

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUBARU OF AMERICA, INC., TOYOTA MOTOR NORTH AMERICA, INC.,
AMERICAN HONDA MOTOR CO., INC., NISSAN NORTH AMERICA INC.,
FORD MOTOR COMPANY, JAGUAR LAND ROVER NORTH AMERICA
LLC, and VOLVO CARS OF NORTH AMERICA LLC,
Petitioners,

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.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On December 20, 2013, Subaru of America, Inc. et al. (“Petitioners”) filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 1-5, 12-16, 18-21, 23, 25-31, and 34-36 (the “challenged claims”) of U.S. Patent No. 6,324,463 B1 (Ex. 1001, the “’463 patent”). Cruise Control Technologies LLC (“Patent Owner”) filed a Preliminary Response (Paper 15, “Prelim. Resp.”) on April 8, 2014. We have jurisdiction under 35 U.S.C. § 314.

To institute an *inter partes* review, we must determine the information presented in the Petition and the Preliminary Response shows “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). Petitioners contend the challenged claims are unpatentable under 35 U.S.C. §§ 102 and 103. Pet. 6. We determine there is a reasonable likelihood Petitioners would prevail in showing the unpatentability of claims 1-5, 12-16, 18-21, 23, 25-31, and 34-36. We, therefore, institute an *inter partes* review as to those claims.

A. The ’463 Patent

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

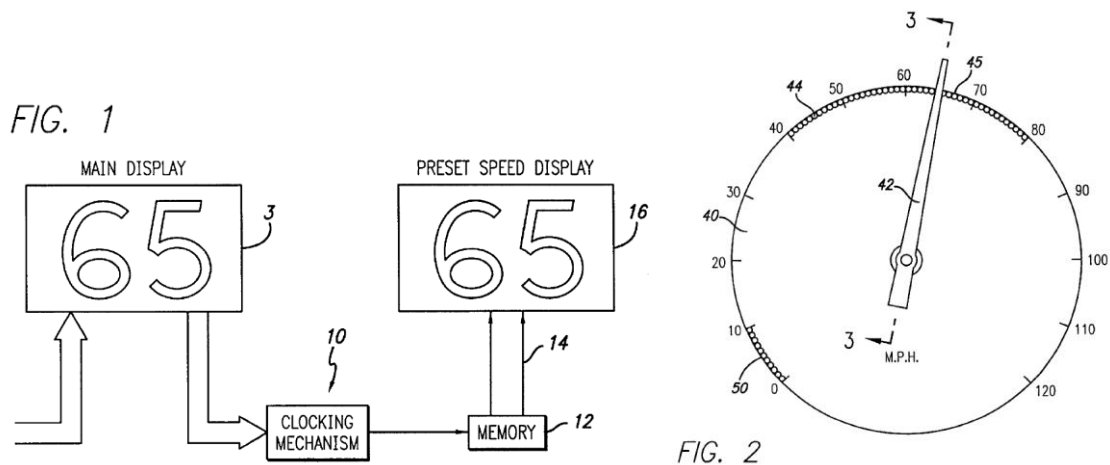


Figure 1 illustrates a digital speed display, while Figure 2 illustrates an analog speedometer. *See id.* at 3:8-13. In Figure 1, main speed display 3 shows the current speed at which the vehicle is operating. *See id.* at 3:49-53. When a cruise control set button (not shown in Figure 1) is pressed,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

Figure 2's analog speedometer 40 incorporates several LED assemblies 45. *See id.* at 4:19-26. Each LED assembly 45 has an LED and a detector. *See 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. *See 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. *See 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. *See id.* at 4:57-64.

B. Illustrative Claim

Claims 1, 2, 6, 12, 13, 18, 21, 25, 26, and 34 are independent. Claim 1 is illustrative and 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.

C. Related Matters

The Petition states that the '463 patent is involved currently in thirteen separate civil actions in the District of Delaware and was involved in three other civil actions in that District which have concluded. Pet. 2-3. The Petition also identifies an on-going ex parte reexamination of claim 2 of the '463 patent that was granted on May 31, 2013 (Control No. 90/012,841). *Id.* at 2. The '463 patent is also the subject of four other requests for *inter partes* review (IPR2014-00280, IPR2014-00281, IPR2014-00289, and IPR2014-00291).

D. Prior Art Relied Upon

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

JP H8-220118 (“Miura”) August 30, 1996 Ex. 1005
(translation, Ex. 1006)

E. Alleged Grounds of Unpatentability

Petitioners contend that the challenged claims of the '463 patent are unpatentable under 35 U.S.C. §§ 102(b) and 103(a) on the following grounds:

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.

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

III. ANALYSIS

A. *Claim Construction*

As a step in our analysis, we determine the meaning of the claims for purposes of this decision. 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. *See* 37 C.F.R. § 42.100(b) (2013). Under that construction, claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). We construe the terms below in accordance with that standard.

1. “engaging the system” (claim 1) and “engaging the cruise control system” (claim 21)

Petitioners contend we should construe “engaging the system” in claim 1 to mean “operating the cruise control system to automatically control the vehicle at the preset speed.” Pet. 11-12 (citing Ex. 1001, Fig. 4, 1:46-48, 5:13-15). Patent Owner contends we should construe “thereby engaging the system” in claim 1 to mean “as a result, activating the speed controller of the cruise control system to automatically maintain the vehicle speed at the preset speed.” Prelim. Resp. 4-5 (citing Ex. 1001, 3:54-57). Patent Owner describes “operating the cruise control system” in Petitioners’ proposal as “an overly broad generalization of the claimed invention,” and contends the construction instead should refer specifically to the speed controller of the cruise control system, apart from the claimed feedback system and the claimed set speed input. *Id.* We conclude Petitioners’ proposal comports with the broadest reasonable construction of “engaging” in light of the ’463 patent specification. The term “comprising” in claim 1 leaves open the possibility that other unclaimed components of the cruise control system, in

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