

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRW AUTOMOTIVE US LLC,
Petitioner,

v.

MAGNA ELECTRONICS INC.,
Patent Owner.

Case IPR2014-00869
Patent 8,405,726 B2

Before JAMES P. CALVE, MICHAEL J. FITZPATRICK, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

GROSSMAN, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

TRW Automotive US LLC (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1, 6, 7, 9–14, 16–18, 28–30, 33, 37–42, 45–49, 52–60, and 65 of U.S. Patent No. 8,405,726 B2 (“the ’726 patent”). Paper 1 (“Pet.”). Patent Owner, Magna Electronics Inc. (“Patent Owner”), filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 6(b)(4). We review the Petition under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Upon consideration of the Petition and Preliminary Response, we determine that the information presented does not show that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of any of the challenged claims. Accordingly, we deny the Petition and do not institute an *inter partes* review of the ’726 patent.

A. Related Proceedings

TRW states that the ’726 patent is involved in a pending district court case, titled *Magna Electronics Inc. v. TRW Automotive Holdings Corp.*, No. 1:13-cv-00324 (W.D. Mich. 2013). Pet. 3.

B. The ’726 Patent

The ’726 patent is titled “Vehicle Accessory System.” Figure 6 from the ’726 patent, reproduced below, shows the basic components in one embodiment of the disclosed accessory system. The accessory system in the ’726 patent attaches to the interior of windshield 12 of a vehicle. Ex. 1002, Abstract. The system includes a mounting element and module 10 for the accessory. *Id.*

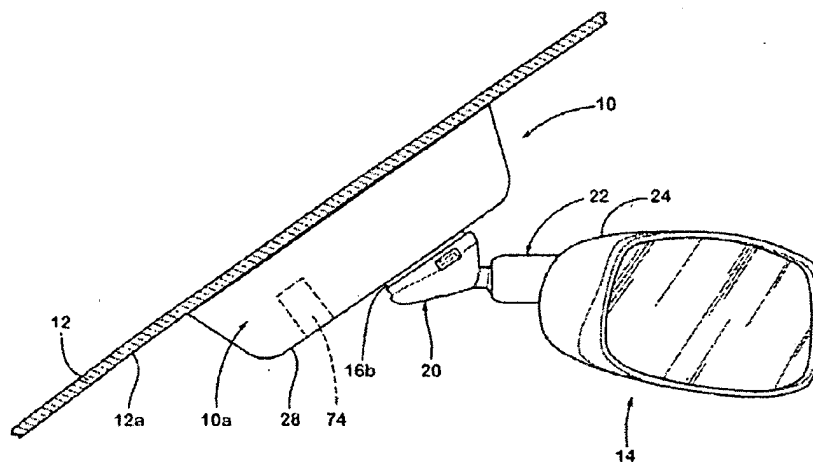


Figure 6 is a side elevation of accessory module 10 mounted to windshield 12, with a rearview mirror mounted to the module.

A mounting element attaches to the windshield, and a module for an accessory attaches to the mounting element. *Id.*, Abstract. In all of the challenged claims, the accessory is a camera. *See, e.g., id.* at col. 51, l. 41. The module orients the field of view of the camera. *Id.*, Abstract. In addition to a camera or other accessory, an interior rearview mirror assembly also may be attached to the mounting element. *Id.* In order to illustrate and describe the multiple disclosed embodiments, the '726 patent includes 68 drawings, many of which include multiple sub-drawings, such as Figure 68, which has six sub-drawings labelled 68A–68F; and 51 columns of text. Petitioner directs us to Figures 66–68, which Petitioner asserts are relevant to the challenged claims. Pet. 7–8. Figure 68A and Figure 68B are reproduced below.

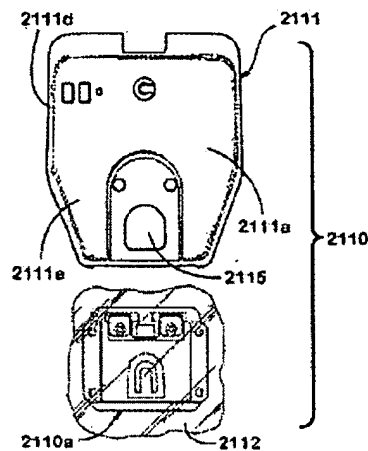


Figure 68A

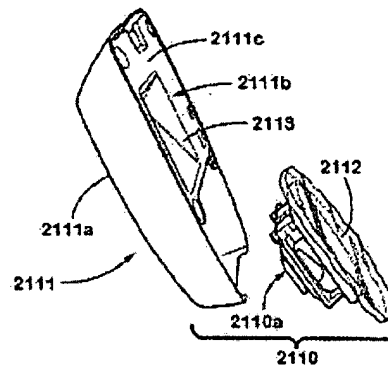


Figure 68B

Figures 68A and 68B are plan and perspective views, respectively, of accessory module 2110, accessory housing 2111, and mounting module 2110a.

As shown above, windshield mounted accessory module 2110 includes mounting module 2110a, mounted or secured to an interior surface of a windshield (not shown), and accessory housing 2111, mounted to mounting module 2110a. Ex. 1002, col. 43, ll. 30–35. Accessory housing 2111 includes casing 2111a and cover plate 2111b. *Id.* at col. 43, ll. 35–36. Cover plate 2111b defines cavity 2113, which is recessed within casing 2111a. *Id.* at col. 43, ll. 48–49. Accessory housing 2111 includes a camera or image sensor (not shown), which is positioned within housing 2111 and aligned with an aperture or opening in cavity 2113 of cover plate 2111b. *Id.* at col. 43, ll. 49–53. Independent claim 1 requires the housing to have a wedge-shaped recess that tapers from the vehicle windshield. *Id.* at col. 51, ll. 45–49. Independent claims 28 and 40 require the recess in the housing to taper, but do not require a wedge-shape. *Id.* at col. 54, ll. 33–37; col. 56, ll. 49–53. Independent claims 33 and 47 require a recess, but do not specify the shape. *Id.* at col. 55, ll. 32–33; col. 57, ll. 48–49. When assembled and

mounted at the windshield, the camera of accessory module housing 2111 is oriented in a generally horizontal position for viewing through aperture 2113a and capturing an image occurring generally in front of the vehicle. *Id.* at col. 44, ll. 31–36.

C. Illustrative Claim

Among the challenged claims, claims 1, 28, 33, 40, and 47 are independent claims. All of the challenged claims relate to “[a]n accessory system for a vehicle.” *See, e.g.*, Ex. 1002, col. 51, l. 20. Claim 1, reproduced below, is illustrative of the claimed invention:

1. An accessory system for a vehicle, said vehicular accessory system comprising:

a mounting element;

wherein a first side of said mounting element comprises an attachment portion for attachment of said mounting element at a vehicle windshield of a vehicle equipped with the accessory system;

wherein, at least when said mounting element is attached at the vehicle windshield, a module is mounted at a second side of said mounting element that opposes said first side;

wherein said module comprises a housing having a windshield-facing side that faces towards the vehicle windshield when said module is mounted at said second side of said mounting element attached at the vehicle windshield;

wherein said housing of said module has a cabin-facing side that faces away from the vehicle windshield towards the interior cabin of the equipped vehicle when said module is mounted at said second side of said mounting element attached at the vehicle windshield;

wherein a camera is disposed in said housing between said windshield-facing side of said housing and said cabin-facing side of said housing;

wherein said camera comprises an imager and a lens;

wherein said windshield-facing side of said housing comprises a generally wedge-shaped recess:

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