

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALEO NORTH AMERICA, INC., VALEO S.A., VALEO GMBH,
VALEO SCHALTER UND SENSOREN GMBH,
AND CONNAUGHT ELECTRONICS LTD.

Petitioners

v.

MAGNA ELECTRONICS INC.

Patent Owner

Case IPR2015-01414

Patent 8,643,724

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

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Patent Owner Magna Electronics Inc. (“Magna”) respectfully requests that the Board decline to initiate *inter partes* review of claims 7-9, 19-22, 24, 26-28, 33-40, 44, 45, 57, 59, 60, 63, 72, 74, 83, and 85 of U.S. Patent No. 8,643,724 (“the ’724 patent”) because Petitioners Valeo North America, Inc., Valeo S.A., Valeo GmbH, Valeo Schalter und Sensoren GmbH, and Connaught Electronics Ltd. (collectively “Valeo”) have failed to show a reasonable likelihood of prevailing with respect to any of the challenged claims. 35 U.S.C. § 314(a).

The Notice of Filing Date for the Petition in the instant proceeding issued on July 2, 2015. (Paper 4, p. 1.) This Preliminary Response is timely filed by October 2, 2015, pursuant to 37 C.F.R. § 42.107(b).

I. The Board should not institute *inter partes* review of the ’724 patent.

Valeo has filed a total of four petitions challenging the ’724 patent. The Board denied institution of the first two petitions, which together challenged all of the claims in the ’724 patent. (IPR2015-00252 Institution Decision, Paper 7, p. 2; (IPR2015-00253 Institution Decision, Paper 7, p. 2.) Because Valeo’s first attempts failed, Valeo now takes a second bite at the apple and re-challenges all the claims in the ’724 patent in this Petition and the petition in IPR2015-01410. Although Valeo relies on two references not asserted in the previous petitions, many of the references are the same. Moreover, the arguments are essentially the same. In both sets of petitions, Valeo simply uses figures from asserted references

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