

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN HONDA MOTOR CO., INC., NISSAN NORTH AMERICA, INC.,
and KIA MOTORS AMERICA, INC.
Petitioners,

v.

SIGNAL IP, INC.
Patent Owner.

Case IPR2015-01004¹
U.S. Patent No. 6,012,007

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

¹ Nissan North America, Inc. (“Nissan”) and Kia Motors America, Inc. (“Kia”) were joined as parties to this proceeding via Motions for Joinder in IPR2016-00113 and IPR2016-00115, respectively. During the conference call with the PTAB held on March 29, 2016, the PTAB specifically authorized Kia to file the instant Reply on behalf of Kia and Nissan in IPR2015-01004. However, Lead Counsel for Kia and Nissan are not authorized to electronically file in IPR2015-01004. Counsel for Kia spoke on April 4, 2016 to the Paralegal Operations Manager, Maria Vignone, who informed counsel for Kia that she would file the instant Reply on behalf of Kia and Nissan in IPR2015-01004.

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I. INTRODUCTION

In its Patent Owner's Response ("POR"; Paper No. 14), Patent Owner ("PO") fails to present any new substantive arguments that would require the Board to reconsider its Institution Decision. (Paper No. 11). Instead, without presenting any new facts in its POR, PO relies on recycled criticisms and arguments that it had presented to the Board in its Preliminary Patent Owner's Response submitted in IPR2016-00113 and IPR2016-00115. (IPR 2016-00113, Paper No. 9; IPR2016-00115, Paper No. 14). The Board had already considered and correctly rejected those arguments. (Paper Nos. 15 and 16, at 3-4). Having no new substantive arguments in its arsenal, PO raises no new facts in its POR that would compel a different result here.

For example, PO argues that Schousek cannot anticipate claims 1 or 17 because in Schousek, air bag deployment is not allowed when the seat sensors detect a weight above the minimum weight of an occupied infant seat because the seat sensors in Schousek must also detect a forward-facing infant seat. The Board considered this and found that PO acknowledged that "in Schousek 'if the seat sensors determine that the total weight of the seat occupant is greater than the minimum weight of an occupied infant seat' and 'the center of weight distribution is determined to be not forward of a reference line – a condition indicative of a forward-facing infant seat – [] airbag deployment [is] permitted.'" (Paper Nos. 15

and 16, at 3). Thus, Schousek allows deployment when the relative weight parameter is above the first threshold.

Moreover, PO's argument that the *maximum* weight value of an occupied infant seat in Schousek is not equivalent to the '007 Patent's "first threshold" ignores Petitioners' contentions, which rely on Schousek's *minimum* weight value to meet the claimed "first threshold." (See Pet. 17-18.)

Lastly, as the Board noted in Paper No. 16, PO's argument concerning the setting and clearing of the lock flag were addressed in detail in the '1004 Institution Decision. Schousek teaches "setting a lock flag" by setting the previous decision to allow deployment if all five enablement decisions in the decision array are to allow deployment when the total weight parameter is above the maximum infant seat weight threshold. Schousek discloses "clearing the flag" when the previous decision is to allow airbag deployment and five consecutive subsequent decisions to inhibit deployment occur due to the total weight parameter being below the minimum infant weight threshold, thus setting the previous decision to now inhibit airbag deployment.

Accordingly, Petitioners respectfully request the Board deny POR and adopt the facts and reasoning in Petitioners' Petition and Reply and make final the Institution Decision, finding claims 1-3, 5, 9, and 17-21 of the '007 Patent unpatentable.

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