

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

SOCIETÀ ITALIANA PER LO SVILUPPO DELL'ELETTRONICA
S.P.A.,
Patent Owner.

Case IPR2017-00565
Patent 6,754,580 B1

Before MITCHELL G. WEATHERLY, JAMES A. WORTH, and
MICHAEL L. WOODS, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

Unified Patents Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–13 of U.S. Patent No. 6,754,580 B1 (“the ’580 patent”). Pet. 2. Società Italiana Per Lo Sviluppo Dell’Elettronica S.p.A. (“Patent Owner”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”) to the Petition, contending that the Petition should be denied as to all challenged claims. Prelim. Resp. 1.

We have jurisdiction under 37 C.F.R. § 42.4(a) and 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “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.” Having considered the arguments and the evidence presented, for the reasons described below, we decline to institute an *inter partes* review of any of the challenged claims.

A. *Related Proceedings*

Petitioner is not aware of any related proceedings involving the ’580 patent. Pet. 1.

B. *The ’580 Patent (Ex. 1001)*

The ’580 patent is titled “SYSTEM FOR GUIDING VEHICLES.” Ex. 1001, Title. The ’580 patent “relates to a system for controlling vehicles movements, principally in densely populated areas containing a road network . . . [and information is transmitted] between the vehicle in question[] and a traffic information center.” *Id.* at 1:6–12.

According to the ’580 patent, in addition to sending the intended destination, “each vehicle identifies itself at the time of logging in . . . [so] that information about the position and the speed of the vehicle is reported at

regular intervals to the aforementioned traffic information center, whereby overall control of the traffic is achieved on the basis of the information reported to the traffic information center.” *Id.* at 2:46–55. To illustrate the claimed system, we reproduce Figure 7 of the ’580 patent, below:

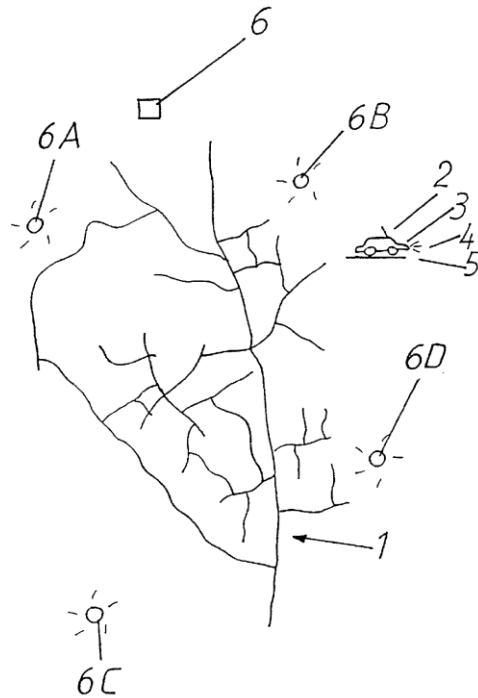


FIG. 7

Figure 7 depicts the ’580 patent’s system including road network 1 and vehicle 2 with means for identification 3, means for road information 4, and means for transmission of information 6 between vehicle 2 and traffic information center 6. *Id.* at 6:59–65. The ’580 patent describes numerous traffic information centers 6, 6A, 6B, and 6D to permit roaming between the vehicle and centers. *Id.* at 7:37–41.

The ’580 patent attempts to distinguish its disclosed system from prior art systems—including that disclosed by Gazis, discussed *infra* (*id.* at 1:35–38)—by asserting, “[t]he prior art does not focus on the fact that the vehicles must be ‘logged into’ the system . . . [and] does not contain any reference to

the fact that the road network must have, for example, environmental and vehicle type classification in order for guiding to function correctly.” *Id.* at 2:15–16, 23–26.

C. Prosecution History

On March 12, 2002, the applicant submitted an information disclosure statement disclosing six references (D1–D6), including Gazis (D1), which were identified in a related International Preliminary Examination Report (the “Report”). Ex. 1003, 61, 73–74. The Report reads, “new claim 1 . . . states that an ID is obtained and information relating to the respective vehicle is transmitted in conjunction with logging in. The invention defined in the amended claims 1–9 is not disclosed by any of these documents D1–D6.” *Id.* at 61.

In an Office Action dated January 27, 2003, the U.S. Examiner objected to and rejected the claims for containing informalities. *Id.* at 75–82. The Examiner did not, however, reject the claims under 35 U.S.C. § 102 or § 103. *Id.* On June 4, 2003, the applicant amended the claims to overcome the Examiner’s claim objections and rejections. *Id.* at 172–175. On February 10, 2004, the Examiner allowed the claims. *Id.* at 177–179. In the Notice of Allowance, the Examiner stated that the prior art did not disclose the claimed limitation, “the system exhibits an exact image of the actual traffic situation and guides the traffic dynamically for control of the traffic situation centrally.” *Id.* at 178.

D. Illustrative Claim

Claim 1 is the sole independent claim, with claims 2–13 depending therefrom. *Id.* at 10:45–12:27. Claim 1 is illustrative of the subject matter at issue and is reproduced below:

1. System for controlling vehicle movements, in areas containing a road network, and a plurality of vehicles that exhibit means for identification, means for road information and means for transmission of information between the vehicle and a traffic information center, characterized in that the road network is so arranged as to be entered into the system as a data network,
each vehicle that is intended to make use of the road network is logged in for travelling on the road network,
the each vehicle is identified with an identity at the time of logging in, in conjunction with which the identity is either dynamic or static,
information relating to the intended destination is sent in from each vehicle to the traffic information center in conjunction with logging in or later in the course of a journey when there is a new desired destination,
information about position and speed of the each vehicle is reported at regular intervals to the aforementioned traffic information center,
whereby overall control of the traffic is achieved on the basis of the information reported to the traffic information center,
information about a proposed route for each vehicle is transmitted from the traffic information center to the each vehicle, and
the system exhibits an exact image of the actual traffic situation and guides the traffic dynamically, for control of the traffic situation centrally.

E. References Relied Upon

The Petitioner relies in relevant part on the following references:

Name	Reference	Ex. No.
Gazis	US 5,610,821, issued Mar. 11, 1997	1004
Oates	UK 2,288,892, published Nov. 1, 1995	1005
Anagnostopoulos	WO 93/05492, published Mar. 18, 1993	1006
Mertens	US 5,767,505, issued June 16, 1998	1007

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