

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 PRELIMINARY RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 6,772,057 PURSUANT TO 35 U.S.C. §§ 42.107**

Case No. IPR2013-00419

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I. INTRODUCTION

Patent Owner American Vehicular Sciences (“American”) submits the following preliminary response to the Petition filed by Toyota Motor Corporation (“Toyota”) requesting *inter partes* review of claims 1-4, 7-10, 30-34, 37-41, 43, 46, 48, 49, 56, 59-62, and 64 of U.S. Pat. No. 6,772,057 (“the ‘057 patent”). This filing is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107 because it is filed within three months of the July 17, 2013 mailing date of the Notice granting the Petition a July 8, 2013 filing date.

“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 . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged” 35 U.S.C. § 314(a) (emphasis added). Here, the prior art cited by Toyota, either alone or in combination, fails to disclose each and every limitation of claims 1-4, 7-10, 30-34, 37-41, 43, 46, 48, 49, 56, 59-62, and 64 of the ‘501 patent. Indeed, not a single ground raised by Toyota in its Petition is likely to succeed. As such, Toyota’s proposed grounds for *inter partes* review do not give rise to a reasonable likelihood that Toyota will prevail with respect to any of the challenged claims of the ‘057

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