Trials@uspto.gov
Tel: 571-272-7822

Paper 11
Entered: September 29, 2015

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 IPR2015-01116
Patent 6,012,007

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Before MEREDITH C. PETRAVICK, JEREMY M. PLENZLER, and JAMES A. TARTAL, *Administrative Patent Judges*.

PLENZLER, *Administrative Patent Judge*.

DECISION
Denying *Inter Partes* Review
*37 C.F.R. § 42.108*

# I. INTRODUCTION

## *A. Background*

Volkswagen Group of America, Inc. ("Petitioner") filed a Petition to institute an *inter partes* review of claims 1, 17, and 19–21 ("the challenged claims") of U.S. Patent No. 6,012,007 (Ex. 1001, "the '007 patent"). Paper 2 ("Pet."). Signal IP, Inc. ("Patent Owner") filed a Preliminary Response. Paper 5 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." For the reasons given below, we do not institute an *inter partes* review in this proceeding.

## *B. Related Proceedings*

Petitioner and Patent Owner indicate that the '007 patent is the subject of a number of co-pending federal district court cases, including: *Signal IP, Inc. v. Volkswagen Group of America, Inc. et al.*, No. 2:14-cv-03113 (C.D. Cal.). Pet. 1–2; Paper 4, 2–3.

## *C. Asserted Grounds of Unpatentability and Evidence of Record*

Petitioner contends that the challenged claims are unpatentable under 35 U.S.C. § 103 based on obviousness over Cashler[1] and Schousek[2]. Pet. 10–54.

Petitioner also provides testimony from A. Bruce Buckman, Ph.D. Ex. 1002 ("the Buckman Declaration").

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[1] U.S. Pat. No. 5,732,375, iss. Mar. 24, 1998 (Ex. 1003, "Cashler").
[2] U.S. Pat. No. 5,474,327, iss. Dec. 12, 1995 (Ex. 1004, "Schousek").

*D. The '007 Patent*

The '007 patent is directed to "an airbag system having seat pressure detectors [mounted] in the seat" and its method of operation. Ex. 1001, 1:10–12. The '007 patent explains that one "object of the invention [is] to discriminate in a [supplemental inflatable restraint] system between large and small seat occupants for a determination of whether an airbag deployment should be permitted" and "[a]nother object in such a system is to maintain reliable operation in spite of dynamic variations in sensed pressures." *Id.* at 1:52–57.

The '007 patent describes "seat sensing system 14 to inhibit air bag deployment when a seat is empty or occupied by a small child, while allowing deployment when the occupant is large." *Id.* at 2:55–58. An example is provided where the system is tuned to always inhibit airbag deployment for occupants weighing less than 66 pounds, and always allow deployment for occupants exceeding 105 pounds. *Id.* at 2:58–61. The seat occupant sensing system includes a microprocessor and sensors mounted in a seat monitored by the microprocessor to determine whether to inhibit airbag deployment. *Id.* at 2:61–3:7.

The sensors are periodically sampled and decision measures are computed. *Id.* at 3:39–43. Decision measure computations include, for example, "calculating total force and its threshold, sensor load ratings and measure, long term average of sensor readings and its threshold." *Id.* at 3:49–52. An "Adult Lock Flag" can be set to always allow airbag deployment. *Id.* at 4:40–41. When determining whether to set the "Adult Lock Flag," the total force is compared to "a lock threshold[,] which is above the total force threshold" (i.e., the threshold used as the minimum

allowable value for airbag deployment), and "an unlock threshold[,] which represents an empty seat." *Id.* at 4:41–44. A lock timer is compared to a lock delay to determine when to set the "Adult Lock Flag." *Id.* at 4:44–46, Fig. 8. "If . . . the total force is greater than the lock threshold, and the lock timer is larger than the lock delay . . . the Adult Lock Flag is set." *Id.* at 4:46–50.

*E. Illustrative Claim*

As noted above, Petitioner challenges claims 1, 17, and 19–21. Claims 1 and 17 are independent claims, with claims 19–21 depending from claim 17. Claim 1 is reproduced below:

> 1. In a vehicle restraint system having a controller for deploying air bags and means for selectively allowing deployment according to the outputs of seat sensors responding to the weight of an occupant, a method of allowing deployment according to sensor response including the steps of:
>
> determining measures represented by individual sensor outputs and calculating from the sensor outputs a relative weight parameter;
>
> establishing a first threshold of the relative weight parameter;
>
> allowing deployment when the relative weight parameter is above the first threshold;
>
> establishing a lock threshold above the first threshold;
>
> setting a lock flag when the relative weight parameter is above the lock threshold and deployment has been allowed for a given time;
>
> establishing an unlock threshold at a level indicative of an empty seat;

clearing the flag when the relative weight parameter is below the unlock threshold for a time; and

allowing deployment while the lock flag is set.

Ex. 1001, 5:42–64.

## II. ANALYSIS

### *A. Claim Construction*

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable interpretation in light of the specification in which they appear and the understanding of others skilled in the relevant art. 37 C.F.R. § 42.100(b). Although not yet expired, it appears that the '007 patent will expire on December 1, 2015. *See* 35 U.S.C. § 154. "[T]he Board's review of the claims of an expired patent is similar to that of a district court's review." *In re Rambus, Inc.*, 694 F.3d 42, 46 (Fed. Cir. 2012).

Petitioner contends that "[t]he claim terms should be given their broadest reasonable construction in view of the specification," without proposing a specific construction for any particular claim term. Pet. 10. Patent Owner does not offer an explicit construction for any specific claim term. Based on the information before us, we are not apprised of any particular claim term that would have a different construction under either standard of claim construction. At this stage of the proceeding, we determine that no particular term requires an express construction in order to conduct properly our analysis of the prior art.

### *B. Obviousness over Cashler and Schousek*

Petitioner contends that claims 1, 17, and 19–21 would have been obvious over Cashler and Schousek. Pet. 10–54. For the reasons discussed

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