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 IPR2015-00795
Patent 7,104,347

PATENT OWNER'S RESPONSE TO PETITION



TABLE OF CONTENTS

I.	INTR	RODUCTION1		
II.	THE	'347 PATENT		
	A.	Background of the '347 patent		
	B.	Claim Construction		
		1. "setpoint (SP)"		
		2. The Challenged Claims Require a Comparison of Required Torque to Setpoint		
III.	ARGUMENT15			
	A.	Ford is Estopped from Maintaining its Challenges to Claim 116		
	B.	Grounds 1 Through 7 are Deficient—Ford Has Failed to Demonstrate that Ibaraki '882 in view of Koide Discloses or Renders Obvious the Features Recited in the Challenged Claims		
		1. Ibaraki '882 does not compare "road load" or torque requirements to "setpoint"		
		2. 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 Torque-Load-Based Hysteresis		
	D.	Ground 3 is Deficient—the Prior Art of Record Fails to Disclose Properly Sizing Powertrain Components		
	E.	Ground 4 is Deficient—the Prior Art of Record Fails to Disclose Limiting a Rate of Change of Torque Output of the Engine to Achieve Stoichiometry		



		1. Vittone Does Not Disclose Controlling the Engine by Limiting a Rate of Change of Torque Output of the Engine
		2. Ford Fails to Establish a Motivation to Combine Vittone with Ibaraki '882
	F.	Ground 5 is Deficient—Ford Fails to Establish a Rationale to Combine Severinsky and Koide with Yamaguchi
	G.	Ground 6 is Deficient—Ford Fails to Establish a Motivation to Combine Ibaraki '882 and Koide with Ibaraki '626
	H.	Ground 7 is Deficient—Lateur's Cruise Control Does not Disclose a Road-Load-Based Control Strategy
11/	CON	ICI LISION



TABLE OF AUTHORITIES

	Page(s)
Cases	
In re Abbott Diabetes Care Inc., 696 F.3d 1142 (Fed. Cir. 2012)	10
Bicon, Inc. v. Straumann Co., 441 F.3d 945 (Fed. Cir. 2006)	13
<i>In re Cortright</i> , 165 F.3d 1353 (Fed. Cir. 1999)	6, 10
In re Cuozzo Speed Techs., LLC, 793 F.3d 1268 (Fed. Cir. 2015)	6, 47, 50
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)	35, 37
Innogenetics, N.V. v. Abbott Labs., 512 F.3d 1363 (Fed. Cir. 2008)	42, 46, 49, 52
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	32, 40, 42
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	32, 40, 42, 51
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, 10, 13
<i>In re Nilssen</i> , 837 F.2d 1098 (Fed. Cir. 1987)	51



Tatelle o wher s reesponse	Timorney Bocket 110. 2022 1 0011112
<i>In re NTP, Inc.</i> , 654 F.3d 1279 (Fed. Cir. 2011)	6, 10, 13
<i>Nystrom v. Trex Co.</i> , 424 F.3d 1136	35
<i>In re Suitco Surface, Inc.</i> , 603 F.3d 1255 (Fed. Cir. 2010)	6
In re Vaidyanathan, 381 Fed. Appx. 985 (Fed. Cir. 2010)	10
In re Wright, 569 F.2d 1124 (C.C.P.A. 1977)	35
Statutes	
35 U.S.C. § 103	1
35 U.S.C. § 311 et seq	1
35 U.S.C. § 315(e)(1)	16
Other Authorities	
37 C.F.R. § 42.100(b)	1, 6, 16
37 C.F.R. § 42.120	1



DOCKET A L A R M

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.

