

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.¹ 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
26

27 ¹ 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
28

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.

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.