

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner,

v.

PAICE LLC & ABELL FOUNDATION, INC.
Patent Owners.

Case IPR2015-00791
Patent 7,237,634

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

EXHIBITS

Exhibit Number	Exhibit Name
Ex. 2401	Table of Ford's IPR Petitions
Ex. 2402	Gregory Davis Deposition Transcript (Feb. 25, 2015)
Ex. 2403	The Oxford Essential Dictionary, American Ed. (1998) (excerpt)
Ex. 2404	U.S. Patent No. 8,214,097 File History
Ex. 2405	Appendix A (Jan. 15, 2014)
Ex. 2406	Declaration of Daniel A. Tishman in Support of Patent Owners' Motion for Pro Hac Vice Admission
Ex. 2407	Declaration of Neil Hannemann
Ex. 2408	Neil Hannemann CV
Ex. 2409	Gregory W. Davis, Deposition Tr. (IPR2015-00722, IPR2015-00784, IPR2015-00787, IPR2015-00790, IPR2015-00791, IPR2015-00794, IPR2015-00795) (January 13, 2016)
Ex. 2410	Hybrid Power Unit Development for Fiat Multipla Vehicle," by A. Caraceni, G. Cipolla, and R. Barbiero, SAE Publication 981124 (1998) ("Caraceni")
Ex. 2411	Ehsani et al., Modern Electric Hybrid Electric, and Fuel Cell Vehicles (2005)
Ex. 2412	Gregory W. Davis, Deposition Tr. (IPR2014-00571, IPR2014-00579) (January 13, 2015)
Ex. 2413	Gregory W. Davis Deposition Tr. (IPR2014-01416) (June 3, 2015)
Ex. 2414	Ex. 1661 from IPR2015-00790
Ex. 2415	Deposition Transcript of Dr. Gregory W. Davis
Ex. 2416	Annotated Declaration of Neil Hannemann
Ex. 2417	Annotated Declaration of Dr. Gregory W. Davis

1. In exhibit 2415, on page 32, line 11-20 with respect to U.S. Patent No. 5,789,882 (“Ibaraki ’882), Dr. Davis testified that “in Figure 11 [of Ibaraki ’882] the motor does provide all the torque requirements of the vehicle at very low speed” and that the engine is not operating at the low vehicle speeds corresponding to the “horizontal” or flat portion of boundary line B shown in Figure 11 because “one of ordinary skill in the art would understand you can't operate the engine at those very low vehicle speeds.” This testimony is relevant to paragraphs 4-14 of Dr. Davis’s Reply Declaration (Ex. 1513). The testimony is relevant because it contradicts Dr. Davis’s reply declaration testimony that that the flat portion of boundary line B is related to mode switching between the motor drive mode and engine drive mode in Ibaraki ’882.

2. In exhibit 2415, on page 35, line 11-20, Dr. Davis again testified that only the motor can operate at vehicle speeds corresponding to the flat portion of boundary line B shown on Figure 11 of Ibaraki ’882 and confirmed his opinion by highlighting the speed region where only the motor can operate on Figure 11 reproduced at pg. 48 of exhibit 2416. This testimony is relevant to paragraphs 4-14 of Dr. Davis’s Reply Declaration (Ex. 1513). The testimony is relevant because it contradicts Dr. Davis’s reply declaration testimony that that the flat portion of boundary line B is related to mode switching between the motor drive mode and engine drive mode in Ibaraki ’882.

3. In exhibit 2415, on page 51, line 24 to page 52, line 3, Dr. Davis agreed that the second embodiment of Ibaraki '882 discloses a plurality of forward drive positions each having different speed ratios. This testimony is relevant to page 45, line 3-15 of the same exhibit. The testimony is relevant because it contradicts Dr. Davis's earlier testimony that Ibaraki '882 does not provide a separate data map (as shown in Figure 11) for each speed (or gear) ratio even though Dr. Davis agreed that Ibaraki '882 provides a separate data map for each drive position.

4. In exhibit 2415, on page 62, line 2-8, Dr. Davis acknowledged that Ibaraki '882 never identifies boundary line C of Figure 11 as the upper bound of engine MTO in any gear. This testimony is relevant to paragraphs 32-34 of Dr. Davis's Reply Declaration (Ex. 1513). The testimony is relevant because it calls into question Dr. Davis's opinion that boundary line C of Figure 11 as the upper bound of engine MTO in any gear.

5. In exhibit 2415, on page 39, line 10-21, Dr. Davis testified that in his opinion boundary line C of Figure 11 is the engine's maximum torque output modified by the gears of the transmission. This testimony is relevant to paragraph 34 of Dr. Davis's Reply Declaration (Ex. 1513). The testimony is relevant because it calls into question Dr. Davis's opinion that boundary line C of Figure 11 is at or below the engine's MTO.

6. In exhibit 2415, on page 63, line 10-23 and page 70, line 3-7, Dr. Davis testified that it was his opinion that the curve labeled “Ideal Tractive Force Hyperbola” of the Bosch Handbook corresponds to boundary line C of Figure 11 of Ibaraki ’882 and that a separate curve (labeled “Direct Drive”) represents the engine’s MTO that is not multiplied by a particular gear ratio. This testimony is relevant to paragraph 34 of Dr. Davis’s Reply Declaration (Ex. 1513). The testimony is relevant because it calls into question Dr. Davis’s opinion that boundary line C of Figure 11 is at or below the engine’s MTO.

7. In exhibit 2415, on page 64, line 19-24 and page 69, line 11 to page 70, line 7, Dr. Davis identified the “Ideal Tractive Force Hyperbola” of the Bosch Handbook in blue and the curve labeled “Direct Drive” representing the engine’s MTO (not multiplied by a particular gear ratio) in pink at page 20 of Ex. 2417. This testimony is relevant to paragraph 34 of Dr. Davis’s Reply Declaration (Ex. 1513). The testimony is relevant because it calls into question Dr. Davis’s opinion that boundary line C of Figure 11 is at or below the engine’s MTO.

8. In exhibit 2415, on page 81, line 7-25, Dr. Davis testified that it was his opinion that Ibaraki ’882’s Figure 5 and Figure 11 disclose alternative embodiments for making mode selection decisions. This testimony is relevant to page 47, line 1-16; page 52, line 18 to page 53, line 2; page 55, line 20 to page 56, line 6; and page 56, line 23 to page 57, line 3 of Dr. Davis’s previous deposition

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