

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LKQ Corporation and Keystone Automotive Industries, Inc.  
Petitioners

v.

GM Global Technology Operations LLC  
Patent Owner

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Case IPR2020-00534  
Patent No. D797,625

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**PATENT OWNER'S RESPONSE**

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### EXHIBIT LIST

<b>Exhibit No.</b>	<b>Description</b>
2001	Declaration of Joseph A. Herriges
2002	Ken Kuchling, <i>How Many Car Models Are Out There?</i> , LinkedIn (October 2, 2017), <a href="https://www.linkedin.com/pulse/how-many-car-models-out-ken-kuchling/">https://www.linkedin.com/pulse/how-many-car-models-out-ken-kuchling/</a> .
2003	Irwin Letter Re LKQ Petition No. 68 for Relief from Seizure and Forfeitures Notices, September 28, 2017
2004	Declaration of Tom Peters
2005	REPLACE Brand Vehicle Front Fender, <a href="https://www.carid.com/replace/front-driver-side-fender-mpn-gm1240402c.html">https://www.carid.com/replace/front-driver-side-fender-mpn-gm1240402c.html</a> , retrieved October 2, 2020
2006	Transcript of Deposition of Mr. Hill (October 19, 2020)
2007	Transcript of Deposition of Mr. Gandy (October 22, 2020)

## I. INTRODUCTION

LKQ's Petition is premised on a superficial and overly simplistic analysis that ignores all but two differences between the '625 Patent's design and the primary reference, Lian. The reason for this flawed approach is plain: there are numerous features that contribute to the '625 Patent's overall appearance nowhere to be found in the prior art, so LKQ glosses over them or summarily refers to the differences as "*de minimis*." This is far from sufficient for LKQ to meet its burden, and the Board should reject LKQ's arguments in their entirety.

With rare exception, every car on the road has a front fender, and many of those fenders share generic concepts mentioned in the Petition. What makes the design claimed in the '625 Patent unique is not the presence or absence of common features, but the details in the claimed design that stand out in the crowded field—features that an ordinary observer would believe are significant and contribute to the overall design. These features include a unique perimeter shape; an upper “protrusion” having a distinct three-dimensional shape with a consistently-proportioned top surface; and coordinated sculpting of the surfaces that includes smooth, arcing shapes. Ex. 2004, ¶¶10-17, 28-47. The detail of this design provides a distinct and cohesive overall appearance to the ordinary observer, which is nowhere to be found in the prior art, and which (in many cases) LKQ fails to address at all.

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