

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION,
Petitioner,

v.

SIGNAL IP, INC.,
Patent Owner.

Case IPR2016-00293
Patent 5,714,927

Before JEREMY M. PLENZLER, PETER P. CHEN, and
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Toyota Motor Corporation, filed a Petition requesting an *inter partes* review of claims 1, 2, and 6 of U.S. Patent No. 5,714,927 (Ex. 1001, “the ’927 patent”). Paper 2 (“Pet.”). In response, Patent Owner, Signal IP, Inc., filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons set forth below, we deny institution of *inter partes* review of the ’927 patent.

A. Related Matters

The parties indicate that the ’927 patent also has been asserted in various proceedings. Pet. 1–2; Paper 3, 2–3. In addition, claims 1, 2, and 6 of the ’927 patent were at issue in IPR2015-00968, which was denied institution. Pet. 2; Paper 3, 3.

B. The ’927 Patent

The ’927 patent relates to side detection vehicle radar systems that control an alarm or alert indicator to increase the perceived coverage of a vehicle’s blind spot. Ex. 1001, 1:7–10. Figure 4 of the ’927 patent is reproduced below.

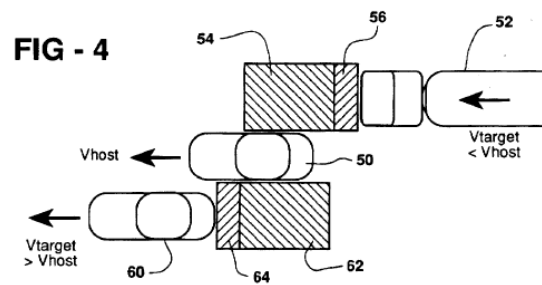


Figure 4 of the '927 patent illustrates radar coverage zones.

As illustrated in Figure 4 of the '927 patent, the radar system on the host vehicle 50 extends the perceived coverage of the vehicle's blind spots 54, 62 by zone extensions 56, 64. *Id.* at 4:7–21. The system prevents or minimizes radar signal dropouts due to signal flickers in order to improve the zone of coverage in a vehicle side radar detection system and minimizes annoying alert activity when passing stationary or slow moving targets. *Id.* at 2:10–15. The time of alert signal activation is measured and compared to a threshold time. *Id.* at 2:16–17. When the alert time is greater than or equal to the threshold time, a variable sustain time is applied to hold the alert signal on, which bridges the dropout periods due to low radar signal reflectivity. *Id.* at 2:25–28.

C. Illustrative Claim

Claim 1 is the only independent claim challenged. Claims 2 and 6 depend from claim 1. Claim 1, reproduced below, is illustrative.

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:
 - determining the relative speed of the host and target vehicles;

selecting a variable sustain time as a function of relative vehicle speed;
detecting target vehicle presence and producing an alert command;
activating an alert signal in response to the alert command;
at the end of the alert command, determining whether the alert signal was active for a threshold time; and
if the alert signal was active for the threshold time, sustaining the alert signal for the variable sustain time, wherein the zone of coverage appears to increase according to the variable sustain time.

Ex. 1001, 5:28–6:2.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Agravante	US 5,767,793	Issued June 16, 1998	(Ex. 1005)
Tsou	US 5,508,706	Issued Apr. 16, 1996	(Ex. 1006)
Pakett ¹	US 5,325,096	Issued June 28, 1994	(Ex. 1002)
Kawai ²	JP 04-348293	Published Dec. 3, 1992	(Ex. 1003)

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

Challenged Claims	Basis	References
1, 2, and 6	§ 103(a)	Agravante and Tsou

¹ Pakett is misidentified on pages iii and 4 of the Petition, and page 5 of Dr. Nikolaos Papanikolopoulos' Declaration (Ex. 1010 ¶ 14) as US 5,517,196. The citations in the Petition correspond to US 5,325,096, which appears as Exhibit 1002.

² A translation of Kawai is provided. Ex. 1004. For purposes of this Decision, citations herein are to the translation.

Challenged Claims	Basis	References
1, 2, and 6	§ 103(a)	Pakett and Kawai

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see also In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1278–79 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 890 (2016) (mem.). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Also, we must be careful not to read a particular embodiment appearing in the written description into the claim if the claim language is broader than the embodiment. *See In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (“limitations are not to be read into the claims from the specification”). However, an inventor may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).³

³ Petitioner acknowledges that “[the] application of either the broadest reasonable interpretation standard or the claim construction standard summarized in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005)

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