

Declaration of Dr. Jose Sasian In Support Of
Petition for *Inter Partes* Review of USP 8,128,244

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Inter Partes* Review of:)
U.S. Patent No. 8,128,244)
Issued: March 6, 2012)
Application No.: 13/071,169)

For: **Exterior Sideview Mirror System**

FILED VIA E2E

**DECLARATION OF DR. JOSE SASIAN IN SUPPORT OF
PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,128,244**

Declaration of Dr. Jose Sasian In Support Of
Petition for *Inter Partes* Review of USP 8,128,244

TABLE OF CONTENTS

| | | |
|-------|--|----|
| I. | INTRODUCTION AND QUALIFICATIONS | 1 |
| II. | SUMMARY OF MATERIALS REVIEWED AND CONSIDERED..... | 4 |
| III. | LEVEL OF SKILL IN THE ART AND PERSPECTIVE APPLIED IN THIS DECLARATION | 6 |
| IV. | BACKGROUND LAW | 7 |
| | A. Written Description | 7 |
| | B. Incorporation By Reference..... | 8 |
| | C. Understanding Of Legal Principles Relevant To Anticipation And Obviousness | 8 |
| V. | SUMMARY OF OPINIONS | 11 |
| VI. | THE '244 PATENT | 12 |
| | A. The '244 Patent's Disclosure..... | 12 |
| | B. Application For The '843 Patent | 13 |
| VII. | THE '666 APPLICATION LACKS WRITTEN DESCRIPTION SUPPORT FOR THE INDEPENDENT CLAIMS OF THE '244 PATENT | 14 |
| | A. A POSA Would Not Understand The '843 Patent Family To Incorporate With Particularity The Two-Mirror Assembly Of The '712 And '451 Patent Family | 20 |
| | B. A POSA Would Not Understand The '666 Application To Support The '843 Patent's Claims Even If The '451 And '712 Patents Were Fully Incorporated By Reference | 27 |
| VIII. | CLAIM CONSTRUCTION | 38 |
| | A. "side-by-side" | 38 |
| IX. | THE PRIOR ART AND BACKGROUND EVIDENCE | 40 |
| | A. Prior Art Relied Upon For Anticipation | 40 |
| | 1. U.S. Patent Application Publication No. 2002/0072026 (the "'026 publication")..... | 40 |

Declaration of Dr. Jose Sasian In Support Of
Petition for *Inter Partes* Review of USP 8,128,244

| | | |
|-----|--|----|
| B. | Prior Art Relied Upon For Obviousness Combinations | 41 |
| 1. | International Pub. No. WO 2001/44013 (“Henion”) | 41 |
| 2. | International Pub. No. WO 2001/81956 (“Platzer”) | 42 |
| 3. | U.S. Pat. No. 5,721,646 (“Catlin”)..... | 42 |
| C. | Background Evidence | 43 |
| X. | CLAIMS 1-26 OF THE ‘244 PATENT ARE ANTICIPATED BY THE ’026 PUBLICATION..... | 43 |
| A. | Claim 1 | 44 |
| 1. | Preamble, [a], [b] Exterior sideview mirror assembly | 44 |
| 2. | [d] Plano-auxiliary assembly..... | 46 |
| 3. | [q] Reflective Element Substrates | 47 |
| 4. | [e], [i] Mounted adjacently and outboard..... | 48 |
| 5. | [c] Electrically-operated actuator | 51 |
| 6. | [f] Backing plate mounted to actuator..... | 52 |
| 7. | [h], [k], [l], [m] Support portions and capable of supporting | 54 |
| 8. | [j] Polymeric substrate..... | 56 |
| 9. | [g], [p] Planar and auxiliary field of view, blind spot..... | 56 |
| 10. | [n] Different, angled rearward field of view | 58 |
| 11. | [o] Angled second support portion..... | 59 |
| 12. | [s] Generally coplanar | 60 |
| 13. | [r], [t], [u], [v], [w], [x] Demarcation..... | 61 |
| B. | Claim 2 – Three-degree Angle | 65 |
| C. | Claims 3-5 – Outwardly and/or downwardly | 65 |
| D. | Claim 6 – Adhesive attachment..... | 67 |
| E. | Claims 7, 8, 9, 15, 16 – Multiradius, spheric, and aspheric shapes..... | 68 |
| F. | Claim 10, 19 – Substrate..... | 70 |
| G. | Claim 11 – Curved portion | 72 |
| H. | Claim 12 – Demarcation partitions..... | 74 |
| I. | Claim 13 – Auxiliary mirror heater | 76 |
| J. | Claim 14 – Subtended angle..... | 77 |
| K. | Claim 17 – Relative sizes | 78 |
| L. | Claim 18 – 1 to 24 feet behind | 78 |
| M. | Claim 20, 21, 22 - electro-optic or fixed reflective element | 80 |
| N. | Independent Claim 23..... | 81 |
| 1. | Preamble, claim elements 23[a]-[q] | 81 |
| 2. | [r] Curved substrate | 81 |

