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Paper No. 7
Filed: October 28, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION,
Petitioner,

v.

CELLPORT SYSTEMS, INC.,
Patent Owner.

Case IPR2015-01423
Patent 5,479,479

Before JAMESON LEE, JAMES B. ARPIN, and SCOTT C. MOORE, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Toyota Motor Corporation filed a Petition (Paper 2, "Pet.") to institute *inter partes* review of claims 1–29 of expired U.S. Patent No. 5,479,479 (Ex. 1001, "the '479 patent"). Patent Owner, Cellport Systems, Inc., filed a Preliminary Response (Paper 6, "Prelim. Resp.").

Upon consideration of the Petition and Preliminary Response, we reject the Petition under 35 U.S.C. § 325(d), because substantially the same prior art and substantially the same arguments previously were presented by Petitioner in IPR2015-00634. Accordingly, we do not institute an *inter partes* review of any claim of the '479 patent. The Petition is *denied*.

B. Related Matters

The '479 patent has been asserted in two lawsuits in the United States District Court for the District of Colorado. Pet. 4; Paper 5, 2. The '479 patent also is the subject of a petition filed by Toyota Motor Corporation, the same petitioner as in this proceeding, in IPR2015-00634.

C. Evidence Relied Upon by Petitioner

Petitioner relies on the following references:[1]

[1] Petitioner also relies on the Declaration of John Villasenor (Ex. 1004).

Reference		Date	Exhibit
Boatwright	US 5,465,207	Issued: Nov. 7, 1995 Filed: Sep. 21, 1992	Ex. 1002
Mansell	US 5,223,844	Issued: June 29, 1993 Filed: Apr. 17, 1992	Ex. 1014
Hoto	US 5,410,541	Issued: Apr. 25, 1995 Filed: May 4, 1992	Ex. 1015
Guy	US 5,187,591	Filed: Feb. 16, 1993 Filed: Jan. 24, 1991	Ex. 1016
Thompson	US 5,444,855	Issued: Aug. 22, 1995 Filed: Apr. 17, 1992	Ex. 1017
CAN	Szydlowski, C., *CAN Specification 2.0: Protocol and Implementations*, SAE Technical Paper 921603, Future Transportation Technology Conference and Exposition, Costa Mesa, California August 10–13, 1992	1992	Ex. 1026

D. The '479 Patent

The '479 patent relates to transmitting and receiving digital information through an air link. Ex. 1001, Title. The specific disclosure pertains to sending and receiving digital data between a plurality of peripheral devices, through a cellular telephone, to remote devices. *Id*. at Abstr. One aspect of the '479 patent concerns providing a universal interface to different kinds of cellular phones in the form of an adaptor cable that provides for selectable coding to identify the type of the attached phone, and the application environment for that aspect of the invention can be that of a car kit environment. *Id*. at 2:40–55. Another aspect of the '479 patent concerns using a controller attached to a common bus to which a plurality of peripheral devices also are attached to permit digital data to be communicated to and from the peripheral devices via a wireless telephone. *Id*. at 3:30–44. Figure 15 of the '479 patent is reproduced below:

FIG. 15

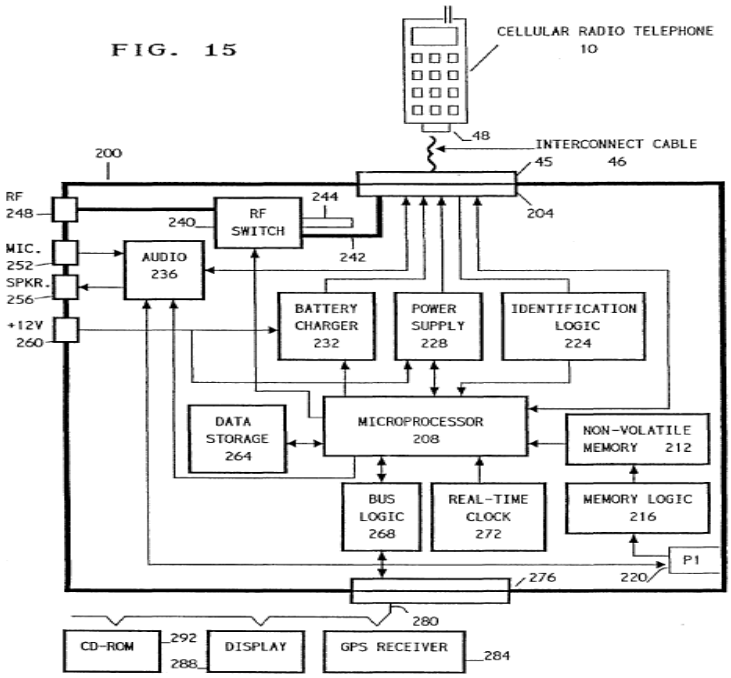

Figure 15 shows cellular phone 10 connected to car kit controller 200 through an interconnect cable having universal connector 45 that connects with car kit connector 204. *Id*. at 10:10–17. Car kit controller 200 includes bus logic 268 to control common bus 280 to which peripheral devices CD ROM 292, display 288, and GPS Receiver 284 are connected. *Id*. at 11:59–61.

With regard to operation of the system, the '479 patent states:

> In operation, cellular phone 10 may receive RF signals containing data addressed to one of the peripheral devices. The data is passed via interconnect cable 46 to microprocessor 208. Microprocessor 208 formats the data according to the needs of the peripheral device to which the data is addressed. The data is then either buffered or passed directly through bus connector 276 to the appropriate peripheral device [on] bus 280.
>
> Car kit controller 200 further comprises circuitry to allow this process to be reversed to allow any of the peripheral devices to send data through car kit controller 200 and cellular phone 10 and out of the car using RF signals. Accordingly, a duplex digital path is provided between bus 280 and cellular phone 10, for allowing digital information to be transmitted through car kit controller 200 in either direction.

Id. at 12:39–54.

II. ANALYSIS

Title 35, Section 325(d) of the U.S. Code provides, in pertinent part:

> In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

The following table shows the alleged grounds of unpatentability

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