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- Pursuant to Standing Patent Rule ("S.P.R.") 3.4 and the Court's Minute Order 1 2 of September 15, 2014 (Dkt. 38 in Case No. 2:14-cv-02454) ("Minute Order") 3 Plaintiff Signal IP, Inc. ("Signal") and Defendants American Honda Motor Co. and 4 Honda of America Mfg., Inc. (collectively "Honda"), Nissan North America, Inc. 5 ("Nissan"), Mitsubishi Motors North America, Inc. ("Mitsubishi"), Mazda Motor of America, Inc. ("Mazda"), Subaru of America, Inc. ("Subaru"), Kia Motors America, 6 Inc. ("KMA"), BMW of North America, LLC ("BMWNA"), Volvo Cars of North 7 America, LLC ("Volvo"), Mercedes-Benz USA LLC ("MBUSA"), Volkswagen 8 Group of America ("VWGoA") and Bentley Motors, Inc. ("Bentley"), Jaguar Land 9 Rover North America, LLC ("JLRNA"), and Porsche Cars North America, Inc. 10 ("PCNA") (collectively, "Defendants") hereby submit their Joint Claim 11 12 Construction and Prehearing Statement for U.S. Pat. Nos. 5,714,927 ("the '927 Patent"), 5,732,375 ("the '375 Patent"), 6,434,486 ("the '486 Patent"), 6,775,601 13 14 ("the '601 Patent"), 6,012,007 ("the '007 Patent"), 5,463,374 ("the '374 Patent"), and 5,954,775 ("the '775 Patent") (Collectively "Patents-in-Suit" or "Asserted 15 Patents"). 16
- **CONSTRUCTION OF TERMS UPON WHICH PARTIES AGREE<sup>1</sup>** 17 I.

18 The below chart reflects the constructions agreed to between Signal and the 19 Defendants accused of infringing the patents and claims noted in the first column of 20 the chart. Defendants take no position on (and do not agree to any construction for) 21 claims that are not asserted in their particular cases.

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23 Defendants VWGoA and Bentley take no position on the constructions offered in this Section I. VWGoA and Bentley contend only that certain terms in the asserted patents are indefinite, as set forth in Section II below. VWGoA and Bentley further 25 contend that the other terms in the patents asserted against them require no construction other than "plain and ordinary meaning." Rather than repeat the phrase 26 "plain and ordinary meaning" in each section below, VWGoA and Bentley simply 27 note their position here. VWGoA and Bentley reserve the right to contend that any 28 specific construction proposed below by any party is incorrect. 1 Case No. 2:14-cv-02454-JAK (JEMx) JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

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1		Terms (& Claims)	Agreed Construction
2		"blind spot"	An area on a side or on a side and to the rear
3		('927 Patent, Claim 1)	of the host vehicle not visible to the driver through the mirrors
4		"relative vehicle speed"	Speed in relation to another vehicle.
5 6		('927 Patent, Claim 1)	
7		"alert signal"	A signal for alerting the driver
8		('927 Patent, Claim 1)	
9		"detecting target vehicle	Detecting that the target vehicle is present at
10		presence and producing an alert command"	least partially in the blind spot and producing an alert command
11			
12		('927 Patent, Claim 1)	
13		"total threshold force"	A minimum force that allows airbag deployment based on the total force sensed by
14		('375 Patent, Claim 1)	the entire sensor array
15		"providing an alarm"	Providing a warning for the driver
16 17		('486 Patent, Claims 21 & 28)	
18		"traction motor"	An electric motor used to propel a vehicle <sup>2</sup>
19		('601 Patent, Claims 8, 10-11,	
20		15, 17)	
21		"force"	Pressure that is indicative of weight
22		('375 Patent, claim 1)	
23		"vehicle torque demand"	Torque requested by the driver
24		('601 Patent, claim 8)	
25		"means for storing	Function:
26		identification codes from the	
27	2		ion of "traction motor," but takes no position on
28	t	he constructions of the terms agre	ed upon by Signal and the other defendants.
	-	JOINT CLAIM CONSTR	2 Case No. 2:14-cv-02454-JAK (JEMx) RUCTION AND PREHEARING STATEMENT

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Terms (& Claims)	Agreed Construction
transmitted sign up messages	"storing identification codes from the
for comparison with subsequently transmitted data	transmitted sign-up messages for comparison with subsequently transmitted data messages
messages to differentiate data	to differentiate data transmitted from variou
transmitted from various tire locations"	tire locations"
	Structure:
('374 Patent, Claim 3)	the processor 24 and its associated non-
	volatile memory.
"yaw rate sensor"	Sensor that measures a vehicle's deviation
('486 Patent, Claims 27, 34)	from a straight course

#### II. PROPOSED CONSTRUCTION OF EACH DISPUTED CLAIM TERM AND IDENTIFICATION OF SUPPORTING EVIDENCE

#### A. '927 Patent

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The '927 Patent is asserted in these actions against defendants Honda, KMA,

Mazda, Nissan, Volvo, JLRNA, MBUSA, BMWNA, VWGoA, and PCNA.

	Terms & Claims	Plaintiff's Position	Defendants' Position
1.	"In a radar system wherein a host	Signal is of the view that this term does not require a	<u>KMA, Mazda, Nissan,</u> Volvo, JLRNA, MBUSA,
	vehicle uses radar to detect a target	construction by the Court, and should be given its	<u>PCNA, BMWNA:</u> The preamble is limiting.
	vehicle in a blind spot of the host	plain and ordinary meaning. However, if the	Honda: Preamble does not limit claim to radar.
	vehicle driver, a method of improving the	Court determines that a construction is necessary, Signal proposes the	Field of the Invention;
	perceived zone of coverage response	following:	Abstract; Figs. 3d, 4, cols. 2:28-32; 2:62-65; 3:52 –
	of automotive radar comprising	The preamble is limiting.	4:21; 4:35:44; claim 1.
	the steps of"	Evidence: '927 Patent, Abstract; Figs. 1 and 3-7;	
		3	Case No. 2:14-cv-02454-JAK (JEM»

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
	(Claim 1)	1:23-27, 31-39, 45-67; 2:1-	
		6, 15-34, 41-59, 62-65; 3:2- 13, 41-51, 57-4:21; 4:22-	
		49; 4:56-61; 5:1-25,	
		Claims.	
		Prosecution history of the	
		'927 Patent, e.g. at Notice	
		of Allowance (SIG00001331 –	
		SIG00001333), e.g. p. 6.	
		Dictionary definitions of	
		Blind Spot, SIG000001704.	
		Dictionary definitions of	
		Radar, SIG000001710.	
2	. "variable sustain	Signal is of the view that	Honda, JLRNA, KMA
	time"	this term does not require a	Mazda, MBUSA, Nissan,
	(Claims 1 and 2)	construction by the Court, and should be given its	<u>PCNA, Volvo:</u> "a variable period of time for which t
		plain and ordinary	alert signal persists after a
		meaning. However, if the Court determines that a	target vehicle is no longer detected"
		construction is necessary,	
		Signal proposes the	Additional clarifying statement: The '927 Pater
		following:	distinguishes "variable
		A variable period of time	sustain time" from a
		for which the alert signal	separate concept of "hold" time. A "hold" time is the
		persists	minimum time for which
		Evidence: '927 Patent, Abstract; Figs. 1 and 3-7;	the signal persists after a
		1:23-27, 31-39, 45-67; 2:1-	target vehicle is no longer detected. The "variable
		6, 15-34, 41-59, 62-65; 3:2-	sustain time" is used when
		13, 41-51, 57-4:21; 4:22- 49; 4:56-61; 5:1-25,	the alert signal time has been equal to or greater
		Claims.	than the threshold time. Th
			minimal "hold" time is
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Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
	Prosecution history of the	used when the alert signal
	'927 Patent, e.g. at Notice	time is less than the
	of Allowance	threshold time.
	(SIG00001331 –	
	SIG00001333), e.g. p. 6.	Abstract; Figs. 2, 3a-3d,
		5, 7; cols. 1:45-55; 2:1-6;
		2:15-34; 3:52-4:44, 5:1
		16; claims 1, 7-12.
		File History: Notice of
		Allowance at 2.
		Deposition Transcript of
		Dr. Petros Ioannou
		(Rough). See, e.g., 41:7-
		11, 45:17-22, 47:6-14,
		49:2-50:19, 88:22-94:14.
		IBM Dictionary of
		Computing, p. 728 (1994
		("variable (9) Contras
		with constant."); The IEE
		Standard Dictionary of
		Electrical and Electronics
		Terms, p. 1174 (6th Ed.
		1996) ("variable (3) A
		quantity or data item who
		value can change
		Contrast: constant.");
		American Heritage
		Dictionary ((variable): 1b
		Inconstant; 3. Mathematic
		Having no fixed quantitative value); Oxfo
		Dictionary ((variable): N
		consistent); Collins
		Dictionary ((variable): "1
		Liable to or capable of
		change; 2. Lacking
		constancy; 3. Having a
 	1	,
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	Terms & Claims	Plaintiff's Position	<b>Defendants' Position</b>
			range of possible values; 6
			(of an electrical componer
			or device) designed so that
			a characteristic property,
			such as resistance, can be
			varied"); Cambridge
			Dictionary ((variable):
			"likely to change, or
			showing change or
			difference as a
			characteristic"); Oxford
			Amer. Eng. Dictionary
			((sustain): "cause to
			continue or be prolonged
			for an extended period or
			without interruption");
			American Heritage
			Dictionary ((sustain): "to
			keep in existence; maintai
			continue, or prolong")
			Collins Dictionary ((sustain): "to maintain or
			prolong"); Cambridge
			Amer. Dictionary
			((sustain): "to cause or
			allow something to
			continue for a period of
			time").
			Deposition Transcript of
			Dr. Petros Ioannou
			(Rough), 39:19-42:24;
			49:7-50:19; 81:16-84:18.
			BMWNA: "the length of
			time for which an alert is
			sustained once the alert
			lasts longer than a thresho
			time. The length of the
			sustain time varies with th
		6	Case No. 2:14-cv-02454-JAK (JEM
<u> </u>	JOINT CLA	IM CONSTRUCTION AND PREHI	EARING STATEMENT

