

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR NORTH AMERICA, INC., ET AL.  
Petitioner

v.

CRUISE CONTROL TECHNOLOGIES LLC  
Patent Owner

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Case IPR2014-00280  
Patent 6,324,463

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**PETITIONER REPLY TO PATENT OWNER'S RESPONSE**

Petitioner Toyota Motor North America, Inc. (“Toyota” or “Petitioner”) and co-Petitioners Subaru of America, Inc. (“Subaru”), Ford Motor Company (“Ford”), Jaguar Land Rover North America LLC (“Jaguar”), Volvo Cars of North America LLC (“Volvo”), and Nissan North America Inc. timely submit this “Petitioner Reply to Patent Owner Response” (“Reply”) in response to the “Patent Owner’s Response” filed by Cruise Control Technologies LLC (“CCT”) on October 9,

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2014. Petitioner respectfully requests entry and consideration of this Reply, and a final determination that claims 1-5, 12-16, 18, 19, 21, 25-28, and 34-36 are unpatentable and canceled.

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## I. INTRODUCTION

Petitioner respectfully submits that the Board is correct in its initial finding that claims 1-5, 12-16, 18, 19, 21, 25-28, and 34-36 are unpatentable, and requests a final written decision canceling claims 1-5, 12-16, 18, 19, 21, 25-28, and 34-36.

## II. CLAIMS 1-3, 5, 12-16, 21, 25, 26, AND 28 ARE ANTICIPATED BY THE DIAMANTE OWNER'S MANUAL ("DIAMANTE")

### 1. The Petition Does Not Rely On An Improper Combination Of Different Embodiments of Diamante

In its Patent Owner's Response (Paper 26), CCT argues that the anticipation grounds in view of the Diamante Owner's Manual are based on an improper combination of two allegedly mutually exclusive features of the manual, *i.e.*, (1) a "cruise control" feature and (2) a "preview distance control" feature. Paper 26, pp. 4-5.

The Patent Owner is incorrect; it is clear from the Diamante Owner's Manual ("Diamante") that the "preview distance control" option and the "cruise control" feature are not mutually exclusive features. In fact, Diamante expressly describes that cars equipped with the preview distance control option *include* the cruise control feature as well. For example, in the section of Diamante for preview distance control, the manual explains, "When no vehicle is detected ahead, the system cruises the vehicle at the preset speed." Ex. 1004, p. 88. Cruising the

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