

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.

Petitioner

Patent No. 8,214,097
Issue Date: July 3, 2012
Title: HYBRID VEHICLES

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,214,097
PURSUANT TO 35 U.S.C. § 312 and 37 C.F.R. § 42.104**

Case No. IPR2017-00237

TABLE OF CONTENTS

I.	Mandatory Notices (37 C.F.R. § 42.8)	1
II.	Grounds for Standing (37 C.F.R. § 42.104(a)).....	2
III.	Identification of Challenge (37 C.F.R. § 42.104(b)(1)-(3)) and Relief Requested (37 C.F.R. § 42.22(a)(1))	2
	A. The '097 Patent	2
	B. Prosecution History of the '097 Patent	4
	C. <i>Inter Partes</i> Review of the '097 Patent.....	5
	D. Patents and Printed Publications Relied On.....	9
	E. Statutory Grounds for Challenge (37 C.F.R. § 42.104(b)(1)-(2)).....	10
	F. Claim Construction (37 C.F.R. § 42.104(b)(3)).....	11
IV.	How Challenged Claims Are Unpatentable (37 C.F.R. § 42.104(b)(4)-(5))	12
	A. Claim 21 is Obvious in View of Barske, Gray, and Vittone.....	15
	1. Independent Claim 21	17
	2. Obviousness in View of Barske, Gray, and Vittone	29
	3. Claim Chart	33
	B. Claim 27 is Obvious in View of Barske, Gray, Vittone, and Severinsky '970	42
	1. Claim 27	43
	2. Obviousness in View of Barske, Gray, Vittone, and Severinsky '970.....	43
	3. Claim Chart	44
	C. Claim 30 is Obvious in View of Barske and Vittone.....	45
	1. Claim 30	45
	2. Obviousness in View of Barske and Vittone	47
	3. Claim Chart	48
	D. Claim 32 is Obvious in View of Barske, Vittone, and Yamaguchi.....	50
	1. Claim 32	51

2.	Obviousness in View of Barske, Vittone, and Yamaguchi	51
3.	Claim Chart	53
E.	Claim 33 is Obvious in View of Barske, Vittone, Yamaguchi, and Katsuno	53
1.	Claim 33	54
2.	Obviousness in View of Barske, Vittone, Yamaguchi, and Katsuno	54
3.	Claim Chart	55
F.	Claim 37 is Obvious in View of Barske, Vittone, and Severinsky '970	56
1.	Claim 37	56
2.	Obviousness in View of Barske, Gray, and Severinsky '970	57
3.	Claim Chart	58
V.	Conclusion	58

LISTING OF EXHIBITS

Exhibit 1001	U.S. Patent No. 8,214,097 to Severinsky et al.
Exhibit 1002	Declaration of Scott Andrews
Exhibit 1003	German Published Patent Application No. 44 44 545, including certified English-language translation
Exhibit 1004	U.S. Patent No. 5,495,912 to Gray, Jr. et al.
Exhibit 1005	Vittone et al., FIAT Research Centre, <i>Fiat Conceptual Approach to Hybrid Cars Design</i> , 12th International Electric Vehicle Symposium (1994)
Exhibit 1006	U.S. Patent No. 5,343,970 to Severinsky
Exhibit 1007	U.S. Patent No. 5,865,263 to Yamaguchi et al.
Exhibi 1008	U.S. Patent No. 4,707,984 to Katsuno et al.
Exhibit 1009	Record of Oral Hearing, Held July 1, 2015, IPR2014-00570 (Paper 44, August 3, 2015)
Exhibit 1010	February 22, 2005 Amendment, U.S. Patent Application Serial No. 10/382,577, U.S. Patent No. 7,104,347
Exhibit 1011	Kalberlah, “Electric Hybrid Drive Systems for Passenger Cars and Taxis,” SAE (Society of Automotive Engineers) International Congress and Exposition, Detroit, Michigan, February 26-March 1, 1991 (1991)

I. Mandatory Notices (37 C.F.R. § 42.8)

Real-Party-in Interest:

Volkswagen Group of America, Inc. (“VWGoA”), which is a subsidiary of Volkswagen AG.

Related Matters:

The following judicial matters may affect, or be affected by, a decision in this *inter partes* review: *Paice LLC, et al. v. Ford Motor Co.*, 1:14-cv-00492 (D. Md.); *Paice LLC, et al. v. Hyundai Motor Co., et al.*, 1:12-cv-00499 (D. Md.); *Paice LLC v. Toyota Motor Corp., et al.*, 2:07-cv-00180 (E.D. Tex.).

The following administrative matters may affect, or be affected by, a decision in this *inter partes* review: *Hybrid Electric Vehicles and Components Thereof*, ITC-337-TA-998, in which VWGoA is a respondent; IPR2014-00570, IPR2014-01415, IPR2015-00792, IPR2016-00250.

Lead Counsel:

Michael J. Lennon (Reg. No. 26,562)

Backup Counsel:

Clifford A. Ulrich (Reg. No. 42,194)

Service:

VWGoA agrees to electronic service at the following email addresses:

mlennon@kenyon.com

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.