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
			relative speed between th host and target vehicles" Claims 1, 2 Abstract Figs. 3a-3d, 4, 5 Col. 2, ll. 15-34 Col. 4, ll. 4-21, 32-49 Col. 5, ll. 1-44 Expert Deposition Transcript of Dr. Petros Ioannou (Rough), 25:10- 94:12.
3.	"wherein the zone of coverage appears to increase according to the variable sustain time" (Claim 1)	Not indefinite. Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Wherein the zone of coverage as perceived by the vehicle driver appears to increase according to a variable sustain time.	Honda, Mazda, Nissan, Volvo, JLRNA, MBUSA PCNA: Indefinite under § 112, paragraph 2. Expert Declaration of Az Eskandarian, D.Sc. Cols. 2:32-34; 4:4-7; 4:8- 21; 5:17-25. Declaration of Dr. Petros Ioannou; Deposition Transcript of Dr. Petros Ioannou (Rough), 25:10- 94:12
		Evidence: '927 Patent, Abstract; Figs. 1 and 3-7; 1:23-27, 31-39, 45-67; 2:1- 6, 15-34, 41-59, 62-65; 3:2- 13, 41-51, 57-4:21; 4:22- 49; 4:56-61; 5:1-25,	Honda: Alternatively, "wherein the alert signal remains active when a target vehicle is beyond the range that the object detection system can detect"
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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
	Terms & Claims	Plaintiff's Position Claims. Prosecution history of the '927 Patent, e.g. at Notice of Allowance (SIG00001331 – SIG00001333), e.g. p. 6. Expert Declaration of Dr. Petros Ioannou, e.g. at ¶¶ 20-25; Eskandarian Decl., ¶ 25; '927 Patent, 2:32-34, 4:4-7. Expert Deposition Transcript of Dr. Petros Ioannou (Rough), 25:10- 94:12.	Defendants' PositionCols. 4:18-20; Fig. 4. See generally Declaration and Deposition Transcript of Dr. Petros Ioannou (Rough).VWGoA/Bentley: IndefiniteThe claim term fails to inform those skilled in the art of the scope of the claimed invention with reasonable certainty. There is an absence of any intrinsic evidence that would support constructio of this term.For example, the term as used in claim 1 is inherently subjective, and depends on the perception of the user. The patent fail to define when or how the claimed zone of coverage
4.	"a threshold time"	Signal is of the view that	according to the variable sustain time." JLRNA and Mazda:
	(Claim 1)	this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a	"amount of time that must be exceeded or equaled to trigger the variable sustain time" Abstract; Figs. 5, 6; cols.
		construction is necessary, Signal proposes the following:	2:15-34, 4:22-64; 5:1-16; claims 7-12.
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Terms &	Claims	Plaintiff's Position	<b>Defendants'</b> Position
		Amount of time that must	File History: Notice of Allowance at 2.
		be exceeded or equaled	Anowanee at 2.
			Deposition Transcript of
		Evidence: '927 Patent,	Dr. Petros Ioannou
		Abstract; Figs. 1 and 3-7;	(Rough). See, e.g., 88:22-
		1:23-27, 31-39, 45-67; 2:1-	94:14.
		6, 15-34, 41-59, 62-65; 3:2- 13, 41-51, 57-4:21; 4:22-	Oxford Dictionary
		49; 4:56-61; 5:1-25,	((threshold): "2. The
		Claims.	magnitude or intensity that
			must be exceeded for a
		Prosecution history of the	certain reaction,
		'927 Patent, e.g. at Notice of Allowance	phenomenon, result, or condition to occur or be
		(SIG00001331 –	manifested"); American
		SIG00001331 – SIG00001331 – SIG00001333), e.g. p. 6.	Heritage Dictionary
			((threshold): "4. The poi
		Dictionary definitions of	that must be exceeded to
		Threshold, SIG000001712.	begin producing a given
			effect or result or to elicit
			response."); Collins Engli
			Dictionary ((threshold): "
			a level or point at which something would happen,
			would cease to happen, or
			would take effect, become
			true, etc.; 6. The minimum
			intensity or value of a
			signal, etc., that will
			produce a response or
			specified effect");
			MacMillan Dictionary ((threshold): "1. A limit a
			which an arrangement
			changes. For example a t
			threshold is the level of
			income or profit at which
			you start to pay a tax; 1.a.
			level at which something
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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
			happens. For example, y hearing threshold is the level of sound that you ca hear, and you pain threshold is the level of pain that you can feel without suffering or complaining"); Merriam- Webster Dictionary ((threshold): "a level, poi or value above which something is true or will take place and below whi it is not or will not")
5.	"improving the perceived zone of coverage" (Claim 1)	Not indefinite. Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Improving the perceived zone of coverage, compared to an interrupted signal.	Honda, Mazda, Nissan, Volvo, JLRNA, MBUSA PCNA: Indefinite under § 112, paragraph 2. Expert Declaration of Az Eskandarian, D.Sc. Cols. 2:32-34; 4:4-7; 4:8- 21; 5:17-25. Declaration of Dr. Petros Ioannou; Deposition Transcript of Dr. Petros Ioannou (Rough). See, e. 25:10-94:12
		Evidence: '927 Patent, Abstract; Figs. 1 and 3-7; 1:23-27, 31-39, 45-67; 2:1- 6, 15-34, 41-59, 62-65; 3:2- 13, 41-51, 57-4:21; 4:22- 49; 4:56-61; 5:1-25,	<u>VWGoA/Bentley</u> : <b>Indefinite</b> The claim term fails to inform those skilled in the art of the scope of the claimed invention with
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Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
	Claims. Prosecution history of the '927 Patent, e.g. at Notice of Allowance (SIG00001331 – SIG00001333), e.g. p. 6. Expert Declaration of Dr. Petros Ioannou, e.g. at ¶¶ 20-25; '927 Patent, Fig. 3c, 3d, 3:52-4:7. Expert Deposition Transcript of Dr. Petros Ioannou (Rough), 25:10- 94:12.	reasonable certainty. There is an absence of any intrinsic evidence that would support construction of this term. For example, the term as used in claim 1 is inherently subjective, and depends on the perception of the user. The patent fail to define when or how the claimed "perceived" zone of coverage is improved.

#### **'375 Patent** B.

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The '375 Patent is asserted in these actions against defendants Honda, KMA,

	Terms & Claims	Plaintiff's Position	<b>Defendants' Position</b>
6.	"force distribution" (Claim 1)	Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: A distribution of force or pressure on the seat Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office	<u>Honda, Mazda,</u> <u>Mitsubishi, Nissan:</u> "a pattern of pressure distribution measured b sampling a plurality of seat sensors" Cols. 1:59-2:3; Abstrac
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Mazda Mitsuhishi Nissan BMWNA and VWGoA

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<ul> <li>(Claim 1)</li> <li>term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>Area of the seat. Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-44:17; 4:18-29; 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000712), e.g. p. 26; Response (SIG0000695 – SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000721), e.g. p. 27; Notice of Allowability (SIG00000727), e.g. p. 10; Reasons for Allowance (SIG00000727), e.g. p. 6, '007 Patent, 1:39-43, '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; J.S. Pat. No. 5,11: Mar. 27, 100</li> </ul>	T	ferms & Claims	Plaintiff's Position	Defendants' Position
<ul> <li>(Claim 1)</li> <li>construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>Area of the seat. Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29; 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000712), e.g. p. 27; Notice of Allowance (SIG00000724) – SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000724 – SIG00000724 – SIG00000727, e.g. p. 6. '007 Patent, 1:39-43, '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; 4:37-5:3.</li> <li>"sensor array"/ Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Ordered grouping of [force] sensors. Evidence: '375 Patent,</li> </ul>	• "	seat area"		Honda, KMA, Mazda, Mitsubishi Nissan:
<ul> <li>should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>Area of the seat. Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29; 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000727), e.g. p. 26; Response (SIG00000695 – SIG00000724 – SIG00000724 – SIG000007274 – SIG00000727 – SIG00000727 – Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Ordered grouping of [force] sensors: Signal proposes the following: Ordered grouping of [force] sensors art rows and colum</li> </ul>	((	Claim 1)	construction by the Court, and	
<ul> <li>construction is necessary, Signal proposes the following:</li> <li>Area of the seat. Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000499), e.g. p. 40; Response (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000724 – SIG00000724, e.g. p. 10; Reasons for Allowance (SIG00000727, e.g. p. 6. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327, 4:37-5:3.</li> <li>"sensor array"/ "array of force sensors"</li> <li>"sensor array"/ Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Ordered grouping of [force] sensors array, Signal proposes the following:</li> <li>Ordered grouping of [force] sensors.</li> <li>Ordered grouping of [force] sensors.</li> <li>Evidence: '375 Patent, Evidence: '375 Patent,</li> </ul>			ordinary meaning. However,	
$\begin{array}{ c c c c c c c c c c c c c c c c c c c$				Abstract; Figs. 2, 4, 7,
Area of the seat. Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000492), e.g. p. 40; Response (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000723), e.g. p. 66. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No.				cols. 1:59 – 2:3; 2:12-2 3:21-32; 3:48-67; 4:17-
<ul> <li>Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492) =</li></ul>			Area of the seat.	5:33; Mar. 27, 1997
<ul> <li>4:18-29, 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000712), e.g. p. 40; Response (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000712), e.g. p. 27; Notice of Allowance (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6. '007 Patent, 1:39-43. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; J.S. Pat.</li></ul>			Evidence: '375 Patent,	Examiner Office Actio July 3, 1997 Applicant
Patent, e.g. at First Office Action (SIG00000492 - SIG00000499), e.g. p. 40; Response (SIG00000695 - SIG00000712), e.g. p. 25; Response (SIG00000695 - SIG00000712), e.g. p. 26; Response (SIG00000695 - SIG00000712), e.g. p. 26; Response (SIG00000695 - SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 - SIG00000724 - SIG00000724 - SIG00000727), e.g. p. 6. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; U.S.			4:18-29, 30-5:37, Claims.	A REAL PROPERTY AND
<ul> <li>SIG00000499), e.g. p. 40; Response (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000721), e.g. p. 26; Response (SIG00000723), e.g. p. 10; Reasons for Allowability (SIG00000724), e.g. p. 6. '007 Patent, 1:39-43. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,4</li></ul>			Patent, e.g. at First Office	Notice of Allowance;
SIG00000712), e.g. p. 25; Response (SIG0000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 6,012,007.9. "sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Ordered grouping of [force] sensors. Evidence: '375 Patent,Honda, KMA, Mat. Mitsubishi, Nissan "an ordered or symmetrical group [force] sensors arra in rows and colum			SIG00000499), e.g. p. 40;	U.S. Patent No. 5,474,327; U.S. Patent
SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327, 4:37-5:3.9. "sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Max Mitsubishi, Nissan ''an ordered or symmetrical group [force] sensors arra in rows and columOrdered grouping of [force] sensors. Evidence: '375 Patent,Ordered grouping of [force] sensor 27, 199			SIG00000712), e.g. p. 25; Response (SIG00000695 –	
Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327, 4:37-5:3.Honda, KMA, Max Mitsubishi, Nissan9. "sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Max Mitsubishi, Nissan9. "sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Ordered grouping of [force] sensors. Evidence: '375 Patent,Honda, KMA, Max Mitsubishi, Nissan Witsubishi, Nissan ''an ordered or symmetrical group Abstract; Figs. 1-4 cols. 1: 59 – 2:20; 47; 3:66-4:2; 4:17			SIG00000712), e.g. p. 26; Response (SIG00000695 –	
Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6. '007 Patent, 1:39-43. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327, 4:37-5:3.9. "sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Mathematical Mitsubishi, Nissan Witsubishi, Nissan "an ordered or symmetrical group [force] sensors array in rows and colum9. "sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Ordered grouping of [force] sensors. Evidence: '375 Patent,Honda, KMA, Mathematical Mitsubishi, Nissan Witsubishi, Nissan "an ordered or symmetrical group [force] sensors array in rows and colum			Notice of Allowability	
SIG00000727), e.g. p. 6. '007 Patent, 1:39-43. '007 Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327; U.S. Pat.9."sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Max Mitsubishi, Nissan "an ordered or symmetrical group [force] sensors arra in rows and columOrdered grouping of [force] sensors. Evidence: '375 Patent,Ordered grouping of [force] 5:11: Mar 27, 199			Reasons for Allowance	
Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat. No. 5,474,327, 4:37-5:3.9. "sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Max Mitsubishi, Nissan "an ordered or symmetrical group [force] sensors arra in rows and columOrdered grouping of [force] sensors. Evidence: '375 Patent,Ordered grouping of [force] sensors			SIG00000727), e.g. p. 6.	
9."sensor array"/ "array of force sensors"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Max Mitsubishi, Nissan "an ordered or symmetrical group [force] sensors arra in rows and colum9."sensor array"/ construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Max Mitsubishi, Nissan "an ordered or symmetrical group [force] sensors arra in rows and colum0rdered grouping of [force] sensors. Evidence: '375 Patent,Honda, KMA, Max Mitsubishi, Nissan "an ordered or symmetrical group [force] sensors arra in rows and colum			Patent, 1:31-42, citing U.S. Pat. No. 5,474,327; U.S. Pat.	
sensors"construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:"an ordered or symmetrical group [force] sensors arra in rows and columOrdered grouping of [force] sensors. Evidence: '375 Patent,"an ordered or symmetrical group [force] sensors arra in rows and colum	. "	sensor array"/		Honda, KMA, Mazda,
(Claim 1)should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:"an ordered or symmetrical group [force] sensors arra in rows and columOrdered grouping of [force] sensors. Evidence: "375 Patent,Signal proposes the following: (7; 3:66-4:2; 4:17)			-	Mitsubishi, Nissan:
if the Court determines that a construction is necessary, Signal proposes the following:[force] sensors arra in rows and columOrdered grouping of [force] sensors. Evidence: '375 Patent,[force] sensors arra in rows and colum			-	
In the could determines that a construction is necessary, Signal proposes the following:in rows and columOrdered grouping of [force] sensors. Evidence: '375 Patent,cols. 1: 59 - 2:20; 47; 3:66-4:2; 4:17	((	Claim 1)	•	symmetrical grouping of
Construction is necessary, Signal proposes the following:Abstract; Figs. 1-4Ordered grouping of [force] sensors.cols. 1: 59 – 2:20; 47; 3:66-4:2; 4:17Evidence: '375 Patent,5:11: Mar. 27, 199				
Ordered grouping of [force]       Abstract; Figs. 1-4         Ordered grouping of [force]       cols. 1: 59 – 2:20;         sensors.       47; 3:66-4:2; 4:17         Evidence: '375 Patent,       5:11: Mar. 27, 199				m rows and columns"
Sensors.         47; 3:66-4:2; 4:17           Evidence: '375 Patent,         5:11: Mar 27, 199			Signal proposes the following:	Abstract; Figs. 1-4, 7, 8
Evidence: '375 Patent, 5-11. Mar 27, 199				and the second s
Abstract, Figs. 2-9, 1:44-2:21, $63-3\cdot10\cdot3\cdot21-47\cdot3\cdot51-4\cdot17\cdot$ Examiner Office A				5:11; Mar. 27, 1997 Examiner Office Actio
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1		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
2			4:18-29, 30-5:37, Claims. Prosecution history of the '375	July 3, 1997 Applicant
3			Patent, e.g. at First Office	Amendment and Response: Sept. 10
4			Action (SIG00000492 – SIG00000499), e.g. p. 40;	Response; Sept. 10, 1997 Notice of
5			Response (SIG0000695 – SIG00000712), e.g. p. 25;	Allowance; U.S. Patent
			Response (SIG0000695 –	No. 5,474,327; U.S.
6			SIG00000712), e.g. p. 26; Response (SIG00000695 –	Patent No. 5,570,903.
7			SIG00000712), e.g. p. 27; Notice of Allowability	Webster's II New
8			(SIG00000723), e.g. p. 10; Reasons for Allowance	College Dictionary
9			(SIG0000724 –	(1999), pg. 62 ((array): "a rectangular
10			SIG00000727), e.g. p. 6. Dictionary definitions of	arrangement of
			Array, SIĞ000001703.	quantities in rows and
11				columns, as in a
12				matrix"); Merriam- Webster's School
13				Dictionary (1999), pg.
14				48 ((array): "Regular
15				order or arrangement; An imposing group:
16				large number; A group
				of mathematical
17				elements (as numbers or
18				letters) arranged in rows and columns.")
19				
20				
21	10.	"seat area	Signal is of the view that this	Honda and Mazda: "A
22		threshold force"	term does not require a	minimum force different
23		(Claim 1)	construction by the Court, and should be given its plain and	than the total threshold force that allows airbag
			ordinary meaning. However,	deployment based on the
24			if the Court determines that a	forces measured by the
25			construction is necessary, Signal proposes the following:	sensors in only one of the seat areas."
26			Signal proposes are following.	
27			A minimum force that allows airbag deployment based on	Abstact; Figs. 2-9; Cols. 3:48-67; 4:1-16; 5:12-
28			the forces in one of the seat	
				ase No. 2:14-cv-02454-JAK (JEMx)
		JOINT CLA	IM CONSTRUCTION AND PREHEARING S	STATEMENT
11			16	

