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Paper 19
Entered: April 27, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC,
Petitioner

v.

BLITZSAFE TEXAS, LLC,
Patent Owner

Case IPR2016-00118
Patent 8,155,342 B2

Before JAMESON LEE, THOMAS L. GIANNETTI, and HUNG H. BUI, *Administrative Patent Judges.*

BUI, *Administrative Patent Judge.*

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

I. INTRODUCTION

Petitioner, Unified Patents Inc., filed a Petition requesting an *inter partes* review of claims 1–25, 49, 73, 97, 120, and 121 of U.S. Patent No. 8,155,342 B2 (Ex. 1001, "the '342 patent"). Paper 1 ("Pet."). In response, Patent Owner, Blitzsafe Texas, LLC, filed a Preliminary Response. Paper 11 ("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."

Upon consideration of the arguments and evidence presented by Petitioner and Patent Owner, we are not persuaded that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of any one of claims 1–25, 49, 73, 97, 120, and 121 of the '342 patent. For reasons discussed below, we deny the Petition as to all challenges.

A. Related Matters

The '342 patent is involved in the following on-going litigations: (1) *Blitzsafe Texas, LLC v. Nissan Motor Co., Ltd. et al.*, 2-15-cv-01276, TXED, July 16, 2015; (2) *Blitzsafe Texas, LLC v. Toyota Motor Corp. et al.*, 2-15-cv-01277, TXED, July 16, 2015; (3) *Blitzsafe Texas, LLC v. Volkswagen Group of Am., Inc. et al.*, 2-15-cv-01278, TXED, July 16, 2015; (4) *Blitzsafe Texas, LLC v. Hyundai Motor Co. et al.*, 2-15-cv-01275, TXED, July 16, 2015; (5) *Blitzsafe Texas, LLC v. Honda Motor Co., Ltd. et al.*, 2-15-cv-

01274, TXED, July 16, 2015; (6) *Marlowe Patent Holdings LLC v. Dice Elects., LLC, et al.*, 3-10-cv-01199, NJD, March 5, 2010; and (7) *Card Verification Solutions, LLC v. JP Morgan Chase & Co.*, 1-13-cv-006338, ILND, September 4, 2013. Pet. 1–2.

Patent Owner also identifies other petitions requesting *inter partes* review of the '342 patent based on different prior art references, including: (1) *Toyota Motor Corp. v. Blitzsafe Texas, LLC*, IPR2016-00418, Petition for *Inter Partes* Review, (Dec. 30, 2015); and (2) *Toyota Motor Corp. v. Blitzsafe Texas, LLC*, IPR2016-00419, Petition for *Inter Partes* Review, (Dec. 30, 2015).

B. Real Party-in-Interest[1]

Petitioner certifies that Unified Patents Inc. is the real party-in-interest, and "further certifies that no other party exercised control or could exercise control over Unified's participation in this proceeding, the filing of this petition, or the conduct of any ensuing trial." Pet. 1. In support of this assertion, Petitioner files "Voluntary Interrogatory Responses," signed by its counsel and verified by its CEO. Ex. 1019.

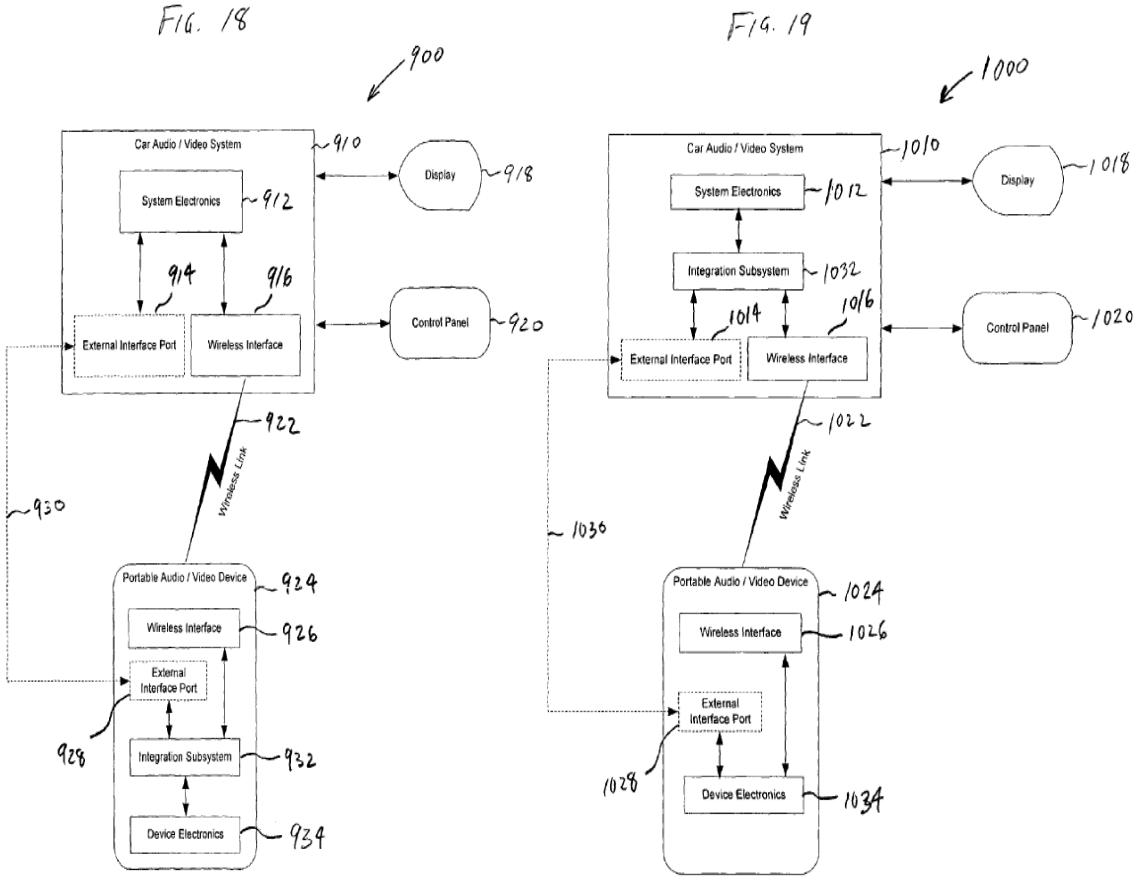
[1] Patent Owner contends that the Petition fails to identify all real parties-in-interest, as required under 35 U.S.C. § 312(a)(2). Prelim. Resp. 4–10. However, because we do not institute *inter partes* review, we need not address the real-parties-in-interest (RPI) issue substantively.

