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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

CRUISE CONTROL TECHNOLOGIES LLC,
Patent Owner

CASE IPR: 2014-00291

**OPPOSITION TO
CRUISE CONTROL TECHNOLOGIES LLC'S MOTION FOR JOINDER**

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Patent Trial and Appeal Board
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I. INTRODUCTION

On April 24, 2014, Cruise Control Technologies LLC, Patent Owner, filed a Motion for Joinder of the following proceedings: IPR2014-00279, IPR2014-00280, IPR2014-00281, IPR2014-00289, and IPR2014-00291. (Paper No. 9.) Petitioner Nissan North America, Inc. (“Nissan”), along with its listed co-petitioners, respectfully oppose Patent Owner’s motion for joinder because joining the proceedings would raise new issues, hinder the petitioners ability to raise the full scope of arguments presented in each petition, and increase the costs of the *inter partes* review.

II. PRECISE RELIEF REQUESTED

Patent Owner has the burden to prove that the following proceedings should be joined: IPR2014-00279, IPR2014-00280, IPR2014-00281, IPR2014-00289, and IPR2014-00291. *See* 37 C.F.R. § 42.20(c). Patent Owner has failed to meet this burden and its request should be denied for the following reasons.

III. STATEMENT OF MATERIAL FACTS

For these purposes, Nissan does not dispute the statement of material facts included in the Patent Owner’s motion and incorporates them herein by reference, (Paper No. 9.), and details additional material facts and background below.

Patent Owner filed an infringement suit against Nissan on January 15, 2013, alleging that Nissan’s actions infringed U.S. Patent No. 6,324,463 (“464 patent”),

Cruise Control Technologies LLC v. Nissan North America, Inc., No. 12-085-GLS (D. Del. filed Jan. 15, 2013). At roughly the same time, Patent Owner separately filed suit against Nissan’s co-petitioners. On December 23, 2013, Nissan filed the Petition for *Inter Partes* Review in the present action.¹ On April 8, 2014, Patent Owner filed its Preliminary Response. On the following day, Patent Owner, Petitioner, and counsel representing petitioners for the other separately filed *inter partes* review proceedings participated in a conference call with the Board to discuss the topic of joinder (or consolidation). On April 10th, the Board issued an Order “authoriz[ing] Patent Owner to file its requested motion to join the five related proceedings.” (Paper No. 8, pp. 3-4.) On April 24, 2014, Patent Owner filed its Motion for Joinder. (Paper No. 9.) Patent Owner’s motion raises the following issues: (i) the co-petitioners are a single “petitioner”; (ii) co-petitioners have violated the “one petitioner, one voice” rule and will continue to violate this so the petitions should be denied; (iii) pre-institution joinder is the most efficient means to proceed, if the petitions are not denied; (iv) pre-institution joinder is permissible; and (v) joinder will not prejudice the co-petitioners. *Id.*

None of the issues raised by the Patent Owner are convincing, and Patent Owner has failed to meet its burden necessary to warrant granting of its motion as explained more fully below. Moreover, Patent Owner’s alternative request, that

¹On January 15, 2014, an Amended Petition was filed in the present action.

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