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	Plaintiff's Position	<b>Defendants'</b> Position
	areas.         Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims. Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000499), e.g. p. 40; Response (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6. Dictionary definitions of Threshold, SIG000001712.	30; Claims; Prosecution History at Response (SIG00000695 – SIG00000712), e.g., p. SIG00000706.
<ul> <li>11. "determining the existence of a local pressure area when the calculated total force is concentrated in one of said seat areas"</li> <li>(Claim 1)</li> </ul>	<ul> <li>Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>Determining if pressure is concentrated in one seat area</li> <li>Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims.</li> <li>'375 Patent, 4:18-29.</li> <li>Prosecution history of the '375 Patent, e.g. at First Office Action (SIG0000492 – SIG00000499), e.g. p. 40;</li> </ul>	Honda: "comparing the pressur in each seat area to identify if pressure is concentrated in one area" Abstract; Figs. 4, 7, 8; cols. 1:59 – 2:3; 2:12-2 3:21-32; 3:48-67; 4:17 5:30; Mar. 27, 1997 Examiner Office Action July 3, 1997 Applicant Amendment and Response; Sept. 10, 199 Notice of Allowance.

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
12.		Plaintiff's PositionResponse (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG0000695 – SIG00000712), e.g. p. 26; Response (SIG0000695 – SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6.Dictionary definitions of Local, SIG000001708.Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Calculating the total force sensed by the entire sensor array.Evidence: '375 Patent, Abstract; Figs. 2-9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims.	Defendants' Position         Mazda, Mitsubishi,         Nissan:         "calculating the total force sensed by the entire sensor array"         Honda:         "calculating based on the value from each sensor in the entire sensor array"         Cols. 1:65-2:3; 3:48-50         Fig. 4.
		'375 Patent, 4:9-15.	
		Prosecution history of the '375 Patent, e.g. at First Office Action (SIG00000492 – SIG00000499), e.g. p. 40; Response (SIG00000695 –	
		16 0	Case No. 2:14-cv-02454-JAK (JEN

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SIG00000712), e.g. p. 25; Response (SIG0000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 – SIG00000727), e.g. p. 6.VWGoA/Bentley: Indefinite"concentrated" (Claim 1)Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning.VWGoA/Bentley: Indefinite"375 Patent, Abstract; Figs. 2- 9; 1:44-2:21, 63-3:10; 3:21-47; 3:51-4:17; 4:18-29, 30-5:37, Claims.The claim term fails to inform those skilled in the act of the scope of the claimed invention with reasonable certainty. There is an absence of any intrinsic evidence that would support construction of this term.
Patent, e.g. at First Office Action (SIG00000492 – SIG00000499), e.g. p. 40; Response (SIG00000695 – SIG00000712), e.g. p. 25; Response (SIG00000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000712), e.g. p. 26; Response (SIG00000695 – SIG00000712), e.g. p. 27; Notice of Allowability (SIG00000723), e.g. p. 10; Reasons for Allowance (SIG00000724 –

		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
			SIG00000727), e.g. p. 6.	
	/lazd PCN/	a, Mitsubishi, Nissa	asserted in these actions against c n, Subaru, Volvo, MBUSA, BMV	
		Terms & Claims	Plaintiff's Position	Defendants' Position
	14.	"warning distance based upon the current steering angle"/"desired warning distance" (Claim 21 & 28)	Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following (for "desired warning distance based upon the current steering angle"):	KMA, Mazda, Mitsubishi, Nissan, Subaru, Volvo, PCNA "distance that varies depending on the curre steering angle" Abstract; Fig. 2; Claim 1; cols. 1:59- 2:44; 3:3 67; 4:17-30; 4:54-58.
			Distance that depends on the current steering angle, within which an alarm is provided for a sensed object. Evidence: '486 Patent, Abstract, Figs. 1 and 2; 1:6- 11, 14-20, 22-34, 42-58, 61- 2:3; 2:28-44, 48-51, 55-3:6; 3:30-35, 46-4:53; 4:58-69, Claims. Prosecution history of the '486 Patent, e.g. at First Office Action (SIG00000789 – SIG00000796), e.g. p. 63; Response (SIG00000944 –	July 6, 2001 Reply, pag 2; July 6, 2001, page 3 September 26, 2001 Request for Reconsideration, pages 2-3; Appellant's Brief, Feb. 19, 2002. <u>Honda</u> : "a distance within which a sensed object generates a warning that varies based upon instantaneous steering angle" Col. 2:24-29; 3:52-54; 3:57-65; 4:1-20. Fig. 2
ΠĹ			18 0	0.07 00, T.I 20, 11g. 2

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Terms & Claims	Plaintiff's Position	<b>Defendants' Position</b>
	SIG00000948), e.g. p. 58-59; Second Office Action (SIG0000962), e.g., p. 47; Response (SIG0000963 – SIG0000967), e.g. p. 40-41; Advisory Action (SIG0000968 – SIG00000968 – SIG00000967 – SIG00000986), e.g. p. 23; Notice of Allowability (SIG00000987 – SIG00000989), e.g. p. 6.	File History, 7/6/01 Remarks at 2-4; 10/15/01 Remarks at 2-5; 2/19/02 Appellant's Brief at 4-7.Webster's Third New International Dictionary p. 557 (2002), "current" ("occurring in or belonging to the present time.")BMWNA (for "desired warning distance"):"a distance that the use or system defines such that all objects sensed a less than that distance result in an alarm"Claims 21, 28; Fig; 2; Col. 1, 1. 61 - Col. 2, 1. Col. 2, 11. 17-19; Col. 3 II. 54-65; Col. 4, II. 17-30, 54-58File History, 7/6/01 Remarks at 2-4; 10/15/01 Remarks at 2-5; 2/19/02 Appellant's Brief at 4-7.MBUSA: no construction necessary.
	19	Case No. 2:14-cv-02454-JAK (JEM

#### D. '601 Patent

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The '601 Patent is asserted in these actions against defendants Honda, KMA,

#### 3 Nissan, Subaru, Volvo, MBUSA, BMWNA, VWGoA, and PCNA.

3	INIS		IBUSA, BMWNA, VWGoA, and	l
4		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
5	15	0	Signal is of the view that this	Honda, Nissan, Subaru,
6		conditions when the signal	term does not require a construction by the Court, and	Volvo, MBUSA:
7		indicative of	should be given its plain and	"during conditions when
0.1		vehicle torque	ordinary meaning.	the signal indicative of
8		demand is within		vehicle torque demand is
9		the threshold	Evidence: '601 Patent,	[within/outside] the threshold torque range,
10		torque range, an actuator	Abstract; Figs. 1-4; 1:12-48,	an actuator configured to
11		configured to	51-2:3; 2:8-26, 28-43; 3:4-14,	always generate a signal
12		generate a signal	24-4:25; 4:26-5:25; 5:37-60,	configured to
		configured to	66-6:26; 6:45-7:3; 7:8-23, 60- 67, Claims.	[activate/deactivate] the electric traction motor to
13		activate the electric traction		drivingly propel the
14		motor to	Prosecution history of the '601	vehicle while [de-
15		drivingly propel	Patent, e.g. at Notice of Allowance (SIG00000131 –	engaging/re-engaging]
16		the vehicle while	SIG00000133), e.g. p. 37;	the internal combustion engine [from
17		de-engaging the internal	Notice of Allowability	propelling/to propel] the
		combustion	(SIG00000127 –	vehicle"
18		engine from	SIG00000131), e.g., p. 11.	DCNIA
19		propelling the	Dictionary definitions of	<u>PCNA</u> :
20		vehicle"	Actuator/Actuate,	PCNA believes that
21		(Claim 8)	SIG000001702.	these terms should be
		1971 - 1952 	Dictionary definitions of	given their plain and ordinary meaning.
22		"during conditions when	Threshold, SIG000001712.	
23		the signal	Dictionary definitions of	Honda, KMA, Nissan,
24		indicative of	Torque, SIG000001713-14.	Subaru, Volvo, MBUSA, VWGoA/Bentley:
25		vehicle torque		
26		demand is outside the threshold	Expert Declaration of Dr. Paul Ronney, e.g. at ¶¶ 18-33.	"during conditions when
		torque range, the		the sensed signal indicates a region of
27		actuator	Expert Deposition Transcript	[low/high]-efficiency for
28			of Dr. Paul Ronney (Rough,	
				Case No. 2:14-cv-02454-JAK (JEMx)
		JOINT CLAI	M CONSTRUCTION AND PREHEARING	STATEMENT
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g d e n d p v e in c e	configured to generate a signal configured to deactivate the electric traction motor from drivingly propelling the vehicle while re- engaging the nternal combustion	1/23/15), 37:6-50:8. Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 50:8-57:5. Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 57:6-91:1, 117:6- 127:12, 131:14-150:8, 167:17- 172:28.	the propulsion unit, generating a signal configured to always [activate/deactivate] the electric traction motor to drivingly propel the vehicle while [de- engaging/re-engaging] the propulsion unit [from propelling/to propel] the
() d w si re p g si to e p g si to e n d th d th d ffi ti () d w	engine to propel he vehicle" (Claim 8) during conditions when the sensed signal indicates a region of low- efficiency for the propulsion unit, generating a signal configured to activate the electric traction motor to drivingly propel he vehicle while de-engaging the propulsion unit from propelling he vehicle; and (Claim 15) during conditions when the sensed	Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 91:4-116:25, 128:4- 130:21, 150:8-153:23, 154:6- 166:4, 172:19-176:14.	<ul> <li>vehicle."</li> <li><u>PCNA</u>:</li> <li>PCNA believes that these terms should be given their plain and ordinary meaning.</li> <li>Figs. 1-4; cols. 1:58-60; 2:4-26; 2:34-36; 3:4- 4:25; 4:47-5:65; 6:48 – 7:3; 7:4-23; USPN 6,170,587; 6,494,277; Nov. 17, 2003 Notice of Allowance.</li> </ul>
	signal indicates a		

