

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

DENSO CORPORATION, DENSO INTERNATIONAL AMERICA, INC.,  
ASMO CO. LTD., AND TOYOTA MOTOR  
Petitioners

v.

INTELLECTUAL VENTURES II LLC,  
Patent Owner

---

Case No. IPR2017-01631  
Patent No. 7,067,952

---

**PATENT OWNER'S PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. § 42.107(a)**

## TABLE OF CONTENTS

	PAGE
I. INTRODUCTION .....	1
II. BACKGROUND OF THE INVENTION .....	2
A. The '952 Patent .....	2
B. Claim Construction.....	6
1. “Phase Change Material” .....	7
2. “The Bridge is Formed by Interconnecting Two Mating Sections Formed from the Phase Change Material” .....	9
III. GROUNDS 1-5 FAIL TO DEMONSTRATE A REASONABLE LIKELIHOOD THAT THE '952 PATENT CLAIMS WILL BE PROVED UNPATENTABLE.....	11
A. Ground 1 Challenging Claims 10 and 14 as Anticipated by Calsonic is Deficient .....	12
1. Calsonic does not Disclose the Claimed “Bridge” .....	12
2. Paragraph 44 of Calsonic at Best Discloses a “Hinge,” not a “Bridge Formed by ... Two Mating Sections” .....	17
B. Ground 2 Fails to Sufficiently Articulate why a Skilled Artisan would have Used the Plate Member of Matsushita with the Calsonic Stator Configuration.....	19
C. Matsushita in Combination with Calsonic does not Cure Any of the Deficiencies of Calsonic in Ground 2 .....	21
D. DENSO Fails to Cure Any of the Deficiencies of Calsonic in Ground 3 .....	22
E. Grounds 4 and 5 against Dependent Claims 3, 5 and 11 Fail for at Least the Same Reasons as Grounds 1 and 3 .....	23

IV.	IF ANY GROUNDS ARE INSTITUTED, THE BOARD SHOULD DENY REDUNDANT GROUNDS.....	24
A.	Congress Empowered the Board with Discretion to Manage Duplicative Proceedings.....	25
B.	The Board’s Practice of Rejecting Redundant Grounds Supports Exercising its Discretion .....	26
1.	Redundancy Exists when Petitioners Assert Multiple Alternative Grounds without Differentiating Them .....	27
2.	Petitioners’ Assertions Against the ’952 Patent Claims are Horizontally Redundant .....	28
3.	Petitioners’ Assertions across Two Petitions Effectively Circumvent the Word Limit of 37 C.F.R. § 42.24(a) .....	31
V.	CONCLUSION.....	33

## TABLE OF AUTHORITIES

### Page(s)

#### Cases

<i>Jack Henry &amp; Assocs. v. DataTreasury Corp.</i> , CBM2014-00056 (PTAB Jul. 10, 2014).....	6
<i>Liberty Mut. Ins. Co. v. Progressive Casualty Ins. Co.</i> , CBM2012-00003 (PTAB Oct. 25, 2012) .....	<i>passim</i>
<i>NXP USA, Inc. v. Inside Secure</i> , IPR2016-00683 (PTAB Aug. 30, 2017) .....	6, 11
<i>Oracle Corp. v. Clouding IP, LLC</i> , IPR2013-00075 (PTAB June 13, 2013) .....	28
<i>In re: Smith Int'l, Inc.</i> , 2016-2303 (Fed. Cir. Sept. 26, 2017) .....	6

#### Statutes

35 U.S.C. § 314(a) .....	12
35 U.S.C. § 315(d) .....	28
35 U.S.C. § 325(d) .....	28

#### Other Authorities

37 C.F.R. § 42.100(b) .....	6
37 C.F.R. § 42.107 .....	1

**TABLE OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
2001	Webster's II New College Dictionary 377 (1999)
2002	U.S. Patent No. 6,081,059
2003	H.R. Rep. No. 112-98 (2011)
2004	Petition for <i>Inter Partes</i> Review, IPR2017-01497, Paper 1 (PTAB June 9, 2017)

# 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.