

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., FORD MOTOR
COMPANY, JAGUAR LAND ROVER NORTH AMERICA LLC, VOLVO
CARS OF NORTH AMERICA LLC, NISSAN NORTH AMERICA INC.,
FUJI HEAVY INDUSTRIES LTD., and HONDA PATENTS AND
TECHNOLOGIES NORTH AMERICA, LLC
Petitioner

v.

CRUISE CONTROL TECHNOLOGIES LLC
Patent Owner

Case IPR2014-00279
Patent 6,324,463

PATENT OWNER'S MOTION FOR REHEARING

TABLE OF CONTENTS

I. RELIEF REQUESTED..... 1

II. STATEMENT OF MATERIAL FACTS..... 2

III. ARGUMENT 4

**A. Subaru, Toyota, Honda, Ford, Jaguar, Nissan and Volvo Are A
 Single “Petitioner” 4**

**B. The Petition Was Defective For Failure To Identify Counsel
 Under 37 C.F.R. § 42.8..... 4**

**C. Institution Based On A Defective Petition Was An Abuse Of
 Discretion..... 6**

IV. CONCLUSION..... 7

Pursuant to 37 C.F.R. § 42.71(d), Patent Owner Cruise Control Technologies LLC ("Patent Owner") files this Motion for Rehearing of the Board's Decision to Institute *Inter Partes* Review. Paper 19 (Jul. 2, 2014). In particular, Patent Owner requests reconsideration of the Board's Institution Decision, because the Petition is defective for failing to identify counsel as required by 37 C.F.R. § 42.8 and the defect was never corrected. Institution of *inter partes* review, despite Petitioner's failure to comply with the rules, was an abuse of discretion.

No fee is required for consideration of this Motion, but if any fee is due, the Patent Office is authorized to charge Deposit Account 50-4075 (Customer No. 67050) the necessary fee.

I. RELIEF REQUESTED

By this Motion, Patent Owner requests reconsideration of the Board's Institution Decision. Because the Petition was defective for failure to identify counsel under 37 C.F.R. § 42.8 and the defect was never corrected, the Board's institution of *inter partes* review was an abuse of discretion. Accordingly, Patent Owner requests that the Board grant this motion and deny the Petition *in toto*.

II. STATEMENT OF MATERIAL FACTS

1. On December 20, 2013, Subaru of America, Inc. (“Subaru”), Toyota Motor North America, Inc. (“Toyota”), American Honda Motor Co., Inc. (“Honda”), Ford Motor Company (“Ford”), Jaguar Land Rover North America LLC (“Jaguar”), Volvo Cars of North America LLC (“Volvo”), and Nissan North America Inc. (“Nissan”) (collectively “Petitioner”) filed a petition (“Petition”) for *inter partes* review challenging claims 1–5, 12–16, 18–21, 23, 25–31, and 34–36 of U.S. Patent No. 6,324,463 (the “463 Patent”). IPR2014-00279, Paper 1, p. 1.

2. In the Petition, Petitioner identified Matthew D. Satchwell (Reg. No. 58,870) of DLA Piper LLP (US) as Lead Counsel and five other attorneys as Backup Counsel: Steven J. Reynolds (Reg. No. 61,445) of DLA Piper LLP (US); William H. Mandir (Reg. No. 32,156) of Sughrue Mion PLLC; John M. Caracappa (Reg. No. 43,532) of Steptoe & Johnson LLP; Matthew J. Moore (Reg. No. 42,012) of Latham & Watkins LLP; and Wab Kadaba (Reg. No. 45,865) of Kilpatrick Townsend & Stockton LLP. IPR2014-00279, Paper 1, pp. 3-4.

3. Only Subaru has granted Mr. Satchwell and Mr. Reynolds full power of attorney to represent it in this proceeding. IPR2014-00279, Papers 2 and 7. Neither Mr. Satchwell nor Mr. Reynolds represents or has authority

to conduct business on behalf of Toyota, Honda, Ford, Jaguar, Volvo or Nissan in this proceeding.

4. Only Toyota has granted Mr. Mandir full power of attorney to represent it in this proceeding. IPR2014-00279, Paper 3. Mr. Mandir does not represent or have authority to conduct business on behalf of Subaru, Honda, Ford, Jaguar, Volvo or Nissan in this proceeding.

5. Only Honda has granted Mr. Caracappa full power of attorney to represent it in this proceeding. IPR2014-00279, Paper 4. Mr. Caracappa does not represent or have authority to conduct business on behalf of Subaru, Toyota, Ford, Jaguar, Volvo or Nissan in this proceeding.

6. Only Ford, Jaguar and Volvo have granted Mr. Moore full power of attorney to represent them (individually) in this proceeding. IPR2014-00279, Papers 6, 8, 10. Mr. Moore does not represent or have authority to conduct business on behalf of Subaru, Toyota, Honda or Nissan in this proceeding.

7. Only Nissan has granted Mr. Kadaba full power of attorney to represent it in this proceeding. IPR2014-00279, Paper 9. Mr. Kadaba does not represent or have authority to conduct business on behalf of Subaru, Toyota, Honda, Ford, Jaguar or Volvo in this proceeding.

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.