		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
╢┝		region of high-		
		efficiency for the		
		propulsion unit,		
		generating a		
		signal configured		
		to deactivate the		
		electric traction motor from		
		drivingly		
		propelling the		
		vehicle while re-		
		engaging the		
		propulsion unit to		
		propel the		
		vehicle.		
		(Claim 15)		
	16.	"threshold torque	Signal is of the view that this	Honda, KMA, Nissan,
		range indicative of conditions of	term does not require a	Subaru, Volvo, MBUS
		relatively low	construction by the Court, and should be given its plain and	PCNA:
		vehicle torque	ordinary meaning. However,	Indefinite under § 112,
		demand"	if the Court determines that a	paragraph 2.
			construction is necessary,	Expert Declaration of
		(Claim 8)	Signal proposes the following:	Glenn R. Bower, Ph.D.
			Threshold torque range	Col. 4, ll. 19-25; Col. 4
			indicative of conditions of	ll. 47-55; Col. 5, ll. 55-
			relatively low vehicle torque	60; Col. 5, l. 66-Col. 6,
			demand for the vehicle's engine.	19; Col. 7, ll. 30-38
			Evidence: (601 Detect	Expert Deposition
			Evidence: '601 Patent, Abstract; Figs. 1-4; 1:12-48,	Transcript of Dr. Paul
			51-2:3; 2:8-26, 28-43; 3:4-14,	Ronney (Rough,
			24-4:25; 4:26-5:25; 5:37-60,	1/23/15), 23:1-176:4
			66-6:26; 6:45-7:3; 7:8-23, 60-	Expert Deposition
			67, Claims.	Transcript of Dr. Paul
L				Ronney (Rough,
			22 0	ase No. 2:14-cv-02454-JAK (JEM
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1		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
2			Prosecution history of the '601	1/23/15) 49:8-50:5, 56:9-
3			Patent, e.g. at Notice of	15, 64:13-75:12, 77:12-
			Allowance (SIG00000131 –	79:16, 89:19-90:3,
4			SIG00000133), e.g. p. 37;	90:19-23, 116:20-
5			Notice of Allowability (SIG00000127 –	117:16, 125:7-25, 145:6- 146:9
6			SIG00000127 – SIG00000131), e.g., p. 11.	140.9
			51600000151), e.g., p. 11.	VWGoA/Bentley:
7			Dictionary definitions of	Indefinite
8			Threshold, SIG000001712.	The claim term fails to
9			Dictionary definitions of	inform those skilled in
			Torque, SIG000001713-14.	the art of the scope of
10				the claimed invention
11			Expert Declaration of Dr. Paul	with reasonable
12			Ronney, e.g. at ¶¶ 18-33.	certainty. There is an
			Expert Deposition Transcript	absence of any intrinsic
13			of Dr. Paul Ronney (Rough,	evidence that would
14			1/23/15), 37:6-50:8.	support construction of this term.
15			Expert Deposition Transcript	
16			of Dr. Paul Ronney (Rough,	For example, the term
			1/23/15), 50:8-57:5.	"relatively low vehicle
17				torque" is a term of
18			Expert Deposition Transcript	degree. The patent fails to define the scope of
19			of Dr. Paul Ronney (Rough, 1/23/15), 57:6-91:1, 117:6-	this term as used in
			127:12, 131:14-150:8, 167:17-	claim 8.
20			172:28.	
21			na se	Honda:
22				Alternatively, "torque
23				range where vehicle can be driven efficiently with
24				just the electric motor"
25	17.	(a) "de-engaging	Signal is of the view that this	Honda, KMA, Nissan,
26		the internal	term does not require a	Subaru, Volvo, MBUSA,
		combustion	construction by the Court, and	PCNA:
27		engine from	should be given its plain and	(a) "[da angaging/m
28		propelling the	ordinary meaning.	(a) "[de-engaging/re-
			23 c	ase No. 2:14-cv-02454-JAK (JEMx)
		JOINT CLAI	M CONSTRUCTION AND PREHEARING S	
			25	

engaging the internal combustion engine to propel the vehicle"Evidence: '601 Patent, Abstract; Figs. 1-4; 1:12-48, 51-2:3; 2:8-26, 28-43; 3:4-14, 24-4:25; 4:26-5:25; 5:37-60, 66-6:26; 6:45-7:3; 7:8-23, 60- 67, Claims.[internal combustion engine/ propulsion unit] from propelling the vehicle" / "re- engaging the propulsion unit to propel the vehicle" / "re- engaging the propulsion unit to propel the vehicle"Evidence: '601 Patent, Abstract; Figs. 1-4; 1:12-48, 51-2:3; 2:8-26, 28-43; 3:4-14, 24-4:25; 4:26-5:25; 5:37-60, 66-6:26; 6:45-7:3; 7:8-23, 60- 67, Claims.[internal combustion engine/ propulsion unit] from propelling the vehicle" / "re- engaging the propulsion unit to propel the vehicle"Evidence: '601 Patent, Abstract; Figs. 1-4; 1:12-48, 51-2:3; 2:8-26, 28-43; 3:4-14, 24-4:25; 4:26-5:25; 5:37-60, 66-6:26; 6:45-7:3; 7:8-23, 60- 67, Claims.[internal combustion engine/ propulsion unit] from propelling the vehicle in response to the claimed signal generated by the actuator"(b)"an actuatorProsecution history of the '601 Patent, e.g. at Notice of Allowance (SIG0000131 - SIG00000127 - SIG00000127 - SIG00000127 - SIG00000131), e.g., p. 11.[b)(b)"an actuatorDictionary definitions of Actuator/Actuate, SIG000001702.(c) "(activating/deactivating) I the use of the electric traction motor in response to the claimed signal"(b)"an actuatorSIG000001702.Figs. 1-4; cols. 2:4-26; 3:4-4:25; 4:47-5:65; 6:4 -7:3; 7:4-23; USPN 6,170,587; 6,494,277;	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
a signal 6:48 – 7:23.	<ul> <li>vehicle" / "re- engaging the internal combustion engine to propel the vehicle"</li> <li>(Claim 8)</li> <li>"de-engaging the propulsion unit from propelling the vehicle" / "re- engaging the propulsion unit to propel the vehicle"</li> <li>(Claims 15, 17)</li> <li>(b) "an actuator configured to generate a signal configured to activate the electric traction motor" / "an actuator configured to generate a signal configured to generate a signal configured to deactivate the electric traction motor"</li> </ul>	Evidence: '601 Patent, Abstract; Figs. 1-4; 1:12-48, 51-2:3; 2:8-26, 28-43; 3:4-14, 24-4:25; 4:26-5:25; 5:37-60, 66-6:26; 6:45-7:3; 7:8-23, 60- 67, Claims. Prosecution history of the '601 Patent, e.g. at Notice of Allowance (SIG00000131 – SIG00000133), e.g. p. 37; Notice of Allowability (SIG00000127 – SIG00000127 – SIG00000131), e.g., p. 11. Dictionary definitions of Actuator/Actuate, SIG000001702.	engaging] the use of the [internal combustion engine/ propulsion unit] [from propelling/to propel] the vehicle in response to the claimed signal" (b) "[activating/deactivating] the use of the electric traction motor in response to the claimed signal generated by the actuator" (c) "[activating/deactivating] the use of the electric traction motor in response to the claimed signal" Figs. 1-4; cols. 2:4-26; 3:4-4:25; 4:47-5:65; 6:48 – 7:3; 7:4-23; USPN 6,170,587; 6,494,277; Nov. 17, 2003 Notice of Allowance. Fig. 1; Fig. 2; Fig. 3; cols. 2:4-26; 3:29-4:25; 4:60 – 5:65; 6:55-7:3; USPN 6,170,587; 6,494,277; Nov. 17, 2003 Notice of
0.10 7.23.			
			6:48 – 7:23.

1		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
2		activate the		
3		electric traction		
2000		motor"/		
4		"generating a signal configured		
5		to deactivate the		
6		electric traction		
7		motor"		
8		(Claims 15,17)		
9	18.	"region of	Not indefinite.	Honda, KMA, Nissan,
10		relatively high		Subaru, Volvo, MBUSA,
		and low	Signal is of the view that this	PCNA:
11		efficiency"	term does not require a construction by the Court, and	Indefinite under § 112,
12		(Claims 15 & 17)	should be given its plain and	paragraph 2
13		"region of high	ordinary meaning. However,	Expert Declaration of
14		efficiency"	if the Court determines that a	Glenn R. Bower, Ph.D.
15		(Claima 15 & 17)	construction is necessary, Signal proposes the following:	Col 4 11 10 25 Col 4
16		(Claims 15 & 17)	Signal proposes the rono wing.	Col. 4, ll. 19-25; Col. 4, ll. 47-55; Col. 5, ll. 55-
		"regions of low	["Region of relatively high	60; Col. 5, 1. 66-Col. 6, 1.
17		efficiency"	and low efficiency" / "region	19; Col. 7, ll. 30-38
18		(Claims 15 & 17)	of high efficiency" / "regions of low efficiency" /	Expert Deposition
19			"relatively high and	Transcript of Dr. Paul
20		"relatively high and relatively low	relatively low efficiency" /	Ronney (Rough,
		efficiency" "high	"high efficiency / low	1/23/15) 23:1-176:4
21		efficiency/low	efficiency"] for the vehicle's	Expert Deposition
22		efficiency"	engine.	Transcript of Dr. Paul
23		(Claims15, 17)	Evidence: '601 Patent,	Ronney (Rough,
24			Abstract; Figs. 1-4; 1:12-48,	1/23/15), 91:11-92:9,
			51-2:3; 2:8-26, 28-43; 3:4-14, 24-4:25; 4:26-5:25; 5:37-60,	93:4-94:9, 95:10-24, 97:24-100:17, 111:9-
25			66-6:26; 6:45-7:3; 7:8-23, 60-	112:11, 129:4-21
26			67, Claims.	
27			Prosecution history of the '601	<u>VWGoA/Bentley:</u> Indefinite
28			25	
		JOINT CLAI	25 c	Case No. 2:14-cv-02454-JAK (JEMx)
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Terms	& Claims	Plaintiff's Position	Defendants' Position
		Patent, e.g. at Notice of Allowance (SIG00000131 – SIG00000133), e.g. p. 37; Notice of Allowability (SIG00000127 – SIG00000131), e.g., p. 11. Dictionary definitions of Efficient / Efficiency, SIG000001706. Expert Declaration of Dr. Paul Ronney, e.g. at ¶¶ 18-33. Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 91:4-116:25, 128:4- 130:21, 150:8-153:23, 154:6- 166:4, 172:19-176:14.	The claim terms fail to inform those skilled in the art of the scope of the claimed invention with reasonable certainty. There is an absence of any intrinsi evidence that would support construction of these terms. For example, the terms "relatively high efficiency" and "relatively low efficiency," and "high efficiency" are terms of degree. The patent fail to define the scope of these terms as used in claims 15 and 17.
			Nissan, Honda: Alternatively (for "region of high- efficiency"), "region o high efficiency, mutua exclusive and collectively exhaustive of regions of low efficiency" Alternatively (for "region of low- efficiency"), "region o low efficiency, mutual exclusive and
		26 0	collectively exhaustive
		16	Case No. 2:14-cv-02454-JAK (JEM

