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7 Attorneys for Plaintiff  
SIGNAL IP, INC.

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

11 SIGNAL IP, INC., a California  
12 corporation,

13 Plaintiff,

14 vs.

15 VOLKSWAGEN GROUP OF  
16 AMERICA, INC, et al.,

17 Defendants.

Case No. 2:14-cv-03113-JAK-JEM

**JOINT RULE 16(b) REPORT**

Date: September 15, 2014  
Time: 8:30 a.m.

Hon. John A. Kronstadt

Trial Date: TBD

18 Plaintiff Signal IP, Inc., (“Plaintiff” or “Signal”) and defendants Volkswagen  
19 Group of America, Inc., d/b/a Audi of America, Inc., and Bentley Motors, Inc.  
20 (collectively, “VWGoA,” or “Defendant”) submit their Joint Rule 16(b) Report  
21 pursuant to this Court’s June 23, 2014 Order Setting Rule 16(b) Scheduling  
22 Conference, Federal Rules of Civil Procedure 16 and 26, and the Court’s Initial  
23 Standing Patent Order.

24 On August 25, 2014, the parties held a joint conference to address the matters  
25 contained in the aforementioned rules and orders.

26 **a. Statement of the Case**

27 **i. Plaintiff’s Statement**  
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1 As a preliminary matter, Plaintiff notes for the convenience of the Court that  
2 its portion of the Joint Rule 16(b) Report is the same for actions it has filed.

3 Plaintiff has filed fourteen actions for patent infringement against Defendants  
4 American Honda Motor Co., Inc. and Honda of America Mfg., Inc. (collectively  
5 “Honda”), Nissan North America, Inc. (“Nissan”), Mitsubishi Motors North  
6 America, Inc. (“Mitsubishi”), Mazda Motor of America, Inc. (“Mazda”), Subaru of  
7 America, Inc. (“Subaru”), Kia Motors America, Inc. (“KMA”), Ford Motor  
8 Company (“Ford”), BMW of North America, LLC (“BMWNA”), Mercedes-Benz  
9 USA, LLC (“Mercedes”), Chrysler Group LLC (“Chrysler”), Volvo Cars of North  
10 America, LLC (“Volvo”), Volkswagen Group of America (“VWGoA”) and Bentley  
11 Motors, Inc. (“Bentley”), Jaguar Land Rover North America, LLC (“Jaguar”), and  
12 Porsche Cars North America, Inc. (“Porsche”) (individually “Defendant,” and  
13 collectively “Defendants”).

14 These actions have not yet been consolidated, and are pending as the  
15 following related cases: *Signal IP, Inc. v. American Honda Motor Co., Inc.* (14-cv-  
16 02454), *Signal IP, Inc. v. Kia Motors America, Inc.* (14-cv-02457); *Signal IP, Inc. v.*  
17 *Mazda Motor of America, Inc.* (14-cv-00491); *Signal IP, Inc. v. Mazda Motor of*  
18 *America, Inc.* (14-cv-02459); *Signal IP, Inc. v. Mitsubishi Motors North America,*  
19 *Inc.* (14-cv-00497); *Signal IP, Inc. v. Mitsubishi Motors North America, Inc.* (14-cv-  
20 02462); *Signal IP, Inc. v. Nissan North America, Inc.* (14-cv-02962); *Signal IP, Inc.*  
21 *v. Subaru of America, Inc.* (14-cv-02963); *Signal IP, Inc. v. BMW of North America,*  
22 *LLC* (14-cv-03111); *Signal IP, Inc. v. Fiat USA, Inc.* (14-cv-03105); *Signal IP, Inc.*  
23 *v. Ford Motor Company* (14-cv-03106); *Signal IP, Inc. v. Jaguar Land Rover North*  
24 *America, LLC* (14-cv-03108); *Signal IP, Inc. v. Mercedes-Benz USA, LLC* (2-14-cv-  
25 03109); *Signal IP, Inc. v. Porsche Cars North America, Inc.* (2-14-cv-03114);  
26 *Signal IP, Inc. v. Volkswagen Group of America, Inc.* (2-14-cv-03113); *Signal IP,*  
27 *Inc. v. Volvo Cars of North America, LLC* (14-cv-03107) (collectively the “Signal  
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1 Actions”).

2 To streamline the Signal Actions, and to avoid duplication by the parties and  
3 the Court, Plaintiff believes it is appropriate to consolidate the Signal Actions for  
4 claim construction and other pre-trial matters. A later determination can be made  
5 whether one of more of the Signal Actions, or common issues therein, should be  
6 tried together.

