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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re WEST VIEW RESEARCH, LLC  
patent cases

Case Nos.:  
14-CV-2675-CAB (WVG)  
14-CV-2677-CAB (WVG)  
14-CV-2679-CAB (WVG)

**ORDER GRANTING MOTIONS  
FOR JUDGMENT ON THE  
PLEADINGS**

Before the Court is the motion for judgment on the pleadings filed by Tesla Motors, Inc. (“Tesla”) in Case No. 14-CV-2679. [Doc. No. 47.] The motion has been joined by the defendants in Case No. 14-CV-2675 (collectively, the “Hyundai Defendants”), and Case No. 14-CV-2677 (collectively, the “Nissan Defendants,” and together with Tesla and the Hyundai Defendants, the “Defendants”). Plaintiff has opposed the motion, and the Court held a hearing on October 29, 2015. For the reasons set forth below, the motion is granted.

**I. Background**

On June 10, 1999, Robert Gazdzinski filed an application that issued on September 2, 2003 as United States Patent No. 6,615,175 for a “‘Smart’ Elevator System and Method.” The patent discloses a system and subsystems utilizing computer hardware, software and other peripherals, known in the art, to provide information to occupants in an elevator, or

1 users of other “personnel transport devices” such as moving walkways or shuttles. It also  
2 discloses sub-systems that control the operation of the elevator car. The specification is  
3 directed at various embodiments of such a system and sub-systems, incorporated into an  
4 elevator car, although it asserts that certain aspects of the invention may be useful in other  
5 applications.

6 In discussing the problems the invention resolves, the patent focuses on the role of  
7 elevators, and similar devices, widely used in modern urban life to transport large numbers  
8 of people between two locations on a routine basis. The patent states that advances in “data  
9 networking, thin or flat panel display technology, personal electronics, and speech  
10 recognition and compression algorithms and processing” have made it technologically and  
11 commercially viable to provide systems that allow users of elevators and such  
12 transportation devices to make productive use of the “dead time” the users experience  
13 waiting for and using such transport devices, by providing access to information such as  
14 directions, news, weather, and advertising. The user is presented with a computer system  
15 that permits the user, audibly through a microphone or physically using a keypad, to make  
16 a query that is processed, and a response is then displayed on a screen or audibly over a  
17 speaker.

18 The specification discloses the various components of this overall information  
19 system.<sup>1</sup> The system includes an input device such as a touch-sensitive keypad and/or  
20 display screen “of the type well known in the electrical arts.” 156 Patent, Col. 5:52-55. An  
21 example of the system’s speech recognition module is set forth, however the specification  
22 states that a “myriad [of] speech recognition systems and algorithms are available, [and]  
23 all considered within the scope of the invention.” *Id.*, Col. 6:5-7. CELP-based voice data  
24 compression, to convert analog speech to a compressed digital format, is disclosed also  
25 recognizing that such algorithms and technology are “well known in the signal processing  
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27 <sup>1</sup> The ‘175 patent is the parent patent of all the patents at issue. All the asserted patents are based on the  
28 ‘175 patent specification. The portions of the specification discussed herein are referenced to the  
column and line locations in one of the continuation patents at issue, U.S. Patent No. 8,065,156.

1 art” and therefore are not further described. Additionally CELP is described to include any  
2 and all variants of the CELP family and notes that other types of compression algorithms  
3 and techniques may be used as well. *Id.*, Col. 6:8-21.

4 A digital signal processor is identified as a particular Texas Instruments processor,  
5 but “other types of processors may be used.” *Id.*, Col. 6:36-39. Similarly the central  
6 processor is identified as a particular Intel design, “although others may be used in place  
7 of the [Intel processor].” *Id.*, Col. 6:41-45. A keypad design is disclosed for the input  
8 device however “any number of input devices, including ‘mechanical’ keypads, trackballs,  
9 light pens, pressure sensitive ‘touch’ keypads, or the like maybe used in conjunction with  
10 the present invention.” *Id.*, Col. 7:4-7. The patent discloses touch-screen display devices  
11 “of the type well known in the art, although other types of displays, including ‘flat’ cathode  
12 ray tubes, plasma or TFT display” or “a non-touch sensitive display” may be used. *Id.*,  
13 Col. 7:11-23.

14 A remote central server is networked to the system via a “local area network  
15 architecture such a bus, star, ring, star/bus, or other similar topology” and the network may  
16 operate according to any number of networking protocols. *Id.*, Col. 7:41-46. Data may  
17 also be transferred from the system to the remote server via “any wireless interface capable  
18 of accommodating the bandwidth requirements of the system.” *Id.*, Col.7:52-58. Optical  
19 networking architectures and protocols, of the type well known in the data networking arts,  
20 may also be used to transfer data between the server and the system. *Id.*, Col. 7:58-63.

