

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MOMENTUM DYNAMICS CORPORATION,  
Petitioners

v.

WITRICITY CORPORATION,  
Patent Owner

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Case IPR2021-01116  
Patent 9,767,955

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**LIST OF EXHIBITS**

<b>Exhibit No.</b>	<b>Description</b>
EX2001	UK Patent Application No. GB 2,399,225 (“Beart-GB”)
EX2002	U.S. Patent No. 6,888,438 (“Hui-438”)

## I. INTRODUCTION

WiTricity Corporation and Auckland Uniservices Ltd. (collectively “Patent Owner”)<sup>1</sup> submit this Preliminary Response to the Petition for *inter partes* review (“IPR”) of U.S. Patent No. 9,767,955 (the “’955 Patent”) filed by Momentum Dynamics Corporation (“Petitioner”). As explained below, Petitioner has failed to carry its burden to show a reasonable likelihood that at least one of the challenged claims is unpatentable. Thus, the Board should deny the Petition, and no IPR proceeding should be instituted.

For example, anticipation Ground 1 based on Hui-910 (EX1005) fails due to its reliance on an improper claim construction. As discussed in more detail below, Petitioner’s proposed construction interprets the independent claims to exclude the “a shield member”—one of two independently recited claim elements. Ground 1 applies this construction, and thus fails to address this improperly excluded claim element.

In addition, obviousness Ground 2 based on Hui-910 and Beart (EX1006) fails to show that a POSITA would have been motivated to combine the teachings

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<sup>1</sup> As noted in the Mandatory Notices, WiTricity Corporation is an exclusive licensee of the ’955 patent, which is owned by Auckland UniServices Limited. *See* Paper 4, 1.

of Beart and Hui-910 in the manner proposed. Petitioner’s analysis ignores fundamental design differences between the systems of Hui-910 and Beart, and, in so doing, fails to show that Beart’s sidewall (which Petitioner alleges forms part of the claimed “shield member”) would provide any added benefit to Hui-910, much less any benefit that would have motivated a POSITA to perform the combination.

As to Ground 3—obviousness based on Nakao (EX1007) in view of Beart—Petitioner fails to show that a POSITA would have been motivated to combine the teachings of Beart and Nakao in the manner proposed. Specifically, the Petition ignores the detrimental effects that the proposed modifications to Nakao would have on Nakao’s principle of operation. As shown below, these effects would frustrate the intended purpose of Nakao’s invention, which would lead a POSITA not to perform the proposed combination.

In light of these deficiencies, the Petition fails to show a reasonable likelihood that any challenged claim is unpatentable. Thus, the Board should deny the Petition, and no IPR proceeding should be instituted.

## **II. SUMMARY OF THE ’955 PATENT**

The ’955 Patent is directed to “Inductive Power Transfer (IPT) pad[s]” for charging electric vehicles. EX1001, 1:18-20. Two IPT pads are used in combination to wirelessly transfer power from a transmitter pad to a receiver pad. *Id.*, Abstract, 4:1-5, cl. 13.

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