

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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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

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Case No. IPR2014-00281

Patent 6,324,463

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

**PURSUANT TO 37 C.F.R. § 42.120**

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## **I. INTRODUCTION**

In an attempt to avoid the express teachings of the prior art, Patent Owner (“PO”) incorrectly reads the teachings of both Narita and Nagashima and/or ignores the findings of the Board’s Institution Decision. Read in the proper context, as the Board did in its Institution Decision, the Challenged Claims are anticipated and/or obvious in view of the prior art as presented in the Petition.

## **II. NARITA ANTICIPATES AND/OR IN COMBINATION WITH THE PRIOR ART RENDERS OBVIOUS CLAIMS 1-3, 5, 12-19, 21-26, AND 28**

Many of PO’s arguments with respect to Narita rely on the erroneous assumption that the conventional aspects of Narita’s invention as described in Fig. 4 is somehow materially different than the conventional system in Fig. 1. This assumption neglects the fact that conventional aspects are common to both Fig. 1 and Fig. 4. Indeed, Narita expressly states that “[i]n FIG. 4, the portions of the configuration that are the same as FIG. 1 are given the same reference numerals and descriptions thereof are omitted.” Ex. 1004, *Narita* at 5. The invention merely improves on certain aspects while leaving others the same. Thus, the discussion in Narita surrounding the conventional system applies equally to the invention of Narita.

### **GROUND A<sup>1</sup>: Narita Anticipates Claims 1-3, 5, 12-16, 18-19, 21, 25-26 and 28**

As an initial matter, Petitioner notes that PO does not challenge in any respect

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<sup>1</sup> References to the Ground in this Reply refer to the labels used in the Institution Decision Order and used by PO in its Response. *See e.g.*, Paper 17 (“Inst. Dec.”) at 39.

the fact that Narita anticipates independent Claim 25. Consequently, Petitioner requests cancellation of Claim 25 based on the grounds set forth in the Petition and the Institution Decision. Paper 1 (“Pet.”) at 29; *see also* Inst. Dec. at 24-25.

Likewise, PO does not challenge that Narita anticipates the limitations added by dependent Claims 3, 5, 14, 16 and 28. PO apparently relies on its arguments with respect to the corresponding independent claims (i.e., Claims 1, 13, 15 and 26). Petitioner, therefore, will not address the additional limitations of these dependent claims. As described below, independent Claims 1, 13, 15 and 26 are anticipated by Narita and, therefore, Claims 3, 5, 14 16 and 28 are also anticipated.

Claim 1 – Narita discloses an “enable switch,” both expressly and inherently, and a “memory which stores information”

PO’s primary arguments with respect to Narita are two-fold: (1) Narita does not disclose an “enable switch”; and, (2) Narita does not disclose “memory.” Neither of these arguments is supported by a proper reading of Narita.

First, PO does not contest that the “main switch” described in the conventional system of Narita enables the cruise control system and constitutes an enable switch. Instead, PO argues that Petitioner is improperly relying on a combination of the conventional system with the invention of Narita. Paper 26 (“PO Resp.”) at 4.<sup>2</sup> This is incorrect because the invention of Narita includes all aspects of

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<sup>2</sup> Petitioner also notes that the case relied upon by PO, and the cases cited therein, are factually distinct from the present circumstances. For example, none of those cases or

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