

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR CORPORATION

Petitioner

v.

AMERICAN VEHICULAR SCIENCES

Patent Owner

Patent No. 6,772,057 and 5,845,000

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**JOINT SUMMARY OF ISSUES FOR THE CONFERENCE CALL**

Case No. IPR2013-00419 and IPR2013-00424

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## **Parties Joint Statement of Facts**

Two disputes have arisen in connection with the May 5<sup>th</sup> deposition by Petitioner of Patent Owner's expert witness, Dr. Koutsougeras, who submitted declarations in each of IPR2013-00419 and IPR2013-00424. First, at one point in the deposition, the parties had a disagreement about the propriety of a line of questioning by Petitioner relating to the obviousness to one of ordinary skill in the art of a limitation required by many of the challenged claims. Toyota asked whether "[a]s of 1993, would it have been obvious to one of ordinary skill in the art to at least try generating the pattern recognition algorithm of Lemelson using real objects?" (correcting a transcription error in the rough). AVS's expert responded that "Obviousness was not alleged by Toyota ...." AVS stopped the deposition to seek a protective order. It was after 6:00 pm EST, and the parties were unable to reach the Board. Toyota then asked a similar question (again corrected from the rough), "Doctor, as of 1993 would it have obvious to one of ordinary skill in the art to at least try generating the pattern recognition algorithm from data of possible exterior objects and patterns of received waves from the possible exterior objects?" AVS instructed the witness not to answer. Toyota continued the deposition on other topics. Second, on the day of the deposition, Patent Owner provided Petitioner with an errata sheet to Dr. Koutsougeras's declaration in the -419 IPR proceeding, and later elicited testimony about the same.

DATE: May 7, 2014

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that the **JOINT SUMMARY OF ISSUES FOR CONFERENCE CALL** in connection with *Inter Partes* Review Case IPR2013-00419 and IPR2013-00424 was served on this 7<sup>th</sup> day of May by electronic mail to the following:

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