

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORP.,
Petitioner,

v.

AUTOCONNECT HOLDINGS LLC,
Patent Owner.

PGR2025-00041
Patent 12,039,243 B2

Before JUSTIN T. ARBES, MITCHELL G. WEATHERLY, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

DECISION
Granting Institution of Post-Grant Review
35 U.S.C. § 324

I. INTRODUCTION

A. Background and Summary

Petitioner Toyota Motor Corp. filed a Petition (Paper 1, “Pet.”) requesting post-grant review of claims 1–20 of U.S. Patent No. 12,039,243 B2 (Ex. 1001, “the ’243 patent”) pursuant to 35 U.S.C. § 321(a). Patent Owner AutoConnect Holdings LLC did not file a Preliminary Response

pursuant to 35 U.S.C. § 323. Patent Owner’s request for discretionary denial was denied and the Petition was forwarded to the Board. Paper 9.

Pursuant to 35 U.S.C. § 324(a), the Director may not authorize a post-grant review unless the information in the petition, if unrebutted, “would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” *See* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”). For the reasons that follow, we institute a post-grant review as to claims 1–20 of the ’243 patent on all grounds of unpatentability asserted in the Petition.

B. Related Matters

The parties indicate that the ’243 patent is the subject of *AutoConnect Holdings LLC v. Toyota Motor Corp.*, No. 2:24-cv-00802 (E.D. Tex.), and *AutoConnect Holdings LLC v. General Motors LLC*, No. 2:24-cv-00877 (E.D. Tex.). *See* Pet. 1–2; Paper 3, 1. Petitioner filed petitions challenging other patents owned by Patent Owner in IPR2025-00890 and IPR2025-00891, and a different petitioner challenged other patents owned by Patent Owner in IPR2025-01342, IPR2025-01383, IPR2025-01524, and IPR2026-00002.

C. The ’243 Patent

The ’243 patent, titled “Access and Portability of User Profiles Stored as Templates,” issued on July 16, 2024. Ex. 1001, codes (45), (54). The ’243 patent claims priority, through a chain of patent applications, to a provisional patent application filed on April 15, 2013. *Id.* at code (60). The ’243 patent states that “movement of people and/or cargo has become

a major industry” and “vehicle manufacturers have begun to focus on making [a worker’s] commute, and other journeys, more enjoyable.” *Id.* at col. 3, ll. 21–27. According to the ’243 patent, there was a need in the art for a “vehicle ecosystem, which can integrate both physical and mental comforts, while seamlessly communicating with current electronic devices to result in a totally intuitive and immersive user experience.” *Id.* at col. 3, ll. 55–58.

The ’243 patent describes a “vehicle control system” that interacts with a “device” (e.g., a mobile telephone) “located or associated with the vehicle” to “leverage the device’s computing capability to provide” additional functionality. Ex. 1001, col. 17, l. 63–col. 18, l. 13. The vehicle control system and device can access stored “profile data,” which “can be any type of data associated with at least one user,” such as “bioinformatics,” “personal information,” “user settings and feature preferences,” “associated vehicle preferences,” or “other types of data.” *Id.* at col. 18, ll. 17–36. The profile data “may include one or more user profiles,” which

may be generated based on data gathered from one or more of vehicle preferences (e.g., seat settings, [heating, ventilation, and air conditioning (HVAC)] settings, dash configurations, and the like), recorded settings, geographic location information (e.g., provided by a satellite positioning system (e.g., GPS), Wi-Fi hotspot, cell tower data, etc.), mobile device information (such as mobile device electronic addresses, Internet browsing history and content, application store selections, user settings and enabled and disabled features, and the like), private information (such as user information from a social network, user presence information, user business account, and the like), secure data, biometric information, audio information from on board microphones, video information from on board cameras, Internet browsing history and browsed content using an on board computer and/or the local area network enabled by the vehicle,

. . . geographic location information (e.g., a vendor storefront, roadway name, city name, etc.), and the like.
Id. at col. 18, ll. 40–58. Further, a “profile,” as described in the ’243 patent, “can refer to any data structure, data store, and/or database that includes one or more items of information associated with a vehicle, a vehicle system, a device (e.g., a mobile device, laptop, mobile phone, etc.), or a person.” *Id.* at col. 14, ll. 51–55.

