

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION

Petitioner

v.

Patent of AMERICAN VEHICULAR SCIENCES

Patent Owner

Patent No. 6,772,057

Issue Date: August 3, 2004

Title: VEHICLE MONITORING SYSTEMS USING IMAGE PROCESSING

**PATENT OWNER'S RESPONSE
PURSUANT TO 37 CFR § 42.120**

Case No. IPR2013-00419

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I. INTRODUCTION

Patent Owner American Vehicular Sciences (“AVS”) submits the following response under 37 CFR §42.120 to the Petition filed by Toyota Motor Corporation (“Toyota”) requesting *inter partes* review of certain claims of U.S. Pat. No. 6,772,057 (“the ‘057 patent”). This filing is timely pursuant to the Board’s Scheduling Order and the parties’ stipulation extending the deadline to March 20, 2014. (*See* Paper 20, Scheduling Order (“The parties may stipulate to different dates for DUE DATES 1 through 3 (earlier or later, but no later than DUE DATE 4).”); Paper 30, Notice of Stipulation).)

AVS respectfully submits that the arguments presented and the additional evidence submitted, such as testimony from AVS expert Professor Cris Koutsougeras, PhD, show that at least claims 1-4, 7-10, 31, 41, 56, 59-62, and 64 of the ‘057 patent are not anticipated or obvious in view of the grounds for review. AVS also reiterates the arguments with respect to claims 30, 32-34 and 37-39.

Specifically, none of the prior art raised in the grounds for review discloses a key requirement in claims 1-4, 7-10, 31, 41, 56, 59-62, and 64 of the ‘057 patent—a “pattern recognition algorithm generated from data of possible exterior objects and patterns of received waves from the possible exterior objects.” (*See* Exhibit 1001, ‘057 patent at independent claims 1 and 56 and dependent claims 31 and 41 (emphasis added).) In other words, these claims require a pattern recognition

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