

STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner,

v.

PAICE LLC & ABELL FOUNDATION, INC.
Patent Owners.

U.S. Patent No. 7,237,634

IPR Case No.: IPR2015-00800

**PETITIONER'S RESPONSE TO PATENT OWNER'S
MOTION FOR OBSERVATIONS ON CROSS EXAMINATION**

I. Response to Paice's Observations

Response to Observation 1. This observation improperly cites over two pages of testimony and ten paragraphs from Dr. Davis Reply Declaration and is therefore not a “concise statement of the relevance of precisely identified testimony to a precisely identified argument.” IPR2013-00506, Paper 37 at 2-4. Notwithstanding, the cited deposition and declaration testimony are not inconsistent. The questioning cited by Paice relates to the following quotation from Bumby III: “Demand power as far as the simulation is concerned is simply transmission output power, but in reality would be driver demand power expressed as a function of accelerator pedal position.” (Ex. 2909 at 7:9-13.) But the full paragraph from Bumby III from which this quotation was taken discloses that the suboptimal control algorithm “transforms” the demand power into a set of torque and speed points. (Ex. 1907, Bumby III at 7.) Bumby II likewise states that “the suboptimal control algorithm converts the instantaneous power and speed requirement into a torque and speed demand, at the torque split point for each available gear ratio.” (Ex. 1906 at 11.) Bumby II/III both explain that these torque and speed values are then used to determine the correct operating mode of the vehicle. (Ex. 1907, Bumby III at 7-8; Ex. 1906, Bumby II at 11.) Dr. Davis consistently testified in his declarations that these torque values (as used by the suboptimal control algorithm in conjunction with the Fig. 16 of Bumby II or Figure

8 of Bumby III) are the claimed “road load” or torque required to propel the vehicle. (Ex. 1951, Davis Reply at ¶¶69-73; *see also* Ex. 1903, Davis Dec. at ¶¶255-261, 265-266, 271, 275-276, 306.)

Response to Observation 2. The portion of testimony cited by Paice relates to questioning about Bumby I and the Janus simulation program. (Ex. 2909 at 11:4-12:22.) The cited deposition and declaration testimony are not inconsistent. As stated in response to observation 1, Bumby II/III both disclose converting a demand power value into a set of torque and speed values which are used to determine the correct operating mode of the vehicle. (Ex. 1907, Bumby III at 7-8; Ex. 1906, Bumby II at 10-11.) Dr. Davis consistently testified in his declarations that these torque values (as used by the suboptimal control algorithm in conjunction with the Fig. 16 of Bumby II or Figure 8 of Bumby III) are the claimed “road load” or torque required to propel the vehicle. (Ex. 1951, Davis Reply at ¶¶69-73; *see also* Ex. 1903, Davis Dec. at ¶¶255-261, 265-266, 271, 275-276, 306.)

Response to Observation 3. Dr. Davis’ testimony at Ex. 2902 16:11-18 does not contradict Ford’s counsel statements during the July 1, 2015 hearing. At last July’s hearing, counsel stated that the torque required to propel the vehicle “means that you have to consider the operator’s command, which of course, it’s not just the external forces, if the operator wants the car to go faster, well then

you're going to need to exceed those external forces, and if the operator wants the vehicle to go slower, then the torque required is less than the external forces." (Ex. 1950 at 74.) Likewise, Dr. Davis' recently testified that "road load as used in these patents" accounts for "textbook road load" that the vehicle would "have to overcome" and it would also "have to meet the desired operation of the vehicle based on requirements for like acceleration, deceleration." (Ex. 2909 at 16:11-18.)

Respectfully submitted,

Dated: May 27, 2016

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Certificate of Service

The undersigned hereby certifies that on May 27, 2016, a complete and entire copy of **PETITIONER'S RESPONSE TO PATENT OWNER'S MOTION FOR OBSERVATIONS ON CROSS EXAMINATION**, was served via electronic mail by serving the correspondence email address of record as follows:

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