Figure 23 of the ’243 patent is reproduced below.

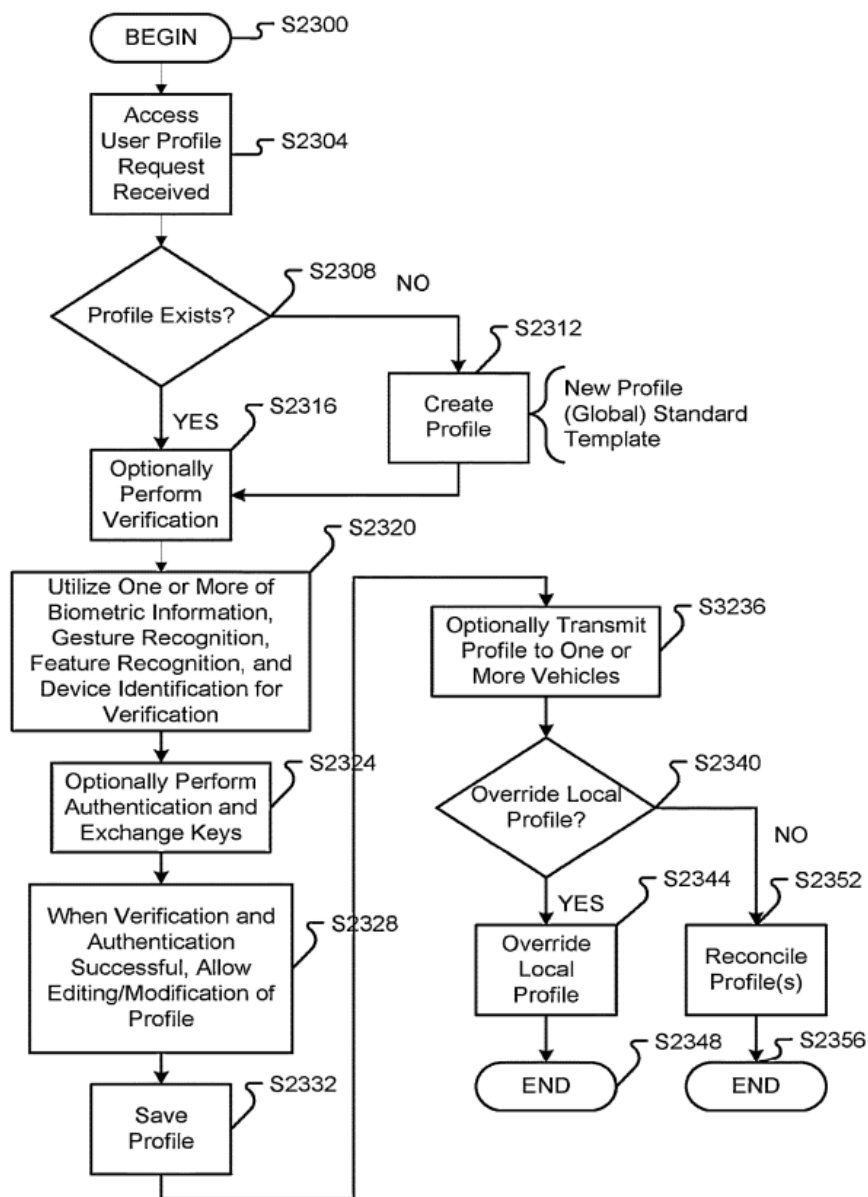


Fig. 23

Figure 23 depicts a flowchart for a method of “profile management.”

