

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

Case IPR2014-01415
Patent 8,214,097

**Patent Owner's Preliminary Response to
Petition for *Inter Partes* Review of U.S.
Patent No. 8,214,097**

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I. INTRODUCTION

Paice and the The Abell Foundation, Inc. (“the Patent Owner” or collectively referred to as “Paice”) respectfully submit this Preliminary Response in accordance with 35 U.S.C. § 313 and 37 C.F.R. § 42.107, responding to the Petition for *Inter Partes* Review (“the Petition”) filed by Ford Motor Company (“the Petitioner”) against U.S. Patent No. 8,214,097 (“the ‘097 patent”).¹ Paice requests that the Board not institute *inter partes* review because the Petition fails to establish a reasonable likelihood that the challenged claims are unpatentable.²

¹ To the extent Patent Owner does not address particular assertions made in the Petition, Patent Owner hereby reserves those arguments for the Patent Owner Response should the Board institute trial.

² In IPR2014-00570, the Patent Owner presented reasons why Ford lacks standing to challenge the ‘097 patent because of Ford’s breach of an Arbitration Agreement between the parties. The Board found that the standing issue was not ripe since the question of breach was unresolved at that point. The Patent Owner also had filed in the District Court a motion for preliminary injunction based on the breach of contract. On October 8, 2014, the District Court denied the motion for preliminary injunction. *See Paice v. Ford*, 1:14-cv-492 (ECF 79) (D. Md. Nov. 6,

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