

IPR2016-00039, IPR2016-00040, IPR2016-00041 Oral Argument

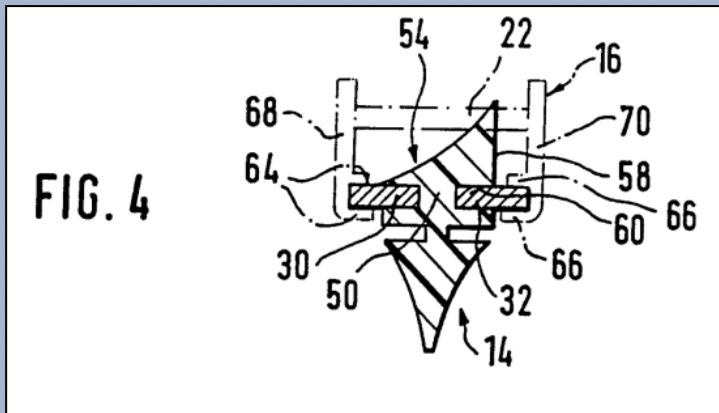
U.S. Patent No. 7,228,588

U.S. Patent No. 7,484,264

U.S. Patent No. 8,099,823

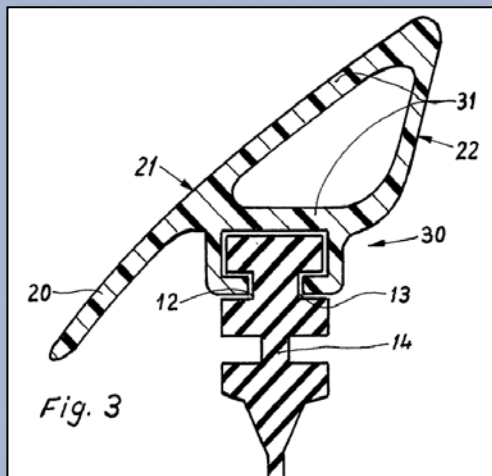
Prior Art and the '588, '264, and '823 Patents

Merkel, Fig. 4

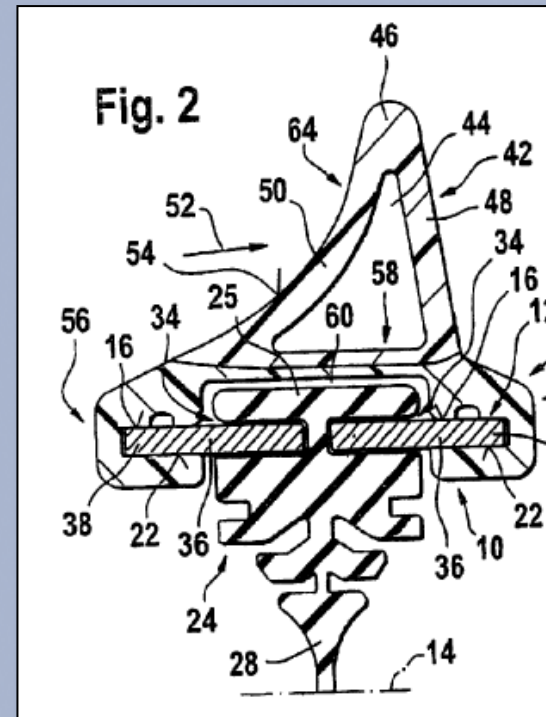


IPR2016-00039 Exs. 1013, 1014; IPR2016-00040 Exs. 1016, 1017;
IPR2016-0041 Exs. 1008, 1009