Ex. 1001, col. 16, l. 40–41. The disclosed system receives a user profile access request at step S2304 and determines if a profile already exists at step S2308. *Id.* at col. 87, ll. 45–48. If not, a new profile is created at step S2312. *Id.* at col. 87, ll. 48–53. Otherwise, at steps S2316 and S2320, “a verification could optionally be performed to ensure the user is authorized to access the profile,” by, for example, using biometric information obtained from the user. *Id.* at col. 87, ll. 54–60. Next, at step S2324, “authentication and exchanging of one or more keys can optionally be performed, such as the exchange of a public and/or private key.” *Id.* at col. 87, ll. 60–63. If successful, the user is then “allowed to edit/modify the accessed profile” at step S2328 and the profile is saved at step S2332. *Id.* at col. 87, ll. 63–67. Next, at step S3236, “the saved profile can optionally be transmitted to one or more other vehicles, or one or more other devices or locations on a communications network.” *Id.* at col. 88, ll. 1–4. A determination is then made at step S2340 of “whether or not the transferred profile should overwrite the local profile at the destination” and, as a result, either the local profile is overwritten at step S2344 or the profiles are reconciled at step S2352. *Id.* at col. 88, ll. 4–21.

D. Illustrative Claim

Challenged claims 1 and 11 are independent. Claims 2–9 depend from claim 1, and claims 12–20 depend from claim 11. Claim 1 recites the following (with letter designations used in the Petition to refer to the various limitations):

1. A system, comprising:
[a] memory;

[b] machine-readable instructions; and

[c] one or more processors to execute the machine-readable instructions to:

[c-1] receive a request to access a user profile stored at a vehicle, the user profile including one or more preferences associated with functions or settings of the vehicle;

[c-2] determine, by performing at least one of a verification process or an authentication process in response to the request, whether the request is authorized to access the user profile;

[c-3] in response to determining that the request is authorized to access the user profile, determine one or more requested modifications to at least one of the one or more preferences; and

[c-4] in response to the one or more requested modifications, create an updated user profile at the vehicle, the updated user profile including one or more updated preferences based on the one or more requested modifications.

E. Evidence

Petitioner relies on the following prior art:

U.S. Patent No. 8,918,231 B2, filed May 2, 2012, issued Dec. 23, 2014 (Ex. 1007, “Rovik”);

U.S. Patent No. 8,977,408 B1, filed Sept. 23, 2011, issued Mar. 10, 2015 (Ex. 1009, “Cazanas”);

U.S. Patent Application Publication No. 2007/0255464 A1, published Nov. 1, 2007 (Ex. 1008, “Singh”);

U.S. Patent Application Publication No. 2007/0276795 A1, published Nov. 29, 2007 (Ex. 1006, “Poulsen”);

U.S. Patent Application Publication No. 2009/0005070 A1, published Jan. 1, 2009 (Ex. 1010, “Forstall”); and

U.S. Patent Application Publication No. 2012/0303178 A1, published Nov. 29, 2012 (Ex. 1005, “Hendry”).

F. Prior Art and Asserted Grounds

Petitioner asserts that claims 1–20 of the '243 patent¹ would have been obvious on the basis of prior art printed publications under 35 U.S.C. § 103 and do not recite patent-eligible subject matter under 35 U.S.C. § 101:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 6–8, 11, 16–18	103	Hendry
2–7, 12–17	103	Hendry, Poulsen
9, 10, 19, 20	103	Hendry, Rovik
1, 6, 7, 11, 16, 17	103	Singh
2–8, 12–18	103	Singh, Cazanans, Forstall
9, 10, 19, 20	103	Singh, Rovik
1–20	101	Eligibility

II. ANALYSIS

A. Legal Standards

A claim is unpatentable for obviousness if, to one of ordinary skill in the pertinent art, “the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains.” *See* 35 U.S.C. § 103; *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying

¹ Because the earliest possible effective filing date for the '243 patent is after March 16, 2013 (the effective date for the first inventor to file provisions of the America Invents Act) and the Petition was filed within nine months of its issue date, the '243 patent is eligible for post-grant review. *See* 35 U.S.C. § 321(c); Ex. 1001, codes (22), (60), (63).

factual determinations, including “the scope and content of the prior art”; “differences between the prior art and the claims at issue”; and “the level of ordinary skill in the pertinent art.” *Graham v. John Deere Co. of Kan. City*, 383 U.S. 1, 17–18 (1966). Additionally, secondary considerations, such as “commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. As indicia of obviousness or nonobviousness, these inquiries may have relevancy.”² *Id.* When conducting an obviousness analysis, we consider a prior art reference “not only for what it expressly teaches, but also for what it fairly suggests.” *Bradium Techs. LLC v. Iancu*, 923 F.3d 1032, 1049 (Fed. Cir. 2019).

