

Caraceni discloses a "torque threshold that determines when to turn on/off the

engine" because "exemplary engine performance maps I used in my Initial

Declaration would typically be stored as calibration data within a vehicle controller

(e.g. the Engine Control Unit in Caraceni). The vehicle would use this stored

calibration data for knowing when the engine would produce torque efficiently

versus when the engine would produce torque inefficiently." The testimony is

relevant because it shows that Dr. Davis is relying on the alleged possible

capability of the device disclosed in Caraceni rather than the actual disclosure of

Caraceni.

3.   In exhibit 2217, on 39:8-17, Dr. Davis testified that the support for his

opinion that someone of skill in the art would understand that Caraceni was using

an "engine performance map" was the "entire reference" and not a specific

disclosure therein. This testimony is relevant to paragraphs 16-17 on page 13 of

Ex. 1248 where Dr. Davis testified that a "setpoint" was obvious in light of "a

common understanding of engine performance maps" that could be used in

Caraceni. The testimony is relevant because it shows that Dr. Davis's opinions are

conclusory and not supported by the evidence.

4.   In exhibit 2217, on 41:1-14, Dr. Davis testified that Caraceni's

disclosure that "[t]he powertrain management controls takes care of not

discharging the battery below a certain threshold. If the threshold is reached the

system does not allow the use of electric motor **automatically switching into**

economy mode," (emphasis added) simply means that when the batteries are

discharged below a threshold value the use of an electric motor is restricted. This

testimony is relevant to paragraph 25 on page 17 of Ex. 1248 where Dr. Davis

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