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Paper 17
Entered: July 2, 2014

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
Petitioner

v.

CRUISE CONTROL TECHNOLOGIES LLC
Patent Owner

Case IPR2014-00280
Patent 6,324,463

Before JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R. HOSKINS, *Administrative Patent Judges.*

HOSKINS, *Administrative Patent Judge*.

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

I. INTRODUCTION

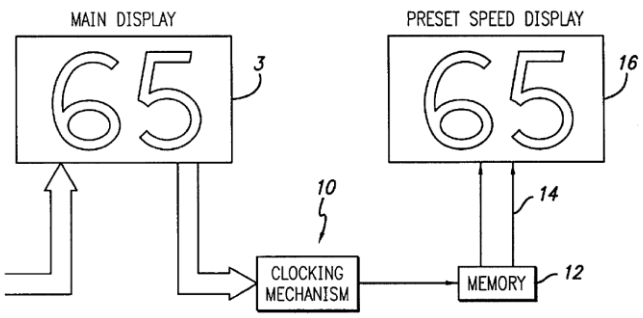
On December 20, 2013, Toyota Motor North America, Inc. et al. ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–5, 12–16, 18, 19, 21, 25–28, and 34–36 of U.S. Patent No. 6,324,463 (Ex. 1001, "the '463 patent"). Cruise Control Technologies LLC ("Patent Owner") filed a Preliminary Response (Paper 13, "Prelim. Resp.") on April 7, 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). Petitioner contends the challenged claims are unpatentable under 35 U.S.C. §§ 102 and 103. *See* Pet. 6–7. We determine there is a reasonable likelihood Petitioner would prevail in showing the unpatentability of claims 1–5, 12–16, 18, 19, 21, 25–28, 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:

FIG. 1



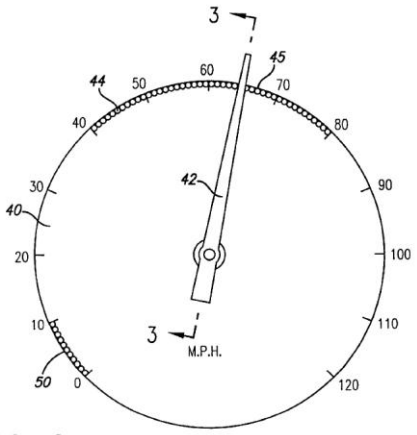


FIG. 2

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

Claim 1 of the '463 patent is illustrative:

> 1. A cruise control system for [a] 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

Petitioner has identified several related district court proceedings involving the '463 patent, all of which were filed by Patent Owner in the United States District Court for the District of Delaware. *See* Pet. 1–2; Paper 12, at 2–4. The '463 patent is also the subject of four other requests for *inter partes* review (IPR2014-00279, IPR2014-00281, IPR2014-00289, and IPR2014-00291).

D. Prior Art Relied Upon

Mitsubishi Diamante Owner's Manual (translation, Ex. 1004)[1]	May 1995	Ex. 1003

[1] Our decision cites to the translations of the prior art relied upon, including the page numbering of the original documents as reflected in the translations.

Mitsubishi Diamante Preview Distance Control Manual (translation, Ex. 1006)		May 1995	Ex. 1005
Watanabe	JP 8-192663 (translation, Ex. 1008)	July 1996	Ex. 1007
Toyota Celsior Owner's Manual (translation, Ex. 1010)		July 1997	Ex. 1009

E. Alleged Grounds of Unpatentability

Petitioner contends claims 1–5, 12–16, 18, 19, 21, 25–28, and 34–36 of the '463 patent are unpatentable based on the following grounds. *See* Pet. 6–7.

Basis	Reference(s)	Claim(s) Challenged
§ 102(b)	Diamante Owner's Manual	1–5, 12–16, 21, 25–28, and 34–36
§ 103(a)	Diamante Owner's Manual and Diamante Preview Distance Control Manual	15, 16, and 21
§ 103(a)	Diamante Owner's Manual and Watanabe	12
§ 102(b)	Watanabe	18 and 19
§ 102(a)	Celsior Owner's Manual	2–5, 26–28, and 34–36

II. ANALYSIS

A. Preliminary Matters

Patent Owner asserts we should deny *inter partes* review on four of the five grounds because the Petition provides only partial translations of the Diamante Owner's Manual, the Diamante Preview Distance Control

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