A patent claim “is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR*, 550 U.S. at 418. An obviousness determination based on a combination of references requires finding “both ‘that a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.’” *Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1367–68 (Fed. Cir. 2016) (quoting *Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1360 (Fed. Cir. 2012)); *see also KSR*, 550 U.S. at 418 (for an obviousness analysis, “it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does”). Also, “[t]hough less common, in appropriate

² Patent Owner did not file a Preliminary Response with any arguments regarding objective indicia of nonobviousness.

circumstances, a patent can be obvious in light of a single prior art reference if it would have been obvious to modify that reference to arrive at the patented invention.” *Arendi S.A.R.L. v. Apple Inc.*, 832 F.3d 1355, 1361 (Fed. Cir. 2016).

“Although the *KSR* test is flexible, the Board ‘must still be careful not to allow hindsight reconstruction of references . . . without any explanation as to *how* or *why* the references would be combined to produce the claimed invention.’” *TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1066 (Fed. Cir. 2016) (quoting *Kinetic Concepts*, 688 F.3d at 1368). Further, an assertion of obviousness “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR*, 550 U.S. at 418 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)); *see also In re NuVasive, Inc.*, 842 F.3d 1376, 1383 (Fed. Cir. 2016) (stating that “conclusory statements” amount to an “insufficient articulation[] of motivation to combine”; “instead, the finding must be supported by a ‘reasoned explanation’” (quoting *In re Lee*, 277 F.3d 1338, 1342 (Fed. Cir. 2002))); *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016) (“To satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness.”).

B. Level of Ordinary Skill in the Art

Petitioner argues that at the time of the '243 patent (April 2013),³ a person of ordinary skill in the art would have had “at least a bachelor’s degree in computer science, electrical engineering, or a related field, and two years’ experience in data management or client-server systems and communications,” where “a higher education or skill level might make up for less experience, and vice-versa.” Pet. 6 (citing Ex. 1003 ¶¶ 35–39). Patent Owner did not file a Preliminary Response disputing Petitioner’s position. Based on the record presented, including our review of the '243 patent and the types of problems and solutions described in the '243 patent and cited prior art, we agree with Petitioner’s proposed definition of the level of ordinary skill in the art and apply it for purposes of this Decision, except that we remove the term “at least” to eliminate vagueness as to the amount of education and practical experience.

C. Claim Interpretation

We interpret each challenged claim

using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent.

37 C.F.R. § 42.200(b). Petitioner does not propose interpretations for any claim terms and states that the challenged claims “are unpatentable under

³ Petitioner states that it uses the '243 patent’s “earliest possible priority date (April 15, 2013)” for purposes of its asserted grounds, but “does not concede any claim is entitled to such date.” Pet. 7 n.2; *see* Ex. 1001, code (60).

any reasonable construction.” Pet. 7. Patent Owner did not file a Preliminary Response disputing Petitioner’s position. We conclude that no express interpretation of any claim term is necessary to determine whether to institute a post-grant review in this proceeding.⁴ *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (“Because we need only construe terms ‘that are in controversy, and *only to the extent necessary* to resolve the controversy,’ we need not construe [a particular claim limitation] where the construction is not ‘material to the . . . dispute.’” (citation omitted) (emphasis added)).

⁴ The parties, however, are encouraged to address during trial (1) interpretation of the term “user profile” in the challenged claims, particularly in view of the Specification’s apparent definition of the term “profile” (*see* Ex. 1001, col. 14, ll. 51–55) and description of exemplary data from which a “user profile” may be generated (*id.* at col. 18, ll. 40–58), and (2) the scope of the various instances of the phrase “in response to” in the challenged claims. Also, if either party intends to argue a claim interpretation during trial, including what the plain and ordinary meaning of a term is, the party should do so in a clearly designated section of its briefing. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), 44–49, *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>; *O2 Micro Int’l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1361 (Fed. Cir. 2008) (“A determination that a claim term ‘needs no construction’ or has the ‘plain and ordinary meaning’ may be inadequate when a term has more than one ‘ordinary’ meaning or when reliance on a term’s ‘ordinary’ meaning does not resolve the parties’ dispute.”).

