

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ Corporation and Keystone Automotive Industries, Inc.
Petitioners

v.

GM Global Technology Operations LLC
Patent Owner

Case IPR2020-00065
Patent No. D813,120

**PATENT OWNER'S
PRELIMINARY RESPONSE**

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EXHIBIT LIST

Exhibit No.	Description
2001	Irwin Letter Re LKQ Petition No. 68 for Relief from Seizure and Forfeitures Notices, September 28, 2017
2002	General Motors Electronic Parts Catalog – 2017 Chevrolet Sonic Hood
2003	Declaration of Timothy P. Ketner

I. INTRODUCTION

LKQ's Petition is deficient in numerous ways, any one of which would warrant denial; collectively, they compel it. *See Deeper, UAB v. Vexilar, Inc.*, IPR2018-01310, Paper 7 (PTAB Jan. 24, 2019) (denying petition where the majority of challenged claims and grounds failed to meet the reasonable likelihood of success standard).

The fundamental problem with LKQ's Petition, which pervades the entirety of its analysis, is that it simply fails to address the design's claimed features. The design claimed in the '120 Patent includes nuanced surfaces and a smoothly curved profile with a continuously sloping lead portion, and distinct corners/transitions where distal ends of the front perimeter edge meet the side perimeter edges. Rather than address the claimed features, and their differences from the purported prior art—which LKQ fails to establish are all, in fact, prior art publications—LKQ takes an overly-general approach that obscures the design without meaningful analysis. LKQ's overgeneralizations not only lead it to misstate the scope of the claimed invention, they result in a petition that summarily refers to differences as *de minimis*; ignores multiple, readily apparent differences between the claimed invention and the purported prior art; and fails to conduct any meaningful analysis showing that its proposed combination would be substantially identical to the design claimed in the '120 Patent. Moreover, the Petition

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