

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

**PAICE LLC and THE ABELL FOUNDATION,  
INC.,**

**Plaintiffs,**

**v.**

**HYUNDAI MOTOR COMPANY,  
HYUNDAI MOTOR AMERICA, KIA  
MOTORS CORPORATION, and KIA  
MOTORS AMERICA, INC.**

**Defendants.**

**C. A. No. WDQ-12-499**

**PLAINTIFFS PAICE LLC AND THE ABELL FOUNDATION, INC.'S  
OPENING CLAIM CONSTRUCTION BRIEF**

**TABLE OF CONTENTS**

	<u><b>Page</b></u>
I. INTRODUCTION .....	1
A. The Parties .....	1
B. Procedural Background.....	2
C. Technology Background.....	3
II. THE ASSERTED PAICE PATENTS .....	3
III. LEGAL STANDARDS OF CLAIM INTERPRETATION .....	6
IV. PROPOSED INTERPRETATION OF DISPUTED CLAIM TERMS .....	9
A. “road load,” “RL” .....	10
B. “setpoint,” “SP” .....	13
C. “wherein SP is a setpoint expressed as a predetermined percentage of MTO” (e.g., ’672 patent, claim 16) .....	15
D. “road load (RL) and said setpoint SP, both expressed as percentages of the maximum torque output of the engine when normally-aspirated (MTO)” (e.g., ’347, claims 1, 7).....	16
E. “a second setpoint (SP2), wherein the SP2 is a larger percentage of the MTO than the SP” (e.g., ’634 patent, claims 39, 80) .....	17
F. “operating said internal combustion engine to provide torque to the hybrid vehicle when the torque required to operate the hybrid vehicle is between a setpoint SP and a maximum torque output (MTO) of the engine” (e.g., ’097 patent, claims 1, 11).....	17
G. “max torque output (MTO) of said engine” (e.g., ’347, claim 23) .....	19
H. “the state of charge of the battery is below a predetermined level” (e.g., ’347, claim 31) .....	20
I. “a rapid increase in the torque to be applied to the wheels of the vehicle as desired by the operator is detected” (e.g., ’347 patent, claim 10) .....	22
J. “wherein a rate of change of torque output of said engine is limited to a threshold value” (e.g., ’388 patent, claim 1).....	23

**TABLE OF CONTENTS (cont'd)**

	<b><u>Page</u></b>
K. “motor(s)” .....	24
L. “substantially less than the maximum torque output (MTO) of said engine” (e.g., '347 patent, claim 13) .....	25
M. “a setpoint (SP) above which said engine torque is efficiently produced” (e.g., '347 patent, claim 1; '634 patent, claim 1) .....	27
N. “wherein the torque produced by said engine when operated at said setpoint (SP) is substantially less than the maximum torque output (MTO) of said engine” (e.g., '347 patent, claims 1, 23; '634 patent, claim 1).....	29
V. CONCLUSION.....	30

**TABLE OF AUTHORITIES**

	<b><u>Page(s)</u></b>
<b><u>Cases</u></b>	
<i>3M Innovative Properties Co. v. Tredegar Corp.</i> , 725 F.3d 1315 (Fed. Cir. 2013).....	21
<i>ActiveVideo Networks, Inc. v. Verizon Comm’n, Inc.</i> , 694 F.3d 1312 (Fed. Cir. 2012).....	9
<i>Adv. Cardiovascular Sys. v. Medtronic, Inc.</i> , 265 F.3d 1294 (Fed. Cir. 2001).....	7
<i>Biotec Biologische Naturverpackungen GmbH &amp; Co. KG v. Biocorp, Inc.</i> , 249 F.3d 1341 (Fed. Cir. 2001).....	8
<i>Classen Immunotherapies, Inc. v. Biogen Idec</i> , CIV. WDQ-04-2607, 2013 WL 4587522 (D. Md. Aug. 27, 2013) .....	8, 9
<i>Comark Commc’ns, Inc. v. Harris Corp.</i> , 156 F.3d 1182 (Fed. Cir. 1998).....	7
<i>Datamize, LLC v. Plumtree Software, Inc.</i> , 417 F.3d 1342 (Fed. Cir. 2005).....	21, 27, 29
<i>Dow Chemical Co. v. United States</i> , 226 F.3d 1334 (Fed.Cir.2000).....	7, 27
<i>Enzo Biochem, Inc. v. Applera Corp.</i> , 599 F.3d 1325 (Fed. Cir. 2010).....	21
<i>Exxon Research &amp; Eng’g Co. v. United States</i> , 265 F.3d 1371 (Fed. Cir. 2001).....	22
<i>Finjan, Inc. v. Secure Computing Corp.</i> , 626 F.3d 1197 (Fed. Cir. 2010).....	9
<i>Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.</i> , 381 F.3d 1111 (Fed. Cir. 2004).....	6, 7
<i>Jonsson v. Stanley Works</i> , 903 F.2d 812 (Fed.Cir.1990).....	10

**TABLE OF AUTHORITIES (cont'd)**

	<b><u>Page(s)</u></b>
<i>Multiform Desiccants, Inc. v. Medzam, Ltd.</i> , 133 F.3d 1473 (Fed. Cir. 1998).....	6
<i>O2 Micro International Ltd. v. Beyond Innovation Technology Co.</i> , 521 F.3d 1351 (Fed.Cir.2008).....	9
<i>O2 Micro Int'l Ltd. v. Monolithic Power Sys., Inc.</i> , 467 F.3d 1355 (Fed. Cir. 2006).....	21, 22, 23, 26, 28, 29
<i>Ormco Corp. v. Align Tech., Inc.</i> , 498 F.3d 1307 (Fed. Cir. 2007).....	9
<i>Paice LLC v. Toyota Motor Corp., et al.</i> , No. 2:04-CV-211-DF, Dkt. No. 91 (E.D. Tex. Sep. 28, 2005).....	13
<i>Paice LLC v. Toyota Motor Corp., et al.</i> , No. 2:07-CV-180-DF, Dkt. No. 63 (E.D. Tex. Dec. 5, 2008) .....	13, 15
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005).....	6, 7
<i>SanDisk Corp. v. Memorex Prods., Inc.</i> , 415 F.3d 1278 (Fed.Cir.2005).....	21, 23, 24, 26, 28, 29
<i>SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.</i> , 242 F.3d 1337 (Fed. Cir. 2001).....	8
<i>St. Clair Intellectual Prop. Consultants, Inc. v. Canon Inc.</i> , 412 F. App'x 270 (Fed. Cir. 2011).....	9
<i>Star Scientific, Inc. v. R.J. Reynolds Tobacco Co.</i> , 537 F.3d 1357 (Fed. Cir. 2008).....	22
<i>StemCells, Inc. v. Neuralstem, Inc.</i> , 08:06-CV-1877-AW, 2011 WL 3565246 (D. Md. Aug. 12, 2011).....	10
<i>Suffolk Techs. LLC, v. Google Inc. et al.</i> , 2013 WL 1700938 (E.D. Va. April 18, 2013) .....	8
<i>U.S. Surgical Corp. v. Ethicon, Inc.</i> , 103 F.3d 1554 (Fed. Cir. 1997).....	8, 16

# 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.