

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

SIGNAL IP, INC.,
Patent Owner.

Case IPR2015-00968
Patent 5,714,927 B1

Before DONNA M. PRAISS, PETER P. CHEN, and
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner, Volkswagen Group of America, Inc., filed a Petition requesting an *inter partes* review of claims 1, 2, and 6 of U.S. Patent No. 5,714,927 B1 (Ex. 1001, “the ’927 patent”). Paper 2 (“Pet.”). In response, Patent Owner, Signal IP, Inc., filed a Preliminary Response. Paper 5 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, 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.”

For the reasons set forth below, we deny institution of *inter partes* review of the ’927 patent.

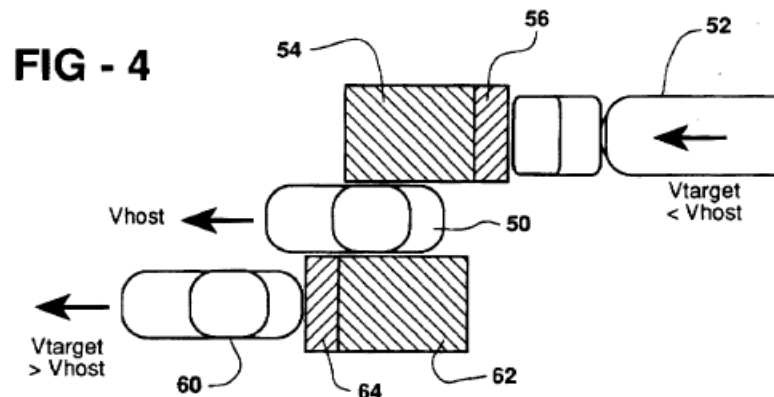
A. Related Matters

Petitioner indicates that the ’927 patent also has been asserted in the following proceedings: *Signal IP, Inc. v. Ford Motor Company*, No. 2-14-cv-13729 (E.D. Mich.); *Signal IP, Inc. v. Mercedes-Benz USA, LLC et al.*, No. 2-14-cv-03109 (C.D. Cal.); *Signal IP, Inc. v. Fiat USA, Inc. et al.*, No. 2-14-cv-13864 (E.D. Mich.); *Signal IP, Inc. v. BMW of North America, LLC et al.*, No. 2-14-cv-03111 (C.D. Cal.); *Signal IP, Inc. v. Jaguar Land Rover North America, LLC*, No. 2-14-cv-03108 (C.D. Cal.); *Signal IP, Inc. v. Volkswagen Group of America, Inc. d/b/a Audi of America, Inc. et al.*, No. 2-14-cv-03113 (C.D. Cal.); *Signal IP, Inc. v. Porsche Cars North America, Inc.*, No. 2-14-cv-03114 (C.D. Cal.); *Signal IP, Inc. v. Volvo Cars of North America, LLC*, No. 2-14-cv-03107 (C.D. Cal.); *Signal IP, Inc. v. Subaru of*

America, Inc., No. 2-14-cv-02963 (C.D. Cal.); *Signal IP, Inc. v. Nissan North America, Inc.*, No. 2-14-cv-02962 (C.D. Cal.); *Signal IP, Inc. v. Mitsubishi Motors of America, Inc.*, No. 8-14-cv-00497 (C.D. Cal.); *Signal IP, Inc. v. Mazda Motor of America, Inc.*, No. 8-14-cv-00491 (C.D. Cal.); *Signal IP, Inc. v. Kia Motors America, Inc.*, No. 2-14-cv-02457 (C.D. Cal.); and *Signal IP, Inc. v. American Honda Motor Co., Inc. et al.*, No. 2-14-cv-02454 (C.D. Cal.). Paper 3.

B. The '927 Patent

The '927 patent relates to side detection vehicle radar systems that control an alarm or alert indicator to increase the perceived coverage of a vehicle's blind spot. Ex. 1001, 1:7–10. Figure 4 of the '927 patent is reproduced below.



As illustrated in Figure 4 of the '927 patent, the radar system on the host vehicle 50 extends the perceived coverage of the vehicle's blind spots 54, 62 by zone extensions 56, 64. *Id.* at 4:7–21. The system prevents or minimizes radar signal dropouts due to signal flickers in order to improve the zone of coverage in a vehicle side radar detection system and minimizes

annoying alert activity when passing stationary or slow moving targets. *Id.* at 2:10–15. The time of alert signal activation is measured and compared to a threshold time. *Id.* at 2:16–17. When the alert time is greater than or equal to the threshold time, a longer sustain time is applied to hold the alert signal on, which bridges the dropout periods due to low radar signal reflectivity. *Id.* at 2:25–28.

C. Illustrative Claim

Claim 1 is the only independent claim challenged. Claims 2 and 6 depend from claim 1. Claim 1, reproduced below, is illustrative.

1. In a radar system wherein a host vehicle uses radar to detect a target vehicle in a blind spot of the host vehicle driver, a method of improving the perceived zone of coverage response of automotive radar comprising the steps of:
 - determining the relative speed of the host and target vehicles;
 - selecting a variable sustain time as a function of relative vehicle speed;
 - detecting target vehicle presence and producing an alert command;
 - activating an alert signal in response to the alert command;
 - at the end of the alert command, determining whether the alert signal was active for a threshold time; and
 - if the alert signal was active for the threshold time, sustaining the alert signal for the variable sustain time, wherein the zone of coverage appears to increase according to the variable sustain time.

Ex. 1001, 5:28–6:2.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Bernhard	US 5,521,579	May 28, 1996	(Ex. 1003)
Bernhard GB ¹	GB 2277653 A	Nov. 2, 1994	(Ex. 1004)
Pakett	US 5,325,096	June 28, 1994	(Ex. 1005)
Fujiki	US 4,053,026	Oct. 11, 1977	(Ex. 1006)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following ground of unpatentability:

Challenged Claims	Basis	References
1, 2, and 6	§ 103(a)	Bernhard, Pakett, Fujiki

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see also In re Cuozzo Speed Techs., LLC*, No. 2014-1301, 2015 WL 4097949, at *7, 8 (Fed. Cir. 2015) (“Congress implicitly approved the broadest reasonable interpretation standard in enacting the AIA,” and “the standard was properly adopted by PTO regulation.”). Under the broadest reasonable interpretation standard, claim terms are given their ordinary and customary meaning as would be understood by one of ordinary skill in the art in the context of the entire

¹ Petitioner asserts that Bernhard GB “provides substantially the same teachings as Bernhard” and that the Petition includes parallel citations to Bernhard GB. Pet. 8 n.1. For purposes of this Decision, citations herein are to Bernhard only.

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