

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YAMAHA GOLF CAR COMPANY,  
Petitioner,

v.

CLUB CAR, LLC,  
Patent Owner.

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Case IPR2017-02144  
Patent 7,480,569 B2

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Before JOSIAH C. COCKS, CARL M. DEFRANCO, and  
ROBERT L. KINDER, *Administrative Patent Judges*.

KINDER, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) AND 37 C.F.R. § 42.73*

## I. INTRODUCTION

Yamaha Golf Car Company (“Petitioner”) filed a Petition pursuant to 35 U.S.C. §§ 311–19 to institute an *inter partes* review of claims 11, 12, 17–19 of U.S. Patent No 7,480,569 B2, issued on January 20, 2009 (Ex. 1002, “the ’569 patent”). Paper 1 (“Pet.”). Club Car, LLC (“Patent Owner”) filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). Pursuant to our request (Paper 12) the parties each filed a supplemental claim construction brief. See Paper 13 (Patent Owner’s brief), Paper 15 (Petitioner’s brief).

Pursuant to 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a) we issued an Initial Decision (“Dec.”) on April 4, 2018, instituting *inter partes* review of claim 12, but denying Petitioner’s challenge with respect to claims 11 and 17–19. Paper 17, Dec., 2, 17.

On May 4, 2018, Petitioner filed a request for rehearing of our Initial Decision pursuant to 37 C.F.R. § 42.71(d). Paper 19.

On June 26, 2018, we granted Petitioner’s Request for Rehearing (Paper 19). Paper 26 (“Rehearing Dec.”). In the Rehearing Decision we reasoned that we overlooked material fact disputes and competing witness testimony regarding the disclosure in the ’894 Provisional (see below), which at the institution stage should have been viewed in a light most favorable to Petitioner rather than Patent Owner. Rehearing Dec. 4 (citing 37 C.F.R. 42.108(c)). We then determined that considering the competing expert testimony in a light most favorably to Petitioner, that “Petitioner presents a reasonable likelihood of prevailing” as to claim 11. *Id.* at 7. Based on the Supreme Court’s decision in *SAS Inst. Inc. v. Iancu*, 138 S.Ct. 1348, 1359–60 (2018), and the Office’s Guidance on the Impact of *SAS* on AIA Trial Proceedings, which states that “if the PTAB institutes a trial, the

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PTAB will institute on all challenges raised in the petition”

(<https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/guidance-impact-sas-aia-trial>), we instituted review based on all grounds and claims as set forth in the Petition. Rehearing Dec. 10. We also noted that:

On April 27, 2018, Club Car (Patent Owner) filed a statutory disclaimer under 35 U.S.C. § 253 for claim 12 of the '569 patent. *See* IPR2017-02144, Paper 22, Exhibit B (Disclaimer of claim 12). Because claim 12 has been disclaimed, we need not issue a final written decision addressing the patentability of this claim.

*Id.* at 10, n.9. Accordingly, this Final Decision does not address claim 12, which has been disclaimed.

After institution of trial, Patent Owner filed a Patent Owner Response (Paper 37, “PO Resp.”), to which Petitioner replied (Paper 48, “Pet. Reply”). Patent Owner also filed a Sur-Reply (Paper 53, “PO Sur-Reply”).

Patent Owner filed a Motion to Exclude evidence (Paper 55), to which Petitioner opposed (Paper 57), which Patent Owner replied (Paper 58).

Oral argument was conducted on February 14, 2019, and the transcript of the hearing has been entered as Paper 62 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 318(a). After considering the evidence and arguments of both parties, and for the reasons set forth below, we determine that Petitioner has not shown, by a preponderance of the evidence, that claims 11 and 17–19 of the '569 patent are unpatentable. We deny Patent Owner’s Motion to Exclude as moot.

## II. BACKGROUND

### A. The '569 patent (Ex. 1002)

The '569 patent is titled “Method and System for Golf Cart Control.” Ex. 1002, [54]. The '569 patent claims priority from U.S. Provisional Application No. 60/440,894 (“the '894 Provisional”), filed January 17, 2003. *Id.* at [60], 1:6–9.

