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Paper 18
Entered: May 26, 2016

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.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

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I. INTRODUCTION

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 instituted an *inter partes* review of: (1) claims 1–7, 9, 10, 13–15, 18, 22–24, 26, 27, 29, 30, 39–41, 43–49, 52, 55, 56, 58–61, 63–69, 72, 76–78, 80–83, and 85–88 as obvious under 35 U.S.C. § 103(a) over Lemelson,[1] Schofield,[2] and Tokito;[3] and (2) claims 25, 57, 75, and 89 as obvious under 35 U.S.C. § 103(a) over Lemelson, Schofield, Tokito, and Schaefer.[4] Paper 7.

After institution of trial, Patent Owner filed a Response (Paper 9, "PO Resp."), to which Petitioner replied (Paper 10, "Reply"). Absent a request from either party, an oral hearing was not held. *See* Paper 16.

We have jurisdiction under 35 U.S.C. § 6(c). In this Final Written Decision, issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73, we determine that Petitioner has shown by a preponderance of the evidence that

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[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.

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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 are unpatentable.

II. 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. Patent Owner states that "the earliest priority date of the '330 patent" is March 2, 2000. PO Resp. 30. March 2, 2000, is the date that provisional application No. 60/186,520 ("the '520 application") was filed, the earliest of fifteen provisional applications identified on the face of the '330 patent. With respect to the claims of the '330 patent under review, Patent Owner offers no argument or evidence to demonstrate either that any claim is entitled to priority to the '520 application or that any asserted reference is not prior art. Accordingly, we determine based on the evidence and argument presented that each of the asserted references is prior art to the '330 patent.

The '330 patent is directed to a driver assist 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.* According to Patent Owner, "[t]he driver assist systems having electronically generated indicia overlaying the video image of the rearward scene described in the

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'330 patent were a significant advance over prior reversing systems." PO Resp. 2 (citing Ex. 1001, 27:4–10); *see also* Ex. 2001 ¶¶ 17–19.

B. Illustrative Claim

Claims 1, 39, 59, and 76 of the '330 patent are independent. Claims 2–7, 9, 10, 13–15, 18, 22–27, 29, and 30 ultimately depend from claim 1; claims 40, 41, 43–49, 52, and 55–58 ultimately depend from claim 39; claims 60, 61, 63–69, 72, and 75 ultimately depend from claim 59, and claims 77, 78, 80–83, and 85–89 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

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> 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.

III. ANALYSIS

A. Claim Construction

Only terms which are in controversy need to be construed, and then only to the extent necessary to resolve the controversy. *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

1. "at least one of"

Petitioner contends that, as used in the '330 patent, "at least one of" a series of elements was intended to signify a disjunctive list of alternatives, not a requirement of one of each element listed. Pet. 17–19. Petitioner contrasts this interpretation of "at least one of" from that applied in *SuperGuide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 885–88 (Fed. Cir. 2004) (requiring "at least one of" each identified element), and supports its contention by identifying portions of the specification that make clear the listed elements are disjunctive alternatives. Pet. 18. Patent Owner does not address the claim term. For the reasons provided by Petitioner, we are persuaded that "at least one of" is used in the '330 patent to identify a disjunctive list of alternatives.

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