

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR NORTH AMERICA, INC.,
Petitioner,
v.
CRUISE CONTROL TECHNOLOGIES LLC,
Patent Owner.

Case No. IPR2014-00280
U.S. Patent No. 6,324,463

Oral Hearing Held on Tuesday, March 24, 2015

Before: JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R.
HOSKINS (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday, March 24,
2015, at 10:23 a.m., in Hearing Room A, taken at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

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P R O C E E D I N G S

(10:23 a.m.)

JUDGE COCKS: Thank you. I think we are all back. We are once again on the record.

This is the second oral argument session for the related proceedings involving U.S. Patent 6,324,463. This oral argument concerns IPR2014-00280.

Once again, let's have counsel for both sides introduce themselves, beginning with Petitioner.

MR. MANDIR: Good morning, Your Honors. My name is William Mandir. I'm from the law firm of Sughrue Mion in Washington, D.C., representing the Petitioner, Toyota Motors.

Also joining me from my firm is Fadi Kiblawi, and also John Rabena, who is backup counsel.

JUDGE COCKS: Thank you. For the Patent Owner?

MR. KASHA: Good morning, Your Honor. My name is John Kasha. I'm lead counsel for the Patent Owner. And with me today is Mr. Timothy Salmon from Cruise Control Technologies, and he will be doing the argument.

JUDGE COCKS: All right. Thank you, Mr. Kasha. Once again, as we set forth in the trial hearing order, each side has 45 minutes. The Petitioner may reserve rebuttal time.

1 Patent Owner will then give the entirety of their
2 case, and the Petitioner will conclude with any time they
3 reserved.

4 So that being said, the podium is yours,
5 Mr. Mandir. Would you like to reserve some rebuttal time?

6 MR. MANDIR: Thank you, Your Honor. Yes, I
7 would. I would like to reserve 15 minutes for rebuttal.

8 JUDGE COCKS: All right. Thank you.

9 MR. MANDIR: Because Mr. Satchwell already
10 talked about the patent, I think we can just go right into the
11 grounds for unpatentability.

12 In this IPR we have four different pieces of prior
13 art that are used. Three are from Mitsubishi Motors and one
14 is from Toyota Motors. The first one, Diamante, that refers to
15 the Diamante owner's manual for the Diamante automobile
16 made by Mitsubishi. It is the manual you would get when you
17 buy a car.

18 There is also a second manual. It is the Preview
19 Distance Control manual, also for the Diamante car.

20 There is a Japanese patent to Watanabe which is
21 assigned to Mitsubishi Motors and then, lastly, we have
22 another owner's manual. This the Toyota Motors manual for
23 its Celsior automobile.

24 And similar to what we saw in the previous IPR,
25 there is a chart in this exhibit, page DX-7, listing the claims

1 at issue in the IPR, and the check in the box corresponding to
2 the reference.

3 So, for example, in 21, we have Diamante alone as
4 an anticipation, and also another grounds of Diamante in
5 combination with the Diamante Preview Distance Control,
6 based on an obviousness argument.

7 Again, similar to the previous presentation, the
8 green boxes indicate those claims that the Patent Office did
9 not specifically argue. So, for example, in a dependent claim
10 they may have just relied on the same argument they made for
11 the independent claim.

12 JUDGE COCKS: I think you said Patent Office.
13 Did you mean Patent Owner?

14 MR. MANDIR: I meant Patent Owner, if I said
15 office. Sorry, Your Honor.

16 The first ground that was instituted was an
17 anticipation of several of the claims based on the owner's
18 manual. This manual was published in 1995. Again, it is a
19 Mitsubishi Motors car, the Diamante. Here we see a figure
20 from the exhibit, Exhibit 104, which shows the operation of
21 the Diamante automobile.

22 First of all, the Diamante provides a preview
23 distance control of a vehicle based on preset cruise speed.
24 And if we look at this figure of the manual, we see, first of
25 all, we have a main switch that turns on the system. Once the

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