

1 Ryan E. Hatch (SBN 235577)
rhatch@linerlaw.com
2 Jason L. Haas (SBN 217290)
jhaas@linerlaw.com
3 LINER LLP
1100 Glendon Avenue, 14th Floor
Los Angeles, California 90024.3518
4 Telephone: (310) 500-3500
5 Facsimile: (310) 500-3501

6 Attorneys for Plaintiff SIGNAL IP, INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 SIGNAL IP, INC., a California
11 corporation,

12 Plaintiff,

13 vs.

14 AMERICAN HONDA MOTOR CO.,
15 INC., a California corporation;
HONDA OF AMERICA MRG, INC.,
16 an Ohio corporation,

17 Defendant.

Case No. 2:14-cv-02454-JAK (JEMx)
(Related to 2:14-cv-02962-JAK
(JEMx); SA CV14-00497-JAK (JEMx);
8:14-cv-00491-JAK (JEMx); 2:14-cv-
02963 JAK (JEMx); 2:14-cv-02457-
JAK (JEMx); 2:14-cv-03106-JAK
(JEMx); 2:14-cv-03111-JAK (JEMx);
LA CV14-03109 JAK (JEMx); 2:14-cv-
03105-JAK (JEMx); 2:14-cv-03107-
JAK (JEMx); 2:14-cv-03113-JAK
(JEMx); 2:14-cv-03108-JAK (JEMx);
2:14-cv-03114-JAK (JEMx))

18 **JOINT CLAIM CONSTRUCTION**
AND PREHEARING STATEMENT

19 AND RELATED CASES

20 *Markman* Hearing: March 16, 2015
Time: 10:00 a.m.
21 Crtrm.: 750

The Hon. John A. Kronstadt

22 Trial Date: TBD

23
24
25
26
27
28
Case No. 2:14-cv-02454-JAK (JEMx)

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

LINER LLP
1100 Glendon Avenue | 14th Floor
Los Angeles, CA 90024.3518

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| 1 | |
| 2 I. CONSTRUCTION OF TERMS UPON WHICH PARTIES AGREE | 1 |
| 3 II. PROPOSED CONSTRUCTION OF EACH DISPUTED CLAIM | |
| 4 TERM AND IDENTIFICATION OF SUPPORTING EVIDENCE | 3 |
| 5 A. '927 Patent | 3 |
| 6 B. '375 Patent | 11 |
| 7 C. '486 Patent | 18 |
| 8 D. '601 Patent | 20 |
| 9 E. '007 Patent | 30 |
| 10 F. '374 Patent | 39 |
| 11 G. '775 Patent | 42 |
| 12 III. IDENTIFICATION OF MOST SIGNIFICANT TERMS | 46 |
| 13 A. Signal's Statement..... | 46 |
| 14 B. Defendants' Statement | 46 |
| 15 IV. ANTICIPATED LENGTH OF TIME NECESSARY FOR THE | |
| 16 CLAIM CONSTRUCTION HEARING | 48 |
| 17 A. Signal's Statement..... | 48 |
| 18 B. Defendants' Statement | 48 |
| 19 V. DESCRIPTION OF EXPERT WITNESS PROPOSED TESTIMONY | 48 |
| 20 A. Signal's Statement..... | 48 |
| 21 B. Defendants' Statement (not including VWGoA and Bentley) | 48 |
| 22 C. VWGoA and Bentley Statement..... | 49 |
| 23 | |
| 24 | |
| 25 | |
| 26 | |
| 27 | |
| 28 | |

