

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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AMERICAN HONDA MOTOR CO., INC., ET. AL  
Petitioner

v.

CRUISE CONTROL TECHNOLOGIES LLC  
Patent Owner

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**Case: IPR2014-00289**

**Patent 6,324,463**

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**OPPOSITION TO PATENT OWNER'S MOTION FOR JOINDER OF  
*INTER PARTES* REVIEW PROCEEDINGS: IPR2014-00279,  
IPR2014-00280, IPR2014-00281, IPR2014-00289, AND IPR2014-00291**

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American Honda Motor Co., Inc. (“Honda”), Toyota Motor North America, Inc. (“Toyota”), Nissan North America, Inc. (“Nissan”), Ford Motor Company (“Ford”), Jaguar Land Rover North America LLC (“JLRNA”), Subaru of America Inc. (“Subaru”) and Volvo Cars of North America LLC (“Volvo”) (collectively “Petitioner”) respectfully request that the Board deny Cruise Control Technologies LLC’s (“Patent Owner’s”) Motion for Joinder of *Inter Partes* Review Proceedings IPR2014-00279, IPR2014-00280, IPR2014-00281, IPR2014-00289, and IPR2014-00291 (“Motion”).

As the moving party, Patent Owner has the burden to establish that IPR2014-00289 should be joined with the other four IPR proceedings. *See* 37 C.F.R. §§ 42.20(c) and 42.122(b). Patent Owner has not carried its burden and its motion for joinder should be denied.

**First**, Patent Owner cannot demonstrate that it is entitled to joinder of the proceedings, as it failed to address any of the factors considered by the Board when deciding whether to grant a motion for joinder.

**Second**, Patent Owner disregards significant differences in the five IPR proceedings. Each of the differences alone would add complexity and inefficiency to a joined proceeding; together, the differences would make conducting a joined proceeding unfeasible.

*Third*, Petitioner would be severely prejudiced by joinder of the five IPR proceedings, as replying to Patent Owner’s argument on a large number of issues in a single, limited briefing would handicap Petitioner’s ability to meet its burden to prove unpatentability of the challenged claims.

*Fourth*, as the Board has not yet reached its decision on institution, Patent Owner’s motion for joinder is premature.

## I. BACKGROUND

On December 20, 2013, Petitioner, led by Subaru, filed a petition in IPR2014-00279 (“the Subaru petition”). *Subaru of America, Inc., et al. v. Cruise Control Technologies LLC*, IPR2014-00279, Paper No. 1. Matthew D. Satchwell is the only lead counsel identified in the Subaru petition. *Id.* at 3. The Subaru petition requests *inter partes* review of claims 1-5, 12-16, 18-21, 23, 25-31, and 34-36 of U.S. Patent No. 6,324,463 (“the ‘463 patent”) based on two references: Mizuno and Miura. *Id.* at 6. The Subaru petition is supported the expert opinions of Mr. David A. McNamara. IPR2014-00279, Exhibit 1007.

On December 20, 2013, Petitioner, led by Toyota, filed a petition in IPR2014-00280 (“the Toyota petition”). *Toyota Motor North America, Inc., et al. v. Cruise Control Technologies LLC*, IPR2014-00280, Paper No. 1. William H. Mandir is the only lead counsel identified in the Toyota petition. *Id.* at 2-3. The Toyota petition requests *inter partes* review of claims 1-5, 12-16, 18, 19, 21, 25-

28, and 34-36 of the '463 patent based on four references: the Diamante Owner's Manual, the Preview Distance Control Manual, Watanabe and Celsior. *Id.* at 6. The Toyota petition is supported by the expert opinions of Dr. Paul Green. IPR2014-00280, Exhibit 1011.

On December 20, 2013, Petitioner, led by Ford, filed a petition in IPR2014-00281 ("the Ford petition"). *Ford Motor Co., et al. v. Cruise Control Technologies LLC*, IPR2014-00281, Paper No. 1. Matthew J. Moore is the only lead counsel identified in the Ford petition. *Id.* at 2-3. The Ford petition requests review of claims 1-5, 12-31, and 34-36 of the '463 patent based on four references: Narita, Beiswenger, the NHTSA Report and Nagashima. *Id.* at 5-6. The Ford petition is supported by the expert opinions of Mr. Daniel A. Crawford. IPR2014-00281, Exhibit 1011.

On December 23, 2013, Petitioner, led by Honda, filed IPR2014-00289 ("the Honda petition"). *American Honda Motor Co., Inc., et al. v. Cruise Control Technologies LLC*, IPR2014-00289, Paper No. 3. John M. Caracappa is the only lead counsel identified in the Honda petition. *Id.* at 3-4. The Honda petition requests review of claims 1-5, 12-15, 18-20, 25-28, and 34-36 of the '463 patent based on four references: Yagihashi, Yoshimitsu, the 300zx Manual, and Nagashima. *Id.* at 15-60. The Honda petition is supported by the expert opinions of Mr. David A. McNamara. IPR2014-00289, Exhibit 1012.

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