D. Obviousness Ground Based on Hendry

Petitioner contends that claims 1, 6–8, 11, and 16–18 are unpatentable over Hendry⁵ under 35 U.S.C. § 103, citing the testimony of Scott Denning, Ph.D., as support. Pet. 37–57 (citing Ex. 1003). Patent Owner did not file a Preliminary Response.

1. Hendry

Hendry discloses a “method and system for establishing user settings of vehicle components of a vehicle” where “the system retrieves the user settings from at least one data store associated with the vehicle based on a request from an external device to establish a communications link with a communications module of the vehicle.” Ex. 1005 ¶ 1. Hendry describes a vehicle “user settings system” in communication with an external device, such as a “Bluetooth enabled” mobile telephone. *Id.* ¶¶ 12–13, 15. The user settings system comprises various modules and datastores for storing a user’s personal settings, such as the user’s preferred temperature, seat position, radio volume, or lighting, which are reinstated when the “external device . . . associated with the user is detected in the vicinity of the vehicle.” *Id.* ¶¶ 12, 21–24, Figs. 2, 5.

⁵ Hendry was not of record during prosecution of the ’243 patent. *See* Ex. 1001, code (56). Singh, Poulsen, Rovik, and Forstall also were not of record. *See id.*

Figure 3A of Hendry is reproduced below.

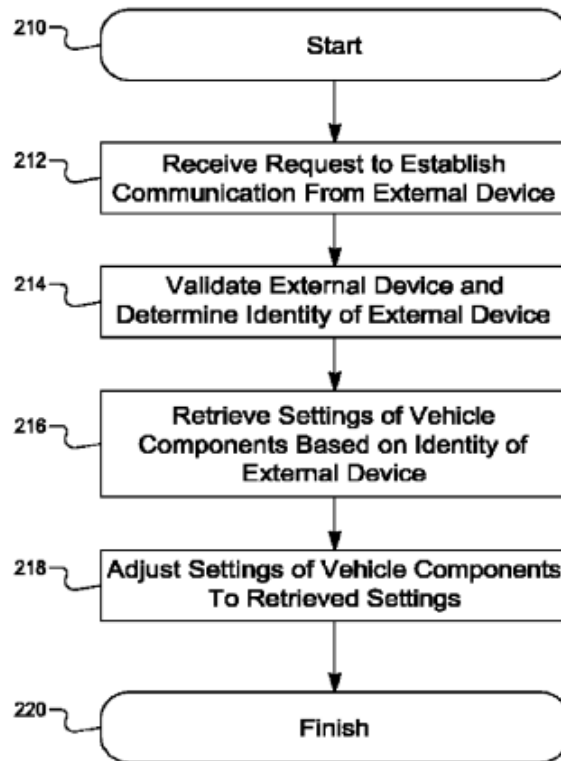


Fig - 3A

Figure 3A depicts the steps of a “method for restoring a user’s personal settings.” Ex. 1005 ¶ 27. At step 212, “the external device 100 will transmit a request to establish a communications link between the communications module 104 [of user settings system 102] of the vehicle 10 and the external device 100 associated with a user of the vehicle 10,” where the request “include[s] a key and a device identifier.” *Id.* Then, at step 214, “communications module 104 will verify/authenticate the external device 100 by checking” whether “the received device identifier and key is represented in the communications module datastore 106.” *Id.* “If so, the communications module 104 will establish a communications link with the external device 100.” *Id.* At step 216, either individual vehicle components (as shown in Figure 2) or a control module (as shown in Figure 5) “retrieve

the personal settings associated with the device identifier from an associated datastore.” *Id.* Finally, at step 218, each “vehicle component module will adjust the settings of the vehicle component in accordance with the personal settings associated with the device.” *Id.*

Hendry also describes, with respect to Figure 3B, a variation of the method of Figure 3A using a “user identifier” instead of a “device identifier,” for example, when there are multiple devices (e.g., a mobile telephone and laptop) registered to a particular user. Ex. 1005 ¶ 28, Fig. 3B. In that case, communications module 104 “retrieve[s] a user identity associated with the device identifier of the external device 100 requesting a communications link” and uses it to retrieve the user’s personal settings. *Id.*, Fig. 3B (steps 252–256).