Prohaska, Fig. 3



'588, '264, and '823 Patents, Fig. 2

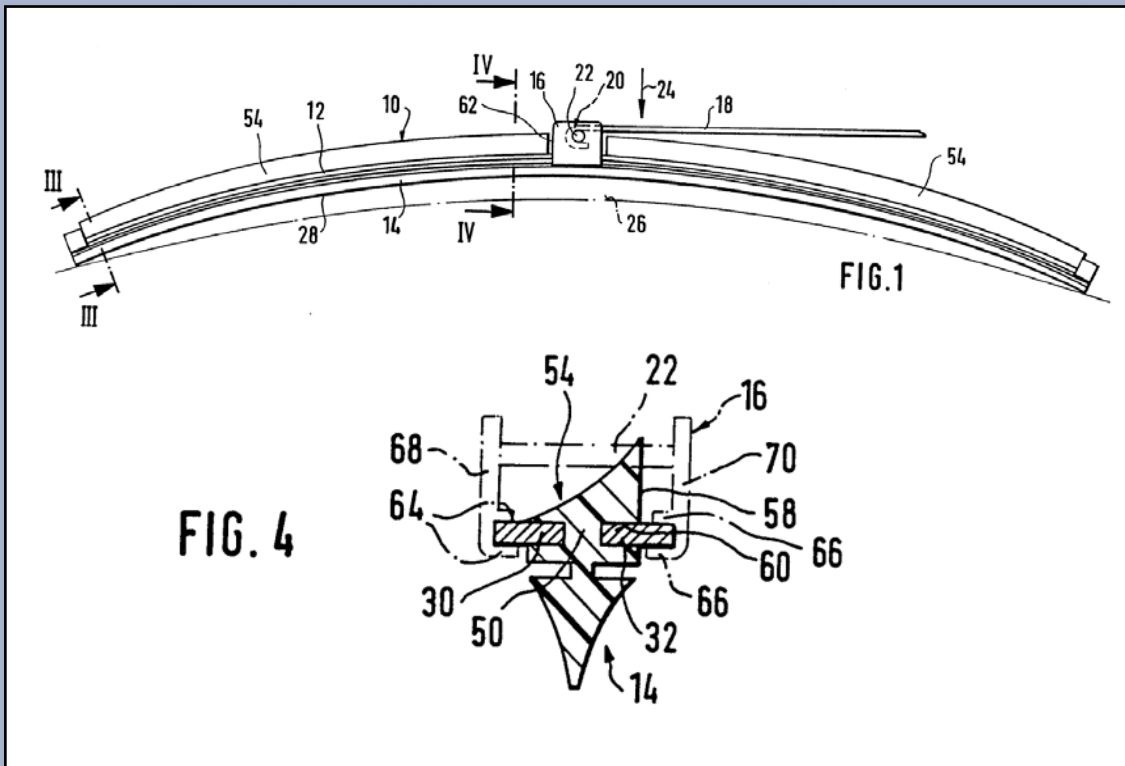


Ex. 1001

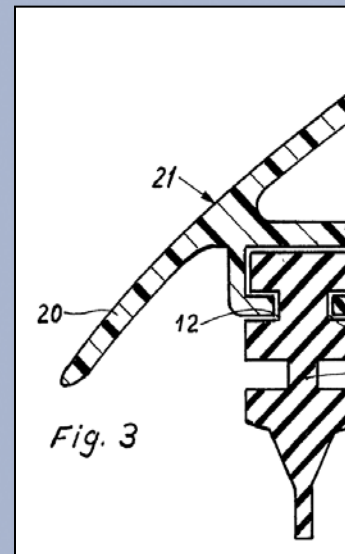
IPR2016-00039: See Petition (Paper #1), pp. 3–6 (describing Patent), pp. 11–12 (describing Prohaska), pp. 17–18 (describing Patent)
IPR2016-00040: See Petition (Paper #1), pp. 4–5 (describing Patent), pp. 10–12 (describing Prohaska), pp. 16–17 (describing Patent)
IPR2016-00041: See Petition (Paper #9), pp. 4–5 (describing Patent), pp. 15–17 (describing Prohaska), pp. 21–22 (describing Patent)

Obviousness of the '588, '264, and '823 Patents

Merkel, Figs. 1 & 4



Prohaska, F



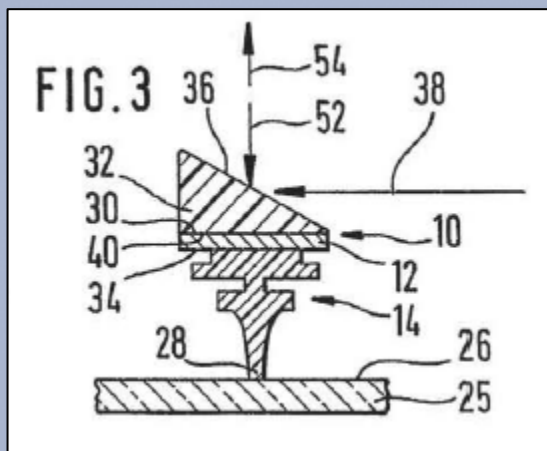
IPR2016-00039 Ex. 1003; IPR2016-0041 Ex.

