Filed: February 7, 2020

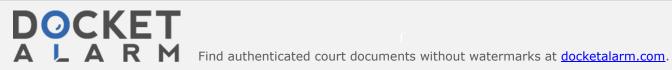
UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
FORD MOTOR COMPANY,
PETITIONER,
V.
CARRUM TECHNOLOGIES, LLC,
PATENT OWNER.
Case No. IPR2020-00055
U.S. Patent No. 7,512,475

TITLE: AUTOMATIC LATERAL ACCELERATION LIMITING AND NON THREAT TARGET REJECTION

PATENT OWNER'S PRELIMINARY RESPONSE UNDER 35 U.S.C. § 313 AND 37 C.F.R. § 42.107

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Cases

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