

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION,
Petitioner,

v.

AMERICAN VEHICULAR SCIENCES LLC,
Patent Owner.

Case IPR2013-00417
Patent 8,036,788 B2

Before JAMESON LEE, BARBARA A. PARVIS, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

INTRODUCTION

On July 8, 2013, Toyota Motor Corporation (“Toyota”) filed a petition requesting an *inter partes* review of claims 1, 3, 4, 6, 7, 8, 9, 11, 15, 16, and 18 of U.S. Patent No. 8,036,788 B2 (Ex. 1001, “the ’788 Patent”). Paper 1 (“Pet.”). The patent owner, American Vehicular Sciences LLC (“AVS”), filed a preliminary response. Paper 11 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides as follows:

THRESHOLD – The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of Toyota’s petition and AVS’s preliminary response, we determine that the information presented in the petition establishes that there is a reasonable likelihood that Toyota would prevail in showing unpatentability of claims 1, 3, 4, 6, 7, 8, 9, 11, 15, 16, and 18 of the ’788 Patent. Accordingly, pursuant to 35 U.S.C. § 314, we institute an *inter partes* review for claims 1, 3, 4, 6, 7, 8, 9, 11, 15, 16, and 18 of the ’788 Patent.

A. *Related Proceedings*

The ’788 Patent is involved the following co-pending litigation:
American Vehicular Sciences LLC v. Toyota Motor Corp. et al., No. 6:12-

CV-405 (E.D. Tex. filed July 20, 2012).¹

B. The '788 Patent Disclosure

The '788 Patent discloses a system and a method for monitoring the condition of a vehicle. Ex. 1001, col. 3, ll. 35-38; col. 4, ll. 1-14. Sensors monitor components of the vehicle and are connected to a diagnostic module. *Id.* at col. 3, ll. 39-41, 46 -47. The diagnostic module determines an actual or potential failure of the component or subsystem. *Id.* at col. 3, ll. 49-50. The diagnostic module controls a communications unit that communicates through a wireless communications network with a remote site. *Id.* at col. 3, ll. 38-39, 48. The remote site is any site or location interested in receiving information about the diagnostic or prognostic status of the components of the vehicle. *Id.* at col. 3, ll. 53-56. The '788 Patent describes diagnostics as generally determining the present condition of the component. *Id.* at col. 7, ll. 41-42. The '788 Patent describes prognostics as determining when a component will fail. *Id.* at col. 7, ll. 45-46.

The method described collects status data for vehicle maintenance and monitors a triggering event on a vehicle. Ex. 1001, col. 4, ll. 42-49. The triggering event relates to a diagnostic or prognostic analysis of at least one component or subsystem of the vehicle. *Id.* The triggering event initiates a transmission between the communications unit and a remote site. *Id.* The transmission includes a diagnostic or prognostic message about the component or subsystem, e.g., a message about a failure, predicted failure, or fault code generation of the component or subsystem. *Id.*

¹ Toyota states that the '788 patent is the subject of additional litigation proceedings pending in the Eastern District of Texas, none of which name Toyota as a defendant. Pet. 1.

Figure 3 of the '788 Patent is reproduced below:

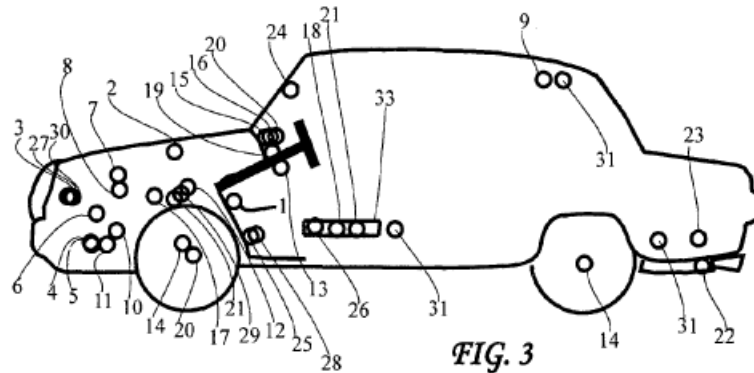


Figure 3 is a schematic of a vehicle illustrating a total diagnostic system utilizing the diagnostic module. Ex. 1001, col. 20, ll. 32-36. The sensors shown in Figure 3 are mounted on components within the engine of the vehicle including, among other sensors, the following: microphone 2, coolant thermometer 3, oil pressure sensor 4, oil level sensor 5, air flow meter 6, voltmeter 7, ammeter 8, engine knock sensor 10, oil turbidity sensor 11, throttle position sensor 12, oxygen sensor 17, transmission fluid level sensor 25, coolant level sensor 27, transmission fluid turbidity sensor 28, brake pressure sensor 29, and coolant pressure sensor 30. *Id.* at Figs. 3, 4; col. 20, l. 59–col. 21, l. 10.

Figure 20C of the '788 Patent is reproduced below:

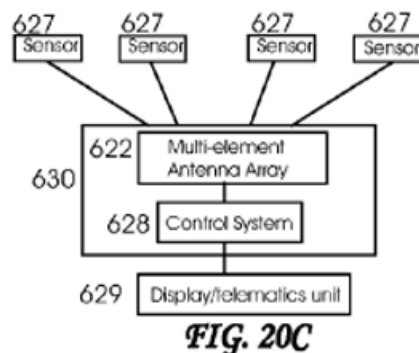


Figure 20C is a block diagram showing a general system for obtaining information about a vehicle or vehicle component. Ex. 1001, col. 54, ll. 26-27. Control system 628 is coupled to and controls antenna array 622, enabling reception of return signals from sensors 627. *Id.* at col. 54, ll. 40-43. The information is directed to display/telematics/adjustment unit 629 where the information can be displayed on display 629 to the driver and sent to a remote location for analysis via a telematics unit 629. *Id.* at col. 54, ll. 61-66.

C. Exemplary Claims

Claims 1 and 4 are the only two independent claims of the challenged claims, and are reproduced below:

1. A method for providing status data for vehicle maintenance, comprising:

monitoring for a triggering event on a vehicle having a wireless communications unit, the triggering event relating to a diagnostic or prognostic analysis of at least one of a plurality of different components or subsystems of the vehicle; and

initiating a wireless transmission between the communications unit and a remote site separate and apart from the vehicle in response to the triggering event, the transmission including a diagnostic or prognostic message about the at least one component or subsystem.

4. A system for providing status data for vehicle maintenance, comprising:

a diagnostic module including at least one sensor for monitoring a plurality of different components or subsystems of the vehicle, said diagnostic module being arranged to analyze monitoring data provided by said at least one sensor and detect a triggering event relating to a diagnostic or prognostic analysis of at least one of the plurality of different components or subsystems of the vehicle; and

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