

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NISSAN NORTH AMERICA, INC.

Petitioner

V.

SIGNAL IP, INC.

Patent Owner

Patent No. 6,012,007

Filing Date: June 3, 1997

Issue Date: January 4, 2000

Title: OCCUPANT DETECTION METHOD AND APPARATUS FOR AIR
BAG SYSTEMS

**MOTION FOR JOINDER UNDER
35 U.S.C. 315(c) AND 37 C.F.R. § 42.22 AND 42.122(b)
TO RELATED *INTER PARTES* REVIEW IPR2015-01004**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Nissan North America, Inc. (“Nissan”) respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review of U.S. Patent No. 6,012,007 (“the Nissan Petition”) filed contemporaneously herewith. Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Nissan requests institution of an *inter partes* review and joinder with the *inter partes* review in *American Honda Motor Co., Inc. v. Signal IP, Inc.*, IPR2015-01004 (“the Honda IPR”), which the Board instituted on October 1, 2015 and concerns the same patent, U.S. Patent No. 6,012,007 (“the ’007 Patent”). Nissan’s request for joinder is timely under 37 C.F.R. §§ 42.22 and 42.122(b) as it is being submitted no later than one month after the October 1, 2015 institution date of the Honda IPR.

Joinder is appropriate because it will promote efficient resolution of the validity of the involved patent, and it will not prejudice the parties to the Honda IPR. The Nissan Petition is narrowly tailored to the same claims, prior art, and grounds for unpatentability that are the subject of the Honda IPR. In addition, Nissan is willing to streamline discovery and briefing. Nissan submits that joinder is appropriate because it will not unduly burden or prejudice the parties to the Honda IPR while efficiently resolving the question of the ’007 Patent’s validity in a single proceeding.

II. STATEMENT OF MATERIAL FACTS

1. Signal IP, Inc. (“Signal IP” or “Patent Owner”) filed civil actions against Fiat U.S.A., Inc. et al., Case No. 2-14-cv-13864, in the U.S. District Court for the Eastern District Michigan, on October 7, 2014; Ford Motor Company, Case No. 2-14-cv-13729, in the U.S. District Court for the Eastern District of Michigan, on September 26, 2014; Porsche Cars North America, Inc., Case No. 2-14-cv-03114, in the U.S. District Court for the Central District of California, on April 23, 2014 (case dismissed); Ford Motor Company, Case No. 2-14-cv-03106, in the U.S. District Court for the Central District of California, on April 23, 2014; Fiat U.S.A., Inc. et al., Case No. 2-14-cv-03105, in the U.S. District Court for the Central District of California, on April 23, 2014; Volkswagen Group of America, Inc. d/b/a Audi of America, Inc. et al., Case No. 2-14-cv-03113, in the U.S. District Court for the Central District of California, on April 23, 2014; Jaguar Land Rover North America, LLC, Case No. 2-14-cv-03108, in the U.S. District Court for the Central District of California, on April 23, 2014 (case dismissed); Volvo Cars of North America, LLC, Case No. 2-14-cv-03107, in the U.S. District Court for the Central District of California, on April 23, 2014 (case dismissed); BMW of North America, LLC et al., Case No. 2-14-cv-03111, in the U.S. District Court for the Central District of California, on April 23, 2014; Mercedes-Benz USA, LLC et al., Case No. 2-14-cv-03109, in the U.S. District Court for the Central District of

Motion for Joinder to IPR2015-01004 of U.S. Patent No. 6,012,007

California, on April 23, 2014; Nissan North America, Inc., Case No. 2-14-cv-02962, in the U.S. District Court for the Central District of California, on April 17, 2014; Subaru of America, Inc., Case No. 2-14-cv-02963, in the U.S. District Court for the Central District of California, on April 17, 2014; Suzuki Motor America, Inc., Case No. 8-14-cv-00607, in the U.S. District Court for the Central District of California, on April 17, 2014 (case dismissed); Kia Motors America, Inc., Case No. 2-14-cv-02457, in the U.S. District Court for the Central District of California, on April 1, 2014; American Honda Motor Co., Inc. et al., Case No. 2-14-cv-02454, in the U.S. District Court for the Central District of California, on April 1, 2014; Mazda Motor of America, Inc., Case No. 8-14-cv-00491, in the U.S. District Court for the Central District of California, on April 1, 2014; Mazda Motor of America, Inc., Case No. 2-14-cv-02459, in the U.S. District Court for the Central District of California, on April 1, 2014; Mitsubishi Motors North America, Inc., Case No. 8-14-cv-00497, in the U.S. District Court for the Central District of California, on April 1, 2014 (case dismissed); Mitsubishi Motors North America, Inc., Case No. 2-14-cv-02462, in the U.S. District Court for the Central District of California, on April 1, 2014 (case dismissed); Takata Seat Belts Inc., Case No. 5-04-cv-00464, in the U.S. District Court for the Western District of Texas, on May 27, 2004; Toyota North America, Inc., et al., Case No. 2-15-cv-5162, in the U.S. District Court for the Central District of California, on July 8, 2015; Hyundai Motor America, Case

No. 2-15-cv-5166, in the U.S. District Court for the Central District of California, on July 8, 2015; and Hyundai Motor America, Case No. 8-15-cv-1085, in the U.S. District Court for the Central District of California, on July 8, 2015.

2. On April 3, 2015, American Honda Motor Co., Inc. et al. filed a petition (“the Honda Petition”) for *inter partes* review requesting cancellation of claims 1-3, 5, 9, and 17-21 of the ’007 Patent. Four proposed grounds for review were presented in the Honda Petition.

3. On October 1, 2015, the Board instituted Honda’s Petition as to two of the proposed grounds, finding that a reasonable likelihood existed that the Honda Petition would prevail in showing unpatentability of claims 1-3, 5, 9, and 17-21 of the ’007 Patent. The proposed grounds in the Nissan Petition are substantively identical to the two grounds on which the Board instituted Honda’s Petition.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

A. Legal Standard

The Board has the authority under 35 U.S.C. § 315(c) to join a properly filed *inter partes* review petition to an instituted *inter partes* review proceeding. *See* 35 U.S.C. § 315(c). A motion for joinder must be filed within one month of the Board instituting an original *inter partes* review. 37 C.F.R. § 42.122(b). In deciding whether to exercise its discretion and permit joinder, the Board considers factors, including: (1) the reasons why joinder is appropriate; (2) whether the new petition

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