

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUBARU OF AMERICA, INC., TOYOTA MOTOR
NORTH AMERICA, INC., NISSAN NORTH AMERICA, INC.,
FORD MOTOR COMPANY, JAGUAR LAND ROVER NORTH
AMERICA, LLC, and VOLVO CARS OF NORTH AMERICA, LLC,
Petitioner,

v.

CRUISE CONTROL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-00279
U.S. Patent 6,324,463

Oral Hearing Held on Tuesday, March 24, 2015

Before: JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R.
HOSKINS (via video link), *Administrative Patent Judges*.

The above-entitled matter came on for hearing on Tuesday, March 24,
2015, at 9:01 a.m., in Hearing Room A, taken at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2014-00279
U.S. Patent 6,324,463

APPEARANCES:

ON BEHALF OF THE PETITIONER, SUBARU:

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ON BEHALF OF THE PATENT OWNER:

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1 P R O C E E D I N G S

2 (9:01 a.m.)

3 JUDGE COCKS: Please be seated. Good morning.
4 This is the first of five oral argument sessions in related
5 proceedings all involving U.S. Patent 6,324,463.

6 Today's session involves proceeding
7 IPR2014-00279. Let' begin with having counsel introducing
8 themselves for the record.

9 MR. SATCHWELL: Good morning, Judges. My
10 name is Matt Satchwell. I am lead counsel for Subaru in this
11 proceeding.

12 Joining with me today is my backup counsel, Steve
13 Reynolds, and Paul Steadman. All three of us are with DLA
14 Piper in Chicago.

15 JUDGE COCKS: Thank you, Mr. Satchwell. And
16 for the Patent Owner?

17 MR. KASHA: Good morning, Your Honor. My
18 name is John Kasha, lead counsel for the Patent Owner. And
19 Mr. Timothy Salmon will do the oral argument today for the
20 Patent Owner.

21 JUDGE COCKS: All right. Thank you,
22 Mr. Kasha. As we set forth in the trial hearing order, each
23 side has 45 minutes of arguments. The Petitioner bears the
24 ultimate burden of proof to show that the claims are
25 unpatentable and will begin. You may reserve rebuttal time.

1 The Patent Owner will then respond to the entirety
2 of their case. And we will end with the Petitioner using any
3 time he reserved for rebuttal.

4 So the podium is yours, Mr. Satchwell, whenever
5 you are ready.

6 MR. SATCHWELL: Thank you, Judge Cocks. If
7 it would be helpful for the Panel -- it will be difficult to hand
8 it to Judge Hoskins -- but I do have printouts of my
9 demonstratives.

10 JUDGE COCKS: Yes, that would be fine. And as
11 you bring that up, we do have a remote judge, Judge Hoskins,
12 in Denver joining us this morning.

13 If either side sees that, occasionally we have feed
14 problems, if Judge Hoskins' screen goes black, please alert
15 me. It is rare but it has on occasion happened.

16 MR. SATCHWELL: May I approach?

17 JUDGE COCKS: You may approach.

18 MR. SATCHWELL: Thank you.

19 JUDGE COCKS: Mr. Satchwell, are you going to
20 reserve any rebuttal time?

21 MR. SATCHWELL: Yes, Judge. I would like to
22 reserve 15 minutes, please. May I proceed?

23 JUDGE COCKS: Yes, you may begin.

24 MR. SATCHWELL: Thank you, Judge. Because I
25 am the first attorney who will have the opportunity to discuss

1 the '463 patent with you today, I would like to start with a
2 very brief overview of some of the key features of the '463
3 patent.

4 So the '463 patent was issued in 2001. And the
5 key issue I would like to raise is that it has drawn very
6 specifically not to a cruise control system, not to a method of
7 controlling speed in a vehicle, but instead only to the
8 indicators on the dashboard that show the state of the cruise
9 control system to the driver. And, indeed, it is titled "Cruise
10 Control Indicator."

11 Indeed, the Patent Owner actually premised his
12 application on that distinction. As you can see here on DX-4,
13 I have highlighted the language from the file history where
14 the Patent Owner specifically stated --

15 JUDGE COCKS: I'm sorry, could you restate.
16 What is the distinction that you just referenced?

17 MR. SATCHWELL: Yes, the distinction is that --
18 I'm quoting here, the Patent Owner raised it -- "the pending
19 claims only address the display of the speed of the vehicle as
20 it was when the cruise control was set." The Patent Owner
21 was distinguishing other prior art that had a more full feature
22 set.

23 So the '463 patent discloses a system that has
24 either digital or analog speedometers. The digital
25 embodiment is shown in figure 1 on DX-5, analog embodiment

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