

## Signal IP Says Automakers Can't Invalidate Car Safety Patent

By **Dani Meyer**

*Law360, New York (July 21, 2015, 6:10 PM ET)* -- Signal IP Inc. fired back Monday against Nissan North America Inc., Mazda Motor of America Inc. and Subaru of America Inc.'s attempt to trim a suit accusing the automakers of infringing its car safety patents, arguing that a person familiar with the technology would understand a term used in a Signal patent.

Signal asked the court to deny the automakers' motion for partial summary judgment, rejecting their claim that the term "data format" in U.S. Patent Number 5,463,374 is indefinite and doesn't explain the scope of the invention. Instead, Signal argues that a person of ordinary skill in the art would be able to understand what the term refers to.

"Claim 1 of the '374 patent is not indefinite because the scope of the term 'data format,' read in light of the specification and prosecution history, would be reasonably certain to a person of ordinary skill in the art," Signal said in its opposition.

Signal also argued that it's unnecessary for the court to revise the patent, saying that Signal's mistaken reference in the patent to one of the figures as a "data format" wouldn't confuse someone with ordinary skill in the art.

Signal, a subsidiary of patent acquisition and monetization firm Marathon Patent Group Inc., fired off two bursts of complaints in April 2014 accusing a number of car companies of violating different combinations of seven of its patents.

The patents-in-suit cover a host of safety and efficiency features, including a radar system used to detect when objects enter a driver's blind spot and a method for determining whether to deploy an air bag based on which direction an infant is facing.

The patents also cover technology used in the car companies' cruise control, collision warning and keyless entry systems. Another patent describes a method for when to use electric power in a hybrid vehicle.

The '374 patent that the parties are currently feuding over is for tire pressure monitoring and shared keyless entry control.

On April 17, the court issued a claim construction order finding that certain terms in some of the claims of three of the patents were indefinite and, as a result, the parties stipulated on May 20 to a partial final

judgment of invalidity on those claims.

Representatives for the parties didn't immediately respond Tuesday to requests for comment.

The patent-in-suit is U.S. Patent Number 5,463,374.

Signal IP Inc. is represented by Ryan E. Hatch and Jason L. Haas of Liner LLP.

Mazda Motor of America Inc. and Subaru of America Inc. are represented by Patrick Dean, Paul R. Steadman, Matthew D. Satchwell, Steven J. Reynolds and Michael A. Geller of DLA Piper. Nissan North America Inc. is represented by Basil T. Webb, Patrick A. Lujin, Richard D. Eiszner, Douglas W. Robinson and Gabriel Scott Spooner of Shook Hardy & Bacon LLP.

The cases are Signal IP Inc. v. Mazda Motor of America Inc., case number 8:14-cv-00491; Signal IP Inc v. Nissan North America Inc., case number 2:14-cv-02962; and Signal IP Inc. v. Subaru of America Inc., case number 2:14-cv-02963; all in the U.S. District Court for the Central District of California.

--Additional reporting by Lisa Ryan. Editing by Katherine Rautenberg.

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