UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRW AUTOMOTIVE U.S. LLC Petitioner v.

MAGNA ELECTRONICS INC.
Patent Owner

Case IPR2015-00436 Patent 8,599,001

PATENT OWNER MAGNA ELECTRONICS INC.'S PRELIMINARY RESPONSE TO PETITION PURSUANT TO 37 C.F.R. § 42.107

Mail Stop PATENT BOARD

Patent Trial and Appeal Board U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450



TABLE OF CONTENTS

I.	Intro	Introduction					
II.	The '001 patent						
	A.	A. Summary of the '001 patent					
	B.	TRW errs in reducing the differences between the forward-facing and rear-facing embodiments of the '001 patent purely to the method of operation					
III.	TRW's Petition and Miller's Declaration contain irreparable factual and legal flaws						
	A.	TRW's Petition misrepresents that the '001 patent specification admits using Vellacott's system.					
	B.	The Miller Declaration fails to cure the misrepresentations of the Petition					
	C.	TRW's Petition fails to meet the threshold showing for institution and rather improperly incorporates by reference the Declaration.					
	D.	Miller makes many fatal mistakes in his Declaration.					
IV.	TRW's Petition failed to meet the minimum threshold showing that TRW likely to prevail on the asserted Grounds						
	A.	TRW improperly relies on precedent as if they provide <i>per se</i> obviousness in asserting a combination of Vellacott and Kenue			16		
		1.	TRW	's core asserted references	17		
			(a)	Vellacott	17		
			(b)	Kenue	18		
		2.	witho	improperly asserts <i>per se</i> rules of obviousness out providing any analysis of how they applied to arrent facts.	19		



		(a)	Gazda	20		
		(b)	Japikse	22		
		(c)	Applying a known technique to a known device	23		
		(d)	Use of a known technique to improve similar devices	26		
	3.	moti docu	er does not cure the deficiencies regarding lack of vation to combine since it routinely turns to ments not found in the Grounds to support its gations.	28		
	4.	TRW ignores the technical differences between Vellacott's CMOS and Kenue's CCD system when alleging the references should be combined.				
В.		Petition lacks adequate evidentiary support for the ands challenging claims 15, 28, 35-38, 46, and 47				
C.	wou Vell	V fails to provide a threshold showing that a POSA ld have combined Yanagawa's color system with acott and Kenue's black and white systems for the ands challenging dependent claims 6-10, 32, and 34				
D.	TRW failed to fully and properly consider the scope of the claims before applying the asserted references					
	1.	TRW ignores the requirement for the Petition to provide claim construction, and rather improperly relies on Miller's Declaration				
	2.		V's fails to construe the term "operable at a ality of exposure periods" of claim 1	35		
	3.		V's misrepresents that claim terms can be ignored terely "functional limitations"	37		
E.	thres refe	shold s rences	mbinable as alleged, TRW failed to meet the howing how the disparate language of the applied meets the language of the claims, even in view of Declaration.	39		



1.	Vella	The Petition fails to provide sufficient evidence that Vellacott discloses "a module attached at the windshield"				
2.	"pho	TRW failed to explain how Vellacott teaches a "photosensor array [that] is operable at a plurality of exposure periods"				
3.		TRW failed to show Vellacott teaches a vision system to "detect an object" as recited in claim 1				
4.		TRW failed to cure the deficiencies of Vellacott with the alleged AAPA.				
5.	TRW failed to show that Vellacott and Kenue, alone or in combination, teach features in several dependent claims					
	(a)	TRW fails to meet the threshold showing for the configuration of the claimed arrays as recited in claims 43, 46, and 47	46			
	(b)	TRW fails to meet the threshold showing for "said imager views through the windshield of the equipped vehicle at a windshield area that is swept by a windshield wiper," as recited in claim 16	48			
	(c)	Claims 17-21	49			
	(d)	Claim 22	51			
	(e)	Claim 23	52			
	(f)	TRW fails to meet the threshold showing for "said module includes a heat sink" as recited in claim 51	52			
	(g)	TRW fails to meet the threshold showing for "said module includes a connector for electrically connecting to a power source of the equipped vehicle" as recited in claim 52	55			



IPR 2015.	-00436	for U.S.	Patent No.	8 59	9 001
11 112015	UUTJU	101 0.0.	I atom I to.	. 0.07	7.001

V.



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

