

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION
Petitioner

v.

AMERICAN VEHICULAR SCIENCES LLC
Patent Owner

Patent Number: 8,036,788
Title: VEHICLE DIAGNOSTIC OR PROGNOSTIC MESSAGE
TRANSMISSION SYSTEMS AND METHODS

Case IPR2013-00417

**PATENT OWNER'S MOTION TO AMEND
PURSUANT TO 37 C.F.R. § 42.21**

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Paperless Accounting, Inc. v. Bay Area Rapid Transit Sys.,
804 F.2d 659 (Fed. Cir. 1986)9

Rules

37 C.F.R. § 42.1211

I. INTRODUCTION

Patent Owner American Vehicular Sciences LLC (“AVS”) submits the following Motion to Amend under 37 C.F.R. § 42.121 in connection with the above-captioned *inter partes* review of U.S. Patent No. 8,036,788 (“the 788 patent”). AVS respectfully submits that its Motion satisfies AVS’s burden of proof that its proposed substitute claims are patentable and supported by written description.

II. LISTING OF SUBSTITUTE CLAIMS

AVS seeks to cancel claims 1, 3, 4, 6, 7, 8, 11, 15, 16 and 18 of the 788 patent.¹ Proposed substitute claims 22 through 31 are set forth below, with additions to the language of the corresponding issued claim indicated by underlining and any deletions indicated by bracketing. Substitute claims 22 and 24 are independent claims to which additional limitations have been added. The remaining substitute claims are dependent claims that are only being amended to reflect the change in dependency.

¹ For clarity, AVS notes that it is simultaneously filing a Patent Owner’s Response in this *inter partes* review. AVS’s Patent Owner’s Response requests that the patentability of claim 9 be confirmed. AVS is not seeking to cancel claim 9 and AVS has not proposed a substitute claim for claim 9.

Claim 22 (substitute for claim 1): A method for providing status data for vehicle maintenance, comprising:

monitoring for a triggering event on a vehicle during operation of the vehicle on a road 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;

wherein the diagnostic or prognostic message includes an identification of the at least one component or subsystem and an identification of whether the at least one component or subsystem should be either repaired or replaced.

Claim 23 (substitute for claim 3) The method of claim [1] 22, wherein the triggering event is a failure, predicted failure or fault code generation of the at least one component or subsystem.

Claim 24 (substitute for claim 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 during operation of the

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