	Terms & Claims	Plaintiff's Position	<b>Defendants' Position</b>
			of regions of high efficiency" Claims 15 and 17; cols 3:4-14; 1:21-48.
			Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 95:10-24, 99:12-100:17.
19.	"mapping" / "mapping the respective regions	Signal is of the view that this term does not require a construction by the Court, and	Honda, Nissan, Subar Volvo, MBUSA, PCN (for "mapping"):
	of relatively high and low efficiency in an	should be given its plain and ordinary meaning.	"creating a representation of"
	efficiency map for the propulsion unit"	Evidence: '601 Patent, Abstract; Figs. 1-4; 1:12-48, 51-2:3; 2:8-26, 28-43; 3:4-14,	Col. 3:4-8; 7:8-10; SIG00000051-54 (C.C Chan, The State of the
	(Claims 15 & 17)	24-4:25; 4:26-5:25; 5:37-60, 66-6:26; 6:45-7:3; 7:8-23, 60- 67, Claims.	Art of Electric & Hyb Vehicles, Proceedings the IEEE, vol. 90, NO (Feb. 2002)).
		Prosecution history of the '601 Patent, e.g. at Notice of Allowance (SIG00000131 – SIG00000133), e.g. p. 37; Notice of Allowability (SIG00000127 –	Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 127:4-11; 162:8-165:6
		SIG00000131), e.g., p. 11. Dictionary definitions of Efficient / Efficiency, SIG000001706.	John B. Heywood, Internal Combustion Engine Fundamentals, 839 (1988); Edward F
		Expert Declaration of Dr. Paul Ronney, e.g. at ¶¶ 18-33.	Obert, Internal Combustion Engines a Air Pollution, pp. 46-4 54-55 (1973); Colin R
		27 0	ase No. 2:14-cv-02454-JAK (JE

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		<b>Defendants'</b> Position
	Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 91:4-116:25, 128:4- 130:21, 150:8-153:23, 154:6- 166:4, 172:19-176:14.	Ferguson & Allari T. Kirkpatrick, Internal Combustion Engines Applied Thermosciences, pp. 343-9 (2d ed. 2000).
		BMWNA (for longer phrase):
		"plotting regions of relatively high and low efficiency in an efficiency map"
		Claims 15, 17; Fig. 4; Col. 2, ll. 63-67; Col. 6 ll. 48-54; Col. 7, ll. 4-1 39-59
		SIG00000051-54 (C.C Chan, The State of the Art of Electric & Hybr Vehicles, Proceedings the IEEE, vol. 90, NO. (Feb. 2002)).
		Expert Declaration of Glenn R. Bower, Ph.D
 efficiency map" Claims 15 & 17)	Signal is of the view that this term does not require a construction by the Court, and	Honda, Nissan, Subaru Volvo, MBUSA, PCN
	should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:	"a graphical representation of the relationship between engine torque, engine speed (rpm), and efficiency"
	A machine-readable	Col. 3:4-8; 7:8-10;
	28 c M CONSTRUCTION AND PREHEARING S	Case No. 2:14-cv-02454-JAK (JEN

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	representation of efficiency.           '601 Patent, Abstract; Figs. 1- 4; 1:12-48, 51-2:3; 2:8-26, 28- 43; 3:4-14, 24-4:25; 4:26- 5:25; 5:37-60, 66-6:26; 6:45- 7:3; 7:8-23, 60-67, Claims.           Prosecution history of the '601 Patent, e.g. at Notice of Allowance (SIG00000131 – SIG00000133), e.g. p. 37; Notice of Allowability (SIG00000127 – SIG00000131), e.g., p. 11.           Dictionary definitions of Efficient / Efficiency, GIG00001706	SIG00000051-54 (C.C. Chan, The State of the Art of Electric & Hybri Vehicles, Proceedings of the IEEE, vol. 90, NO. (Feb. 2002)). John B. Heywood, Internal Combustion Engine Fundamentals, p 839 (1988); Edward F. Obert, Internal Combustion Engines an Air Pollution, pp. 46-47 54-55 (1973); Colin R. Ferguson & Allari T. Kirkpatrick, Internal
	SIG000001706. Expert Declaration of Dr. Paul Ronney, e.g. at ¶¶ 18-33. Expert Deposition Transcript of Dr. Paul Ronney (Rough, 1/23/15), 91:4-116:25, 128:4- 130:21, 150:8-153:23, 154:6- 166:4, 172:19-176:14.	Combustion Engines Applied Thermosciences, pp. 343-9 (2d ed. 2000).
21. "parallel hybrid (Claim 13)	" Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:	<u>BMWNA</u> : "a hybrid vehicle in which both th combustion engine and the traction motor provide driving torque for the vehicle" Claim 13 Col. 4, 11. 9-13
	A hybrid vehicle in which power may be selected from either of at least two distinct 29 c	BMW Technical training, Principles of Case No. 2:14-cv-02454-JAK (JEM

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Position
		power sources           '601 Patent, Abstract; Figs. 1-4; 1:12-48, 51-2:3; 2:8-26, 28-43; 3:4-14, 24-4:25; 4:26-5:25; 5:37-60, 66-6:26; 6:45-7:3; 7:8-23, 60-67, Claims.           '601 Patent, 24-4:25; 4:26-5:25; 5:37-60, 66-6:26; 6:45-7:3; 7:8-23, 60-67, Claims.           '601 Patent, 4:9-13.           Prosecution history of the '601           Patent, e.g. at Notice of           Allowance (SIG00000131 –           SIG00000133), e.g. p. 37;           Notice of Allowability           (SIG00000127 –           SIG00000131), e.g., p. 11.           Dictionary definitions of           Efficient / Efficiency,           SIG000001706.	Hybrid Technology, BMW_SIGNAL00004 0-602. See 2.2.2 "Parallel Hybrid," at BMW_SIGNAL00004 9-500. Royal Academy of Engineering, Electric Vehicles: charged with potential (2010). Fig. 17, "parallel hybrid" <i>See also</i> Wikipedia, "Hybrid vehicle drivetrain" ("Parallel hybrid systems, which are most commonly produced at present, have both an internal combustion engine (IC and an electric motor coupled") <sup>3</sup> SIG00000051-54 (C.C Chan, The State of the Art of Electric & Hybr Vehicles, Proceedings the IEEE, vol. 90, NO. (Feb. 2002)).
Mazo		asserted in these actions against on, Subaru, Volvo, MBUSA, BM	
PCN	А.		
	://en.wikipedia.org/v	- wiki/Hybrid_vehicle_drivetrain#I	Parallel_hybrid.

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	s Plaintiff's Position	<b>Defendants' Positions</b>
22. "seat sensors" (Claims 1, 17, 1 & 19)	<ul> <li>Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>A plurality of sensors for a seat. Evidence: '007 Patent, Abstract; Figs. 1-10, 44-48, 52-2:10; 2:44-3:10; 3:14-18, 24-4:13; 4:36-5:39, Claims. Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213 – SIG00000228), e.g. p. 23; Response (SIG00000224 – SIG00000234), e.g. p. 11.</li> </ul>	Honda, KMA, Mazda, Mitsubishi, Nissan, Subaru, Volvo, MBUS PCNA: "a plurality of sensors or on a seat cushion" Figs. 1-4; Abstract; co 1:10-13; 1:31-48; 1:66 2:10; 2:55-3:31; 3:24-3 4:12-35; 5:25-35; 8:11 14; 8:18-24; '375 at 2: 6; U.S. Patent Nos. 5,474,327 (SIGNAL_PRIOR_AF 00001) and 5,732,375 (SIG00001374); July 9 1999 response to April 1999 Examiner Office Action, SIG00000226- 227.
23. "lock flag" / "flag" (Claims 1 & 17)	<ul> <li>Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>Flag that is cleared when the relative weight parameter is below the unlock threshold for a time.</li> </ul>	Honda, Mazda, <u>Mitsubishi, Nissan,</u> <u>Subaru, Volvo, MBUS</u> <u>PCNA:</u> "flag that, once set, remains set as long as the relative weight parameter is not below the unlock threshold for a time" Abstract; Figs. 1-10, 3:55-57; 4:36-50, Claims.

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	Terms & Claims	Plaintiff's Position	<b>Defendants' Positions</b>
		Abstract; Figs. 1-10, 44-48,         52-2:10; 2:44-3:10; 3:14-18,         24-4:13; 4:36-5:39, Claims.         Prosecution history of the         '007 Patent, e.g. at First         Office Action (SIG00000213         – SIG00000220), e.g. p. 23;         Response (SIG00000224 –         SIG00000228), e.g. p. 20;         Notice of Allowability         (SIG00000230 –         SIG00000234), e.g. p. 11.         Dictionary definitions of         Flag, SIG000001707.	Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213 – SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 – SIG00000234), e.g. p. 11.
24.	"for a time" / "for a given time" (Claims 1 & 17)	<ul> <li>Not indefinite.</li> <li>Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>A time sufficient to avoid the effects of transient events.</li> <li>Evidence: '007 Patent, Abstract; Figs. 1-10, 44-48, 52-2:10; 2:44-3:10; 3:14-18, 24-4:13; 4:36-5:39, Claims.</li> <li>Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213)</li> </ul>	<ul> <li><u>VWGoA/Bentley</u>: Indefinite</li> <li>The claim terms fail to inform those skilled in the art of the scope of the claimed invention with reasonable certainty. There is an absence of any intrinsic evidence that would support construction of these terms.</li> <li>For example, the terms "for a given time" and "for a time" are terms of degree. The patent fails to define the scope of these terms as used in claims 1 and 17.</li> </ul>
	JOINT CLAI	- SIG00000220), e.g. p. 23; Response (SIG00000224 – 32 common and prehearing statements)	Case No. 2:14-cv-02454-JAK (JEM STATEMENT

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
		SIG00000228), e.g. p. 20;	
		Notice of Allowability	
		(SIG0000230 -	
		SIG00000234), e.g. p. 11.	
25.	"a second threshold"	Not indefinite.	<u>Honda, Mazda,</u> Mitsubishi, Nissan,
		Signal is of the view that this	Subaru, Volvo, MBUS
	(Claim 20)	term does not require a	PCNA:
		construction by the Court,	
		and should be given its plain	Indefinite under § 112,
		and ordinary meaning.	paragraph 2.
		However, if the Court	
		determines that a construction	
		is necessary, Signal proposes	
		the following:	
		A second threshold of the	
		relative weight parameter.	
		Evidence: '007 Patent,	
		Abstract; Figs. 1-10, 44-48,	
		52-2:10; 2:44-3:10; 3:14-18,	
		24-4:13; 4:36-5:39, Claims.	
		Prosecution history of the	
		'007 Patent, e.g. at First	
		Office Action (SIG00000213	
		– SIG00000220), e.g. p. 23;	
		Response (SIG00000224 –	
		SIG00000228), e.g. p. 20;	
		Notice of Allowability	
		(SIG00000230 –	
21	6 - 1 - 4 <sup>1</sup> - 1 - 1	SIG00000234), e.g. p. 11. Not indefinite.	DMUDIA 114 1
26.	"relative weight	Tot muchinite.	BMWNA and Mazda:
	parameter"	Signal is of the view that this	Indefinite under § 112,
	(Claims 1, 17, 20-	term does not require a	paragraph 2.
	22)	construction by the Court,	L
		and should be given its plain	VWGoA/Bentley:
		33 0	Case No. 2:14-cv-02454-JAK (JEN
		M CONSTRUCTION AND PREHEARING	

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
		and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: A relative parameter indicative of weight. <u>Evidence</u> : '007 Patent, Abstract; Figs. 1-10, 44-48, 52-2:10; 2:44-3:10; 3:14-18, 24-4:13; 4:36-5:39, Claims. Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213 – SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 – SIG00000234), e.g. p. 11. Dictionary definitions of Parameter, SIG00001709.	Indefinite The claim term fails to inform those skilled in the art of the scope of the claimed invention with reasonable certainty. There is an absence of any intrinsic evidence that would support construction of these terms. For example, the term "relative weight parameter" is not used in the specification, and is one of degree. The patent fails to define the scope of the term as used in claims 1 and 17. <u>Honda</u> : Alternatively, "a relative parameter indicative of weight." Abstract; cols. 1:44-48; 3:29-32; 4:37-40; 5:34- 38.
27.	"setting" / "set a lock flag when ."	Signal is of the view that this term does not require a construction by the Court, and should be given its plain	<u>Honda, Mazda,</u> <u>Mitsubishi, Nissan,</u> <u>Subaru, Volvo, MBUSA</u> <u>PCNA:</u>
	(Claims 1, 17)	and ordinary meaning.	" setting a lock flag only if"
		Evidence: '007 Patent, Abstract; Figs. 1-10, 44-48,	Abstract; Figs. 1-10,
		34 c	Case No. 2:14-cv-02454-JAK (JEM:

