

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

Patent No. 6,772,057

Issue Date: Aug. 3, 2004

Title: VEHICULAR MONITORING SYSTEMS USING IMAGE PROCESSING

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**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 6,772,057  
PURSUANT TO 35 U.S.C. § 312 and 37 C.F.R. § 42.104**

Case No. IPR2015-00261

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## EXHIBITS

Exhibit 1101	U.S. Patent No. 6,772,057 to Breed et al.
Exhibit 1102	U.S. Patent No. U.S. Patent No. 6,553,130 to Lemelson et al.
Exhibit 1103	File History for U.S. Patent Application No. 08/105,304
Exhibit 1104	European Patent Application No. 93112302 (Publication No. 0582236A1) to Nishio
Exhibit 1105	U.S. Patent No. 5,245,422 to Borcherts et al.
Exhibit 1106	Expert Declaration of Nikolaos Papanikolopoulos, Ph.D.

Pursuant to 35 U.S.C. §§ 311-319 and 37 C.F.R. Part 42, Toyota Motor Corporation (“Toyota” or “Petitioner”) respectfully requests *inter partes review* of claims 1-4, 7-10, 31, 41, 56, 59-62 and 64 of U.S. Patent No. 6,772,057 (“the ’057 patent”), filed on Nov. 22, 2002, and issued on Aug. 3, 2004, to David S. BREED, and currently assigned to American Vehicular Sciences LLC (“AVS”) according to the U.S. Patent and Trademark Office (“the USPTO”) assignment records. There is a reasonable likelihood that Petitioner will prevail with respect to at least one claim challenged in this Petition.

This Petition for *Inter Partes Review* is being filed along with a motion requesting joinder with the pending *inter partes review* initiated by Mercedes-Benz USA LLC (“Mercedes”) concerning the ’057 patent: *Mercedes-Benz USA LLC, v. American Vehicular Sciences, LLC*, Case No. IPR2014-00646 (“Mercedes 646 IPR”). This Petition does not propose any additional grounds beyond those that were instituted in the Mercedes 646 IPR. The only differences are that Toyota (1) does not request review of claims 16, 30, 40, 43, 46, 77, 78, or 81-83, which are issue in the Mercedes 646 IPR, (2) only requests review based on Grounds B-D, and (2) requests review of dependent claims 3, 8-10 and 64, which are not at issue in the Mercedes 646 IPR. Although Toyota requests review of additional dependent claims that are not specifically at issue in the Mercedes 646 IPR, Toyota requests review of these claims based on the same obviousness combinations set forth in instituted Grounds B and C. Addition of these claims will not create any additional issues or complicate the

proceeding. These additional claims recite limitations that are disclosed in the primary Lemelson reference relied upon in these Grounds and do not necessitate consideration of additional references or obviousness issues. Moreover, in a prior proceeding (IPR2013-00419) on the '057 patent involving Toyota and AVS, these claims were not separately disputed (beyond the disputes concerning the independent claims from which they depend and which are already at issue in the Mercedes 646 IPR).

**I. MANDATORY NOTICES (37 C.F.R. § 42.8)**

**A. Real Party-in-Interest (37 C.F.R. § 42.8(b)(1))**

Petitioner, Toyota, is the real party-in-interest.

**B. Related Matters (37 C.F.R. § 42.8(b)(2))**

The '057 patent is currently the subject of the following litigations: *American Vehicular Sciences LLC v. Toyota Motor Corp. et al.*, No. 14-CV-13019 (E.D. Mich.) (“AVS Litigation”), which was transferred from the District Court for the Eastern District of Texas in a litigation originally styled as *American Vehicular Sciences LLC v. Toyota Motor Corp. et al.*, No. 6:12-CV-410. Petitioner is a named defendant in the AVS Litigation. The earliest that Petitioner or any of its subsidiaries was served with the complaint was July 26, 2012. Petitioner previously filed a petition for *inter partes* review in IPR 2013-00419 on July 12, 2013 asserting invalidity of claims 1-4, 7-10, 30-34, 37-41, 43, 46, 48, 49, 56, 59-62 and 64 of the '057 patent. On January 13, 2014

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