7 Plaintiff asserts claims for infringement of seven patents generally directed to  
8 automotive technologies (collectively, the “Signal Patents”):

- 9     ▪ U.S. Pat No. 5,714,927 (“the ‘927 Patent”), entitled “Method of improving  
10       zone of coverage response of automotive radar”;
- 11     ▪ U.S. Pat No. 5,732,375 (“the ‘375 Patent”), entitled “Method of inhibiting  
12       or allowing airbag deployment”;
- 13     ▪ U.S. Pat No. 6,434,486 (“the ‘486 Patent”), entitled “Technique for  
14       limiting the range of an object sensing system in a vehicle”;
- 15     ▪ U.S. Pat No. 6,775,601 (“the ‘601 Patent”), entitled “Method and control  
16       system for controlling propulsion in a hybrid vehicle”;
- 17     ▪ U.S. Pat No. 6,012,007 (“the ‘007 Patent”), entitled “Occupant detection  
18       method and system for air bag system”;
- 19     ▪ U.S. Pat No. 5,463,374 (“the ‘374 Patent”), entitled “Method and  
20       apparatus for tire pressure monitoring and for shared keyless entry  
21       control”; and
- 22     ▪ U.S. Pat No. 5,954,775 (“the ‘775 Patent”), entitled “Dual-rate  
23       communication protocol.”

24 For ease of reference, the following table shows the patents asserted against  
25 each Defendant in the Signal Actions:

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Patent	Honda	Kia	Mazda	Mitsubishi	Nissan	Subaru	Chrysler	Ford	Volvo	Jaguar	Mercedes	BMW	VWGoA	Porsche
'601 Patent	X	X			X	X		X	X		X	X	X	X
'486 Patent	X	X	X	X	X	X	X	X	X	X	X	X	X	X
'775 Patent											X	X	X	
'375 Patent	X	X	X	X	X		X	X				X	X	
'007 Patent	X	X	X	X	X	X	X	X	X	X	X	X	X	X
'927 Patent	X	X	X		X		X	X	X	X	X	X	X	X
'374 Patent			X	X	X	X	X	X	X					

Plaintiff presently asserts a total of 33 claims of the Signal Patents against Defendants collectively, with a maximum of only eight claims from any single patent. With only a few exceptions, the asserted claims are the same in each patent for each accused Defendant.<sup>1</sup>

**ii. Defendant’s Statement**

VWGoA has moved under Rule 12(b)(6) to dismiss Signal’s claims of willful infringement (D.I. 35). VWGoA expects to counterclaim for a declaratory judgment of non-infringement and invalidity. VWGoA also expects to assert additional defenses, and specifically license and/or exhaustion defenses.

In view of the differing patents, patent claims, and accused products asserted

<sup>1</sup> The asserted claims are: ‘601 Patent, claims 8, 9, 10, 11, 13, 15, and 17; ‘486 Patent, claims 21, 23, 26, 27, 28, 30, 34, and 35; ‘775 Patent, claim 6; ‘375 Patent, claims 1 and 7; ‘007 Patent, claims 1, 8, 17, 18, 19, 20, 21, and 22; ‘927 Patent, claims 1, 2, and 6; and ‘374 Patent, claims 1, 2, and 3. The asserted claims are the same for all Defendants except: in the ‘486 Patent, claims 23, 30, and 35 are asserted against Mercedes only, claim 27 is not asserted against Mercedes and VWGoA, and claim 34 is not asserted against VWGoA; and in the ‘007 Patent, claims 9, 18, and 22 are asserted against Mazda only.

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1 against the various separate defendants, VWGoA opposes Signal’s proposed  
2 consolidation of the co-pending litigations identified above.

3 **b. Subject Matter Jurisdiction**

4 **i. Plaintiff’s Statement**

5 These Actions arises under the patent laws of the United States, Title 35 of  
6 the United States Code. This Court has subject matter jurisdiction pursuant to 28  
7 U.S.C. §§ 1331 and 1338(a).

8 **ii. Defendant’s Statement**

9 VWGoA does not currently dispute Plaintiff’s statement of subject matter  
10 jurisdiction.

11 VWGoA expects to counterclaim seeking a declaratory judgment of non-  
12 infringement and invalidity of the patents asserted by Signal under 28 U.S.C. §§  
13 2201 and 2202. This court will have jurisdiction over the subject matter of this  
14 counterclaim pursuant to 28 U.S.C. §§ 1331 and 1338(a).

15 **c. Legal Issues**

16 **i. Plaintiff’s Statement**

17 ***Principal substantive issues.*** The principal substantive legal issues in the  
18 Signal Actions are the alleged infringement of the Signal Patents, the alleged  
19 invalidity of the Signal Patents in view of the relevant prior art, and the monetary or  
20 other relief to which Plaintiff is entitled. The meaning and scope of the terms used  
21 in the asserted patent claims are germane to these legal issues.

22 All but three defendants (Nissan, Mercedes and VWGoA) have filed answers.  
23 All defendants who have answered assert defenses of failure to state a claim, non-  
24 infringement, and invalidity. The three defendants who have asserted counterclaims  
25 (Mitsubishi, Volvo, and BMW of North America LLC) assert counterclaims for  
26 invalidity and non-infringement.

27 Other affirmative defenses include failure to state a claim, prosecution history  
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