

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

CIVIL MINUTES – GENERAL

Case No.	LA CV14-02454 JAK (JEMx) LA CV14-02457 JAK (JEMx) LA CV14-02962 JAK (JEMx) LA CV14-02963 JAK (JEMx) LA CV14-03108 JAK (JEMx) LA CV14-03109 JAK (JEMx)	LA CV14-03111 JAK (JEMx) LA CV14-03113 JAK (JEMx) LA CV14-03114 JAK (JEMx) SA CV14-00491 JAK (JEMx) SA CV14-00497 JAK (JEMx)	Date	April 17, 2015
Title	Signal IP v. American Honda Motor Co., Inc. Signal IP v. Kia Motors America, Inc. Signal IP v. Nissan North America, Inc. Signal IP v. Subaru of America, Inc. Signal IP v. Jaguar Land Rover North Am., LLC Signal IP v. Mercedes-Benz USA, LLC, et al.	Signal IP v. BMW of North America, LLC, et al. Signal IP v. Volkswagen Group of America, Inc. Signal IP v. Porsche Cars of North America, Inc. Signal IP v. Mazda Motor of America, Inc. Signal IP v. Mitsubishi Motors North America, Inc.		

Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Andrea Keifer

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) ORDER RE CLAIM CONSTRUCTION

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Date April 17, 2015

Title Signal IP v. American Honda Motor Co., Inc. -- AND RELATED CASES

I. INTRODUCTION

In April, 2014, Plaintiff Signal IP (“Plaintiff”) brought separate actions against Defendants Mitsubishi Motors North America, Inc. (“Mitsubishi”), Mazda Motor of America, Inc. (“Mazda”), BMW of North America, LLC (“BMW”), Porsche Cars North America, Inc. (“Porsche”), American Honda Motor Co., Inc. and Honda of America Mfg., Inc. (collectively, “Honda”), Nissan North America, Inc. (“Nissan”), Mercedes-Benz USA LLC (“Mercedes”), Volkswagen Group of America, Audi of America, LLC, and Bentley Motors, Inc. (collectively “VW/Bentley”), Jaguar Land Rover North America, LLC (“Jaguar”), Subaru of America, Inc. (“Subaru”), and Kia Motors America, Inc. (“Kia”) (collectively, “Defendants”), alleging infringement as to one or more of seven U.S. Patents (the “Patents in Suit”).¹

The parties filed their Joint Claim Construction and Prehearing Statement (“Joint Statement”) on January 30, 2015, *Signal IP, Inc. v. Am. Honda Motor Co., Inc.*, No. LA CV14-2454, Dkt. 46, and their Amended Joint Claim Construction Brief (“Joint Brief”) and Joint Evidentiary Appendix (“JA”) on March 11, 2015, *Signal IP, Inc. v. Am. Honda Motor Co., Inc.*, No. LA CV14-2454, Dkts. 52-53.² The parties disputed the construction of 36 terms. *Id.* The week before the hearing, the parties came to agreement on one of those terms. This left 35 for construction. Notice of Agreed Construction as to Claim Term Threshold Time, Dkt. 55.

A *Markman* hearing was held on March 31, 2015, and the matter was taken under submission. Minutes of *Markman* Hearing, Dkt. 57. The disputed terms are construed, or otherwise addressed, in this Order.

II. FACTUAL BACKGROUND

The Patents in Suit are: U.S. Patent No. 5,714,927 (“the ‘927 Patent”), “Method of Improving Zone of Coverage Response of Automotive Radar”; U.S. Patent No. 5,732,375 (“the ‘375 Patent”), “Method of Inhibiting or Allowing Airbag Deployment”; U.S. Patent No. 6,012,007 (“the ‘007 Patent”), “Occupant Detection Method and System for Air Bag System”; U.S. Patent No. 6,434,486 (“the ‘486 Patent”), “Technique for Limiting the Range of an Object Sensing System in a Vehicle”; U.S. Patent No. 6,775,601 (“the ‘601 Patent”), “Method and Control System for Controlling Propulsion in a Hybrid Vehicle”; U.S. Patent No. 5,463,374 (“the ‘374 Patent”), “Method and Apparatus for Tire Pressure Monitoring and for Shared Keyless Entry Control”; and U.S. Patent No. 5,954,775 (“the ‘775 Patent”), “Dual-rate Communication Protocol.” Joint Report, Dkt.35 at 3-4.

The following table shows the patents that are asserted against each Defendant.

¹ Several additional defendants were named in cases that have been dismissed or transferred from this District.

² Unless otherwise noted, all references to a docket number are to *Signal IP, Inc. v. Am. Honda Motor Co., Inc.*

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

III. LEGAL STANDARD

A. Claim Construction

Claim construction is the process of determining the meaning and scope of patent claims. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 976 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996). It is a matter that is addressed by the district court; in general, the findings are reviewed *de novo* on appeal, although underlying factual determinations are reviewed for clear error. *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 135 S. Ct. 831, 840-41 (2015).

“[T]he words of a claim are generally given their ordinary and customary meaning,” which is “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (internal citations and quotations omitted). “In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words.” *Id.* at 1314. “In such circumstances, general purpose dictionaries may be helpful.” *Id.* “In many cases that give rise to litigation, however, determining the ordinary and customary meaning of the claim requires examination of terms that have a particular meaning in a field of art.” *Id.*

“Because the meaning of a claim term as understood by persons of skill in the art is often not immediately apparent, and because patentees frequently use terms idiosyncratically, the court looks to ‘those sources available to the public that show what a person of skill in the art would have understood disputed claim language to mean.’” *Id.* (quoting *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1116 (Fed. Cir. 2004)). “Those sources include ‘the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art.’” *Id.*

Claim construction “begins and ends” with the words of the claims. *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1242, 1248 (Fed. Cir. 1998). “Quite apart from the written description and the

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