

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

SPEED MONITORING TECHNOLOGIES LLC,
Patent Owner.

Case IPR2014-01500
Patent 7,389,198 B1

Before HOWARD B. BLANKENSHIP, KARL D. EASTHOM, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner, Ford Motor Company, filed a Corrected Petition for *inter partes* review of claims 1–5 and 8–13 of U.S. Patent No. 7,389,198 B1 (Ex. 1001, “the ’198 patent”). Paper 7 (“Pet.”). Patent Owner, Speed

IPR2014-01500
Patent 7,389,198 B1

Monitoring Technologies LLC, filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is 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); *see* 37 C.F.R. § 42.108. Upon consideration of the Petition and the Preliminary Response, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1–5 and 8–13 of the ’198 patent.

A. Related Matters

The parties state that Patent Owner recently asserted the ’198 patent against third parties in two patent infringement lawsuits, both of which have been dismissed. Pet. 37; Paper 6, 2 (Patent Owner’s Mandatory Notice).

B. The ’198 Patent

The ’198 patent relates to a vehicle speed monitoring system that generates alerts and other outputs when the vehicle speed exceeds a speed limit. Ex. 1001, Abstract. Figure 1 of the ’198 patent shows various components of the system and is reproduced below:

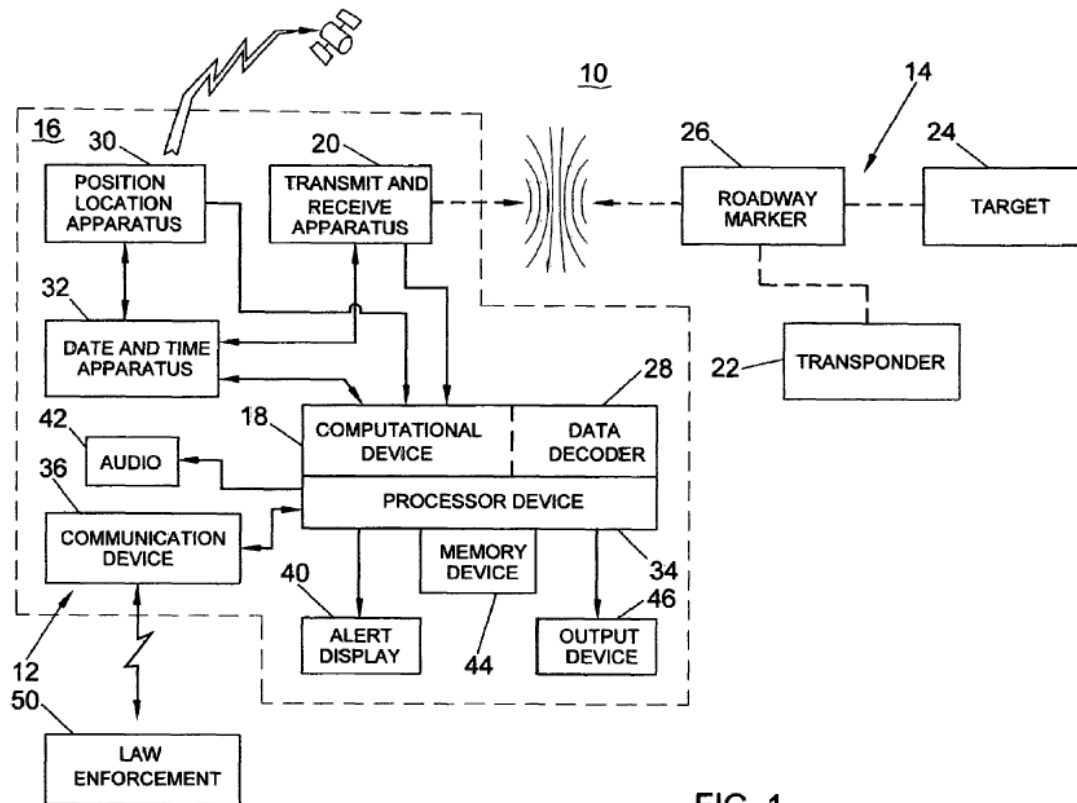


FIG. 1

As illustrated in Figure 1, the system described in the '198 patent includes components to detect vehicle speed and location, monitor time, and provide alerts. *Id.* at 1:64–67. For example, vehicle 16 includes transmit and receive apparatus 20, which may be a radar apparatus, to determine the speed of vehicle 16 relative to roadway marker 26, such as a speed limit sign. *Id.* at 2:8–12. Transmit and receive apparatus 20 may transmit a signal that detects transponder 22 located in roadway marker 26. *Id.* at 2:13–14. Vehicle 16 also includes position location apparatus 30, which may be a Global Positioning System (GPS) receiver. *Id.* at 2:27–29. In addition, vehicle 16 includes date and time apparatus 32, which may be independent or use the GPS. *Id.* at 2:29–30.

Vehicle 16 further includes processor device 34, which may include a computation device that uses speed and speed limit detected at a particular roadway marker 26 to determine if the vehicle exceeds the speed limit. *Id.* at 2:36–39, 2:43–45. Date and time apparatus 32 may monitor the amount of time the vehicle speed is over the speed limit. *Id.* at 2:39–42. Various alerts and displays inside and outside the vehicle may indicate speed, speed limit, time, and location, and whether the vehicle has exceeded the speed limit. *Id.* at 2:39–40, 2:54–64. Also, processor device 34 may use speed, speed limit, and time information to determine whether a traffic ticket should be issued for a particular vehicle at a particular location. *Id.* at 2:45–48.

C. Illustrative Claim

Claim 1 is the only independent claim in the '198 patent and is illustrative of the challenged claims:

1. A system for monitoring a land vehicle speed relative to a speed limit comprising:

an electronic transmit and receive apparatus disposed in a land vehicle to detect speed relative to a roadway marker;

a position location apparatus disposed in said land vehicle[];

a date and time apparatus disposed in said land vehicle and in communication with said electronic transmit and receive apparatus and said position location apparatus;

a speed and speed limit computation device in communication [with] said electronic transmit and receive apparatus, said position location apparatus, and said date and time apparatus; and in communication with an output to an alert display device and an output device.

Ex. 1001, 3:19–33.

D. Asserted Grounds of Unpatentability

Petitioner contends that claims 1–5 and 8–13 of the '198 patent are unpatentable based on the following specific grounds (Pet. 8–37):

References	Basis	Challenged Claims
Breed ¹ and Tseng ²	35 U.S.C. § 103(a)	1, 2, 4, 5, and 8–13
Gehlot ³ and Tseng	35 U.S.C. § 103(a)	1–5, 8, and 11–13

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see In re Cuozzo Speed Techs.*, No. 2014-1301, 2015 WL 448667, at *8 (Fed. Cir. Feb. 4, 2015). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). For purposes of this preliminary proceeding, we determine that no claim terms require express construction.

B. Asserted Obviousness over Breed and Tseng

Petitioner contends that claims 1, 2, 4, 5, and 8–13 are unpatentable under 35 U.S.C. § 103(a) as obvious over Breed and Tseng. Pet. 8–23. To support its contention, Petitioner provides analysis and claim charts

¹ U.S. Patent No. 6,720,920 B2, issued Apr. 13, 2004 (Ex. 1003, “Breed”).

² U.S. Patent No. 6,959,970 B2, issued Nov. 1, 2005 (Ex. 1004, “Tseng”).

³ U.S. Patent No. 6,163,277, issued Dec. 19, 2000 (Ex. 1005, “Gehlot”).

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