

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.,
Petitioner,

v.

MAGNA ELECTRONICS, INC.,
Patent Owner.

Case IPR2015-01415
Patent 8,543,330 B2

Before RICHARD E. RICE, JAMES A. TARTAL, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION

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

Petitioner, Valeo North America, Inc., Valeo S.A., Valeo GmbH, Valeo Schalter und Sensoren GmbH, and Connaught Electronics Ltd., filed a corrected Petition requesting an *inter partes* review of claims 8, 11, 12, 16, 17, 19–21, 28, 31–38, 42, 50, 51, 53, 54, 62, 70, 71, 73, 74, 79, and 84 of U.S. Patent No. 8,543,330 B2 (“the ’330 patent”). Paper 7 (“Pet.”). Patent Owner, Magna Electronics, Inc., filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Petitioner previously sought institution of an *inter partes* review of claims 1–89 of the ’330 patent. *Valeo North America, Inc., Valeo S.A., Valeo GmbH, Valeo Schalter und Sensoren GmbH, and Connaught Electronics Ltd. v. Magna Electronics, Inc.*, Case IPR2015-00250 (“IPR2015-00250”), Paper 1 (“the 250-Petition”). We instituted trial in IPR2015-00250 on claims 1–7, 9, 10, 13–15, 18, 22–27, 29, 30, 39–41, 43–49, 52, 55–61, 63–69, 72, 75–78, 80–83, and 85–89 of the ’330 patent, but further determined that the information presented by Petitioner failed to demonstrate a reasonable likelihood that Petitioner would prevail in showing the unpatentability of claims 8, 11, 12, 16, 17, 19–21, 28, 31–38, 42, 50, 51, 53, 54, 62, 70, 71, 73, 74, 79, and 84. IPR2015-00250, Paper 7 (“the 250-Decision”). Petitioner did not request rehearing in IPR2015-00250 of our decision to deny institution of trial for claims 8, 11, 12, 16, 17, 19–21, 28, 31–38, 42, 50, 51, 53, 54, 62, 70, 71, 73, 74, 79, and 84 of the ’330 patent.

Petitioner subsequently filed the instant Petition challenging the patentability of each claim that was denied review in IPR2015-00250. For the reasons below, based on the circumstances of this case, we exercise our discretion under 35 U.S.C. § 325(d) to deny the Petition and, therefore, decline to institute *inter partes* review.

I. BACKGROUND

A. *The '330 Patent (Ex. 1001)*

The '330 patent, titled "Driver Assist System for Vehicle," issued September 24, 2013, from U.S. Application No. 13/621,382, filed September 17, 2012. Ex. 1001. Petitioner contends the earliest effective filing date of the '330 patent is January 22, 2002. Pet. 13–16. The '330 patent is directed to a system for a vehicle, including a camera with an exterior field of view and a video display operable to display image data captured by the camera to the driver of the vehicle. Ex. 1001, Abstract. The system is operable to detect objects in the exterior field of view and to provide a visual alert and an audible alert responsive to detection of an object exterior of the vehicle. *Id.*

B. *Illustrative Claim*

Claims 1, 39, 59, and 76 of the '330 patent are independent. Claims 2–38 ultimately depend from claim 1, claims 40–58 ultimately depend from claim 39, claims 60–75 ultimately depend from claim 59, and claims 77–89 ultimately depend from claim 76. Claim 1 of the '330 patent is illustrative of the claims at issue:

1. A driver assist system for a vehicle, said driver assist system comprising:
 - a rearward facing camera disposed at a vehicle equipped with said driver assist system and having a rearward field of view relative to the equipped vehicle;
 - a video display viewable by a driver of the equipped vehicle when normally operating the equipped vehicle, wherein said video display is operable to display image data captured by said rearward facing camera;
 - wherein said driver assist system is operable to detect objects present in said rearward field of view of said rearward facing camera
 - wherein said driver assist system is operable to provide a display intensity of said displayed image data of at least about 200 candelas/sq. meter for viewing by the driver of the equipped vehicle;
 - wherein said driver assist system is operable to provide a visual alert to the driver of the equipped vehicle responsive to detection of an object rearward of the equipped vehicle during a reversing maneuver of the equipped vehicle;
 - wherein said driver assist system is operable to provide an audible alert to the driver of the equipped vehicle responsive to detection of an object rearward of the equipped vehicle during a reversing maneuver of the equipped vehicle; and
 - wherein said visual alert comprises electronically generated indicia that overlay said image data displayed by said video display, and wherein said electronically generated indicia at least one of (i) indicate distance to a detected object rearward of the equipped vehicle and (ii) highlight a detected object rearward of the equipped vehicle.

Ex. 1001, 31:47–32:12.

C. *Related Proceedings*

Petitioner states that the '330 patent is a subject of the following civil action: *Magna Electronics Inc. v. Valeo, Inc.*, No. 2:14-cv-10540 (E.D. Mich.). Pet. 2.

D. *Asserted Grounds of Unpatentability*

The table below compares the combinations of references Petitioner asserted against claims 8, 11, 12, 16, 17, 19–21, 28, 31–38, 42, 50, 51, 53, 54, 62, 70, 71, 73, 74, 79, and 84 under 35 U.S.C. § 103(a) in IPR2015-00250, for which institution was denied, to the combinations Petitioner asserts in this proceeding:

| Challenged Claim(s) | References Asserted in IPR2015-00250 | References Asserted in IPR2015-01415 (New References in Bold) |
|---|--|--|
| 8, 11, 12, 16, 17, 50, 51, 53, 54, 70, 71, 73, 74, and 84 | Lemelson, ¹ Schofield, ² and Tokito ³ | Lemelson, Schofield, Tokito, and Okada ⁴ |

¹ U.S. Patent No. 6,553,130 B1 (“Lemelson,” Ex. 1005), issued April 22, 2003, from an application filed June 28, 1996.

² U.S. Patent No. 5,670,935 (“Schofield,” Ex. 1007), issued September 23, 1997, from an application filed May 22, 1995.

³ U.S. Patent No. 6,259,423 B1 (“Tokito,” Ex. 1006), issued July 10, 2001, from an application filed August 17, 1998. Petitioner misidentifies Tokito as U.S. Patent No. 6,226,061 in the Petition, which we understand to be an inadvertent mistake in light of the content of Exhibit 1006. *See* Pet. 9.

⁴ EP 1 170 173 A2 (“Okada,” Ex. 1014), published January 9, 2002.

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