

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. 5,845,000

Issue Date: December 1, 1998

Title: OPTICAL IDENTIFICATION AND MONITORING SYSTEM USING
PATTERN RECOGNITION FOR USE WITH VEHICLES

NOTICE OF APPEAL

Case No. IPR2013-00424

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 supporting that Final Written Decision.

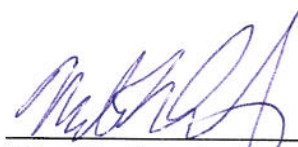
In compliance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner anticipates that the following issues will be raised on appeal:

1. Whether the Board erred when it determined that Lemelson (Ex. 1002) did not disclose a “pattern recognition algorithm generated from data of possible exterior objects and patterns of received electromagnetic illumination from the possible exterior objects” or a “pattern recognition algorithm generated from data of possible sources of radiation including lights of vehicles and patterns of received radiation from the possible sources.”
2. Whether the Board erred when it determined that process terms in apparatus claims, “generated from data of possible exterior objects and patterns of received electromagnetic illumination from the possible exterior objects” and “generated from data of possible sources of

radiation including lights of vehicles and patterns of received radiation from the possible sources,” were limitations for the purpose of assessing patentability over the prior art, and when it construed those limitations to require algorithms generated from data of, and patterns received electromagnetic illumination or radiation from, actual objects.

3. Further to (2), whether the Board erred by placing the burden on Petitioner to demonstrate that the disputed terms were not limitations, and by determining that Petitioner’s arguments were untimely.
4. Whether the Board erred when it determined that Petitioner had not met its burden of proving that claims 10, 11, 16, 17, 19, 20, and 23 are unpatentable.

Dated: March 16, 2015



Matt Berkowitz (Reg. No. 57,215)

Matt Berkowitz (Reg. No. 57,215)
Lead Counsel for Petitioner
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212-425-7200
Fax: 212-425-5288

Thomas R. Makin
A. Antony Pfeffer (Reg. No. 43,857)
Back-Up Counsel for Petitioner
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212-425-7200
Fax: 212-425-5288

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:

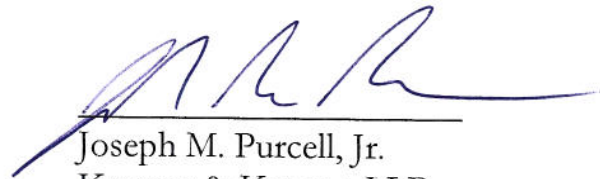
Thomas J. Wimbiscus
Scott P. McBride
Christopher M. Scharff
twimbiscus@mcandrews-ip.com
smcbride@mcandrews-ip.com
cscharff@mcandrews-ip.com
AVS-IPR@mcandrews-ip.com
MCANDREWS HELD & MALLOY, LTD.
500 W. Madison St., 34th Floor
Chicago, IL 60661

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 670019742 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 670019813 US), with the \$500 docketing fee, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20439



Joseph M. Purcell, Jr.
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212-425-7200
Fax: 212-425-5288