

# Petitioners' Oral Argument Demonstratives

**Bayerische Motoren Werke Aktiengesellschaft &  
BMW of North America, LLC,  
Petitioners**

**v.**

**Paice LLC & The Abell Foundation, Inc.,  
Patent Owners**

**IPR2020-01299  
U.S. Patent No. 8,630,761**



# Only Purported Inventive Aspect of Challenged Claim Concerns “Pattern”-Related Limitations

## Independent Claim 1:

1. A method of operation of a hybrid vehicle, comprising steps of:

storing and supplying electrical power from a battery bank, applying torque to road wheels of said hybrid vehicle from one or both of an internal combustion engine and at least one traction motor, and controlling flow of torque between said internal combustion engine, said at least one traction motor, and said road wheels, and controlling flow of electrical power between said battery bank and said at least one traction motor employing a controller, and

wherein said controller derives a predicted near-term pattern of operation of said hybrid vehicle by monitoring operation of said hybrid vehicle; and controls operation of said at least one traction motor and said internal combustion engine for propulsion of said hybrid vehicle responsive to said derived near-term predicted pattern of operation of said hybrid vehicle.

Well known  
hybrid control  
strategy  
[a]-[d]

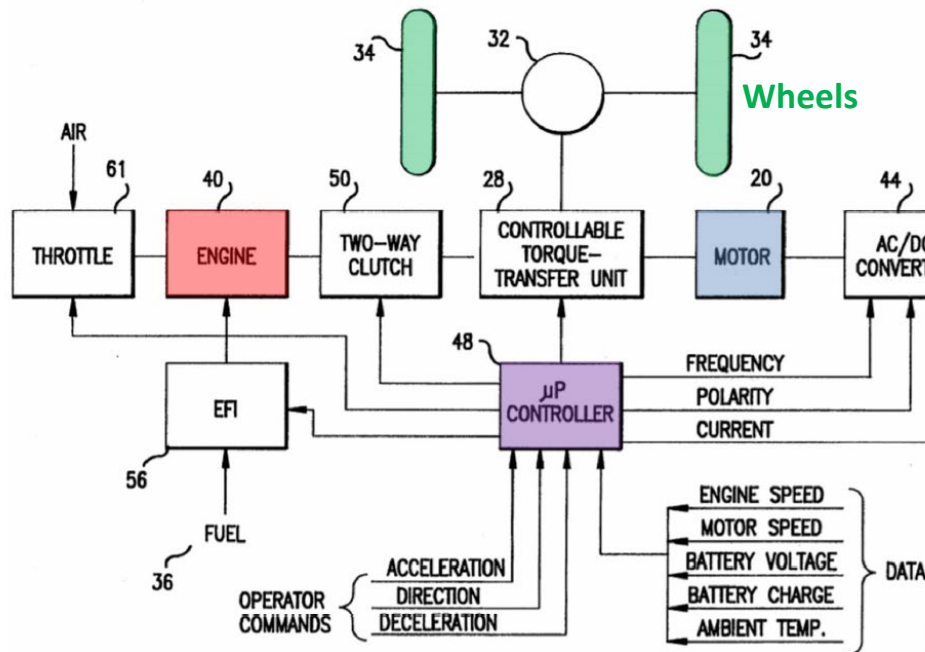
Incorporating  
pattern into  
control strategy  
[e]-[f]

PO does not contend that there are any patentable distinctions between claims with respect to Petitioners’ grounds

## Only Purported Inventive Aspect of Challenged Claim Concerns “Pattern”-Related Limitations

No dispute that limitations [a]-[d] are disclosed by Severinsky’s controller:

- [a] storing and supplying electrical power from a battery bank;
- [b] applying torque to road wheels from an engine or a motor;
- [c] controlling flow of torque between the engine, motor, and wheels;
- [d] controlling flow of electrical power between the battery bank and motor employing a controller;



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[e] wherein said controller derives a predicted near-term pattern of operation of said hybrid vehicle by monitoring operation of said hybrid vehicle; and

### Board’s Construction:

“predicted near-term pattern of operation”

“an expected pattern of operation”

[f] controls operation of said at least one traction motor and said internal combustion engine for propulsion of said hybrid vehicle responsive to said derived near-term predicted pattern of operation of said hybrid vehicle.

**Control merely “responsive to” expected pattern**

## Only Purported Inventive Aspect of Challenged Claim Concerns the “Pattern”-Related Limitations

### Applicant amended claims and argued around Severinsky ('970 Patent) during prosecution:

More particularly, independent claims 17 and 23 have both been amended hereby to recite that the controller performs the separate steps of monitoring vehicle operation to derive a predicted pattern of operation, and then controlling vehicle operation accordingly. The '970 patent discloses only that the vehicle is operated in different modes responsive to vehicle speed, makes this mode determination strictly in real time, and says nothing about predicting a pattern of operation, and altering vehicle operation accordingly.

\* \* \*

operating any vehicle, and therefore any vehicle must be designed to accomplish both properly. But in this case, it is the vehicle designer who anticipates highway and low-speed driving, and incorporates the necessary components into the vehicle to permit the vehicle to perform in both modes. And, of course, the designer incorporates the necessary components well before the vehicle actually experiences these conditions. This is very different from the vehicle's controller monitoring operation of the particular vehicle and using this data to predict future operational patterns accordingly, as claimed.

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