

Paper No. \_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Kia Motors America, Inc.  
Petitioner,

v.

Signal IP, Inc.  
Patent Owner.

Patent No. 6,012,007

Issued: January 4, 2000

Filed: June 3, 1997

Inventors: Duane Donald Fortune, Robert John Cashler

Title: OCCUPANT DETECTION METHOD AND APPARATUS FOR AIR  
BAG SYSTEMS

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*Inter Partes* Review No. \_\_\_\_\_

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

## **I. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Kia Motors America, Inc. (“Petitioner”) respectfully submits this Motion for Joinder, together with a Petition for *Inter Partes* Review of U.S. Patent No. 6,012,007 (“the KMA Petition”) filed contemporaneously herewith. Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Petitioner requests institution of an *inter partes* review and joinder with the *inter partes* review in *American Honda Motor Co., Inc. v. Signal IP, Inc.*, IPR2015-01004 (“the Honda IPR”), which the Board instituted on October 1, 2015 and concerns the same patent, U.S. Patent No. 6,012,007 (“the ’007 Patent”). Petitioner’s request for joinder is timely under 37 C.F.R. §§ 42.22 and 42.122(b) as it submitted no later than one month after the October 1, 2015 institution date of the Honda IPR. The KMA Petition is also narrowly tailored to the same claims, prior art, and grounds for unpatentability that are the subject of the Honda IPR. In addition, Petitioner is willing to streamline discovery and briefing. Petitioner submits that joinder is appropriate because it will not unduly burden or prejudice the parties to the Honda IPR while efficiently resolving the question of the ’007 Patent’s validity in a single proceeding.

## **II. STATEMENT OF MATERIAL FACTS**

1. Signal IP, Inc. (“Signal IP” or “Patent Owner”) filed civil actions against Fiat U.S.A., Inc. et al., Case No. 2-14-cv-13864, in the U.S. District Court for the Eastern District Michigan, on October 4, 2014; Ford Motor Company, Case

No. 2-14-cv-13729, in the U.S. District Court for the Eastern District of Michigan, on September 26, 2014; Porsche Cars North America, Inc., Case No. 2-14-cv-03114, in the U.S. District Court for the Central District of California, on April 23, 2014; Ford Motor Company, Case No. 2-14-cv-03106, in the U.S. District Court for the Central District of California, on April 23, 2014; Fiat U.S.A., Inc. et al., Case No. 2-14-cv-03105, in the U.S. District Court for the Central District of California, on April 23, 2014; Volkswagen Group of America, Inc. d/b/a Audi of America, Inc. et al., Case No. 2-14-cv-03113, in the U.S. District Court for the Central District of California, on April 23, 2014; Jaguar Land Rover North America, LLC, Case No. 2-14-cv-03108, in the U.S. District Court for the Central District of California, on April 23, 2014; Volvo Cars of North America, LLC, Case No. 2-14-cv-03107, in the U.S. District Court for the Central District of California, on April 23, 2014; BMW of North America, LLC et al., Case No. 2-14-cv-03111, in the U.S. District Court for the Central District of California, on April 23, 2014; Mercedes-Benz USA, LLC et al., Case No. 2-14-cv-03109, in the U.S. District Court for the Central District of California, on April 23, 2014; Nissan North America, Inc., Case No. 2-14-cv-02962, in the U.S. District Court for the Central District of California, on April 17, 2014; Subaru of America, Inc., Case No. 2-14-cv-02963, in the U.S. District Court for the Central District of California, on April 14, 2014; Suzuki Motor America, Inc., Case No. 8-14-cv-00607, in the U.S.

District Court for the Central District of California, on April 17, 2014; Kia Motors America, Inc., Case No. 2-14-cv-02457, in the U.S. District Court for the Central District of California, on April 1, 2014; American Honda Motor Co., Inc. et al., Case No. 2-14-cv-02454, in the U.S. District Court for the Central District of California, on April 1, 2014; Mazda Motor of America, Inc., Case No. 8-14-cv-00491, in the U.S. District Court for the Central District of California, on April 1, 2014; Mazda Motor of America, Inc., Case No. 8-14-cv-00491, in the U.S. District Court for the Central District of California, on April 1, 2014; Mazda Motor of America, Inc., Case No. 2-14-cv-02459, in the U.S. District Court for the Central District of California, on April 1, 2014; Mitsubishi Motors North America, Inc., Case No. 8-14-cv-00497, in the U.S. District Court for the Central District of California, on April 1, 2014; Mitsubishi Motors North America, Inc., Case No. 2-14-cv-02462, in the U.S. District Court for the Central District of California, on April 1, 2014; Hyundai Motor America, Case No. 8:15-cv-01085, in the U.S. District Court for the Central District of California, on July 8, 2015; and Toyota North America, Inc. et al., Case No. 2:15-cv-05162, in the U.S. District Court for the Central District of California, on July 8, 2015.

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

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

### **III. STATEMENT OF REASONS FOR RELIEF REQUESTED**

#### **A. Legal Standard**

The Board has the authority under 35 U.S.C. § 315(c) to join a properly filed *inter partes* review petition to an instituted *inter partes* review proceeding. *See* 35 U.S.C. § 315(c). A motion for joinder must be filed within one month of the Board instituting an original *inter partes* review. 37 C.F.R. § 42.122(b). In deciding whether to exercise its discretion and permit joinder, the Board considers factors, including: (1) the reasons why joinder is appropriate; (2) whether the new petition presents any new grounds of unpatentability; (3) what impact, if any, joinder would have on the trial schedule for the existing review; and (4) how briefing and discovery may be simplified. *See Kyocera Corporation v. Softview LLC*, Case IPR2013-00004, Paper 15 at 4 (April 24, 2013)).

#### **B. Petitioner's Motion for Joinder is Timely**

This Motion for Joinder is timely because it is filed within one month of the October 1, 2015 institution decision of the Honda IPR. *See* 37 C.F.R. § 42.122(b).

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