21 In summary, the various components of the system that function to input a query,  
22 process, retrieve and provide a visual or audible response are described as “well known”  
23 devices and technology, and the patent broadly states that “many different arrangements  
24 for the disposition of various components within the system . . . are possible, all of which  
25 are encompassed within the scope of the present invention.” *Id.*, Col. 7:64-Col. 8:2.  
26 Nothing in the specification suggests that the collection of hardware, firmware and  
27 software that make up the information system to input a user query, process it, and provide  
28 a response is specifically configured and adapted to this particularized use. To the contrary,

1 the combination of system components is described as interchangeable and readily  
2 identifiable to those in the art.

3 The patent then describes various sub-systems, or possible applications for this  
4 overall computer information system. A building directory sub-system is disclosed, with  
5 respect to tenant location and information. This sub-system is described as files in the  
6 system containing tenant information and indicates the sub-system can be programmed to  
7 search these files in response to a user query and provide a variety of responses, including  
8 a location graphic file, depending on the content of the files and the program parameters.  
9 *Id.*, Col. 8:3-Col. 10:2.

10 The patent also discloses a Network Interface sub-system, in which the input device  
11 or display of the computer information system links to a network interface by cable modem  
12 of the type well known in the networking arts, or any wireless interface that could  
13 accommodate the bandwidth requirements. Using preset function keys, the system  
14 provides information on a variety of predetermined topics at the user's initiation, such as  
15 weather, news headlines or financial data. The generation of the responsive textual,  
16 graphic or mixed media displays is described as well known in the computer arts and not  
17 further described. Alternatively the computer information system is programmed to  
18 provide information on a rotating basis without the need for user intervention, changing  
19 topics every 10 to 15 seconds for example. *Id.*, Col. 10:3-Col. 11:7.

20 Should the user of the computer system wish to take the information with him or  
21 her, the patent discloses an Information Download embodiment. *Id.* Col. 11:8-Col. 12:3.  
22 A user may plug a personal electronic device (PED) into the computer system to download  
23 the information. Such connectors and protocols for this downloading are described as well  
24 known in the electronic arts. "A universal asynchronous receiver/transmitter or universal  
25 serial bus of the type well known in the computer arts is used to electrically interface the  
26 processor of the system and the PED." *Id.*, Col. 11:33-37 "Application software resident  
27 on the PED is adapted to receive the downloaded data, store it within the storage device of  
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1 the PED, and display it at a later time.” *Id.*, Col. 11:48-50. How the PED application  
2 software is adapted is not disclosed.

3 There is a lengthy description of a Capacity Sensing sub-system to detect the  
4 passenger load of the elevator car and selectively bypass floors when the capacity is met.  
5 *Id.*, Col. 12:4-Col. 15:18. This sub-system is not relevant to the claims at issue in this  
6 litigation.

7 A Monitoring and Security sub-system is included that incorporates signals from  
8 cameras and/or motion detectors external to the elevator transmitted to the computer  
9 system’s display. Based on the video monitoring, a user of the system can control the  
10 operation of the elevator, contact a security station, or activate additional lighting. The  
11 patent discloses that many architectures for generating and transmitting video data between  
12 a remote location of cameras and the display unit of the computer system are known and  
13 possible. *Id.*, Col. 15:19-Col. 17:49.

14 The computer system can also be used as an Identification and Access sub-system,  
15 using radio frequency identification tags (RFID tag), readers, and passwords, encrypted  
16 protocols or spread spectrum techniques for security, all systems well known in the art.  
17 Users with authorized RFID tags could use the computer system to gain access to certain  
18 floors, activate lighting or environmental controls or use the tag as a personal identifier  
19 when downloading data from the computer system to a user’s PED thereby initiating  
20 application of a data file pre-configured to that user’s device. *Id.*, Col. 17:50-Col. 20:8.

21 The computer system can also be programmed to provide “adaptive advertising or  
22 information.” *Id.*, Col. 20:9-Col. 24:18. “The advertising sub-system is comprised of  
23 components resident within the information and control system, as well as data files and  
24 an adaptive algorithm (not shown) running on the processor.” *Id.*, Col. 20:15-19. The  
25 patent describes two functional modes for the adaptive algorithm.

26 In the “prompt” mode the computer system samples the conversation between the  
27 elevator passengers, and identifies keyword(s), then uses the keyword(s) to search and  
28 select related advertising image data and display or audibly project the advertising.

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