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Paper 8
Date: June 23, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALEO NORTH AMERICA, INC. and VALEO EMBRAYAGES,
Petitioner,

v.

SCHAEFFLER TECHNOLOGIES AG & CO. KG,
Patent Owner.

Case IPR2017-00441
Patent 8,573,374 B2

Before JOSIAH C. COCKS, MICHAEL W. KIM, and
JAMES J. MAYBERRY *Administrative Patent Judges.*

COCKS, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108(a)

I. INTRODUCTION

A. Summary

Valeo North America, Inc. and Valeo Embrayages ("Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 1–16 of U.S. Patent No. 8,573,374 B2 (Ex. 1001, "the '374 patent"). Schaeffler Technologies, AG & Co. KG ("Patent Owner") filed a Preliminary Response. Paper 7, "Prelim. Resp."

An *inter partes* review may not be instituted unless the information presented in the Petition shows "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a). For the reasons set forth below, we conclude that the information presented in the Petition and Patent Owner Preliminary Response establishes a reasonable likelihood that Petitioner will prevail in showing the unpatentability of claims 1–16. Accordingly, pursuant to 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), we institute an *inter partes* review as to those claims.

B. Related Matters

The '374 patent is the subject of another petition seeking institution of an *inter partes* review: IPR2017-00442. Pet. 1; Paper 3, 2.[1]

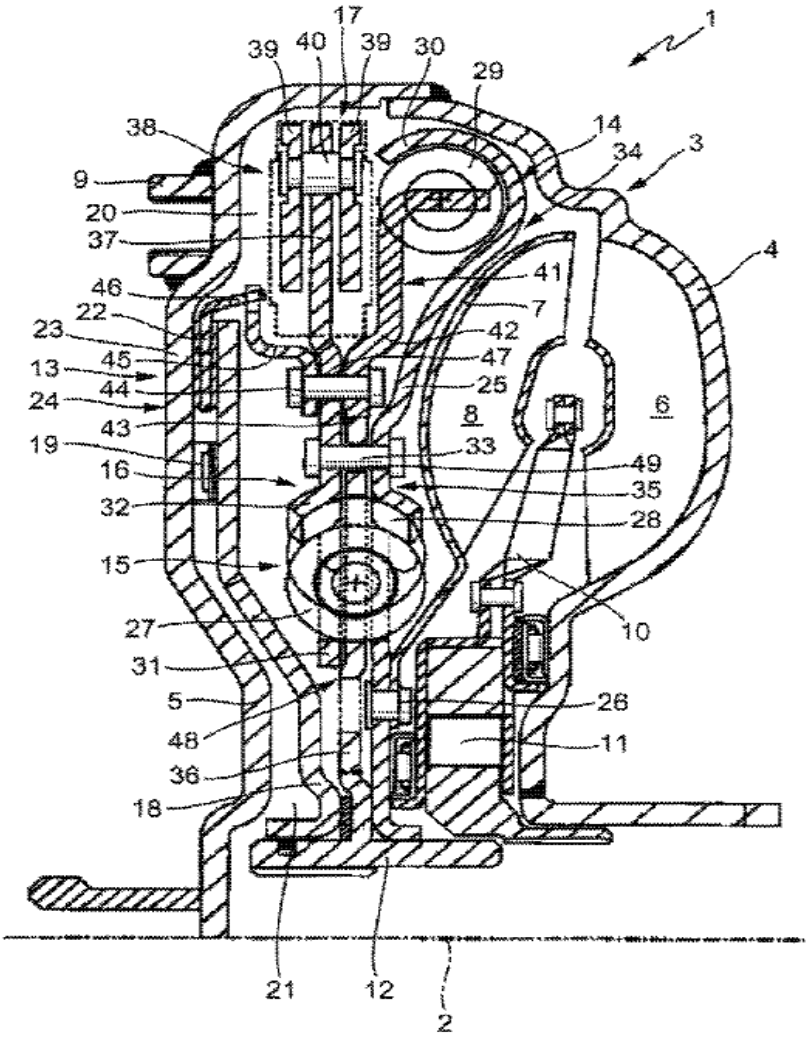
C. The '374 patent

The '374 patent is titled "Hydrodynamic Torque Converter." Ex. 1001, (54). The '374 patent describes the invention as relating "to a hydrodynamic torque converter having an impeller wheel, a turbine wheel

[1] A Decision on Institution in IPR2017-00442 is entered concurrently with the present Decision.

and an oscillation damper which is accommodated in the converter housing, and a converter lockup clutch." *Id*. at (57). "Such torque converters are particularly used in vehicle drivetrains, between an internal combustion engine and transmission." *Id*. at 1:23–25.

The figure of the '374 patent is reproduced below:



The figure above "shows a hydrodynamic torque converter disposed about a rotation axis in a half-sectional view." *Id*. at 3:52–55. Torque converter 1 includes torsional vibration absorber 17, torsional vibration damper 16, damper stage 14, and damper stage 15. *Id*. at 4:37–38; 5:3–5.

The '374 patent characterizes damper stages 14, 15 as components of a "multi-function damper" that are connected with one another by "single-piece disk part 25." *Id*. at 4:37–42. The '374 patent also describes the following: "[t]hrough the single-piece connection of the mounting part 37 with the input part 35 of the damper stage 15 and the output part 34 of the damper stage [14][2] by means of the rivets 33 is the centrifugal force pendulum 38 assigned parallel to both damper stages." *Id*. at 5:11–16.

D. Claims

Claim 1 is independent. Claims 2–16 ultimately depend from claim 1. Claim 1 is reproduced below:

> 1. A hydrodynamic torque converter (1) with a turbine (7) driven by an impeller (6) as well as housing (3) in which a torsional vibration damper (16) with multiple of damper stages (14, 15), a torsional vibration absorber (17) and a lock-up clutch (13) are additionally installed, wherein a first damper stage (14) and a second damper stage (15) are disposed between the lock-up clutch (13) and an output hub (12), the second damper stage (15) is disposed between the turbine (7) and the output hub (12) and the torsional vibration absorber (17) is parallel to both damper stages (14, 15).

[2] Although the '374 patent lists reference character "15" with respect to this damper stage, it is evident from the figure that such is a typographical error and that reference character "14" was intended.

E. The Prior Art

Petitioner relies on the following prior art references:

Reference	Date	Exhibit No.
PCT Publication No. WO 2004/018897 to Haller et al. ("Haller")	Mar. 2004	1004[3]
U.S. Patent No. 5,884,735 to Eckel et al. ("Eckel")	Mar. 1999	1011
U.S. Patent No. 7,073,646 B2 to Sasse et al. ("Sasse")	July 2006	1003
U.S. Patent No. 6,053,292 to Macdonald ("Macdonald")	Apr. 2000	1026
U.S. Patent Application Publication No. US 2007/0235277 A1 to Heuler et al. ("Heuler")	Oct. 2007	1018
German Published Patent Application Nos. DE 196 54 894 and DE 196 54 915; and German internal priority document No. DE 196 09 553 (collectively "Schierling")	Mar. 1996	1022–1024[4]

[3] Exhibit 1004 also includes a certified English translation of the underlying German document. In this Decision, citations to Exhibit 1004 are to the English translation.

[4] Exhibits 1022–1024 also include a certified English translation of the underlying German document.

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