

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUBARU OF AMERICA, INC., TOYOTA MOTOR 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
Patent 6,324,463 B1

Before JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R. HOSKINS,
Administrative Patent Judges.

JUNG, *Administrative Patent Judge.*

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

I. INTRODUCTION

Subaru of America, Inc., et al. (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting institution of an *inter partes* review of claims 1–5, 12–16, 18–21, 23, 25–31, and 34–36 of U.S. Patent No. 6,324,463 B1 (Ex. 1001, the “’463 patent”) pursuant to 35 U.S.C. §§ 311–19. Cruise Control Technologies LLC (“Patent Owner”) filed a preliminary response. Paper 15 (“Prelim. Resp.”). Based on these submissions, we instituted trial as to claims 1–5, 12–16, 18–21, 23, 25–31, and 34–36 of the ’463 patent. Paper 19 (“Dec. on Inst.”).

After institution, Patent Owner filed a Patent Owner’s Response (Paper 27, “PO Resp.”), and Petitioner filed a Reply (Paper 34, “Reply”). In addition, Petitioner proffered the Declaration of David A. McNamara (Ex. 1007, “McNamara Declaration” or “McNamara Decl.”) with the Petition. Patent Owner does not rely on any expert declaration, and no deposition transcript was filed for Mr. McNamara.

An oral hearing in this proceeding was held on March 24, 2015, and a transcript of the hearing is included in the record (Paper 45, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–5, 12–15, 18–20, 23, 25–31, and 34–36 of the ’463 patent are unpatentable.

A. The '463 Patent (Ex. 1001)

The '463 patent discloses cruise control systems for use in a human operated vehicle. Ex. 1001, Abst. Figures 1 and 2 of the '463 patent are shown below:

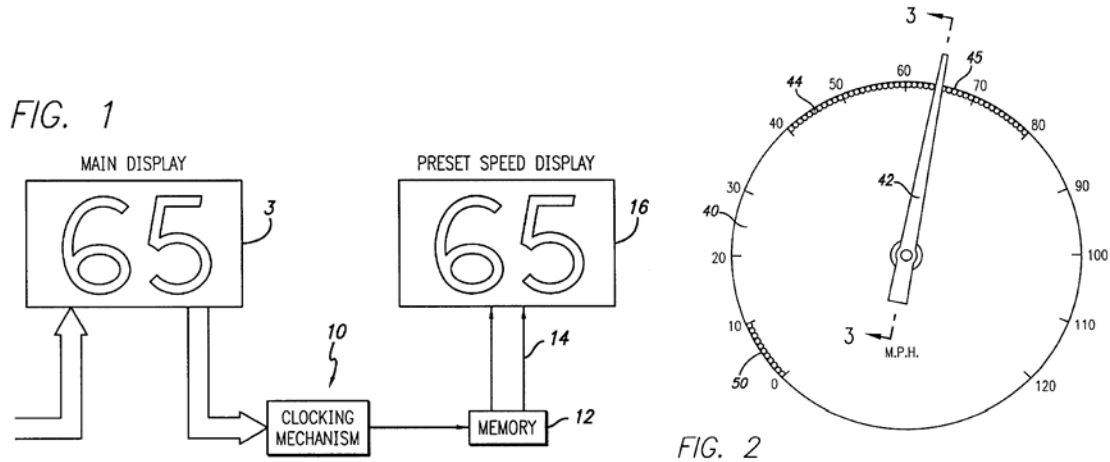


Figure 1 illustrates a digital speed display, while Figure 2 illustrates an analog speedometer. *Id.* at 3:8–13. In Figure 1, main speed display 3 shows the current speed at which the vehicle is operating. *Id.* at 3:49–53. When a cruise control set button (not shown in Figure 1) is pressed, the vehicle speed is stored in digital memory 12 as a preset speed. *Id.* at 3:53–60. Second speed display 16 shows that preset speed. *Id.*

Figure 2's analog speedometer 40 incorporates several LED assemblies 45. *Id.* at 4:19–26. Each LED assembly 45 has an LED and a detector. *Id.* at 4:29–30. When a cruise control set button (not shown in Figure 2) is pressed, all of the detectors are activated, and all of the LEDs momentarily light up. *Id.* at 4:48–51. The back of needle 42 reflects the light of the lit LEDs behind the needle, and that reflected light is detected by the detector of the LED assembly disposed at the location of needle 42. *Id.*

at 4:51–57. The LED of that assembly is then activated and remains lit to indicate the speed at which cruise control was engaged. *Id.* at 4:57–64.

B. Illustrative Claim

The '463 patent has 36 claims, of which claims 1–5, 12–16, 18–21, 23, 25–31, and 34–36 are being challenged. Of the challenged claims, claims 1, 2, 12, 13, 18, 21, 25, 26, and 34 are independent. Claims 1, 2, and 26 are system claims, and claims 12, 13, 18, 21, 25, and 34 are method claims. Claim 1 is reproduced below.

1. A cruise control system for vehicle having a human operator, comprising:
 - a speed controller that automatically maintains the vehicle speed at a preset speed;
 - an enable switch associated with said controller for enabling the system;
 - a set speed input in communication with said controller for manually setting the speed of the vehicle at said preset speed, thereby engaging the system;
 - a memory which stores information indicative of said preset speed; and
 - a feedback system for communicating said information in said memory to the operator of the vehicle.

Ex. 1001, 6:7–20.

C. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

JP S58-52708 (“Mizuno”)	March 29, 1983	Ex. 1003
(translation, Ex. 1004) ¹		

¹ Our decision cites to the translations of the prior art relied upon and the exhibit page numbers.

JP H8-220118 (“Miura”)
(translation, Ex. 1006)

August 30, 1996

Ex. 1005

D. The Asserted Grounds of Unpatentability

We instituted the instant *inter partes* review on the following grounds of unpatentability.

Reference[s]	Basis	Claims Challenged
Mizuno	§102(b)	1–3, 5, 12–14, 18, 21, 25, 26, and 34–36
Miura	§102(b)	1, 2, 12–16, 21, 25–27, and 29–31
Mizuno and Ordinary Skill in the Art	§103(a)	4, 19, 20, 23, 27, and 28

II. CLAIM CONSTRUCTION

In an *inter partes* review, “[a] claim in an unexpired patent shall be given its broadest reasonable construction in light of the specification of the patent in which it appears.” 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs., LLC*, 778 F.3d 1271, 1279–83 (Fed. Cir. 2015). There is a “heavy presumption” that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002); *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

A. Previously Interpreted Terms

In the Decision on Institution, we interpreted various claim terms of the ’463 patent as follows:

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.