

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TOYOTA MOTOR NORTH AMERICA, INC., SUBARU OF 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 IPR2014-00280  
Patent 6,324,463

---

**PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION  
FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,324,463  
UNDER 35 USC §§ 311-319 AND 37 CFR §42.100 ET SEQ.**

Pursuant to 37 C.F.R. § 42.107(a) Patent Owner, submits the  
following preliminary response to the petition.

## TABLE OF CONTENTS

<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. CLAIM CONSTRUCTION .....</b>	<b>2</b>
<b>A. “enabling the system “ (claim 1) / “enabling...the controller”     (claim 2) .....</b>	<b>2</b>
<b>B. “when the controller is enabled” (claim 2) / “when the controller     is initially enabled” (claim 4).....</b>	<b>3</b>
<b>C. “thereby engaging the system” (claim 1).....</b>	<b>4</b>
<b>D. “engaging the cruise control system” (claim 21) .....</b>	<b>5</b>
<b>E. “indicating to the operator the unset status of the present speed”     (claim 15) .....</b>	<b>6</b>
<b>F. “displaying a symbol indicative of an unset state of the preset     speed” (claim 21) .....</b>	<b>7</b>
<b>G. “activating the cruise control system at a desired cruising speed”     (claim 12) .....</b>	<b>8</b>
<b>H. “activating the cruise control system” (claim 15).....</b>	<b>9</b>
<b>I. “when[/after] the cruise control system is deactivated” (claims 12,     13, and 21) .....</b>	<b>9</b>
<b>III. ARGUMENT .....</b>	<b>10</b>
<b>A. The Board Should Deny All Alleged Grounds Of Patentability     Based On Partially Translated References .....</b>	<b>10</b>
<b>B. Unexplained Redundancy .....</b>	<b>11</b>
<b>IV. CONCLUSION.....</b>	<b>12</b>

## I. INTRODUCTION

This petition, along with the other four petitions simultaneously filed by Petitioners, represent a clear attempt to abuse the *inter partes* review process – a focused and time-sensitive evaluation of the validity of patent claims. The Board should reject all five petitions filed by Petitioners and refuse to endorse their inappropriate, game-the-system tactics.

Between Friday, December 20, 2013 and Monday, December 23, 2013, Petitioners, as a group, filed five separate petitions for *inter partes* review of certain claims of U.S. Patent No. 6,324,463 (“463 Patent”). IPR2014-00279; IPR2014-00280; IPR2014-00281; IPR2014-289; and IPR2014-00291. The five petitions make no mention of each other and are replete with intra-petition and inter-petition redundancies amongst the more than 180 separate alleged grounds of invalidity. For example, with regard to claim 1 alone, Petitioners have alleged five separate grounds of anticipation and four separate grounds of obviousness across five different petitions.

Further, Petitioners attempt to mislead the USPTO, crafting the petitions to make them appear like filings from separate parties. For example, not one of the petitions identifies any of the four other petitions under the required notice of related matters under 37 C.F.R. § 42.8(b)(2), and, in each petition, one of the Petitioners is designated as “the Petitioner”

while labeling the other four as “co-Petitioners.” Similarly, counsel for each petition is the same group of seven attorneys, but each petition designates a different attorney as lead counsel.

Accordingly, Petitioners are insisting that, absent joinder of the five proceedings, fifteen different Administrative Law Judges consider the same claim construction arguments and various overlapping and redundant alleged grounds of invalidity. To the extent the Board does not deny the petition outright for a clear abuse of process, the most efficient path forward is for the Board to join the five petitions and deny all redundant alleged grounds of unpatentability.

## II. CLAIM CONSTRUCTION

### A. “enabling the system “ (claim 1) / “enabling...the controller” (claim 2)

“Enabling the system” and “enabling the controller” should be construed as “putting the speed controller of the cruise control system into an operative condition.” Claim 1 recites, “a speed controller that automatically maintains the vehicle speed at a preset speed” and “an enable switch associated with said controller for enabling the system.” Claim 2 recites, “a cruise control enable switch associated with the controller for enabling the disabling the controller.” Thus, pressing or otherwise actuating

the enable switch puts the speed controller in an operative condition, in that the speed controller will automatically maintain the vehicle at a preset speed.

Petitioners propose that “enabling” means “turning on.” Petition at 7-8. This proposed construction is too vague to provide any benefit when evaluating the validity of the claims. For example, one could say that when turning on a vehicle’s ignition switch, all systems of the vehicle are “turned on.” In claim 1, the “enable switch,” which is “associated with said [speed] controller,” is more specifically directed to “enabling the [cruise control] system” by putting the speed controller in an operative condition. Similarly, in claim 2, the cruise control enable switch is specifically directed to the state of the controller -- “enabling...the controller.”

Therefore, consistent with the intrinsic evidence, “enabling the system” and “enabling...the controller” should be construed as “putting the speed controller of the cruise control system in an operative condition.”

**B. “when the controller is enabled” (claim 2) / “when the controller is initially enabled” (claim 4)**

For similar reasons as stated above with regard to the “enabling” terms, “when the controller is [initially] enabled” should be construed as “when the controller is [initially] put in an operative condition.”

# 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.