

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION

Petitioner

Patent No. 5,732,375

Issue Date: March 24, 1998

Title: METHOD OF INHIBITING OR ALLOWING AIRBAG DEPLOYMENT

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 5,732,375
PURSUANT TO 35 U.S.C. § 312 and 37 C.F.R. § 42.104**

Case No. IPR2016-00291

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EXHIBITS

Exhibit 1001	U.S. Patent No. 5,732,375 to Cashler
Exhibit 1002	U.S. Patent No. 5,474,327 to Schousek
Exhibit 1003	Japanese Unexamined Patent Application Publication JP 06-022939 to Tokuyama et al.
Exhibit 1004	English translation of Japanese Unexamined Patent Application Publication 06-022939 to Tokuyama et al. and associated translation declaration
Exhibit 1005	Excerpts from the File History of U.S. Patent No. 5,732,375 to Cashler
Exhibit 1006	Decision Denying Institution in Case IPR2015-01003
Exhibit 1007	Order RE Claim Construction from <i>Signal IP v. American Honda Motor Co., Inc.</i> , No. 2:14-cv-02454 (C.D. Cal.)
Exhibit 1008	Joint Claim Construction and Prehearing Statement from <i>Signal IP v. American Honda Motor Co., Inc.</i> , No. 2:14-cv-02454 (C.D. Cal.)
Exhibit 1009	Expert Declaration of Scott Andrews
Exhibit 1010	Excerpt from Ex. Parte Reex. No. 90/013,386
Exhibit 1011	U.S. Patent No. 5,454,591 to Mazur et al.
Exhibit 1012	U.S. Patent No. 5,232,243 to Blackburn et al.

Pursuant to 35 U.S.C. §§ 311-319 and 37 C.F.R. Part 42, Toyota Motor Corporation (“Toyota” or “Petitioner”) respectfully requests *Inter Partes* Review of claim 11 of U.S. Patent No. 5,732,375 (“the ’375 patent”), filed December 1, 1995 and issued March 24, 1998 to Robert John CASHLER, and currently assigned to Signal IP, Inc. (“Signal IP” or “the Patent Owner”) according to the U.S. Patent and Trademark Office (“the US PTO”) assignment records. There is a reasonable likelihood that Petitioner will prevail with respect to the claim challenged in this Petition.

I. MANDATORY NOTICES (37 C.F.R. § 42.8)

A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))

Petitioner, Toyota, and its corporate subsidiaries Toyota Motor Sales U.S.A., Inc. and Toyota Motor North America, Inc. are the real parties-in-interest.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

The ’375 patent is currently the subject of the following on-going litigations: *Signal IP, Inc. v. Toyota Motor North America, Inc. et al.*, No. 2:15-cv-05162 (C.D. Cal.) (“C.D. Cal. *Signal IP v. Toyota* litigation”); *Signal IP, Inc. v. Ford Motor Co.*, No. 2:14-cv-13729 (E.D. Mich.); and *Signal IP, Inc. v. Fiat U.S.A. Inc. et al.*, No. 2:14-cv-13864 (E.D. Mich.).

The ’375 patent was previously the subject of the following on-going litigations. In each of these cases, the Court entered a partial judgment of invalidity in connection with claims 1 and 7 of the ’375 patent on May 22, 2015

holding those claims to be invalid as indefinite. This had the effect of removing the '375 patent from each of the cases pending appeal: *Signal IP, Inc. v. American Honda Motor Co., Inc. et al.*, No. 2:14-cv-02454 (C.D. Cal.); *Signal IP, Inc. v. Kia Motors America, Inc.*, No. 2:14-cv-02457 (C.D. Cal.); *Signal IP, Inc. v. Mazda Motor of America, Inc.*, No. 8:14-cv-00491 (C.D. Cal.); *Signal IP, Inc. v. Mitsubishi Motors North America, Inc.*, No. 8:14-cv-00497 (C.D. Cal.); *Signal IP, Inc. v. Nissan North America, Inc.*, No. 2:14-cv-02962 (C.D. Cal.); *Signal IP, Inc. v. BMW of North America, LLC et al.*, No. 2:14-cv-03111 (C.D. Cal.); *Signal IP, Inc. v. Volkswagen Group of America, Inc. et al.*, No. 2:14-cv-03113 (C.D. Cal.).

Claims 1 and 7 of the '375 patent were also previously the subject of another petition for *inter partes* review ("IPR") filed by American Honda Motor Co., Inc., Case IPR2015-01003. The Board issued a decision addressing the petition on October 1, 2015 and declined to institute IPR. (*See* Ex. 1006, Decision Denying Institution of *Inter Partes* Review, Case IPR2015-01003, Paper 11.) Further, these same claims were the subject of an *ex parte* reexamination initiated in response to a petition filed by Volkswagen Group of America, Inc. (Ex. 1010, Ex. Parte Reex. No. 90/013,386.) A reexamination certificate issued July 30, 2015.

C. Counsel & Service Information (37 C.F.R. §§ 42.8(b)(3)-(4))

Lead Counsel: A. Antony Pfeffer (Reg. No. 43,857)

Back-up Counsel: George E. Badenoch (Reg. No. 25,825) and John Flock (Reg.

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