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
		52-2:10; 2:44-3:10; 3:14-18,	3:55-57; 4:36-57,
		24-4:13; 4:36-5:39, Claims.	Claims.
		Prosecution history of the '007 Patent, e.g. at First Office Action (SIG0000213 SIG00000220) e.g. p. 23:	Prosecution history of the '007 Patent, e.g. at First Office Action
		- SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 –	(SIG00000213 – SIG00000220), e.g. p. 23; Response
		SIG00000234), e.g. p. 11.	(SIG0000224 –
		Dictionary definitions of Flag, SIG000001707.	SIG00000228), e.g. p. 20; Notice of
		Dictionary definitions of Parameter, SIG000001709.	Allowability (SIG0000230 –
		Dictionary definitions of	SIG00000234), e.g. p. 11.
		Threshold, SIG000001712.	11.
28	. "a level indicative	Signal is of the view that this	Honda, KMA, Mazda,
	of an empty seat"	term does not require a	Mitsubishi, Nissan,
	(Claims 1, 17)	construction by the Court, and should be given its plain and ordinary meaning.	Subaru, Volvo, MBUS PCNA:
		However, if the Court	"a force/pressure
		determines that a construction	measurement of zero or substantially zero weig
		is necessary, Signal proposes the following:	on the seat"
		A measurement indicative	Cols. 1:15-30; 1:43-48;
		of an empty seat or small occupant.	2:55-3:10; 3:53-54;4:30 57; U.S. Patent 5,732,375.
		Evidence: '007 Patent,	5,152,515.
		Abstract; Figs. 1-10, 44-48,	
		52-2:10; 2:44-3:10; 3:14-18,	
		24-4:13; 4:36-5:39, Claims.	
		'007 Patent, 2:55-61; 4: 36- 40; 5:25-29.	
		Prosecution history of the	
		35 c	ase No. 2:14-cv-02454-JAK (JEM

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interface defined by the bottom surface"term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Mitsubishi, Nissan, Subaru, Volvo, MBUS PCNA:(Claim 19)However, if the Court determines that a construction is necessary, Signal proposes the following:"an ordered or symmetrical grouping sensors arranged in row and columns on the bottom surface of the seat cushion"Ordered in a grouping of sensors in an interface defined by the bottom surface. Evidence: '007 Patent, Abstract; Figs. 1-10, 44-48, 52-2:10; 2:44-3:10; 3:14-18, 24-4:13; 4:36-5:39, Claims. '007 Patent, 1:66-2:1, 3:21- 28. Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213 – SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 –Mitsubishi, Nissan, Subaru, Volvo, MBUS PCNA:	29."arrayed in an interface defined by the bottom surface"Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:Honda, KMA, Mazda Mitsubishi, Nissan, Subaru, Volvo, MBU PCNA: "an ordered or symmetrical grouping or sensors in an interface defined by the bottom surface. (Claim 19)Honda, KMA, Mazda Mitsubishi, Nissan, Subaru, Volvo, MBU PCNA: "an ordered or symmetrical grouping of sensors in an interface defined by the bottom surface. Evidence: (007 Patent, Abstract; Figs. 1-10, 44-48, 52-2:10; 2:44-3:10; 3:14-18, 24-4:13; 4:36-5:39, Claims. '007 Patent, 1:66-2:1, 3:21-28. Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213) – SIG00000220), e.g. p. 23; Response (SIG00000224 - SIG000002230 - SIG000002230 - SIG00000230		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
surface. Evidence: '007 Patent, Abstract; Figs. 1-10, 44-48, 52-2:10; 2:44-3:10; 3:14-18, 24-4:13; 4:36-5:39, Claims. '007 Patent, 1:66-2:1, 3:21- 28. Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213 - SIG00000220), e.g. p. 23; Response (SIG00000224 - SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 -	surface.surface.Instance of the second secon	29.	"arrayed in an interface defined by the bottom surface"	<ul> <li>'007 Patent, e.g. at First Office Action (SIG0000213 – SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 – SIG00000234), e.g. p. 11.</li> <li>Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following:</li> <li>Ordered in a grouping of sensors in an interface</li> </ul>	Honda, KMA, Mazda, Mitsubishi, Nissan, Subaru, Volvo, MBUS PCNA: "an ordered or symmetrical grouping of sensors arranged in row and columns on the bottom surface of the seat cushion"
28. Prosecution history of the '007 Patent, e.g. at First Office Action (SIG00000213 - SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 –	<ul> <li>30. "means for selectively</li> <li>30. "means for select</li></ul>			sensors in an interface defined by the bottom surface. Evidence: '007 Patent, Abstract; Figs. 1-10, 44-48, 52-2:10; 2:44-3:10; 3:14-18, 24-4:13; 4:36-5:39, Claims.	Abstract; Figs. 1-4; col 1:31-48; 1:66 – 2:10; 2:55 – 3:31; 4:12-35; 5:34-38; U.S. Patent
Office Action (SIG00000213 – SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 –	Office Action (SIG00000213 – SIG00000220), e.g. p. 23; Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 – SIG00000234), e.g. p. 11. Dictionary definitions of Array, SIG000001703.0. "means for selectivelyDefendants contend that this term should be construed 35			28. Prosecution history of the	5,732,375.
Response (SIG00000224 – SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 –	Response (SIG00000224 - SIG00000228), e.g. p. 20; Notice of Allowability (SIG00000230 - SIG00000234), e.g. p. 11. Dictionary definitions of Array, SIG000001703.30. "means for selectivelyDefendants contend that this term should be construed 35Honda, KMA, Mazda Mitsubishi, Nissan,			Office Action (SIG00000213	
(SIG0000230 –	(SIG0000230 - SIG0000234), e.g. p. 11. Dictionary definitions of Array, SIG00001703.Honda, KMA, Mazda30. "means for selectivelyDefendants contend that this term should be construed 35Honda, KMA, Mazda			Response (SIG00000224 – SIG00000228), e.g. p. 20;	
	30."means for selectivelyDefendants contend that this term should be construed 35Honda, KMA, Mazda Mitsubishi, Nissan,			(SIG0000230 –	
		30.	"means for	Defendants contend that this	Honda, KMA, Mazda,
	allowing U.S.C. § 112, paragraph 6. Subaru, Volvo, MBU		selectively	term should be construed 35	Mitsubishi, Nissan,
30. "means for Defendants contend that this Honda, KMA, Mazda,			allowing	U.S.C. § 112, paragraph 6.	Subaru, Volvo, MBUS

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Terms & Claims	Plaintiff's Position	<b>Defendants' Positions</b>
deployment	Accordingly, Signal identifies	PCNA:
according to the	the following:	This tarms should be
outputs of seat	Function, "aclasticals	This term should be
sensors	<u>Function</u> : "selectively	construed under § 112,
responding to the	allowing deployment	paragraph 6
weight of an	according to the outputs of	Function: selectively
occupant"	seat sensors responding to the	allowing deployment
1071201 1 10721	weight of an occupant"	
(Claim 1)		according to the output
	Corresponding structure: A	of seat sensors
	microprocessor 22, which	responding to the weigh
	analyzes the sensor inputs	of an occupant"
	and issues a decision whether	Comment
	to inhibit and allow airbag	Corresponding structure
	deployment.	A microprocessor 22,
		which analyzes the
	To the extent that defendants	sensor inputs and issues
	may contend that structure is	a decision whether to
	in the form of an algorithm,	inhibit and allow airbag
	then the corresponding	deployment based on th
	structure is recited in the	algorithms of Figures 4
	claim itself in the form of	5, 6, 8, 9, and 10.
	specific steps, and the claim	
	is not subject to § 112,	Figs. 1-4; Abstract; cols
	paragraph 6.	1:10-13; 1:31-48; 1:66-
	purugruph 0.	2:10; 2:55-3:31; 4:12-3
	'007 Patent, 3:4-7 and Fig. 1;	5:25-35; '375 at 2:4-6;
	Supplemental Expert	U.S. Patent Nos.
	Declaration of Dr. Trevor	5,474,327
	Smedley, e.g. at ¶¶ 11-13.	(SIGNAL PRIOR AR
	Sincercy, e.g. at     11-15.	000001) and 5,732,375
	Expert Deposition Transcript	(SIG00001374); April 9
	of Dr. Trevor Smedley	
	(12/5/14), 136:14-164:14,	1990 Examiner Office
	187:17-207:5, 214:19-25.	Action; Aug. 17, 1999.
	107.17-207.3, 217.19-23.	Expert Deposition
		Transcript of Dr. Trevo
		-
		Smedley (12/5/14),
		33:15-47:14, 47:19-
		49:12, 139:7-164:11.
		•
	37	ase No 2.14-cv-02454-14K (IFM
JOINT CLAII	37 c	ase No. 2:14-cv-02454-JAK (JEM) STATEMENT

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	Terms & Claims	Plaintiff's Position	<b>Defendants' Positions</b>
31.	"means for inhibiting and allowing deployment" (Claim 17)	Defendants contend that this term should be construed 35 U.S.C. § 112, paragraph 6. Accordingly, Signal identifies the following:Function: "inhibiting and allowing deployment according to whether a seat is occupied by a person of at least a minimum weight."Corresponding structure: A microprocessor 22, which analyzes the sensor inputs and issues a decision whether to inhibit and allow airbag 	Honda, KMA, Mazda, Mitsubishi, Nissan, Subaru, Volvo, MBUSA PCNA:This term should be construed under § 112, paragraph 6Function: inhibiting and allowing deployment according to whether a seat is occupied by a person of at least a minimum weight.Corresponding structures Fixed resistors 26 in series with pressure sensors 28 of Figures 1-3 and a microprocessor 22 which analyzes the sensor inputs and issues a decision whether to inhibit and allow airbag deployment based on the algorithms of Figures 4, 5, 6, 8, 9, and 10.
		'007 Patent, 3:4-7 and Fig. 1; Supplemental Expert	Figs. 1-4; Abstract; cols. 1:10-13; 1:31-48; 1:66-
		Declaration of Dr. Trevor Smedley, e.g. at ¶¶ 11-13.	2:10; 2:55-3:31; 4:12-35 5:25-35; '375 at 2:4-6; U.S. Patent Nos.
		Expert Deposition Transcript of Dr. Trevor Smedley (12/5/14), 136:14-164:14, 187:17-207:5, 214:19-25.	U.S. Patent Nos. 5,474,327 (SIGNAL_PRIOR_ART 000001) and 5,732,375 (SIG00001374); April 9 1990 Examiner Office
		38 0	ase No. 2:14-cv-02454-JAK (JEM)

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	Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
2     -			Action; Aug. 17, 1999.
3			Expert Deposition
•			Transcript of Dr. Trevor Smedley (12/5/14),
			33:15-47:14, 47:19-
			49:12, 139:7-164:11.

