

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION,

Petitioner

Patent No. 6,012,007

Issue Date: January 4, 2000

Title: OCCUPANT DETECTION METHOD AND
APPARTUS FOR AIR BAG SYSTEM

UNOPPOSED MOTION TO CORRECT THE PETITION
(37 C.F.R. § 42.104(c))

Case No. IPR 2016-00292

Petitioner Toyota Motor Corporation (“TMC”) submits this motion to request authorization to file a corrected petition for inter partes review. The petition as filed (Paper 2) correctly names TMC as the sole petitioner in this case. However, the caption lists Toyota Motor North America, Inc. (“TMNA”) and Toyota Motor Sales, U.S.A., Inc. (“TMS”) as petitioners, and fails to list TMC as petitioner. TMC seeks to file a corrected petition whose cover page names the correct petitioner, but which is otherwise identical to the as-filed petition.

Counsel for TMC contacted counsel for patent owner Signal IP, Inc. (“Signal”), who indicated that Signal does not oppose this motion. The Board authorized the filing of this motion by email on January 25, 2016.

The rules governing *inter partes* review authorize TMC to file a motion to correct clerical errors in a petition:

A motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.

(37 C.F.R. § 42.104(c).) The already-filed papers and information in this case demonstrate that the cover page of the petition was a “clerical ... mistake.” For example:

- The introductory paragraph in the petition correctly identifies TMC as the petitioner: “Toyota Motor Corporation (‘Toyota’ or ‘Petitioner’)

respectfully requests *inter partes review*” (Paper 2 at p. 1.) The word “Petitioner” is used in the singular form throughout the petition.

- The mandatory notices in the petition correctly identify TMC as the petitioner, and TMNA and TMS as additional real parties-in-interest (together with TMC). (*Id.*)
- The power of attorney filed with the petition correctly identifies TMC as the only petitioner and as the only signor. (*See* Paper 1.)
- The Board’s internal records, based on information submitted on the Patent Review Processing System by counsel for TMC concurrently with the filing of the petition, correctly identify TMC as the sole petitioner.
- The Declaration of Scott Andrews submitted with the petition correctly identifies TMC as the sole petitioner. (*See* Ex. 1007 at pp. 1 (cover), 5 (¶ 11).)

Additionally, TMC filed two other petitions for *inter partes* review against patents owned by Signal on the same date as the instant proceeding. (*See* IPR2016-00291 and -00293.) Both petitions and the accompanying papers correctly identify TMC as petitioner.

Based on the foregoing, it is apparent that the incorrect identification of TMNA and TMS as the petitioners on the cover page of the petition in this proceeding was a clerical mistake. And there can be no prejudice to Signal from

correcting that mistake, particularly since TMNA and TMS are named (and will continue to be named) as real parties-in-interest. Therefore, TMC respectfully requests authorization from the Board to file a corrected petition with a cover page identifying TMC as the sole petitioner. TMC also requests that future filings correctly identify TMC as the sole petitioner.

Dated: February 3, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing UNOPPOSED MOTION TO CORRECT THE PETITION was served via e-mail on February 3, 2016, in its entirety on the following:

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