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Paper 13
Entered: July 2, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN HONDA MOTOR CO., INC., TOYOTA MOTOR NORTH AMERICA, INC., NISSAN NORTH AMERICA INC., LLC, FORD MOTOR COMPANY, JAGUAR LAND ROVER NORTH AMERICA LLC, SUBARU OF AMERICA, INC., and VOLVO CARS OF NORTH AMERICA LLC,
Petitioners,

v.

CRUISE CONTROL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-00289
Patent 6,324,463 B1

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

JUNG, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

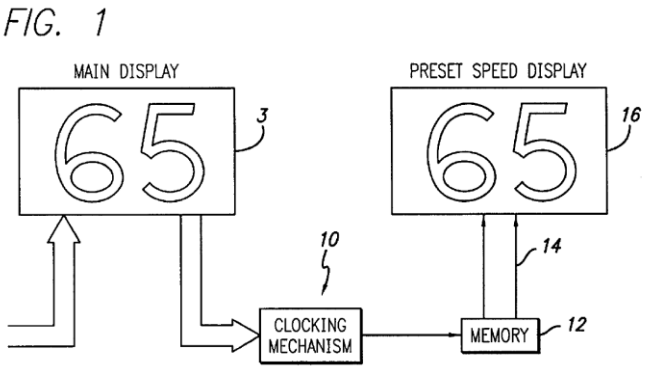
On January 13, 2014, American Honda Motor Co., Inc. et al. ("Petitioners") filed a corrected Petition[1] (Paper 8, "Pet.") to institute an *inter partes* review of claims 1-5, 12-15, 18-20, 25-28, and 34-36 (the "challenged claims") of U.S. Patent No. 6,324,463 B1 (Ex. 1001, the "'463 patent"). Cruise Control Technologies LLC ("Patent Owner") filed a Preliminary Response (Paper 9, "Prelim. Resp.") on April 8, 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). Petitioners contend the challenged claims are unpatentable under 35 U.S.C. §§ 102 and 103. Pet. 1. We determine there is a reasonable likelihood Petitioners would prevail in showing the unpatentability of claims 1-5, 12-15, 18-20, 25-28, and 34-36. 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:

[1] Petitioners first filed a petition (Paper 3) on December 23, 2013.



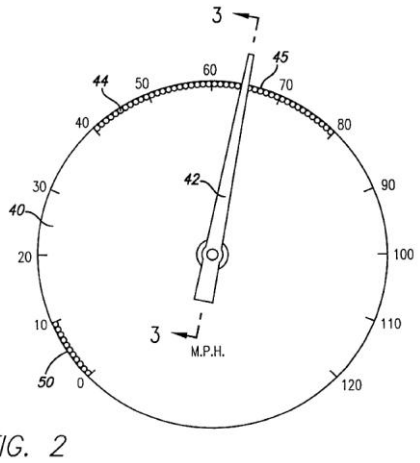


FIG. 2

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

Challenged claims 1, 2, 12, 13, 18, 25, 26, and 34 are independent. 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. Related Matters

The Petition states that the '463 patent is or has been involved in fifteen separate civil actions in the District of Delaware. Pet. 1-3. The Petition also identifies an on-going *ex parte* reexamination of the '463 patent that was granted on May 31, 2013 (Control No. 90/012,841). *Id.* at 3. The '463 patent is also the subject of four other requests for *inter partes* review (IPR2014-00279, IPR2014-00280, IPR2014-00281, and IPR2014-00291).

D. Prior Art Relied Upon

JP H9-50582 ("Yagihashi") (translation, Ex. 1005)[2]	Feb. 18, 1997	Ex. 1004

[2] Petitioners cite to certified translations of Yoshimitsu (Ex. 1007), Nagashima (Ex. 1010), and Yagihashi (Ex. 1005). Pet. 10 n.1. Our decision also cites to those

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

E. Alleged Grounds of Unpatentability

Petitioners contend that the challenged claims of the '463 patent are unpatentable under 35 U.S.C. §§ 102(b) and 103(a) on the following grounds:

Reference(s)	**Basis**	**Claims Challenged**
Yoshimitsu	§ 102	13, 18, and 25-27
Yagihashi	§ 102	12 and 13
Yoshimitsu and 300zx Manual	§ 103	1, 2, 12, 14, 15, 27, and 34-36
Yoshimitsu and Nagashima	§ 103	19 and 20
Yagihashi and Admitted Prior Art and/or Yoshimitsu	§ 103	1-5, 14, 26-28, and 34-36

II. ANALYSIS

A. Claim Construction

As a step in our analysis, we determine the meaning of the claims for purposes of this decision. In an *inter partes* review, a claim in an unexpired patent

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translations and exhibit page numbers.

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