Paper No. 11 Entered: October 1, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN HONDA MOTOR CO., INC., Petitioner,

v.

SIGNAL IP, INC., Patent Owner.

Case IPR2015-01003 Patent 5,732,375

Before MEREDITH C. PETRAVICK, JEREMY M. PLENZLER, and JAMES A. TARTAL, *Administrative Patent Judges*.

PETRAVICK, Administrative Patent Judge.

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



I. INTRODUCTION

A. Background

American Honda Motor Co., Inc. ("Petitioner") filed a Petition requesting *inter partes* review of claims 1 and 7 ("the challenged claims") of U.S. Patent No. 5,732,375 (Ex. 1001, "the '375 patent") pursuant to 35 U.S.C. §§ 311–319. Paper 2 ("Pet."). Signal IP, Inc. ("Patent Owner") filed a Preliminary Response to the Petition. Paper 6 ("Prelim. Resp.").

We have jurisdiction under 35 U.S.C. § 314(a), 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."

We determine that Petitioner fails to demonstrate a reasonable likelihood that it would prevail with respect to the challenged claims. For the reasons described below, we do not institute an *inter partes* review of claims 1 and 7.

B. Related Proceedings

Both parties stated that the '375 patent is the subject of numerous district court proceedings, including *Signal IP, Inc. v. American Honda Motor Co., Inc. et al*, Case No. 2-14-cv-02454 ("*Signal IP*") in the U.S. District Court for the Central District of California. Pet. 1–3; Paper 5, 2–3. In *Signal IP*, the parties stipulated to entry of a partial final judgment that claims 1 and 7 of the '375 patent are indefinite under 35 U.S.C. § 112, second paragraph. Ex. 2002 ¶ 7; *see* Ex. 3001.



The '375 patent was the subject of Ex Parte Reexamination No. 90/013,386, which resulted in the issuance of a reexamination certificate confirming the patentability of claims 1 and 7. Claims 2–6 and 8–19 were not reexamined.

C. The '375 patent

The '375 patent is titled "Method of Inhibiting or Allowing Airbag Deployment," and issued on March 24, 1998. The '375 patent discloses that vehicles may have airbags for protecting passengers in a front passenger seat and that it is desirable to inhibit the airbags from deploying if the front passenger seat is occupied by a small child or an infant in a rear facing car seat. *Id.* at col. 1, 1l. 12–29. The '375 patent, thus, discloses a method of detecting a type of seat passenger and determining the seating position of the passenger to allow or inhibit airbag deployment. *Id.* at col. 1, 1l. 44–50.

The '375 patent discloses a vehicle passenger seat having an array of pressure sensors. The array of sensors is depicted in Figure 7 of the '375 patent, reproduced below.

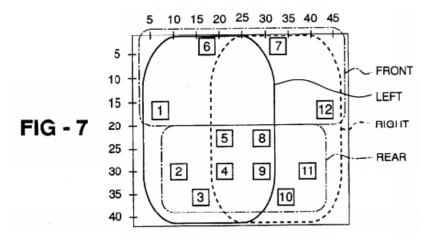


Figure 7 depicts the seat having 12 sensors arranged as follows: 1) a left pair of sensors 1 and 2, 2) a right pair of sensors 11 and 12, 3) a front



pair of sensors 6 and 7, 4) a rear pair of sensors 3 and 10, and 5) a center group of sensors 4, 5, 8, and 9. *Id.* at col. 3, 11. 21–29.

Sensors 1–12 are also arranged in the overlapping localized areas as follows: 1) sensors 1, 6, 7 and 12 in a front group, 2) sensors 2, 3, 4, 5, 8, 9, 10 and 11 in a rear group, 3) sensors 1, 2, 3, 4, 5, 6, 8, and 9 in a left group, and 4) sensors 4, 5, 7, 8, 9, 10, 11, and 12 in a right group. *Id.* at col. 4, 11. 19–24.

An algorithm calculates set of decision measures 40 based upon the output of the sensors. *Id.* at col. 3, ll. 48–49, Fig. 4. The first decision measures are a total force, which is the sum of the sensor output values, and a fuzzy contribution for the total force. *Id.* at col. 3, ll. 49–67. The second decision measures are a load rating for each sensor, a total load rating, and a fuzzy contribution for the total load rating. *Id.* at col. 4, ll. 1–17. The load rating is a measure of whether the sensor is detecting some load, and the total load rating is the sum of the load ratings for each sensor. *Id.* at col. 4, ll. 2–4, 9–11. The third decision measures are a force and fuzzy contribution for each pair of sensors and for the center group. *Id.* at col. 4, ll. 30–47.

The algorithm also checks for force concentration. *Id.* at col. 4, 1. 18. The '375 patent states:

[A] check is made for force concentration in a localized area. . . . The algorithm determines if the pressure is all concentrated in one group by summing the load ratings of the sensors in each group and comparing to the total load rating. If the rating sum of any group is equal to the total rating, a flag is set for that group (all right, all front etc.).

Id. at col. 4, ll. 18–29.

Based upon the set of decision measures, a decision algorithm determines whether airbag deployment should be allowed or inhibited. *Id.* at



col. 4, ll. 64–66. The decision algorithm is depicted in Figure 8, reproduced below.

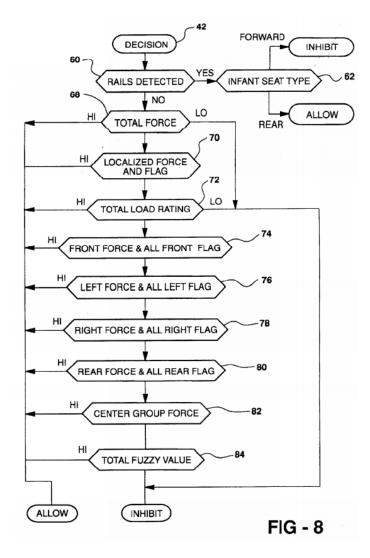


Figure 8 depicts a flow chart of the deployment decision algorithm. Whenever an inhibit or allow decision is made, that decision is controlling and all other conditions lower on the chart are bypassed. *Id.* at col. 5, ll. 9–11. *Id.* at col. 5, ll. 9–11.

A decision algorithm determines if rails of an infant seat are detected and whether the infant seat is forward or rear facing. *Id.* at col. 4, 1. 65–col.



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