Figure 4B of Hendry is reproduced below.

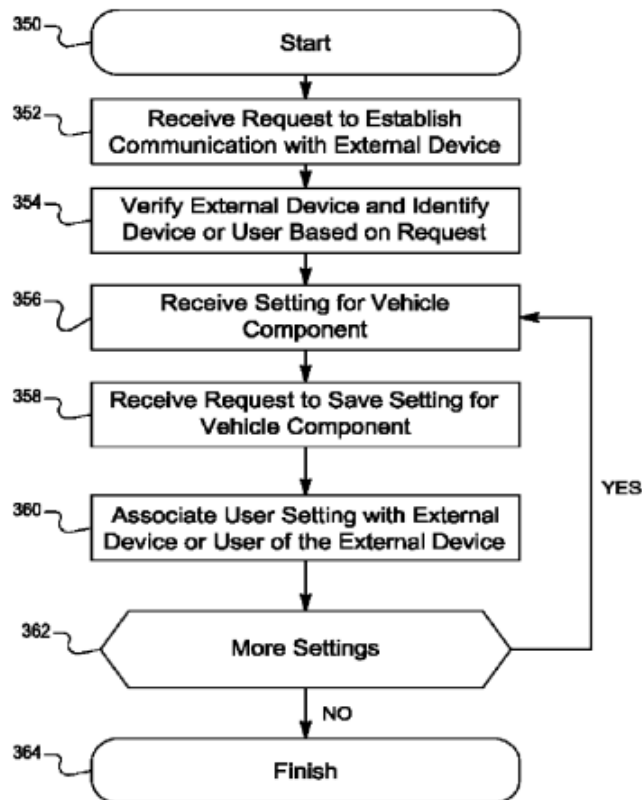


Fig - 4B

Figure 4B depicts a method for allowing a user to change his or her personal settings. Ex. 1005 ¶ 31. At steps 352–354, “the external device 100 will request to establish a communications link, and the communications module 104 will receive the request and verify and/or authenticate the external device 100.” *Id.* “The user at any given time may opt to change the settings of one or more of the vehicle components, as shown at step 356. If the user does so, the user may be prompted by the user interface 122 [of user settings system 102] to indicate if the adjusted settings of the one or more vehicle components are to be saved.” *Id.* At step 358, “the adjusted settings are saved in a datastore associated with the vehicle component,” and at step 360, “the new settings are associated with the device identifier or the user identifier in the datastore for later retrieval.” *Id.* “If the user has changed more than one setting, the method continues to reiterate, as shown at step 362, until no more settings are to be saved.” *Id.*

2. Claim 1

Petitioner argues that Hendry teaches or suggests all of the limitations of claim 1. Pet. 37–54. Petitioner asserts that Hendry teaches a system comprising a “memory” (i.e., datastores shown in Figures 2 and 5), “machine-readable instructions” (i.e., “processor-executable instructions”), and “one or more processors” (i.e., one or more processors executing one or more “applications” including “processor-executable instructions”). *Id.* at 38–41 (citing, *inter alia*, Ex. 1005 ¶¶ 36–38) (emphasis omitted). Claim 1 then recites that the one or more processors are to execute the machine-readable instructions to perform four recited actions.

