

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 IPR2017-00442
Patent 8,573,374 B2

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

COCKS, *Administrative Patent Judge.*

DECISION
Denying 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, 3–5, 8, 10, and 14–16 of U.S. Patent No. 8,573,374 B2 (Ex. 1101, “the ’374 patent”). Schaeffler Technologies AG & Co. KG (“Patent Owner”) filed a Preliminary Response. Paper 7, “Prelim. Resp.” Petitioner also filed a Reply to the Preliminary Response (Paper 9, “Pet. Reply”), to which the Patent Owner filed a Sur-Reply (Paper 12, “PO Sur-Reply”).¹

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 does not establish a reasonable likelihood that Petitioner will prevail in showing the unpatentability of claims 1, 3–5, 8, 10, and 14–16. Accordingly, we do not institute an *inter partes* review as to those claims based on the Petition.

B. Related Matters

The ’374 patent is the subject of another petition seeking institution of an *inter partes* review: IPR2017-00441. Pet. 1; Paper 3, 2.²

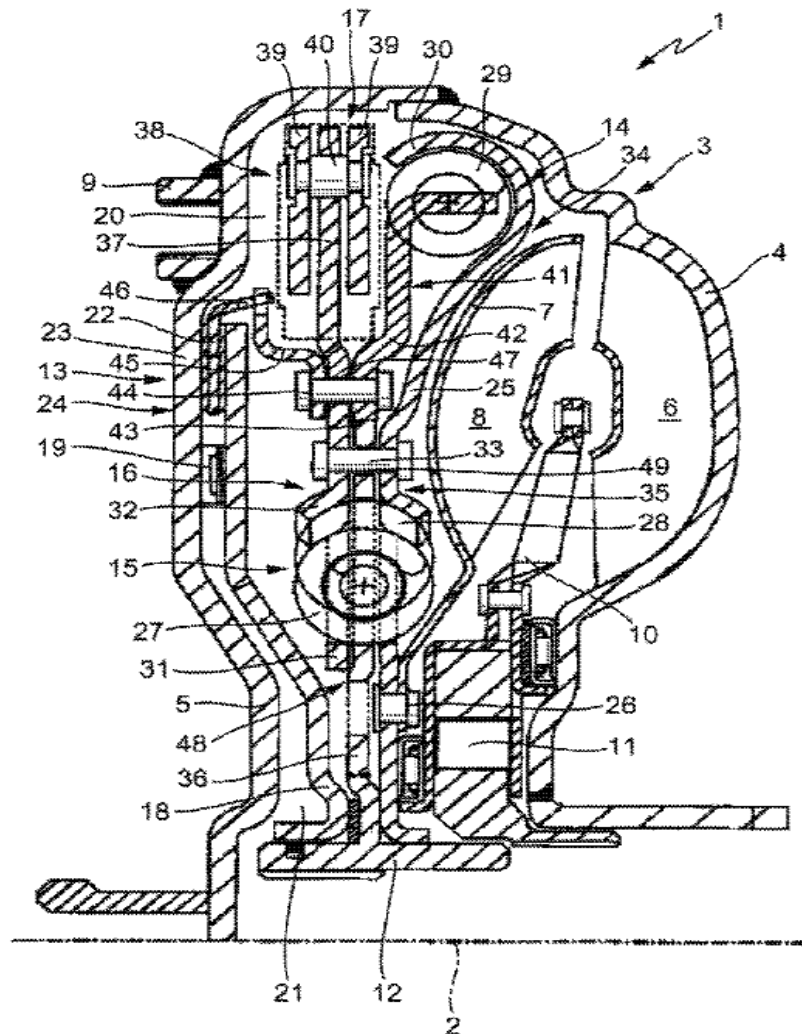
¹ The Petitioner’s Reply and the Patent Owner’s Sur-Reply were authorized by the panel. Paper 8.

² A Decision on Institution in IPR2017-00441 is entered concurrently with the present Decision.

C. The '374 patent

The '374 patent is titled "Hydrodynamic Torque Converter." Ex. 1101, (54). The '374 patent describes the invention as relating "to a hydrodynamic torque converter having an impeller wheel, a turbine wheel 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]³ 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 3–5, 8, 10, and 14–16 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).

³ 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 Applied References

Petitioner relies on the following references:

Reference	Date	Exhibit No.
PCT Publication No. WO 2009/067987 to Degler et al. (“Degler”)	June 2009	1103
Wolfgang Reik, The Centrifugal Pendulum Absorber Calming Down the Drivetrain, CTI Symposium (“Reik”)	May 2009	1105

F. Asserted Grounds of Unpatentability

Petitioner challenges claims 1–3, 8, 10, and 14–16 under 35 U.S.C. § 102(a) based on the following grounds:

Reference	Challenged Claims
Degler	1–3, 8, 10, and 14–16
Reik	1–3, 8, 10, and 14–16

II. ANALYSIS

In this Petition, Petitioner offers two grounds of unpatentability that are each premised on the same underlying theory. Namely, that theory is that the “Patent Owner is precluded by 35 U.S.C. § 119(c) from claiming priority to certain subject matter also disclosed in Degler’s priority reference.” Pet. 13; Pet. 28. Because of that alleged preclusion, Petitioner is

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