UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLKSWAGEN GROUP OF AMERICA, INC.,

Petitioner,

v.

SIGNAL IP, INC.,

Patent Owner.

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Case IPR2015-01088
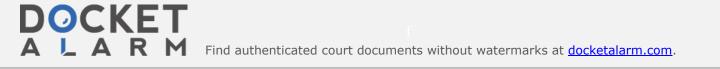
Patent 5,954,775

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PATENT OWNER'S PRELIMINARY RESPONSE

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1. Introduction.

Petitioner challenges the patentability of claim 6 of U.S. Patent 5,954,775 (the "'775 Patent"). The Patent Trial and Appeal Board ("PTAB" or "Board") should not institute *inter partes* review of the '775 Patent because Petitioner has not met its burden to show a reasonable likelihood that claim 6 of the '775 Patent is unpatentable.[1]

2. Overview of the '775 Patent.

The '775 Patent discloses a dual rate communication protocol to improve the communication of seat occupant presence and position information to a control unit of a supplemental inflatable restraint (SIR) system.[2] Claim 6 is the sole claim challenged in the instant petition and reads:

> 6. A method of accommodating communication of first

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[1] 35 U.S.C. § 314(a) (An *inter partes* review may be instituted only if "the information presented in the petition . . . and any response . . . 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."); 37 C.F.R. § 42.108(c).

[2] *Ex. 1001* at Abstract; 2:20-24, 38-45.

and second types of data at first and second message rates over a common communication link comprising the steps of:

establishing a message rate interval on the common communication link;

devoting a portion of each message rate interval to the first type of data and reserving a remaining portion of each message rate interval for the second type of data;

providing the first type of data at a first message rate sufficient to form a complete message within the devoted portion of each message rate interval;

providing the second type of data at a second message rate sufficient to form only a fragment of a complete message in the remaining portion of each message rate interval, thereby requiring a plurality of consecutive message rate intervals to form a complete message of the second type of data; and

transmitting at least one of the first and second types of data in the respective portions of each message rate interval.[3]

In order to understand this claimed method, it is helpful to review the teachings provided in the specification.

The specification explains that, for various reasons, it is desirable to

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[3] *Id*. at 6:24-45.

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