

RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR HORTH AMERICA, INC.,

Petitioners,

v.

CRUISE CONTROL TECHNOLOGIES LLC,

Patent Owner.

Case No. IPR2014-00289

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

Oral Hearing Held on Tuesday, March 24, 2015

Before: JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R.
HOSKINS (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Tuesday, March 24,
2015, at 2:40 p.m., in Hearing Room A, taken at the U.S. Patent and
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

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1 P R O C E E D I N G S

2 (2:40 p.m.)

3 JUDGE COCKS: All right. If everybody is ready
4 we will get started. We are now on the record.

5 This is the fourth oral argument session for five
6 related proceedings, all involving U.S. Patent 6,324,463. This
7 oral argument session involves IPR2014-00289.

8 Let's begin by having counsel introduce
9 themselves for the record, starting with Petitioner.

10 MR. STEADMAN: Good afternoon, Your Honor.
11 My name is Paul Steadman. I'm with DLA Piper.

12 With me is Steve Reynolds, and lead counsel is
13 Matthew Satchwell. We are all from DLA Piper and we
14 represent the Petitioner.

15 JUDGE COCKS: All right. Thank you, Mr.
16 Steadman. And for the Patent Owner?

17 MR. KASHA: Good afternoon, Your Honor. My
18 name is John Kasha. I'm the lead counsel for Patent Owner.

19 With me is Mr. Timothy Salmon from Cruise
20 Control Technologies, and he will be arguing today.

21 JUDGE COCKS: All right. Thank you.

22 All right. As I think all of the parties are now
23 aware, each side has up to 45 minutes. We will begin with
24 Petitioner, who may reserve rebuttal time. The Patent Owner

1 will then give their presentation, and the Petitioner will
2 conclude with any time that they have reserved.

3 So you may take the podium and start us off.

4 MR. STEADMAN: Thank you, Your Honor. As
5 did the prior Petitioner counsel, I will reserve 15 minutes.

6 JUDGE COCKS: Okay. Thank you.

7 MR. STEADMAN: Given that this is the fourth
8 argument in a row on this particular patent, I am going to
9 streamline my presentation and try not to repeat things that
10 have been said before.

11 JUDGE COCKS: Well, we would appreciate that.

12 MR. STEADMAN: We will see. In this petition
13 there were five grounds for patentability. Two were for
14 anticipation and three were for obviousness combinations.

15 However, the arguments as they were briefed do
16 not really track the grounds or the claims. Many of the
17 arguments cover more than one ground or more than one
18 claim, and so I'm going to try to group the arguments together
19 thematically in order to dispense with them as quickly as
20 possible.

21 Beginning with the combination of embodiments
22 argument, which occurs in the briefing on grounds A through
23 C, and we are looking now at Petitioner's demonstrative -- I'm
24 sorry, Patent Owner's Demonstrative Exhibit 6. The Patent
25 Owner makes the argument that the petition relies on a

1 combination of elements in the Yoshimitsu reference itself
2 between the reference discussion of the invention in
3 Yoshimitsu and its own discussion of prior art.

4 And as noted previously today, the patent itself
5 lays out its invention in the same way. It discusses a novel
6 display that's adapted to a prior art cruise control device.

7 The same argument is summarized on Patent
8 Owner's demonstrative slide 6, 7 and 9. The Patent Owner
9 here is making a mistake of law. The Patent Owner relies
10 primarily on *Net MoneyIn v. Verisign*, which was a case with
11 particular facts.

12 In that case the IBM reference set forth two
13 completely different methods for protecting credit card
14 information. And the Federal Circuit ultimately said you can't
15 combine steps of one method with steps of another method to
16 anticipate the claims of a third method.

17 But while that is the law, it applies only in very
18 narrow circumstances where the prior art reference lays out
19 two contradictory or different embodiments and has no
20 suggestion of combining them.

21 Here the more important law comes from *In Re*
22 *Preda*, which was cited in our reply brief. *In Re Preda* notes
23 that it is proper to take account not only of the specific
24 teachings of the reference, that is, the exact words of the
25 reference, but also the inferences with which one skilled in

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