

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR CORP.,

Petitioner,

v.

SIGNAL IP, INC.,

Patent Owner.

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Case IPR2016-00292

Patent 6,012,007

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PATENT OWNER'S PRELIMINARY RESPONSE

## TABLE OF CONTENTS

<b>1. Introduction.....</b>	<b>1</b>
<b>2. Overview of the ‘007 Patent.....</b>	<b>2</b>
<b>3. Argument.....</b>	<b>8</b>
<b>A. The Challenged Claims Are Not Anticipated by Schousek. ....</b>	<b>8</b>
<i>i. Overview of Schousek. ....</i>	<i>9</i>
<i>ii. The Minimum Weight of an Occupied Infant Seat Taught by Schousek is Not Equivalent to the First Threshold of a Relative Weight Parameter Recited in the Challenged Claims. ....</i>	<i>11</i>
<i>iii. The Maximum Weight of an Occupied Infant Seat Taught by Schousek is Not Equivalent to the First Threshold of a Relative Weight Parameter Recited in the Challenged Claims. ....</i>	<i>13</i>
<i>iv. Schousek Does Not Teach Setting a Lock Flag When a Relative Weight Parameter is Above a Lock Threshold and Air Bag Deployment has Been Allowed for a Given Time, as Recited in the Challenged Claims. ....</i>	<i>15</i>
<i>v. Schousek Does Not Teach Clearing a Lock Flag When a Relative Weight Parameter is Below an Unlock Threshold for a Time, as Recited in the Challenged Claims. ....</i>	<i>18</i>
<b>B. Petitioner Has Failed to Demonstrate that Claims 17 and 21 are Obvious in View of Schousek and Fu. ....</b>	<b>19</b>
<i>i. Fu Does Not Teach Setting a Lock Flag When a Relative Weight Parameter is Above a Lock Threshold and Air Bag Deployment has Been Allowed for a Given Time, as Recited in the Challenged Claims. ....</i>	<i>20</i>
<b>4. Conclusion. ....</b>	<b>25</b>

## TABLE OF AUTHORITIES

### CASES

<i>CFMT, Inc. v. Yieldup Int’l. Corp.</i> , 349 F.3d 1333 (Fed. Cir. 2003) .....	19, 24
<i>Hartness Int’l. Inc. v. Simplimatic Engineering Co.</i> , 819 F.2d 1100 (Fed. Cir. 1987) .....	24
<i>In re Wilson</i> , 424 F.2d 1382 (CCPA 1970) .....	19
<i>Lindemann Maschinenfabrik GMBH v. Am. Hoist &amp; Derrick Co.</i> , 730 F.2d 1452 (Fed. Cir. 1984) .....	14
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008) .....	15
<i>Richardson v. Suzuki Motor Co.</i> , 868 F.2d 1226 (Fed. Cir. 1989) .....	12
<i>Schering Corp. v. Geneva Pharm.</i> , 339 F.3d 1373 (Fed. Cir. 2003) .....	12, 17, 18

### STATUTES

35 U.S.C. § 112(d) .....	12, 15, 17, 19
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## 1. Introduction.

Petitioner's challenge to the patentability of claims 17 and 21 of U.S. Patent 6,012,007 (the "'007 Patent") should be denied and the Patent Trial and Appeal Board ("PTAB" or "Board") not institute trial because *Schousek* fails to teach or suggest allowing deployment of air bags when a relative weight parameter used by a vehicle restraint system is above a first threshold, establishing a lock threshold above the first threshold, and setting a lock flag when the relative weight parameter is above the lock threshold and deployment has been allowed for a given time. As explained below, and contrary to Petitioner's contentions, the minimum weight of an occupied infant seat as used by *Schousek* is not equivalent to the first threshold of the relative weight parameter recited in the challenged claims. This is because in *Schousek*, air bag deployment is not *allowed* when seat sensors detect a weight above that minimum weight of an occupied infant seat. Instead, air bag deployment is inhibited in such circumstances unless the seat sensors also detect a forward-facing infant seat.

Further, even if one were to equate the minimum weight of an occupied infant seat as used by *Schousek* with the first threshold of the relative weight parameter recited in the challenged claims, it would still be the case that *Schousek* fails to teach or suggest establishing a lock threshold

above the first threshold, and setting a lock flag when the relative weight parameter is above the lock threshold and deployment has been allowed for a given time. Instead, in the system described by *Schousek*, air bag deployment is permitted or inhibited irrespective of whether or not deployment has been allowed for a given time. Indeed, in some instances air bag deployment may be permitted even if previously such deployment was inhibited, or even if the seat sensors determine that a seat occupant weighs less than a purported “lock threshold.” Even if *Fu* is deemed to teach such a lock flag, the remaining deficiencies of *Schousek* remain.

Accordingly, Petitioner has failed to prove the unpatentability of any of the challenged claims and the Board should find in favor of Patent Owner on all issues nominated for trial.

## **2. Overview of the ‘007 Patent.**

The ‘007 Patent discloses a method of controlling airbag deployment using pressure sensors to allow or inhibit airbag deployment based on passenger weight. *Ex. 1001* at Abstract. According to the specification, air bag deployment is inhibited when a seat is empty or occupied by a small child. Deployment is allowed when the seat is occupied by a larger passenger. *Id.* at 2:55-58.

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