

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 IPR2015-00250
Patent 8,543,330 B2

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

TARTAL, *Administrative Patent Judge*.

DECISION

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 Petition requesting an *inter partes* review of claims 1–89 of U.S. Patent No. 8,543,330 B2 (“the ’330 patent”). Paper 1 (“Pet.”). Patent Owner, Magna Electronics, Inc., filed a Preliminary Response. Paper 6 (“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.”

Upon consideration of the Petition and the Preliminary Response, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in showing the unpatentability of 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. Accordingly, we authorize an *inter partes* review to be instituted as to 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. Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far (prior to Patent Owner’s Response). This is not a final decision as to patentability of claims for which *inter partes* review is instituted. Our final decision will be based on the record, as fully developed during trial.

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

Petitioner contends that claims 1–89 are unpatentable based on the following grounds (Pet. 6–7):

References	Basis	Challenged Claims
Lemelson, ¹ Schofield, ² and Tokito ³	§ 103(a)	1–18, 22–24, 26, 27, 29, 30, 34–56, 58–74, and 76–88
Lemelson, Schofield, Tokito, and Schaefer ⁴	§ 103(a)	25, 57, 75, and 89
Lemelson, Schofield, Tokito, Kajimoto, ⁵ and He ⁶	§ 103(a)	19 and 20
Lemelson, Schofield, Tokito, Kajimoto, and Liu ⁷	§ 103(a)	19 and 21
Lemelson, Schofield, Tokito, Schaefer, and Secor ⁸	§ 103(a)	28
Lemelson, Schofield, Tokito, and Hsu ⁹	§ 103(a)	31–33

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. 5.

⁴ U.S. Patent No. 4,731,769 (“Schaefer,” Ex. 1008), issued March 15, 1988, from an application filed April 14, 1986.

⁵ U.S. Patent No. 5,920,367 (“Kajimoto,” Ex. 1009), issued July 6, 1999, from an application filed October 10, 1997.

⁶ U.S. Patent No. 6,359,392 B1 (“He,” Ex. 1010), issued March 19, 2002, from an application filed January 4, 2001.

⁷ U.S. Patent No. 6,593,011 B2 (“Liu,” Ex. 1011), issued July 15, 2003, from an application filed July 24, 2001.

⁸ U.S. Patent No. 5,289,321 (“Secor,” Ex. 1012), issued February 22, 1994.

⁹ U.S. Patent No. 6,100,811 (“Hsu,” Ex. 1013), issued August 8, 2000, from an application filed December 22, 1997.

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