

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION

Petitioner

Patent No. 6,738,697

Issue Date: May 18, 2004

Title: TELEMATICS SYSTEM FOR VEHICLE DIAGNOSTICS

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 6,738,697
PURSUANT TO 35 U.S.C. § 312 and 37 C.F.R. § 42.104**

Case No. IPR2013-00412

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EXHIBITS

- Exhibit 1001 U.S. Patent No. 6,738,697 to Breed
- Exhibit 1002 Fry, “Diesel Locomotive Reliability Improvements by System Monitoring,” Proceedings of the Institution of Mech. Engineers, Part F: Journal of Rail and Rapid Transit
- Exhibit 1003 Japanese Unexamined Patent Application Publication JP H01-197145 to Ishihara et al.
- Exhibit 1004 English translation of Japanese Unexamined Patent Application Publication JP H01-197145 to Ishihara et al. and associated Affidavit attesting to the accuracy of the translation
- Exhibit 1005 U.S. Patent No. 5,157,610 to Asano et al.
- Exhibit 1006 File History of U.S. Patent No. 6,738,697 to Breed
- Exhibit 1007 American Vehicular Sciences LLC’s Infringement Contentions, *American Vehicular Sciences LLC v. Toyota Motor Corp. et al.*, No. 6:12-CV-405 (E.D. Tex.), Jan. 18, 2013
- Exhibit 1008 Expert Declaration of Scott Andrews

Pursuant to 35 U.S.C. §§ 311-319 and 37 C.F.R. Part 42, real party in interest, Toyota Motor Corporation (“Toyota” or “Petitioner”) respectfully requests *inter partes* review of claims 1, 2, 5, 10, 17-21, 26, 27, 32, 40, and 61 of U.S. Patent No. 6,738,697 (“the ’697 patent”), filed on July 3, 2002, and issued on May 18, 2004, to David S. BREED, and currently assigned to American Vehicular Sciences LLC (“AVS” or “the Patent Owner”) according to the U.S. Patent and Trademark Office (“the US PTO”) assignment records. There is a reasonable likelihood that Petitioner will prevail with respect to at least one claim challenged in this Petition.

I. MANDATORY NOTICES (37 C.F.R. § 42.8)

A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))

Petitioner, Toyota, is the real party-in-interest.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

The ’697 patent has been asserted by the Patent Owner in the following litigations in the U.S. District Court for the Eastern District of Texas: *American Vehicular Sciences LLC v. Toyota Motor Corp. et al.*, No. 6:12-CV-405, filed Jun. 25, 2012 (hereinafter, “AVS 405 Litigation”); *American Vehicular Sciences LLC v. BMW Grp. A/K/A BMW AG et al.*, No. 6:12-CV-412, filed Jun. 25, 2012; *American Vehicular Sciences LLC v. Hyundai Motor Co. et al.*, No. 6:12-CV-776, filed Oct. 15, 2012; *American Vehicular Sciences LLC v. Kia Motors Corp.*, No. 6:13-CV-148, filed Feb. 13, 2013; *American Vehicular Sciences LLC v. American Honda Motor Co., Inc. et al.*, No. 6:13-CV-

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