Declaration of Dr. Jose Sasian In Support Of
Petition for *Inter Partes* Review of USP 8,128,244

| | | | |
|-----|-----|---|-----|
| | 3. | [s] Joint space | 82 |
| O. | | Claim 24 – “glass substrate” | 84 |
| P. | | Independent Claim 25 | 87 |
| | 1. | Preamble, claim elements 25[a]-[q] | 87 |
| | 2. | [r] Spherically bent glass substrate..... | 88 |
| | 3. | [s] Outwardly and downwardly | 89 |
| | 4. | [t], [u] Total field of view..... | 89 |
| Q. | | Claim 26 – Glass substrate | 90 |
| | | | |
| XI. | | CLAIMS 23-26 OF THE '244 PATENT WOULD HAVE BEEN OBVIOUS OVER HENION, CATLIN, AND PLATZER | 92 |
| | | | |
| A. | | Claim 23..... | 93 |
| | 1. | Preamble, [a], [b] Exterior sideview mirror assembly | 93 |
| | 2. | [c] Electrically-Operated Actuator | 95 |
| | 3. | [d] Plano-auxiliary assembly..... | 96 |
| | 4. | [e] Mounted Adjacently, Side-By-Side, And Not Superimposed | 98 |
| | 5. | [f] Backing Plate mounted to actuator..... | 101 |
| | 6. | [g], [p] Planar and auxiliary mirror fields of view, blind spot..... | 104 |
| | 7. | [h], [k], [l], [m] Support portions and capable of supporting | 106 |
| | 8. | [i] Auxiliary mirror outboard | 108 |
| | 9. | [j] Polymeric substrate..... | 115 |
| | 10. | [n] Different, angled rearward field of view | 119 |
| | 11. | [o] Angled second support portion..... | 121 |
| | 12. | [q] Reflective Element Substrates | 123 |
| | 13. | [r] and [s] Reflectance and Wall..... | 126 |
| B. | | Claim 24..... | 132 |
| | 1. | Preamble and [a] Fixed Reflectance, Spherically Bent..... | 132 |
| | 2. | [b], [c], [d] Curved Backing Plate Adapted to Rearview Mirror With Wall Separator | 138 |
| | 3. | [e] At Least 25 Degrees to Side of Automobile..... | 141 |
| C. | | Claim 25..... | 147 |
| | 1. | Elements [a]-[q]..... | 147 |
| | 2. | [r] Fixed Reflectance, Spherically Bent | 147 |
| | 3. | [s] Outwardly and Downwardly | 148 |
| | 4. | [t] Driver’s-Side Mirror Assembly | 151 |
| | 5. | [u] At least about 25 degrees..... | 151 |

Declaration of Dr. Jose Sasian In Support Of
Petition for *Inter Partes* Review of USP 8,128,244

| | | |
|------|--|-----|
| D. | Claim 26..... | 152 |
| 1. | [a] Metallic Reflector Coating, Curved Backing Plate | 152 |
| 2. | [b] Wall Element | 153 |
| 3. | [c] Adapted Backing Plate..... | 153 |
| XII. | CONCLUSION | 154 |

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.