#### F. '374 Patent

The '374 Patent is asserted in these actions against defendants Mazda,

11 Mitsubishi, Nissan, Subaru, and Volvo.

I         s           5         b           6         ti           7         v           8         ti	"all having the same data format out distinctive codes for tire transmitters and vehicle function transmitters" (Claim 1)	Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: All transmitting data in a format compatible with the receiver, with unique codes for tire transmitters and vehicle function transmitters.	Mazda, Mitsubishi, Nissan, Subaru, and Volvo: "all having the same number and arrangement of data bits or elements but including distinct coded data for tire transmitters and vehicle function transmitters" Fig. 4; col. 1:59-66; 2:13-14; 3:7-8; 4:46-66;
5		Evidence: '374 Patent, Abstract, Figs. 1-8, 1:6-11, 48-2:61; 3:27-4:42; 4:52-66; 5:4-16, 32-48, 57-6:19; 6:20- 31, Claims. Prosecution history of the '374 Patent, e.g. at First Office Action (SIG00000306 – SIG00000316), e.g. p. 39; Response to Office Action (SIG00000367 –	6:48-50.
3		<u>ŠIG00000377</u> ), e.g. p. 31; 39 c	L Case No. 2:14-cv-02454-JAK (JEMx)
	JOINT CLAI	M CONSTRUCTION AND PREHEARING S	

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		Tourse 9 Claims	Diaintiff's Desition	Defendente? Desitions
1		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
2			Second Office Action (SIG00000378 –	
3			SIG00000386),e .g. p. 13; Response to Second OA	
4			(SIG00000397 – SIG00000403), e.g. p. 8-12; Notice of Allowance.	
5 6			(SIG00000406), e.g. p. 4. Dictionary definitions of Code, SIG000001705.	
7	33.	"a switch	Signal is of the view that this	Mazda, Mitsubishi,
		activated by a	term does not require a	Nissan, Subaru, and
8		vehicle user"	construction by the Court,	Volvo:
9		Alexience is second	and should be given its plain	
10		(Claim 3)	and ordinary meaning.	"a magnetic switch
			Evidence: '374 Patent,	activated by a permanent
11			Abstract, Figs. 1-8, 1:6-11, 48-2:61; 3:27-4:42; 4:52-66;	magnet operated by a user to identify the
12			48-2:61; 3:27-4:42; 4:52-66; 5:4-16, 32-48, 57-6:19; 6:20- 31, Claims.	location of a particular
13			Prosecution history of the	tire to the processor"
14			'374 Patent, e.g. at First	Prosecution history of
			Office Action (SIG00000306 – SIG00000316), e.g. p. 39;	the '374 Patent, e.g.,
15			Response to Office Action	Response to Second OA
16			(SIG00000367 – SIG00000377), e.g. p. 31;	(SIG00000401-403); and
17			Second Office Action	cols. 5:12 and 57-61;
			(SIG00000378 – SIG00000386),e.g. p. 13;	2:24 and 46-60; 3:50-54
18			Response to Second OA	and 65-66; 4:25-32;
19			(SIG00000397 – SIG00000403), e.g. p. 8-12;	Abstract; Fig. 3.
20			Notice of Allowance. (SIG00000406), e.g. p. 4.	
21	34.	"sign-up message"	Signal is of the view that this	Mazda, Mitsubishi,
		(Claim 2)	term does not require a	Nissan, Subaru, and
22		(Claim 3)	construction by the Court,	<u>Volvo:</u>
23			and should be given its plain	"a coded signal
24			and ordinary meaning. However, if the Court	transmitted from a tire
			determines that a construction	pressure sensor to a
25			is necessary, Signal proposes	processor that identifies
26			the following:	the specific location of
27			the fone wing.	the tire on the vehicle"
28			A message that identifies the tire.	Cols. 1:43-45, 51-54;
			40 c	ase No. 2:14-cv-02454-JAK (JEMx)
		JOINT CLAIM	CONSTRUCTION AND PREHEARING S	DIATEWIEN I
11			42	

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1	Plaintiff's Position	<b>Defendants'</b> Positions
35. "each tire" (Claim 3)	Evidence: '374 Patent, Abstract, Figs. 1-8, 1:6-11, 48-2:61; 3:27-4:42; 4:52-66; 5:4-16, 32-48, 57-6:19; 6:20- 31, Claims. Prosecution history of the '374 Patent, e.g. at First Office Action (SIG00000306 – SIG00000367 – SIG00000367 – SIG00000377), e.g. p. 31; Second Office Action (SIG00000378 – SIG00000386), e.g. p. 13; Response to Second OA (SIG00000403), e.g. p. 8-12; Notice of Allowance. (SIG00000406), e.g. p. 4. Signal is of the view that this term does not require a construction by the Court, and should be given its plain and ordinary meaning. However, if the Court determines that a construction is necessary, Signal proposes the following: Each tire subject to tire pressure monitoring. Evidence: '374 Patent, Abstract, Figs. 1-8, 1:6-11, 48-2:61; 3:27-4:42; 4:52-66; 5:4-16, 32-48, 57-6:19; 6:20- 31, Claims. '374 Patent, 3:27-33, 5:57-59. Prosecution history of the '374 Patent, e.g. at First Office Action (SIG00000306 – SIG00000377), e.g. p. 31; Second Office Action (SIG00000377), e.g. p. 31; Second Office Action (SIG00000378 – SIG00000377), e.g. p. 13; Response to Second OA	1:60-66; 2:43-61; 3:33 35; 3:50-54; 4:25-32; 4:52-62; 5:33-34; 5:39 41; 5:56-61; 7:22-28 <u>Mazda, Mitsubishi,</u> <u>Nissan, Subaru, and</u> <u>Volvo:</u> "each tire inclusive of any spare tire" Cols. 1:7-11; 1:51-54; 1:67-2:12; 2: 16-26; 2:46-48; 5:57-59; 6:10 19; Fig. 1; 3:27-30.

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		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
			(SIG00000397 – SIG00000403), e.g. p. 8-12; Notice of Allowance. (SIG00000406), e.g. p. 4.	
		G. '775 Patent		
			asserted in these actions against c	lefendants MRUSA
			isserted in these actions against c	ierendants wibosh,
	BMW	NA, and VWGoA.		
		Terms & Claims	Plaintiff's Position	<b>Defendants' Positions</b>
	36.	"message rate"	Signal is of the view that this	BMWNA, MBUSA:
		(Claim 6)	term does not require a	"the data rate at which
		(Claim 0)	construction by the Court,	messages are sent, which
			and should be given its plain and ordinary meaning.	is expressed in terms of
			However, if the Court	number of bits or bytes
			determines that a construction	transmitted per second"
			is necessary, Signal proposes	Expert Declaration of
			the following:	Dr, Philip Koopman,
			The data rate at which	Ph.D., ¶¶ 28-35.
			messages are sent, which	Abstract; Figs. 2, 4, cols
			may be expressed in terms	1:64-2:1; 2:2-6; 2:10-
			of a number of bits or bytes	14; 2:21-30; 2:38-54;
			transmitted per second.	3:3660; 4:11-20; 4:26-
			Evidence: '775 Patent, Figs.	29; 4:43-63; claim 6.
			1-7; 1:49-2:18; 2:21-58; 3:16-	Expert Deposition
			51, 53-60; 4:11-5:9, Claims.	Transcript of Dr. Trevor
			Prosecution history of the	Smedley $(12/5/14)$ , .
			'775 Patent, e.g. at Response	65:5-67:1.
			(SIG00001199 –	Newton's Telecom
			SIG00001210), e.g. p. 16; Notice and Reasons for	Dictionary at 185, 368,
			Allowance (SIG00001213),	PC Magazine Computer Encyclopedia (27th
			e.g. p. 5.	expanded and updated
			Supplemental Expert	ed. 2013) (Jan. 13, 2015
			42 0	Case No. 2:14-cv-02454-JAK (JEM)
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1		Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
2			Declaration of Dr. Trevor	
3			Smedley, e.g. at ¶¶ 16-31.	
4			Expert Deposition Transcript	
5			of Dr. Trevor Smedley (12/5/14), 52:13-135:20,	
6			214:19-25.	
7	37.	"message rate	Not indefinite.	MBUSA: Indefinite
8		interval"		under § 112, paragraph
		(Claim 6)	Signal is of the view that this term does not require a	2.
9		(Claim 0)	construction by the Court,	Expert Declaration of
10			and should be given its plain	Dr. Philip Koopman,
11			and ordinary meaning. However, if the Court	Ph.D., ¶¶ 34, 36-45;
12			determines that a construction	
13			is necessary, Signal proposes	Supplemental Expert
14			the following:	Declaration of Dr.
15			A period of time	Trevor Smedley, e.g. at
			corresponding to a message	¶¶ 27-30
16			rate.	'775 patent, fig. 1; Cols.
17			Evidence:	2:45-52; 3:42-53; claim 6.
18			'775 Patent, 3:37-46;	
19			Supplemental Expert	Expert Deposition Transcript of Dr. Trevor
20			Declaration of Dr. Trevor	Smedley (12/5/14),
21			Smedley, e.g. at ¶¶ 16-31;	76:13-77:21; 81:2-8
22			'775 Patent, Figs. 1-7; 1:49-	88:7-17; 93:18-95:2, 96:20-24; 97:23-98:11;
23			2:18; 2:21-58; 3:16-51, 53- 60; 4:11-5:9, Claims.	99:22-100:3; 101:22-25,
24				103:7-9; 107:16-110:4;
			Prosecution history of the	114:15-19.
25			<sup>•</sup> 775 Patent, e.g. at Response (SIG00001199 –	MBUSA Alternative: "a
26			SIG00001210), e.g. p. 16;	period of time
27 🛛			Notice and Reasons for	sufficiently long to contain both first and
28			Allowance (SIG00001213),	contain both first and
			43 0	Case No. 2:14-cv-02454-JAK (JEMx)
		JOINT CLAI	M CONSTRUCTION AND PREHEARING S	

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	erms & Claims	Plaintiff's Position	Defendants' Positions
		e.g. p. 5.	second types of data"
		Expert Deposition Transcript of Dr. Trevor Smedley (12/5/14), 52:13-135:20, 214:19-25.	<u>BMWNA:</u> "The fundamental time interval of the first (low rate) message rate protocol"
			Claim 6; Abstract; Fig. 2, 6, 7; Col. 2, 11. 38-50 Col. 3, 11. 37-60.
			Prosecution history of the '775 Patent, e.g. at SIG00001130, Respon (SIG00001199 – SIG00001210).
			<u>VWGoA/Bentley:</u> Indefinite
			The claim term fails to inform those skilled in the art of the scope of the claimed invention with reasonable
			certainty. There is an absence of any intrinsi evidence that would support construction of this term.
			For example, the term "message rate interval" is a term without any
			defined technical meaning. The patent fails to define the scop of the term as used in claim 6.
I		44 0	

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		Terms & Claims	Plaintiff's Position	<b>Defendants' Positions</b>	
3	38.	"message"	Signal is of the view that this	BMWNA:	
		(Claim 6)	term does not require a	"A collection of bits that	
		(0.00000)	construction by the Court, and should be given its plain	are sent together to	
			and ordinary meaning.	define the information	
			However, if the Court	transferred on a messag	
			determines that a construction is necessary, Signal proposes		
			the following:	Claim 6; Figs. 3, 5; Col 3, ll. 42-51; Col. 4, ll.	
				25-63.	
			A collection of bits that are sent together in a message		
			protocol.		
			Evidence: '775 Patent, Figs.		
			1-7; 1:49-2:18; 2:21-58; 3:16-		
			51, 53-60; 4:11-5:9, Claims.		
			Prosecution history of the		
			<sup>•</sup> 775 Patent, e.g. at Response (SIG00001199 –		
			SIG00001210), e.g. p. 16;		
			Notice and Reasons for		
			Allowance (SIG00001213), e.g. p. 5.		
3	39.	"complete message" /	Not indefinite.	<u>VWGoA/Bentley</u> : Indefinite	
		"fragment of a	Signal is of the view that this		
		complete	term does not require a	The claim terms fail to inform those skilled in	
		message"	construction by the Court, and should be given its plain	the art of the scope of	
		(Claim 6)	and ordinary meaning.	the claimed invention	
			However, if the Court determines that a construction	with reasonable	
			is necessary, Signal proposes	certainty. There is an absence of any intrinsic	
			the following:	evidence that would	
			Evidence: '775 Patent, Figs.	support construction of these terms.	
			<u>Evidence</u> . 775 Fatent, Figs. 1-7; 1:49-2:18; 2:21-58; 3:16-		
				For example, the terms	
	45 Case No. 2:14-cv-02454-JAK (JEM JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT				

Terms & Claims	Plaintiff's Position	<b>Defendants'</b> Positions
	51, 53-60; 4:11-5:9, Claims. Prosecution history of the '775 Patent, e.g. at Response (SIG00001199 – SIG00001210), e.g. p. 16; Notice and Reasons for Allowance (SIG00001213), e.g. p. 5.	"complete message" and "fragment of a complete message" are terms of degree. The patent fails to define the scope of these terms as used in claim 6.

#### **III. IDENTIFICATION OF MOST SIGNIFICANT TERMS**

#### A. Signal's Statement

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) Glendon Avenue | 14t cs Angeles, CA 90024.3 Signal requests that the Court construe only one term: "A level indicative of
an empty seat" ('007 Patent). In view of the large number of additional terms that
Defendants continue to maintain should be construed, Signal renews its request that
the Court limit the number of claim terms to a reasonable number, not exceeding <u>21</u>
terms.