First, limitation [c-1] recites “receiv[ing] a request to access a user profile stored at a vehicle, the user profile including one or more preferences associated with functions or settings of the vehicle.” Petitioner cites Hendry’s disclosure that “user settings system 102 uses a *request* from an external device 100 to establish the communications link to determine [an] identity of the user or the device” and “[i]n essence, . . . piggybacks the *request* to establish a communications link into a *request* to reinstate the personal settings of the user” associated with external device 100. Pet. 41 (quoting Ex. 1005 ¶ 19) (emphasis added). Petitioner further relies on Hendry’s description of the user settings system receiving the request (that includes a key and a device identifier), retrieving user settings of various vehicle components (e.g., HVAC, seat, and lighting settings) from a datastore, and restoring those settings in the vehicle. *Id.* at 41–43 (citing Ex. 1005 ¶¶ 4, 5, 12–14, 19–21, 27–28, 31, 33, Figs. 1, 2, 3A, 3B, 4B, 5); *see* Ex. 1005 ¶ 21 (“Each datastore stores parameter values relating to the user’s personal settings.”). Petitioner also asserts that “Hendry discloses that datastores (in Figure 2) may be a single datastore (in Figure 5).” Pet. 38 (citing Ex. 1005 ¶ 33). According to Petitioner, a person of ordinary skill in the art “would have understood that . . . the retrieved user settings, stored at the vehicle and making up a user profile, are associated with a particular user (or an external device of the user).” *Id.* at 43–44.

Second, limitation [c-2] recites “determin[ing], by performing at least one of a verification process or an authentication process in response to the request, whether the request is authorized to access the user profile.” Petitioner argues that Hendry teaches “a verification/authentication process for restoring a user’s personal settings, where the process determines the

identity of the external device (Figure 3A) and/or user (Figure 3B).” Pet. 44–49 (citing Ex. 1005 ¶¶ 17–21, 27–28, 31, Figs. 3A, 3B, 4B). Petitioner points specifically to step 214 in Figure 3A, where the user settings system will “verify/authenticate” the external device, using the received device identifier, to determine whether the external device is authorized to access the stored settings. *Id.* at 45–46 (emphasis omitted). Similarly, Petitioner points to step 254 in Figure 3B, where the user settings system retrieves a “user identity associated with the device identifier” to perform the verification/authentication. *Id.* at 46–47. In both figures, the cited step takes place immediately after receiving the request from the external device (i.e., step 212 in Figure 3A and step 252 in Figure 3B). *Id.* at 9, 45–47; *see* Ex. 1005 ¶¶ 14 (“Upon receiving notification of the user or the external device 100, each of the modules 104, 112, 116, and 120, will retrieve user settings corresponding to the user or external device 100 from a respective datastore.”), 27 (“Once the communications module 104 receives the request to establish a communications link, the communications module 104 will verify/authenticate the external device 100 by checking the communications module datastore 106, as shown at step 214.”). Petitioner also cites Hendry’s description of “checking a stored key against a transmitted key to determine a match” to verify/authenticate the external device and/or user. Pet. 47–48.

Third, limitation [c-3] recites “in response to determining that the request is authorized to access the user profile, determin[ing] one or more requested modifications to at least one of the one or more preferences.” Petitioner argues that “Hendry discloses, or it would have been obvious to include in Hendry, . . . *e.g.*, after authorization is confirmed” (limitation

[c-2]), “that a user may change one or more settings, which are then updated and stored in the vehicle datastores.” Pet. 49–52 (citing Ex. 1005 ¶¶ 10, 29–31, Figs. 4A, 4B). Petitioner contends that Hendry teaches in Figure 4B “updating settings for a previously saved user profile already associated with an external device and/or user (*e.g.*, those retrieved in the context of Figures 3A–3B).” *Id.* at 50. Petitioner relies on Hendry’s disclosure that “[t]he user *at any given time* may opt to change the settings of one or more of the vehicle components, as shown at step 356” of Figure 4B, after which the user may be prompted to save the “adjusted settings,” which the user settings system saves in a datastore. *Id.* at 50–51 (quoting Ex. 1005 ¶ 31).

