UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLKSWAGEN GROUP OF AMERICA, INC.,

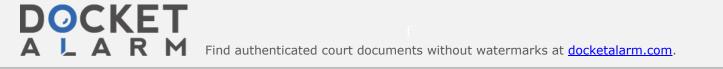Petitioner,

v.

SIGNAL IP, INC.,

Patent Owner.

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Case IPR2015-01116

Patent 6,012,007

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PATENT OWNER'S ADDITIONAL BRIEFING CONCERNING THE
STIPULATION AND PARTIAL JUDGMENT OF INVALIDITY IN THE
RELATED LITIGATION

Pursuant to the Board's Order of September 2, 2015, Patent Owner submits the following additional briefing to address the issues raised by the parties' stipulation and the Court's partial judgment of invalidity in the underlying litigations.

(1) Claims 1, 17, and 20 of the '007 patent are not indefinite.

Petitioner challenges the patentability of claims 1-3, 5, 9, and 17-21 of U.S. Patent 6,012,007 (the "'007 Patent"). In the Court's order of partial summary judgment in the underlying litigation, claims 1, 8, 9, 17, 18, 19, and 20 were found invalid as indefinite under 35 U.S.C. § 112, paragraph 2.[1] This determination was made pursuant to the parties' stipulation that,

> In light of the Court's claim construction order, Plaintiff and Defendants stipulate to entry of a partial final judgment that the following claims are invalid due to indefiniteness under 35 U.S.C. § 112, paragraph 2: . . . (iii) claims 1, 8, 9, 17, 18, 19, and 20 of the '007 patent.[2]

Notably, this stipulation related to a procedural action concerning the "entry of a partial final judgment," and **not** to the correctness of the Court's determination concerning validity of the subject claims. This is evidenced by

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[1] *Ex. 3001* at 2.

[2] *Ex. 2002* at 2.

further provisions of the stipulation that,

> Plaintiff and Defendants reserve all appellate rights, including, but not limited to, the right to appeal the Court's April 17, 2015 claim construction order to the United States Court of Appeals for the Federal Circuit. Plaintiff reserves all rights as to claims not addressed by the Court's claim construction order, or any new claims that may be issued by the United States Patent Office.[3]

With respect to claims 1, 17, and 20 the Court deemed the term "relative weight parameter" to be indefinite under 35 U.S.C. § 112, paragraph 2.[4] The relative weight parameter is calculated from sensor outputs and airbag deployment is allowed when the relative weight parameter is above an established first threshold.[5] Further, when the relative weight parameter is above a lock threshold (established above the first threshold), a lock flag is set provided airbag deployment has been allowed for a given time. The flag is cleared when the relative weight parameter is below an unlock threshold (indicative of an empty seat) for a time.[6]

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[3] *Id*. at 2-3.

[4] *Ex. 2001* at 60-63.

[5] *Ex. 1001* at 5:48-54.

[6] *Id*. at 5:55-63.

The specification does not specifically define the "relative weight parameter," but does specify that the subject supplemental inflatable restraint (SIR) system is intended to inhibit airbag deployment when a seat is empty or occupied by a small child.[7] This goal is accomplished by "tuning" the system to inhibit deployment for occupants weighing less than a first amount and, concurrently, always allowing deployment for occupants weighing more than a second amount.[8] Passenger weight is determined by a seat occupant sensing system in which various sensors provide outputs proportional to the pressure exerted thereon, and a microprocessor analyzes these signals.[9]

In light of this explanation, a person of ordinary skill in the art would readily conclude that the recited "relative weight parameter" is a measure (for example, related to the weight of a passenger as determined by the sensors) that permits the determination of whether or not to allow airbag deployment according to (i.e., relative to) the established thresholds therefor. A number of examples of a relative weight parameter are given in various dependent claims:

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[7] *Id.* at 2:55-58.

[8] *Id.* at 2:58-61.

[9] *Id.* at 2:61 – 3:10.

In claim 3, the relative weight parameter "is the total force detected by all the sensors." In claim 4, the "relative weight parameter is a long term average obtained by the following steps: averaging all sensor outputs over a plurality of sample events to obtain a cumulative average; and long term filtering the cumulative average to obtain the long term average." In claim 5, "the relative weight parameter is a load rating obtained by: calculating a load rating for each sensor as a function of the difference between the sensor output and a base value; and summing the load rating for all the sensors to derive a total load rating." In claim 6, "the relative weight parameter is a fuzzy value obtained by: calculating a total load rating for all the sensors; determining a fuzzy load value from the total load rating; calculating a long term average for all the sensors; determining a fuzzy average value from the long term average; and combining the fuzzy average and the fuzzy load value to obtain the fuzzy value." Claims 21-23 depend from claim 17, and, like claims 3-6, provide detailed embodiments of possible relative weight parameters (the total force, long term average of sensor outputs, and total load rating, respectively). Claim 20 depends from claim 17, but does not give an exemplary relative weight parameter. Rather, in claim 20, "the microprocessor is further programmed to inhibit deployment when the relative weight parameter is below

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