IPR2016-00039 Exs. 1013, 1014; IPR2016-00040 Exs. 1016, 1017; IPR2016-0041 Exs. 1008, 1009

IPR2016-00039: See Petition (Paper #1), pp. 11–12 (describing Prohaska), pp. 17–18 (describing Mer

IPR2016-00040: See Petition (Paper #1), pp. 10–12 (describing Prohaska), pp. 16–17 (describing Mer

The '588 Patent Family's Admitted Prior Art Includes a Flat-Spring Having a Spoiler Fastened Directly to the Spring Support Element



DE 197 36 368 (IPR2016-00039 Ex. 1104),
also published as U.S. Patent No. 6,292,974 (IPR2016-00039 Ex. 1105)

This invention begins with a wiper blade according to the preamble of claim 1. In a prior art wiper blade of DE 197 36 368.7), the wiper blade is provided with a so-called wind deflection strip in order to produce a component directed toward the windshield to counteract the tendency of the wiper blade to lift off of the windshield due to the airflow at high vehicle speeds. To this end, the wind deflection strip has a leading edge during the wiping motion that is mainly impacted by the driving wind, said leading edge being designed as an incident surface. The cross section of the wind deflection strip has approximately the shape of a right triangle, one leg of which is opposite the support element and the hypotenuse represents the incident surface. This makes a sharp angle with the pendulum-like plane of motion of the wiper blade and with the surface of the windshield.

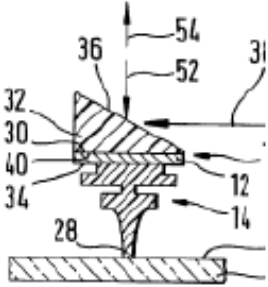
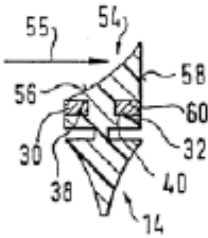
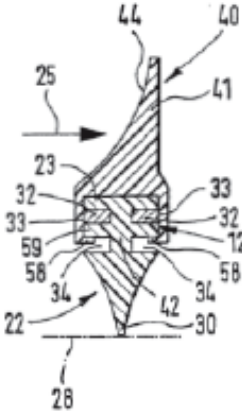
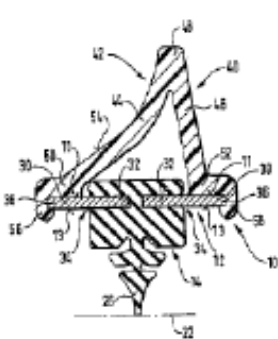
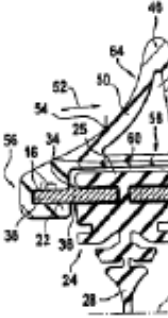
'588 Patent (IPR2016-00039 Ex. 1001), 1:40–56

IPR2016-00039: See Reply (Paper #37), p. 6 (citing '588 Patent, 1:40–56; Ex. 1104) (“The '588 Patent confirms Petitioner’s understanding and undermines Patent Owner’s contention that a person of ordinary skill in the art would not have attached a spoiler to a flat-spring wiper: it cites a flat-spring wiper having a spoiler fastened directly to the support element as prior art.”)

IPR2016-00040: See Reply (Paper #34), p. 6 (citing '264 Patent, 1:46–60; Ex. 1010, p. 279)

The '588, '264, and '823 Patents Reflect a Further Iteration Series of Minor Improvements that Occurred In the Ordinary Course Without Real Innovation

Exemplary Timeline of Improvements⁴

				
Aug. 21, 1997 ⁵	Sept. 8, 1997 ⁶	Dec. 7, 1998 ⁷	May 29, 2000 ⁸	Apr. 26,

IPR2016-00039: Reply (Paper #37), p. 10 & n.4, n.5 (citing Exs. 1104, 1105, Fig. 3), n.6 (citing Merke n.7 (citing Ex. 1016 p. 139, Fig. 3), n.8 (citing Ex. 1016 p.78, Fig. 2), n.9 (citing '588 Patent, Fig. 2); see at p. 9 (citing *KSR Int'l Co. v. Teleflex*, 550 U.S. 398, 419, 427 (2007))

IPR2016-00040: Reply (Paper #34), pp. 10–11 & n.5–n.10; see also *id.* at p. 10

IPR2016-00041: Reply (Paper #38), pp. 10–11 & n.5–n.10; see also *id.* at p. 10

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