

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUBARU OF AMERICA, INC., ET AL.,

Petitioners,

v.

CRUISE CONTROL TECHNOLOGIES LLC,

Patent Owner

Inter Partes Review No. 2014-00289

U.S. Patent No. 6,324,463

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

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I. Introduction

The claims challenged in this *inter partes* review (1-5, 12-15, 18-20, 25-28, and 34-36 of U.S. Patent No. 6,324,463 (the “463 Patent”) (Ex. 1001)) are invalid as anticipated or rendered obvious over Yagihashi (Ex. 1005), Yoshimitsu (Ex. 1007), 300zx Manual (Ex. 1008), Nagashima (Ex. 1010), and/or the admitted prior art (“APA”). A number of Patent Owner’s arguments focus on common cruise control and speedometer limitations (e.g., switches to power the system on; deviations from set speed during cruise; and canceling speed control when the brake is depressed). Those arguments can be quickly dispensed with because the ’431 patent and cited references describe them as well-known, assumed background prior art. Patent Owner’s arguments as to the display limitations are tortured readings of phrases taken out of context from the references that likewise fail in the face of disclosures cited in the Petition and the lack of evidence rebutting Mr. McNamara’s Declaration (Ex. 2012).

II. Legal Standards

The Federal Circuit has “stated numerous times” that “to demonstrate anticipation, the proponent must show that ‘the four corners of a single, prior art document describe every element of the claimed invention.’” *Net MoneyIN v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) (citation omitted). In *Net MoneyIN*, the court clarified that the prior art must include “the presence in a

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