

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY, JAGUAR LAND ROVER NORTH AMERICA, LLC,
VOLVO CARS OF NORTH AMERICA, LLC, TOYOTA MOTOR NORTH
AMERICA, INC., AMERICAN HONDA MOTOR CO., INC., NISSAN NORTH
AMERICA, INC., AND SUBARU OF AMERICA, INC.

Petitioner

v.

CRUISE CONTROL TECHNOLOGIES LLC

Patent Owner

Case No. IPR2014-00281

Patent 6,324,463

DECLARATION OF MR. DANIEL A. CRAWFORD

I, Daniel A. Crawford, hereby declare, affirm and state the following:

I. Introduction

1. My background, education and experience were detailed in my original declaration (**Exhibit 1011**) submitted with the Petition for *Inter Partes Review* and are incorporated by reference here.

2. The facts set forth below are known to me personally, and I have firsthand knowledge of them.

3. I am submitting this declaration to offer my independent expert opinions concerning certain issues raised by the Patent Owner in its Response (Paper No. 26). My compensation for this declaration is not based on the substance of the opinions rendered here. As part of my opinion here, I have carefully considered, in addition to my experience and the viewpoint of a person of ordinary skill in the relevant art, the following references: U.S. Patent No. 6,324,463 (“the ‘463 Patent”); Certified English Translation of Japanese Patent Publication No. S60-174329 by Narita *et al.* (“Narita”); and, the Patent Owner’s (“PO”) Response dated October 9, 2014.

II. OPINIONS

4. It is my understanding that Patent Owner is arguing that “the set/command switch of Narita is not the claimed ‘enable switch.’” Patent Owner Response at p. 5. I agree because as I stated in my original declaration, the “main switch” of Narita enables the controller 7 and, therefore, meets the limitation of an enable switch. As I previously noted, Narita describes that the operation of the conventional device “begins with turning on the main switch [i.e., the enable switch].” Turning on the “main switch” of Narita “turn[s] on power” to the controller as that phrase is used in the description of Fig. 5. Narita at p. 5. One of

ordinary skill in the art, therefore, would understand that when the main switch of Narita is in an “ON” position, as depicted in Fig. 3, power is provided to the vehicle speed automatic control device and its associated command switches are enabled. Based on Narita’s description of Fig. 5, which illustrates operation of the cruise control command switches “after turning on power,” a person of ordinary skill in the art reading Narita would have understood that the both the “invention” cruise control system of Narita (described with reference to Figs. 4-7) and the “conventional” cruise control system of Narita described with reference to Figs. 1-3 contained the “main switch” for turning on power to the cruise control system.

5. I also understand that Patent Owner is arguing that turning an ignition switch on and off does not inherently turn a cruise control system on and off. I disagree with this statement. As I noted in my original declaration, an ignition switch is inherent in all vehicles with a cruise control system. Ex. 1011 at ¶ 28. It is also a fact that in all vehicles with a cruise control system, there must be a mechanism by which power is provided to the system so that the cruise control functionality can be used, i.e., a mechanism to enable the system. In many vehicles, the power to the cruise control system is enabled by an additional and separate switch that is depressed after the vehicle is turned on (e.g., the “main switch” described in Narita). In the absence of such an additional, separate switch, turning on the car via the ignition will necessarily provide the necessary power to

the cruise control system. In such a system, the ignition is the switch that enables the cruise control system.

6. To the extent that the “main switch” is determined not to be expressly present in Narita’s invention (or not to enable the vehicle automatic speed control device), the ignition switch would necessarily enable the vehicle automatic speed control device by providing power to the controller of Narita, and Narita would thus necessarily nonetheless contain an enable switch.

7. It is my understanding the Patent Owner has contended that the symbol indicative of a preset speed is not distinguishable upon braking, as required by claim 19. This is not an accurate characterization of Narita.

8. It is my understanding as one of ordinary skill in the art that both the cruise lamp and the associated vehicle speed display units are presented to, and viewable by, the driver. If they were not, there would be no purpose in having a cruise lamp.

9. As depicted in Fig. 6 of Narita, the cruise lamp turns off upon braking. When the stored vehicle speed is not being maintained, the stored vehicle display unit would be distinguishable from when the stored vehicle speed is being maintained because the cruise lamp associated with the stored vehicle display unit would no longer be lit. There would be no purpose to turning off the cruise lamp

other than to distinguish when the stored vehicle speed displayed is not being maintained from when it is being maintained and during which time the lamp is on.

10. It is my understanding that Patent Owner has contended that Narita's teaching that the "system is canceled" upon operation of a failsafe does not show that the failsafe "turns off the cruise control system." This is incorrect and is not consistent with what a person of ordinary skill in the art at the time would have understood from Narita's disclosure.

11. A person of ordinary skill in the art would have understood that the purpose of a failsafe is to shut the cruise control system down upon detecting an abnormality, as Narita discloses in its discussion of the operation of its failsafe. Narita at 2. Narita further describes one such abnormality that "cancels the system" – when the vehicle is placed into the "P position." Narita at 4. In other words, the cruise control system is turned off when the vehicle is placed in park. This makes sense from a safety perspective in the design of cruise control systems, because a car that is in park should have its cruise control system deactivated, i.e., turned off.

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