

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, ll. 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, ll. 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.

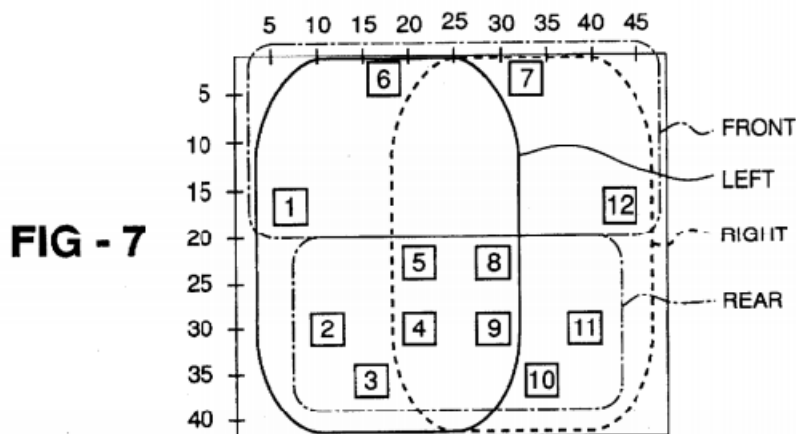


Figure 7 depicts the seat having 12 sensors arranged as follows: 1) a left pair of sensors 1 and 2, 2) a right pair of sensors 11 and 12, 3) a front

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, ll. 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, ll. 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, l. 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.

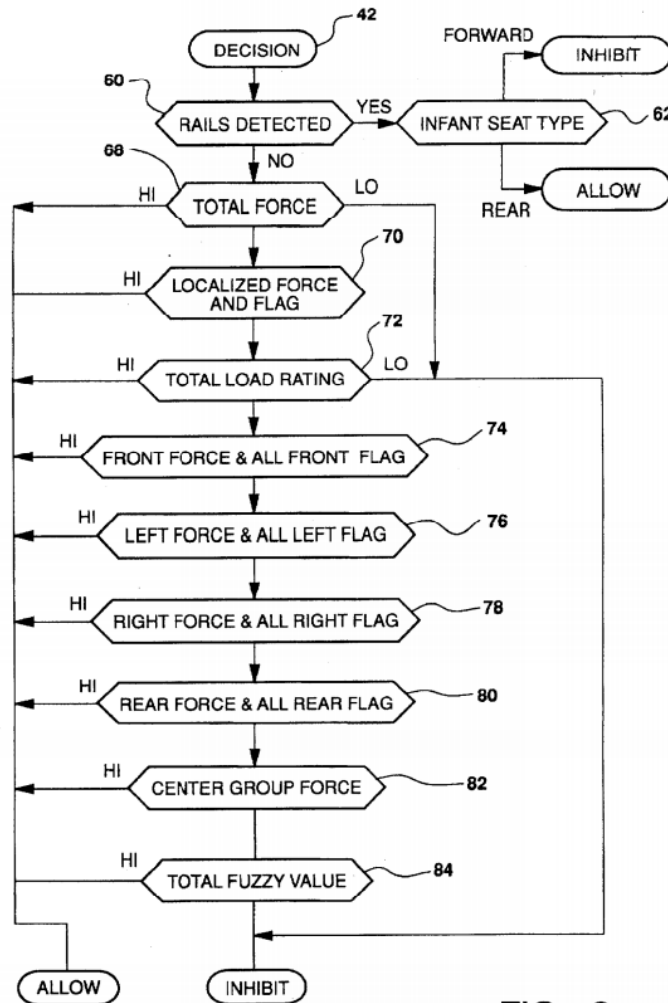


FIG - 8

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, l. 65–col.

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