According to Petitioner, a person of ordinary skill in the art “would have understood that changing settings ‘at any given time’ would encompass doing so at varying times (*e.g.*, directly in response to determining the request is authorized, as well as when the user later modifies a setting, such as moving a seat forward, lowering the temperature, etc.).” *Id.* at 51 (quoting Ex. 1005 ¶ 31). Petitioner also points out that the step of receiving a setting modification from the user (step 356 in Figure 4B) takes place “directly” after the step of verifying the external device and/or user (step 354 in Figure 4B, which mirrors steps 214 and 254 in Figures 3A and 3B). *Id.* (citing Ex. 1005 ¶ 31 (stating that steps 352 and 354 in Figure 4B are performed “[a]s discussed above” in Hendry)).

Fourth, limitation [c-4] recites “in response to the one or more requested modifications, creat[ing] an updated user profile at the vehicle, the updated user profile including one or more updated preferences based on the one or more requested modifications.” Petitioner argues that Hendry teaches “updating and storing the settings of the user profile in the vehicle datastores

in response to the user requesting setting modifications.” Pet. 52–54 (citing Ex. 1005 ¶ 31, Fig. 4B). Petitioner cites Hendry’s disclosure that, after the user makes a settings change (step 356 in Figure 4B), the user affirms that the adjusted settings should be saved and “the adjusted settings are saved in a datastore associated with the vehicle component, as shown at step 358,” and “the new settings are associated with the device identifier or the user identifier in the datastore for later retrieval, as shown at step [360].”⁶ *Id.* at 53–54 (quoting Ex. 1005 ¶ 31) (emphasis omitted). According to Petitioner, a person of ordinary skill in the art “would have understood that this process results in an updated user profile containing the changed settings for the associated vehicle components in Hendry.” *Id.* at 53.

Petitioner’s contentions regarding claim 1 are supported by the testimony of Dr. Denning and are persuasive based on the current record. *See* Pet. 37–54; Ex. 1003 ¶¶ 150–189. We determine on this record that the information in the Petition, if unrebutted, would demonstrate that it is more likely than not that claim 1 would have been obvious based on Hendry under 35 U.S.C. § 103.

3. Claims 6–8, 11, and 16–18

Petitioner contends that claims 6–8, 11, and 16–18 are unpatentable over Hendry under 35 U.S.C. § 103. Pet. 54–57. Given our determination as to claim 1, we need not determine at this time whether Petitioner has shown that it is more likely than not that any of the other challenged claims

⁶ We agree with Dr. Denning that Hendry contains a typographical error, referring twice to step 358 rather than step 358 and then step 360 (as shown in Figure 4B). *See* Ex. 1003 ¶ 93 n.3; Ex. 1005 ¶ 31. If Patent Owner disagrees, it must present its argument in its Response.

are unpatentable over Hendry as well. *See supra* Section II.D.2; 37 C.F.R. § 42.208(a).

E. Other Asserted Grounds

Given our determination regarding Petitioner's asserted ground under 35 U.S.C. § 103 based on Hendry as to claim 1, we need not determine at this time whether Petitioner has shown that it is more likely than not that claims 1–20 are unpatentable based on any other asserted grounds. *See supra* Section II.D.2; 37 C.F.R. § 42.208(a).

III. CONCLUSION

Based on the arguments presented in the Petition, we conclude that Petitioner has demonstrated that it is more likely than not that at least one claim of the '243 patent challenged in the Petition is unpatentable. Accordingly, we institute a trial on all claims and all grounds asserted in the Petition. The Board has not made a final determination under 35 U.S.C. § 328(a) with respect to the patentability of the challenged claims.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 324(a), a post-grant review of claims 1–20 of the '243 patent is instituted with respect to all grounds set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 324(c) and 37 C.F.R. § 42.4(b), post-grant review of the '243 patent shall commence on the entry date of this Decision, and notice is hereby given of the institution of a trial.

PGR2025-00041
Patent 12,039,243 B2

FOR PETITIONER:

Patrick Colsher
Matthew G. Berkowitz
REICHMAN JORGENSEN LEHMAN & FELDBERG LLP
pcolsher@reichmanjorgensen.com
mberkowitz@reichmanjorgensen.com

FOR PATENT OWNER:

Eric A. Zelepugas
Robert A. Conley
AVANTECH LAW, LLP
zelepugas@avantechlawn.com
conley@avantechlawn.com