As stated in the '569 patent, “[t]he present invention relates in general to the field of vehicle control, and more particularly to a method and system for control of a golf cart based on location of the golf cart.” *Id.* at 1:20–22. The system and method use a golf cart’s GPS position on a golf course for monitoring the location of and controlling golf carts “to preempt or otherwise reduce damage from golf cart movement” in certain at-risk portions of a golf course. *Id.* at 2:3–5.

As described in the '569 patent, “[g]olf course owners generally make a substantial financial investment in a golf course in order to develop and maintain the appearance and quality of play.” *Id.* at 1:25–27. In a relatively short period of time, “a thoughtless golfer can create considerable damage to sensitive golfing areas, such as greens, simply by driving a golf cart in the wrong place, such as locations having wet turf that [are] particularly susceptible to damage.” *Id.* at 1:43–47. “Inattentive and even malicious golf cart drivers can cause even greater amounts of damage and also present a safety hazard by driving too fast or recklessly near other golfers or natural hazards.” *Id.* at 1:47–51. Based on these problems faced in the art, the '569 details that “a need has arisen for a method and system which applies a golf cart’s GPS position on a golf course to preempt or otherwise reduce damage from golf cart movement.” *Id.* at 2:3–5. Another stated objective is to

define areas of a golf course where golf carts have limited access and movement is restricted. *Id.* at 2:5–9.

The '569 patent solves the problems identified in the prior art by, among other things, incorporating a controller that “automatically imposes restrictions on a golf cart’s movement . . . if the golf cart is positioned to enter a limited access area.” *Id.* at 2:54–59. As depicted in Figure 1 below, a golf cart control system is used to implement these concepts.

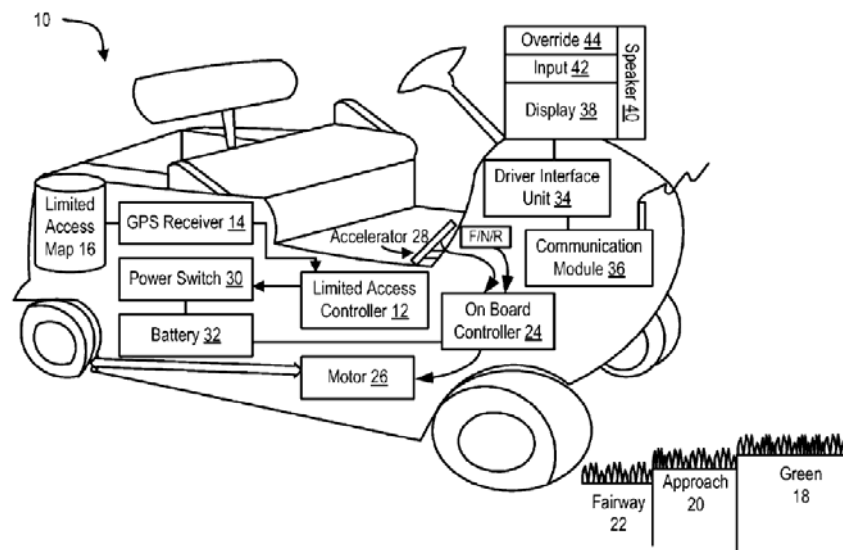


Figure 1

Figure 1 of the '569 patent above “depicts a functional block diagram of a golf cart having a limited access controller.” *Id.* at 3:36–37. Movement of golf cart 10 is restricted “in response to driver inputs,” “if the movement violates a limited access area of the golf course.” *Id.* at 4:4–7. “A limited access controller 12 determines limited access area violations by comparing golf cart position determined from a GPS receiver 14 with limited access areas defined in a limited access map 16.” *Id.* at 4:7–11. In one embodiment, when golf cart 10 approaches “a predetermined distance of

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