

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR NORTH AMERICA, INC., FORD MOTOR  
COMPANY, JAGUAR LAND ROVER NORTH AMERICA LLC,  
SUBARU OF AMERICA, INC., and VOLVO CARS OF NORTH  
AMERICA LLC,  
Petitioner,

v.

CRUISE CONTROL TECHNOLOGIES LLC,  
Patent Owner.

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Case IPR2014-00289  
Patent 6,324,463 B1

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Before JOSIAH C. COCKS, HYUN J. JUNG, and GEORGE R. HOSKINS,  
*Administrative Patent Judges.*

JUNG, *Administrative Patent Judge.*

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

## I. INTRODUCTION

Toyota Motor North America, Inc., et al. (collectively, “Petitioner”) filed a corrected Petition (Paper 8, “Pet.”) requesting institution of an *inter partes* review of claims 1–5, 12–15, 18–20, 25–28, and 34–36 of U.S. Patent No. 6,324,463 B1 (Ex. 1001, the “’463 patent”) pursuant to 35 U.S.C. § 311. Cruise Control Technologies LLC (“Patent Owner”) filed a preliminary response. Paper 9 (“Prelim. Resp.”). Based on these submissions, we instituted trial as to claims 1–5, 12–15, 18–20, 25–28, and 34–36 of the ’463 patent. Paper 13 (“Dec. on Inst.”).

After institution, Patent Owner filed a Patent Owner’s Response (Paper 21, “PO Resp.”), and Petitioner filed a Reply (Paper 29, “Reply”). In addition, Petitioner proffered the Declaration of David A. McNamara (Ex. 1012, “McNamara Declaration” or “McNamara Decl.”) with the Petition. Patent Owner does not rely on any expert declaration, and no deposition transcript was filed for Mr. McNamara.

An oral hearing in this proceeding was held on March 24, 2015, and a transcript of the hearing is included in the record (Paper 41, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–5, 12–15, 18–20, 25–28, and 34–36 of the ’463 patent are unpatentable.

A. The '463 Patent (Ex. 1001)

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:

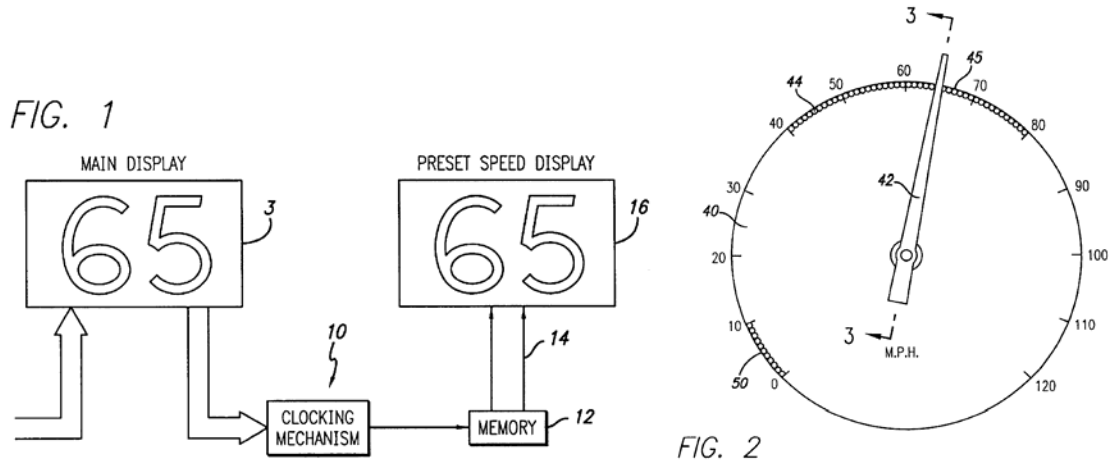


Figure 1 illustrates a digital speed display, while Figure 2 illustrates an analog speedometer. *Id.* at 3:8–13. In Figure 1, main speed display 3 shows the current speed at which the vehicle is operating. *Id.* at 3:49–53. When a cruise control set button (not shown in Figure 1) is pressed, the vehicle speed is stored in digital memory 12 as a preset speed. *Id.* at 3:53–60. Second speed display 16 shows that preset speed. *Id.*

Figure 2's analog speedometer 40 incorporates several LED assemblies 45. *Id.* at 4:19–26. Each LED assembly 45 has an LED and a detector. *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. *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. *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. *Id.* at 4:57–64.

*B. Illustrative Claim*

The '463 patent has 36 claims, of which claims 1–5, 12–15, 18–20, 25–28, and 34–36 are being challenged. Of the challenged claims, claims 1, 2, 12, 13, 18, 25, 26, and 34 are independent. Claims 1, 2, and 26 are system claims, and claims 12, 13, 18, 25, and 34 are method claims. Claim 1 is reproduced below.

1. A cruise control system for 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. Prior Art Relied Upon*

The Petition relies upon the following prior art references:

JP H9-50582 (“Yagihashi”) Feb. 18, 1997 Ex. 1004  
(translation, Ex. 1005)<sup>1</sup>

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<sup>1</sup> The Petition cites to certified translations of Yoshimitsu (Ex. 1007), Nagashima (Ex. 1010), and Yagihashi (Ex. 1005). Pet. 10 n.1. Our decision also cites to those translations and exhibit page numbers.

JP S60-161226 ("Yoshimitsu") (translation, Ex. 1007)	Aug. 22, 1985	Ex. 1006
1984 Nissan 300zx Owner's Manual ("300zx Manual")	1983	Ex. 1008
JP H4-102059 ("Nagashima") (translation, Ex. 1010)	Sept. 3, 1992	Ex. 1009

*D. The Asserted Grounds of Unpatentability*

We instituted the instant *inter partes* review on the following grounds of unpatentability.

Reference[s]	Basis	Claims challenged
Yoshimitsu	§102(b)	13, 18, and 25–27
Yagihashi	§102(b)	12 and 13
Yoshimitsu and 300zx Manual	§103(a)	1, 2, 12, 14, 15, 27, and 34–36
Yoshimitsu and Nagashima	§103(a)	19 and 20
Yagihashi and Yoshimitsu	§103(a)	1–5, 14, 26–28, and 34–36

II. CLAIM CONSTRUCTION

In an *inter partes* review, “[a] claim in an unexpired patent shall be given its broadest reasonable construction in light of the specification of the patent in which it appears.” 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Tech., LLC*, 778 F.3d 1271, 1279–83 (Fed. Cir. 2015). There is a “heavy presumption” that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002); *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

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