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[1]
Patent 8,599,001 B2

PATENT OWNER RESPONSE

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

[1] Cases IPR2015-00437, IPR2015-00438, and IPR2015-00439 have been consolidated with this proceeding.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Table of Contents

I. INTRODUCTION 1
A. Summary of instituted Grounds 1
B. Summary of deficiencies in the instituted Grounds 2
II. Summary of the deficiencies of base references Vellacott and Kenue 5
A. Deficiencies of Vellacott 5
B. Deficiencies of Kenue 7
III. It was not obvious to change the rear-ward facing operation of Vellacott based on the forward facing operation of Kenue to meet the claimed features in claims 1, 56, 79, and 96. 8
A. Under collateral estoppel, the Board here should follow the decisions in IPR2014-00293 and IPR2015-00951 that held Vellacott cannot be combined with Kenue, or similar references, to teach a forward facing camera 8
1. Collateral estoppel law 9
2. This proceeding is almost identical factually to IPR2014-00293 and this panel should look to the prior panel's decision as guidance to find Vellacott is not obvious to combine with Kenue. 12
3. This proceeding is almost identical factually to IPR2015-00951 and this panel should look to the other panel's decision as guidance to find Vellacott is not obvious to combine with Kenue. 14
B. Vellacott and Kenue were not properly combinable because TRW did not articulate a credible or consistent obviousness theory. 15
C. Reversing the field of view of Donnelly's system, as taught in Vellacott, would have modified Vellacott's operation of the system and rendered unsuitable for its intended purpose 19
D. Vellacott's CMOS-based vision system was not obvious to combine with Kenue's CCD-based vision system because there was no reasonable expectation of success the modified system would work. 25
E. Vellacott and Kenue are not combinable because their combination does not enable the claimed inventions. 31

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

IV. Even if Vellacott was properly combinable with the various secondary references, the combinations lack teaching or suggestion of critical claim features. 37

A. The combination of Vellacott and Kenue fails to teach a module attached to a windshield (independent claim 1 and dependent claims 2-14, 24, 28, 32, 34-40, 42-50, 53-55). 37

1. TRW fails to show the module feature is taught in Vellacott... 37

2. Kenue does not cure the deficiencies of Vellacott, so the combination does not teach the module attached to a windshield. 39

B. Vellacott fails to teach an array with more columns than rows (independent claim 96 and dependent claims 3, 4, 97-100, 102-09) and where the array has at least 40 rows (independent claim 96 and dependent claims 4, 59, 81, 97-100, 102-09) 40

1. TRW fails to show an array with more columns than rows is taught in Vellacott. 40

2. Dr. Miller does not demonstrate this claim feature was merely a design choice. 41

3. Dr. Miller's allegations fail to establish a "convincing line of reasoning" that this claim feature is an obvious design choice. 42

4. Dr. Miller's allegations fail to establish that the claims merely arrange known elements in a configuration recognized as functionally equivalent to a known configuration. 44

5. At the time of the priority date, each vision system was uniquely designed such that no vision system was an "obvious design choice." 45

6. Reprogramming an array does not change the physical characteristics of the array. 46

7. Vellacott fails to teach that the array with more columns than rows also has at least 40 rows. 47

C. Vellacott fails to teach that "image data processing by said image processor comprises pattern recognition" (claim 28). 48

D. Vellacott and Kenue fail to teach a "control [that] determines a peak light level of at least one sub-array" (claims 35, 36). 51

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

E. Vellacott fails to teach "a connector for electrically connecting to a power source of the equipped vehicle" (independent claim 56 and dependent claims 52, 57-66, 69, 71, and 73-78). 53

F. Vellacott fails to teach an image processor that compares captured image data with stored data and outputs a vehicle control signal based on the comparison (claims 15, 66, 85, 100). 55

G. The combination including Schofield does not teach or suggest a module that releasably mounts (independent claims 56, 79 and 96 and dependent claims 57-66, 69, 71, 73-78, 81-85, 87-95, 97-100, 102-08). 56

H. The combination including Kenue fails to teach or suggest an image sensor array with more columns than rows (independent claim 96 and dependent claims 3, 4, 97-100, 102-08). 57

I. The combination including Venturello does not teach or suggest a vehicular vision system that "determines a presence . . . of fog" or "recognize[s] veiling glare" (claims 11-14, 64, 65, 79, 80-85, 87-95, 98, 99). 59

1. TRW's premise for Venturello teaching this feature is misplaced because Venturello does not teach controlling headlamps. 59

2. It was not obvious to combine Venturello with Vellacott because the combination would necessarily change the operation of Vellacott. 60

a) Vellacott's operation would necessarily change because it would require Venturello's special hardware to function. 60

b) Vellacott's operation would necessarily change because it was incapable of capturing and processing images that Venturello's pulsed light system would produce. 63

c) Vellacott's operations would necessarily change because its CMOS devices could not operate in the required IR Spectrum of Venturello. 65

J. The combination including Venturello does not teach or suggest "determin[ing] a presence of at least one of fog, snow and rain" (claims 79 and 84). 65

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

V. TRW is barred under Section 315(b) because Magna's complaint was effectively served on December 11, 2013 with TRW's consent. 70

A. Because TRW previously consented in writing under the first prong of Rule 15(a)(2), no action by the court was required. 72

B. Magna's motion only requested leave to *file* the complaint, not to amend it; the complaint was already amended by consent. 74

VI. TRW's failure to accurately identify all real parties in interest renders the Petition fatally defective. 77

A. TRW Holdings is an unnamed RPI. 78

B. ZF is an unnamed RPI. 82

VII. TRW failed to prove that Vellacott is prior art 86

VIII. CONCLUSION 88

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.