UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
FORD MOTOR COMPANY Petitioner
V.
PAICE LLC & THE ABELL FOUNDATION, INC. Patent Owner
- <u></u>
Case IPR2015-00791 Patent 7,237,634

PATENT OWNER'S RESPONSE TO PETITION



TABLE OF CONTENTS

l.	INTF	TRODUCTION1		
II.	THE '634 PATENT			
	A.	Background of the '634 Patent		
	B.	Claim Construction6		
		1. "setpoint (SP)"		
		2. "operating at least one electric motor to propel the hybrid vehicle when the RL required to do so is less than a setpoint (SP)" / "operating an internal combustion engine of the hybrid vehicle to propel the hybrid vehicle when the RL required to do so is between the SP and a maximum torque output (MTO) of the engine" / "operating both the at least one electric motor and the engine to propel the hybrid vehicle when the torque RL required to do so is more than the MTO"		
III.	ARGUMENT1			
	A.	Ford Will Be Estopped from Maintaining its Challenges to Claims 80, 93, 99, 114, 127, 132, 139, and 215		
	B.	Grounds 1-4 are Deficient—Ford Has Failed to Demonstrate that Ibaraki '882 Discloses or Renders Obvious the Features Recited in the Challenged Claims		
		1. Ibaraki '882 does not compare "road load" to "setpoint"18		
		2. Ibaraki '882 does not compare "road load" to "MTO"35		
		3. Ibaraki '882 does not disclose a setpoint that is substantially less than MTO		
	C.	Ground 2 is Deficient—the Prior Art of Record Fails to Disclose Road-Load-Based Hysteresis		



	D.	Ground 3 is Deficient—Suga's Pure Electric Vehicle Does Not Relato Sizing a Motor in a Hybrid Electric Vehicle	
	E.	Ground 4 is Deficient—Neither Lateur's nor Jurgen's Cruise Control Disclose a Road-Load-Based Control Strategy	
IV.	CON	NCLUSION	.58



TABLE OF AUTHORITIES

	Page(s)
Cases	
In re Abbott Diabetes Care Inc., 696 F.3d 1142 (Fed. Cir. 2012)	10
In re Cuozzo Speed Techs., LLC, 793 F.3d 1268 (Fed. Cir. 2015)	6
Fuji Photo Film Co. v. Int'l Trade Comm'n, 386 F.3d 1095 (Fed. Cir. 2004)	10
Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951 (Fed. Cir. 2000)	46, 48
Innogenetics, N.V. v. Abbott Labs., 512 F.3d 1363 (Fed. Cir. 2008)	55, 58
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	32
Merck & Co. v. Teva Pharm. USA, Inc., 395 F.3d 1364 (Fed. Cir. 2005)	13
Microsoft Corp. v. Proxyconn, Inc., 789 F.3d 1292 (Fed. Cir. 2015)	6, 7, 10, 14
Nystrom v. Trex Co., 424 F.3d 1136	46
Plantronics v. Aliph, Inc., 724 F.3d 1343 (Fed. Cir. 2013)	56
In re Suitco Surface, Inc., 603 F.3d 1255 (Fed. Cir. 2010)	6
In re Vaidyanathan, 381 Fed. Appx. 985 (Fed. Cir. 2010)	10



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