LINER LLP
 1100 Glendon Avenue | 14th Floor
 Los Angeles, CA 90024-3518

LINER LLP
1100 Glendon Avenue | 14th Floor
Los Angeles, CA 90024-3518

1 Pursuant to Standing Patent Rule (“S.P.R.”) 3.4 and the Court’s Minute Order
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
6 America, Inc. (“Mazda”), Subaru of America, Inc. (“Subaru”), Kia Motors America,
7 Inc. (“KMA”), BMW of North America, LLC (“BMWNA”), Volvo Cars of North
8 America, LLC (“Volvo”), Mercedes-Benz USA LLC (“MBUSA”), Volkswagen
9 Group of America (“VWGoA”) and Bentley Motors, Inc. (“Bentley”), Jaguar Land
10 Rover North America, LLC (“JLRNA”), and Porsche Cars North America, Inc.
11 (“PCNA”) (collectively, “Defendants”) hereby submit their Joint Claim
12 Construction and Prehearing Statement for U.S. Pat. Nos. 5,714,927 (“the ‘927
13 Patent”), 5,732,375 (“the ‘375 Patent”), 6,434,486 (“the ‘486 Patent”), 6,775,601
14 (“the ‘601 Patent”), 6,012,007 (“the ‘007 Patent”), 5,463,374 (“the ‘374 Patent”),
15 and 5,954,775 (“the ‘775 Patent”) (Collectively “Patents-in-Suit” or “Asserted
16 Patents”).

17 **I. CONSTRUCTION OF TERMS UPON WHICH PARTIES AGREE¹**

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.

22

23 _____
24 ¹ Defendants VWGoA and Bentley take no position on the constructions offered in
25 this Section I. VWGoA and Bentley contend only that certain terms in the asserted
26 patents are indefinite, as set forth in Section II below. VWGoA and Bentley further
27 contend that the other terms in the patents asserted against them require no
28 construction other than “plain and ordinary meaning.” Rather than repeat the phrase
“plain and ordinary meaning” in each section below, VWGoA and Bentley simply
note their position here. VWGoA and Bentley reserve the right to contend that any
specific construction proposed below by any party is incorrect.

LINER LLP
 1100 Glendon Avenue | 14th Floor
 Los Angeles, CA 90024-3518

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

| Terms (& Claims) | Agreed Construction |
|--|---|
| “blind spot” (‘927 Patent, Claim 1) | An area on a side or on a side and to the rear of the host vehicle not visible to the driver through the mirrors |
| “relative vehicle speed” (‘927 Patent, Claim 1) | Speed in relation to another vehicle. |
| “alert signal” (‘927 Patent, Claim 1) | A signal for alerting the driver |
| “detecting target vehicle presence and producing an alert command” (‘927 Patent, Claim 1) | Detecting that the target vehicle is present at least partially in the blind spot and producing an alert command |
| “total threshold force” (‘375 Patent, Claim 1) | A minimum force that allows airbag deployment based on the total force sensed by the entire sensor array |
| “providing an alarm” (‘486 Patent, Claims 21 & 28) | Providing a warning for the driver |
| “traction motor” (‘601 Patent, Claims 8, 10-11, 15, 17) | An electric motor used to propel a vehicle² |
| “force” (‘375 Patent, claim 1) | Pressure that is indicative of weight |
| “vehicle torque demand” (‘601 Patent, claim 8) | Torque requested by the driver |
| “means for storing identification codes from the | <u>Function:</u> |

² BMWNA agrees to the construction of “traction motor,” but takes no position on the constructions of the terms agreed upon by Signal and the other defendants.

LINER LLP
 1100 Glendon Avenue | 14th Floor
 Los Angeles, CA 90024-3518

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

A. ‘927 Patent

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 vehicle uses radar to detect a target vehicle in a blind spot of the host vehicle driver, a method of improving the perceived zone of coverage response of automotive radar comprising the steps of” | <p>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:</p> <p>The preamble is limiting.</p> <p><u>Evidence:</u> ‘927 Patent, Abstract; Figs. 1 and 3-7;</p> | <p><u>KMA, Mazda, Nissan, Volvo, JLRNA, MBUSA, PCNA, BMWNA:</u> The preamble is limiting.</p> <p><u>Honda:</u> Preamble does not limit claim to radar.</p> <p>Field of the Invention; Abstract; Figs. 3d, 4, cols. 2:28-32; 2:62-65; 3:52 – 4:21; 4:35:44; claim 1.</p> |

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.