

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 No. 6,772,057

Issue Date: August 3, 2004

Title: VEHICULAR MONITORING SYSTEMS USING IMAGE PROCESSING

NOTICE OF APPEAL

Case No. IPR2013-00419

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2, notice is hereby given that the petitioner in the above-captioned *inter partes* review proceeding, Toyota Motor Corporation (“Petitioner”), appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered by the Patent Trial and Appeal Board (“Board”) on January 12, 2015, including all reviewable decisions and orders underlying that Final Written Decision.

In compliance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner anticipates that the following issues will be raised on appeal:

1. Whether the Board erred when it determined that Lemelson (Ex. 1002) did not disclose a “trained pattern recognition algorithm generated from data of possible exterior objects and patterns of received waves from the possible exterior objects.”
2. Whether the Board erred when it determined that a process term in apparatus claims, “generated from data of possible exterior objects and patterns of received waves from the possible exterior objects,” was a limitation for the purpose of assessing patentability over the prior art, and when it construed that limitation to require an algorithm generated from data of, and patterns of received waves from, actual objects.

3. Further to (2), whether the Board erred by placing the burden on Petitioner to demonstrate that the disputed term was not a limitation, and by determining that Petitioner's argument was untimely.
4. Whether the Board erred when it determined that Petitioner had not met its burden of proving that claims 1-4, 7-10, 31, 41, 56, 59-62, and 64 are unpatentable.

Dated: March 16, 2015


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CERTIFICATE OF FILING AND SERVICE

The undersigned hereby confirms that the foregoing Notice of Appeal was served on March 16, 2015 via e-mail upon the following counsel of record for Patent Owner:

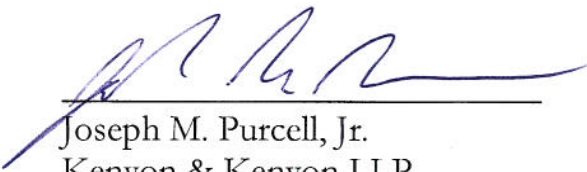
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The undersigned hereby confirms that the original of the foregoing Notice of Appeal was filed on March 16, 2015 with the Director of the United States Patent and Trademark Office via Express Mail (Priority Mail Express) (label # EK 670019756 US) at the following address (in addition to being filed with the Board via PRPS):

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box. 1450
Alexandria, VA 22313-1450

The undersigned hereby confirms that three (3) true and correct copies of the foregoing Notice of Appeal were filed in the Clerk's Office of the United States Court of Appeals for the Federal Circuit via Express Mail (Priority Mail Express) (label # EK 670019787 US), with the \$500 docketing fee, at the following address:

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