#### B. Defendants' Statement

17 In total, the defendants have managed to reduce the dispute to 39 contested 18 terms over 7 patents. That is a significant reduction from the original list of more 19 than 120 disputed terms. Thirty-nine disputed terms is reasonable given the number 20 of asserted patents and claims, and the due process rights of disparate and 21 competitor defendants, in separate actions, that make competing products using 22 different technologies from multiple non-party suppliers. Defendants should have 23 the opportunity to brief all of the disputed terms. Indeed, each defendant has 24 narrowed its list of most significant terms to 10 or fewer key terms. For any one 25 given case, this number is within the allotted number under the Court's Standing 26 Patent Rules. 27

In many instances, the same term is identified as a key term by multiple

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defendants, but because there is no identity of the asserted patents or claims among 1 2 the 12 different cases, there are some instances where only one party has identified a given term as "key." There are also a few instances where different defendants have 3 4 proposed different constructions. This complication—one borne as a natural 5 consequence of 7 patents being asserted against 12 companies that make dozens of different accused products-is easily illustrated in the charts provided here for the 6 Court's benefit, showing each party's "key" terms, and also a chart that shows what 7 terms are being proposed by multiple parties. See Exhibit A. 8

9 The defendants appreciate that to the extent the Court wishes to coordinate
10 the claim construction across these unrelated cases, this is a cumbersome exercise.
11 Thus, to reduce the burden on the Court, defendants propose a pair of alternatives
12 for the claim construction briefing and hearing, as follows.

Regarding the briefing, the defendants propose to jointly submit separate 13 briefs for each asserted patent. Each joint brief can be limited to 25 pages, except if 14 a single defendant is proposing an additional term or a different construction than 15 16 the other defendants, that defendant will be allowed an additional five pages to 17 submit its argument. Alternatively, if the Court prefers a single joint brief dealing 18 with all the patents, and the various claim terms, defendants respectfully ask for 125 19 pages for the joint briefing plus an additional five pages allotted to each defendant 20 that elects to propose an additional term or a different construction for any term.

Under either proposal, BMWNA and VWGoA/Bentley each request leave to
file 15 page supplemental briefs in which BMWNA and VWGoA/Bentley will each
submit argument on all seven terms and constructions that are specific to BMWNA
(nine terms for VWGoA/Bentley). BMWNA and VWGoA/Bentley will coordinate
with the other Defendants to ensure that BMWNA and VWGoA/Bentley do not
duplicate any material from the joint briefing.

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# IV. ANTICIPATED LENGTH OF TIME NECESSARY FOR THE CLAIM CONSTRUCTION HEARING

#### A. Signal's Statement

Assuming that the number of claim terms is limited to a reasonable number
not exceeding <u>21 terms</u>, Signal does not anticipate needing more than 90 minutes
total for its presentation at the claim construction hearing.

#### B. Defendants' Statement

8 As for the hearing, the defendants believe that a full day of hearing is
9 necessary to cover the key terms that each one of the 12 defendants seek
10 construction for in their individual cases and to give each defendant the opportunity
11 to present its arguments to the extent they may differ from the other defendants. To
12 the extent the Court prefers, the defendants are amenable to dividing the asserted
13 patents into two groups and breaking that exercise over two consecutive half days.

### V. DESCRIPTION OF EXPERT WITNESS PROPOSED TESTIMONY A. Signal's Statement

17 Signal does not intend to call any witnesses at the claim construction hearing.
18 However, subject to their availability, Signal plans to make its experts Dr. Trevor
19 Smedley, Dr. Paul Ronney, and Dr. Petros Ioannou available at the hearing to
20 answer any questions that the Court may have regarding the subject matter of their
21 declarations and testimony.

B. Defendants' Statement (not including VWGoA and Bentley)
Defendants do not intend to call any witnesses at the claim construction
hearing. However, if the Court wishes for Defendants to make their experts
available to answer questions from the Court during the hearing, Defendants can
endeavor to do so, subject to their availability.



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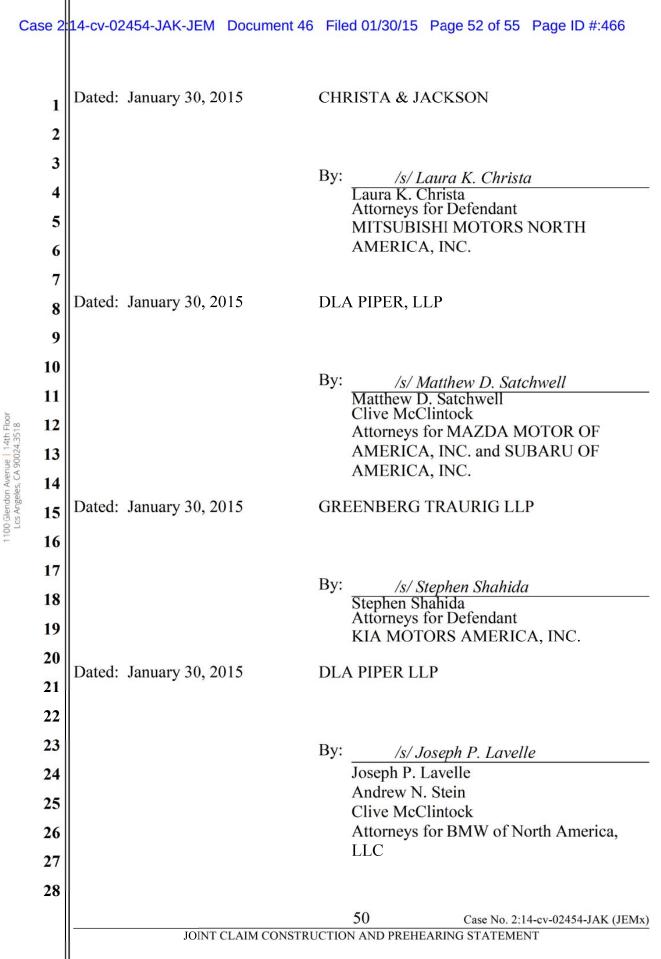
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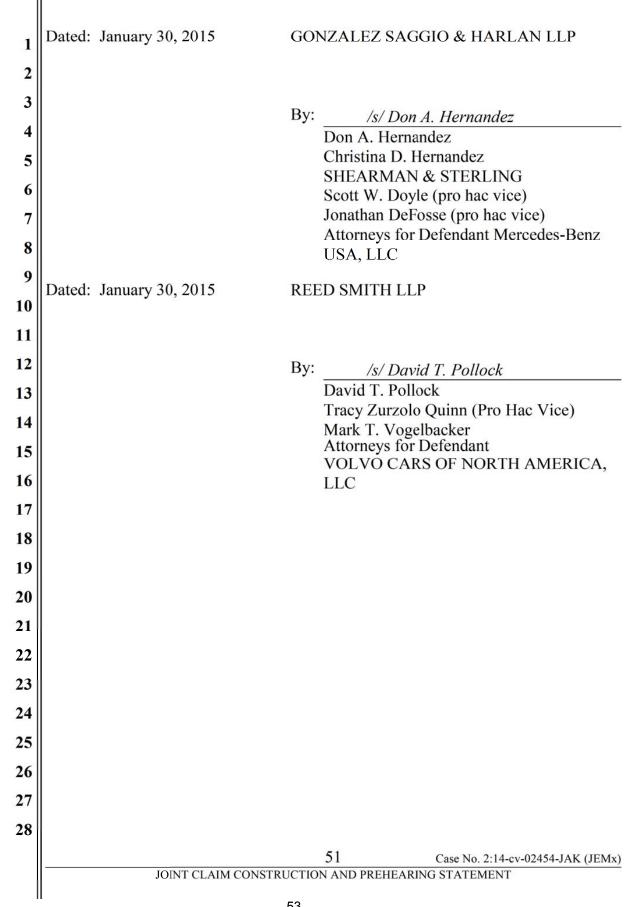
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1	C. VWGoA and Bentley Statement			
2	Defendants VWGoA and Bentley do not plan to call any witnesses at the			
3	claim construction hearing, and contend that the resolution of the nine terms			
4	identified by them depends only on intrinsic evidence.			
5	identified by them depends on	ry on munisie evidence.		
5 6	Dated: January 30, 2015	ated: January 30, 2015 LINER LLP		
7				
8				
		By: /s/ Ryan E. Hatch		
9		Ryan E. Hatch Jason L. Haas		
10		Attorneys for Plaintiff SIGNAL IP, INC.		
11	Dated: January 30, 2015	FISH & RICHARDSON P.C.		
12	Dated. January 50, 2015	Histi & Richardson Le.		
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15		Ralph A. Phillips (Pro Hac Vice) Ahmed J. Davis (Pro Hac Vice)		
16		Attorneys for Defendants		
17		AMERICAN HONDA MOTOR CO., INC: and HONDA OF AMERICA MFG., INC.		
18				
19	Dated: January 30, 2015	SHOOK, HARDY & BACON L.L.P.		
20				
21				
22		By: /s/ Patrick A. Lujin		
23		Patrick A. Lujin (Pro Hac Vice)		
24	Basil T. Webb (Pro Hac Vice) Richard D. Eisner (Pro Hac Vice)			
25	Gabriel S. Spooner			
26	Douglas W. Robinson Jamie H. Kitano			
27	Attorneys for Defendant NISSAN NORTH			
28	AMERICA, INC.			
_0		49 Case No. 2:14-cv-02454-JAK (JEMx)		
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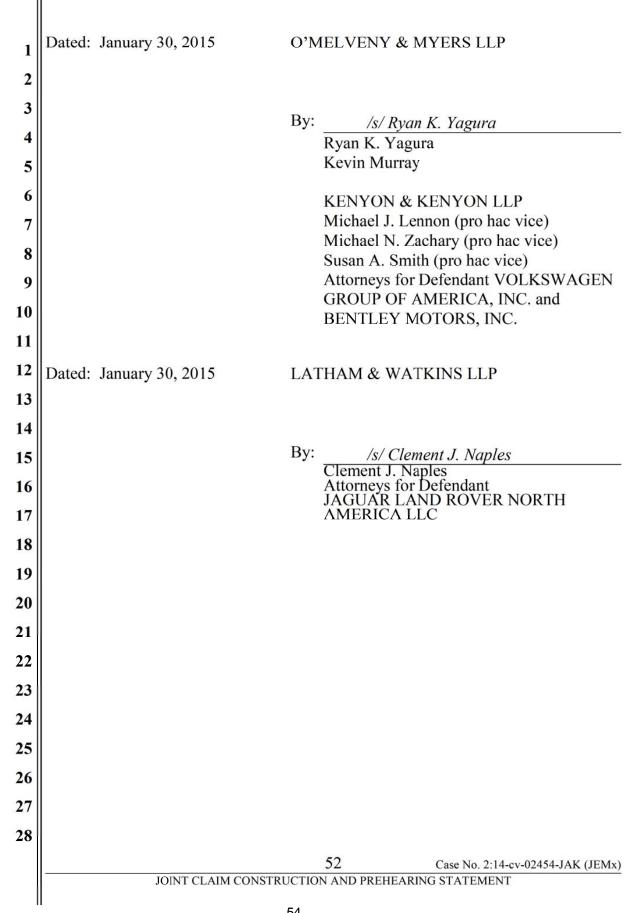


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1	1 Dated: January 30, 2015 FROMME	R LAWRENCE & HAUG LLP			
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3					
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18	8 Attorr	eys for Defendant PORSCHE CARS			
19		TH AMERICA, INC.			
20	0 SIGNATURE ATTI	SIGNATURE ATTESTATION			
21	· · · · · · · · · · · · · · · · · · ·				
22	I Ryan E. Hatch, hereby attest that all other signatories listed, and on whose				
23	behalf the filing is submitted, concur in the filings content and have authorized the				
		igs content and have authorized the			
24					
25	5 Dated: January 30, 2015 By:	/s/ Ryan E. Hatch			
26	6 Ryan	E. Hatch			
27	7				
28	8				
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	JOINT CLAIM CONSTRUCTION AND F				