

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY

Petitioner

v.

ETHANOL BOOSTING SYSTEMS, LLC, and MASSACHUSETTS INSTITUTE
OF TECHNOLOGY,

Patent Owner

Case: IPR2019-01400

U.S. Patent No. 8,069,839

PETITIONER'S REQUEST FOR REHEARING

PURSUANT TO 37 C.F.R. §42.71(d)

TABLE OF CONTENTS

I. INTRODUCTION 1

II. ARGUMENT..... 1

 A. The Board Erred in its Analysis of the Term “above a selected torque value” 1

 1. The Board Erred in Failing to Construe the Term “above a selected torque value” 1

 i. The Board Appears to Have Overlooked Petitioner’s Proposed Construction of the Term “above a selected torque value” 2

 ii. The Board Appears to Have Interpreted the Term “above a selected torque value” More Narrowly than Patent Owner Intended 3

 2. The Board Appears to Have Misapprehended Petitioner’s Arguments Regarding Takehiko Based on Its Overly Narrow Interpretation of the Term “above a selected torque value” 5

 i. The Board Appears to Have Misapprehended Petitioner’s Inherency Argument 7

 3. The Board Appears to Have Misapprehended the Teachings of Kinjiro Based on Its Overly Narrow Interpretation of the Term “above a selected torque value” 9

 4. The Board Appears to Have Misapprehended Petitioner’s Arguments Regarding the Teachings of Rubbert 11

 B. The Board Erred in Its Analysis of the Term “substantially stoichiometric” 11

1.	The Board Appears to Have Misapprehended the Recitation of “lean” in Rubbert, as well as Dr. Clark’s Testimony.....	11
2.	The Board Appears to Have Interpreted the Term “substantially stoichiometric” More Narrowly Than Patent Owner Intended.....	13
3.	The Board Appears to Have Misapprehended Petitioner’s Arguments with Respect to the Three-Way Catalyst	14
III.	CONCLUSION	15

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>01 Communique Lab., Inc. v. Citrix Sys.</i> , 889 F.3d 735 (Fed. Cir. 2018).....	4
<i>AbbVie Inc. v. Mathilda & Terence Kennedy Inst. of Rheumatology Tr.</i> , 764 F.3d 1366 (Fed. Cir. 2014).....	8
<i>AVX Corp. v. Greatbatch Ltd.</i> , IPR2015-00710, Paper 13 (PTAB Jan. 13, 2016).....	13
<i>Geosys-Intl., Inc. v. Farmers Edge Precision Consulting Inc.</i> , IPR2015-00709, Paper 36 (PTAB Nov. 22, 2016)	3
<i>Huawei Device Co., Ltd. v. Optis Cellular Tech., LLC</i> , IPR2018-00816, Paper 19, slip op. (PTAB Jan. 8, 2019).....	4
<i>Kinik Co. v. Chien-Min Sung</i> , IPR2014-01523, Paper 26 (PTAB Nov. 4, 2015)	8, 9
<i>Palo Alto Networks, Inc. v. Juniper Networks, Inc.</i> , IPR2013-00369, Paper 39 (PTAB Feb. 14, 2014)	1
<i>Pernix Ir. Pain DAC v. Alvogen Malta Operations Ltd.</i> , 323 F. Supp. 3d 566 (D. Del. 2018).....	8
<i>Star Fruits S.N.C. v. United States</i> , 393 F.3d 1277 (Fed. Cir. 2005).....	1
OTHER AUTHORITIES	
37 C.F.R. §§42.6(e), 42.105.....	17
37 C.F.R. § 42.71(d)	1, 17

LIST OF EXHIBITS

Exhibit	Short Name	Description
Ex. 1001	'839 Patent	U.S. Patent No. 8,069,839
Ex. 1002	'839 File History	File History of U.S. Patent No. 8,069,839
Ex. 1003	Clark Declaration	Declaration of Dr. Nigel N. Clark under 37 C.F.R. §1.68
Ex. 1004	Clark CV	<i>Curriculum Vitae</i> of Dr. Nigel N. Clark
Ex. 1005	Kobayashi	U.S. Patent No. 7,188,607
Ex. 1006	RESERVED	RESERVED
Ex. 1007	Rubbert	German Patent Application No. DE19853799
Ex. 1008	Kinjiro	Japanese Patent Application Publication No. JP2002227697
Ex. 1009	RESERVED	RESERVED
Ex. 1010	RESERVED	RESERVED
Ex. 1011	RESERVED	RESERVED
Ex. 1012	RESERVED	RESERVED
Ex. 1013	RESERVED	RESERVED
Ex. 1014	RESERVED	RESERVED
Ex. 1015	RESERVED	RESERVED
Ex. 1016	RESERVED	RESERVED
Ex. 1017	RESERVED	RESERVED
Ex. 1018	'572 File History	File History of U.S. Patent No. 7,971,572

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.