

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMR AUTOMOTIVE SYSTEMS USA, INC.,
Petitioner,

v.

MAGNA MIRRORS OF AMERICA, INC.,
Patent Owner.

Case IPR2018-00505
Patent 8,147,077 B2

Before SALLY C. MEDLEY, JESSICA C. KAISER, and
AMBER L. HAGY, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

SMR Automotive Systems USA, Inc. (“Petitioner”)¹ filed a Petition for *inter partes* review of claims 1–27 of U.S. Patent No. 8,147,077 B2 (Ex. 1001, “the ’077 patent”). Paper 2 (“Pet.”). Magna Mirrors of America, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . 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.” 35 U.S.C. § 314(a). Upon consideration of the Petition and Preliminary Response, we decline to institute review of claims 1–27 of the ’077 patent.

A. Related Matters

The parties indicate that the ’077 patent is the subject of *Magna Mirrors of America, Inc. v. Samvardhana Motherson Reflectec Group Holdings Ltd.*, Case No. 1:17-cv-00077-RJJ-PJG (W.D. Mich.). Pet. 3; Paper 4, 1. The parties also identify numerous other petitions for *inter partes* review filed by Petitioner challenging claims of patents related to the ’077 patent:

IPR2018-00491	U.S. Patent No. 7,934,843 B2
IPR2018-00506	U.S. Patent No. 8,591,047 B2
IPR2018-00517	U.S. Patent No. 8,128,244 B2
IPR2018-00520	U.S. Patent No. 8,267,534 B2
IPR2018-00533	U.S. Patent No. 8,783,882 B2
IPR2018-00536	U.S. Patent No. 8,550,642 B2
IPR2018-00541	U.S. Patent No. 8,899,762 B2
IPR2018-00545	U.S. Patent No. 9,694,750 B2

¹ Petitioner, SMR Automotive Systems USA, Inc., identifies several entities as real parties-in-interest. Pet. 3.

Pet. 3; *see also* Paper 4, 1.

B. The '077 Patent

The '077 patent is directed to an exterior sideview mirror. Ex. 1001, Abstract. The mirror includes a plano reflective element and an auxiliary reflective element mounted adjacent to each other in a side-by-side relationship. *Id.* Figure 16, reproduced below, is illustrative of the mirror.

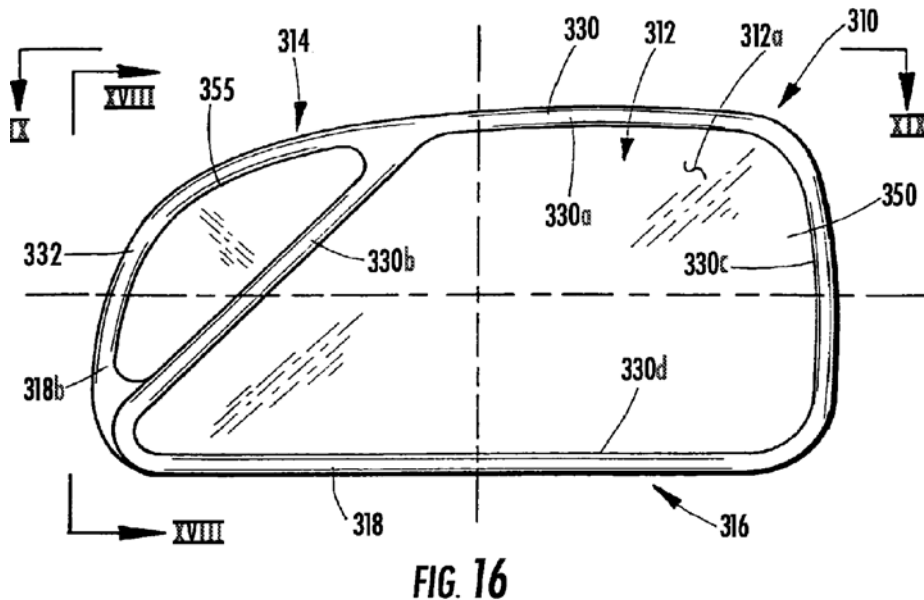


Figure 16 of the '077 patent shows an embodiment of a plano reflective element assembly.

As seen from above, plano-auxiliary reflective element assembly 310 includes a first reflective element 312 and an auxiliary reflective element 314 supported in frame assembly 316. *Id.* at 15:60–63. Reflective element

² IPR2018-00913 was not identified by either party, but is related to this proceeding. IPR2018-00913, Paper 1, 3; Paper 4, 1.

312 comprises a plano reflective element 350, such as a flat reflector coated glass substrate. *Id.* at 16:20–22. Reflective element 314 comprises a radiused reflective element, preferably, a multiradiused reflective element 355 having a multiradiused curvature. *Id.* at 17:45–47.

C. Illustrative Claims

Petitioner challenges claims 1–27 of the '077 patent. Claims 1, 17, and 24 are independent claims. Claim 1 is reproduced below.

1. An exterior sideview mirror system suitable for use on an automobile, said exterior sideview mirror system comprising:

an exterior sideview mirror assembly adapted for attachment to a side of an automobile;

said exterior sideview mirror assembly including a reflective element having a rearward field of view when attached to the side of the automobile;

said reflective element attached to an electrically-operated actuator of said exterior sideview mirror assembly and movable by said actuator in order to position said rearward field of view to a driver-desired position when said exterior sideview mirror assembly is attached to the side of the automobile;

wherein said reflective element comprises a plano-auxiliary reflective element assembly, said plano-auxiliary reflective element assembly comprising a plano reflective element having unit magnification and a separate auxiliary reflective element having a curvature;

said plano reflective element and said auxiliary reflective element of said plano-auxiliary reflective element assembly mounted adjacently at said plano-auxiliary reflective element assembly in a side-by-side relationship and not superimposed with one reflective element on top of the other reflective element;

said plano reflective element and said auxiliary reflective element supported at a backing plate element, said backing plate element mounting to said actuator such that movement of said

backing plate element of said plano-auxiliary reflective element assembly by said actuator simultaneously and similarly moves said plano reflective element and said auxiliary reflective element;

said auxiliary reflective element having a wide-angle field of view encompassing a blind spot in the side lane adjacent the side of the automobile to which said exterior sideview mirror assembly is attached;

said backing plate element having a first support portion supporting said plano reflective element and a second support portion supporting said auxiliary reflective element;

wherein said auxiliary reflective element is positioned at an outboard portion of said plano-auxiliary reflective element assembly when said exterior sideview mirror assembly is mounted to the side of the automobile;

wherein said backing plate element comprises a polymeric substrate that is formed as a single element by injection molding of a polymeric resin;

wherein said backing plate element is capable of supporting said plano reflective element and said auxiliary reflective element;

wherein said first support portion of said backing plate element comprises a flat portion and wherein said plano reflective element is disposed at said flat portion;

wherein said second support portion of said backing plate element comprises a curved portion and wherein said auxiliary reflective element is disposed at said curved portion;

wherein at least one of said plano reflective element and said auxiliary reflective element comprises one of (a) a glass substrate having a surface coated with a metallic reflector coating and (b) a polymeric substrate having a thin glass element applied to a surface thereof and with an opposing surface thereof having a reflecting layer applied thereto;

wherein said plano reflective element and said auxiliary reflective element are adjacently supported at said backing plate element at a joint, and wherein said plano-auxiliary reflective

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