

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,
Petitioner,

v.

CRUISE CONTROL TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-00291
Patent 6,324,463

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

COCKS, *Administrative Patent Judge.*

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

I. INTRODUCTION

Petitioner, Nissan North America, Inc. et al. (“Petitioner”), filed an amended petition (Paper 6, “Pet.”) requesting *inter partes* review of claims 1-5, 12-16, 18, 19, 21, 25-31, and 34-36 of U.S. Patent No. 6,324,463 (the “’463 patent”). Patent Owner, Cruise Control Technologies LLC (“Patent Owner”), filed a preliminary response (Paper 7, “Prelim. Resp.”). 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). For the reasons set forth below, we conclude that the information presented in the Petition establishes a reasonable likelihood that Petitioner will prevail in showing the unpatentability of claims 1-5, 12-16, 18, 19, 21, 25-31, and 34-36. Pursuant to 35 U.S.C. § 314, we hereby institute an *inter partes* review as to those claims.

A. Related Matters

Petitioner has identified several related district court proceedings involving the ’463 patent, all of which were filed by Patent Owner in the United States District Court for the District of Delaware. *See* Pet. 3-4; Paper 5, at 2-4. The ’463 patent is also the subject of four other requests for *inter partes* review (IPR2014-00279, IPR2014-00280, IPR2014-00281, and IPR2014-00289).

B. 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:

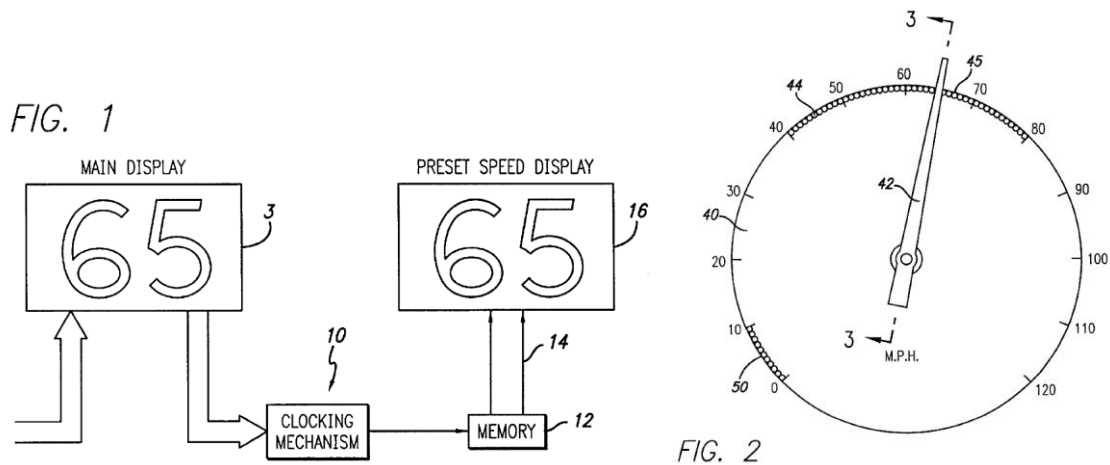


Figure 1 illustrates a digital speed display, while Figure 2 illustrates an analog speedometer. *See id.* at 3:8-13. In Figure 1, main speed display 3 shows the current speed at which the vehicle is operating. *See id.* at 3:49-53. When a cruise control set button (not shown in Figure 1) is pressed, 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.

Claims 1, 2, 6, 12, 13, 18, 21, 25, 26, 29, and 34 are independent. Claims 1 and 12 are illustrative and 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.

12. A method for visually communicating to the human operator of a vehicle having a cruise control system a cruising speed at which the vehicle is set, comprising:

determining the speed at which the vehicle is traveling;

activating the cruise control system at a desired cruising speed;

displaying a symbol indicative of the speed at which the cruise control system is activated;

maintaining the activated cruise control speed symbol upon temporary acceleration or deceleration of the vehicle;

removing said symbol when the cruise control system is deactivated or a new cruising speed is selected.

C. Prior Art Relied Upon

Autonomous Intelligent Cruise Control (AICC), Prometheus (“Prometheus”)	Apr. 1991	Ex. 1003
Narita JP S60-174329 (translation, Ex. 1006) ¹	Sept. 1985	Ex. 1004
Toyota Celsior Owner’s Manual (“Celsior”) (translation, Ex. 1009)	July 1997	Ex. 1007

D. The Alleged Grounds of Unpatentability

Petitioner contends that claims of the patent are unpatentable under 35 U.S.C. §§ 102(b) and 103(a) on the following grounds:

Reference[s]	Basis	Claim[s] challenged
Prometheus	§ 102	1-3, 5, 12-14, 18, 19, 25-27, 29-31, and 34-36
Prometheus and Narita	§ 103	3-5, 12, 15, 16, 21, and 28
Prometheus and Celsior	§ 103	4

II. ANALYSIS

A. Preliminary Matters

Patent Owner’s Preliminary Response presents two arguments addressed to the merits of the Petition’s proposed grounds for unpatentability. Patent Owner first asserts we should deny *inter partes* review on a proposed ground of unpatentability because the Petition provides only a partial translation of Celsior.

¹ Our decision cites to the translations of the prior art relied upon, including the page numbering of the original documents as reflected in the translations.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.