Trials@uspto.gov
Tel: 571-272-7822

Paper 17
Entered: July 2, 2014

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 IPR2014-00281
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

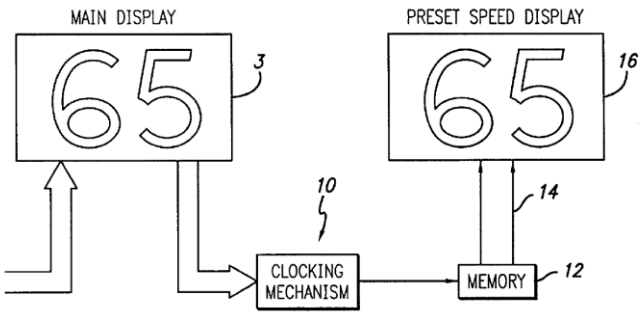
On December 20, 2013, Ford Motor Company et al. ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–5, 12–31, and 34–36 of U.S. Patent No. 6,324,463 (Ex. 1001, "the '463 patent"). Cruise Control Technologies LLC ("Patent Owner") filed a Preliminary Response (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. 5–6. We determine there is a reasonable likelihood Petitioner would prevail in showing the unpatentability of claims 1–3, 5, 12–19, 21–26, and 28–31. 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



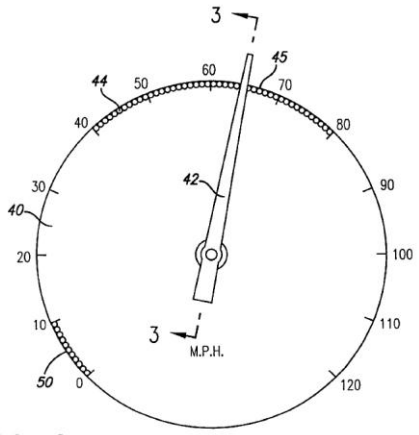


FIG. 2

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. 4; Paper 12, at 2–4. The '463 patent is also the subject of four other requests for *inter partes* review (IPR2014-00279, IPR2014-00280, IPR2014-00289, and IPR2014-00291).

D. Prior Art Relied Upon

Narita (translation, Ex. 1004)[1]	JP S60-174329	Sept. 1985	Ex. 1003
Nagashima (translation, Ex. 1009)	JP H4-102059	Sept. 1992	Ex. 1008

[1] Our decision cites to the translations of the prior art relied upon, including the page numbers of the Narita translation and the paragraph numbers of the Nagashima translation

Beiswenger	US 5,381,388	Jan. 1995	Ex. 1006
John Pollard & E. Donald Sussman, Nat'l Highway Traffic Safety Admin., *An Examination of Sudden Acceleration*		Jan. 1989	Ex. 1007
Admitted Prior Art in the '463 Patent			Ex. 1001, 1:10–2:12
Knowledge of a Person of Ordinary Skill			Ex. 1011

E. Alleged Grounds of Unpatentability

Petitioner contends claims 1–5, 12–31, and 34–36 of the '463 patent are unpatentable based on the following grounds. *See* Pet. 5–6.

Basis	Reference(s)	Claim(s) Challenged
§ 102(b)	Narita	1–5, 12–16, 18, 19, 21, 25–28, and 34–36
§ 103(a)	Narita and Knowledge of Person of Ordinary Skill	17, 20, 22–24, and 27
§ 103(a)	Narita and Beiswenger	17, 20, 22–24, and 27
§ 103(a)	Narita and Admitted Prior Art	1–5, 12, 15, and 34
§ 103(a)	Narita and the NHTSA Report[2]	1–5, 12, 15, and 34
§ 102(b)	Nagashima	18, 19, 26, and 29–31
§ 103(a)	Narita and Nagashima	17, 20, 23, 24, and 27
§ 103(a)	Nagashima and Knowledge of Person of Ordinary Skill	20

[2] "Ground 5" is identified at page 6 of the Petition as obviousness over the NHTSA Report alone, but the substantive analysis at pages 37–39 of the Petition considers Narita and the NHTSA Report.

DOCKET ALARM

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.