C. The ’342 Patent

The ’342 patent relates to a multimedia device integration system that allows a plurality of “after-market” portable devices to be integrated into an existing car audio/video (stereo) system, via an “integration subsystem,” while allowing information to be displayed on, and control to be provided from, the car audio/video system. *See* Ex. 1001, 2:44–54; Abstract. Examples of these portable devices include CD players, CD changers, digital media devices (e.g., MP3 players, Apple iPod, WMV players, portable media centers, and other devices), satellite receivers, DAB receivers, auxiliary input sources, video devices (e.g., DVD players), cellular telephones, or any combination thereof. *Id*.

The ’342 patent claims are directed to certain embodiments where wireless integration is provided between a car audio/video system and a portable device, via an integration subsystem. Ex. 1001, 33:43–46.

Figure 18 shows an integration subsystem positioned within a portable device, and Figure 19 shows an integration subsystem positioned within a car audio/video system, as reproduced below.



Figures 18 and 19 of the '342 patent show integration subsystems 932 and 1032 positioned, respectively, within portable device 924 or within car audio/video system 1010.

As shown in Figure 18, integration subsystem 932 positioned within portable device 924 allows information (data and control signals) to be exchanged between portable device 924 and car audio/video system 910, and processes and formats data accordingly so that instructions and data from car audio/video system 910 are processed by portable device 924, and vice versa. *See id.* at 33:43–35:62; Fig. 18. Similarly, as shown in Figure 19, integration subsystem 1032 positioned within car audio/video system 1010 allows information (data and control signals) to be exchanged between

portable device 1024 and car audio/video system 1010, and processes and formats data accordingly so that instructions and data from car audio/video system 1010 are processed by portable device 1024, and vice versa. *See id.* at 33:43–35:62; Fig. 19.

D. Illustrative Claim

Of the challenged claims, claims 1, 25, 49, 73, 97, 120, and 121 are independent. Claims 2–24 depend, directly or indirectly, from claim 1.

Claim 1, reproduced below, is illustrative.

> 1. A multimedia device integration system, comprising:
>
> an integration subsystem in communication with a portable device, the portable device external to a car audio/video system; and
>
> a first wireless interface in communication with said integration subsystem, said first wireless interface establishing a wireless communication link with a second wireless interface in communication with the car audio/video system,
>
> wherein said integration subsystem obtains information about an audio file stored on the portable device, transmits the information over said wireless communication link to the car audio/video system for subsequent display of the information on a display of the car audio/video system, instructs the portable device to play the audio file in response to a user selecting the audio file using controls of the car audio/video system, and transmits audio generated by the portable device over said wireless communication link to the car audio/video system for playing on the car audio/video system.

Ex. 1001, 39:5–25:24.

Claim 25 is substantially identical to claim 1, except that the audio file is "received by" instead of "stored on" the portable device. *Id*. at 40:50–

41:2. Similarly, claim 49 is substantially identical to claim 1, but leaves out the phrase "integration subsystem in communication with the portable device," and recites the second wireless interface as being with the portable device, instead of with the car audio/video system. *Id*. at 42:29–49. Claim 73 is substantially identical to claim 49, except that the audio file is "received by" instead of "stored on" the portable device. *Id*. at 44:4–23.

Claim 97 is similar to claim 1, but adds that the car stereo control commands are in a format incompatible with the portable device, and are re-formatted for purposes of compatibility. *Id*. at 45:45–63. Likewise, claim 120 is similar to claim 1, but adds that the data from the portable device is in a format incompatible with the car audio/video device, and is then re-formatted for purposes of compatibility. *Id*. at 46:63–47:18. Claim 121 is also similar to claim 1, but requires separate wireless links with both the portable device and the car audio/video system. *Id*. at 47:19–48:20.

E. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Ohmura	US 2001/0028717 A1	Oct. 11, 2001	(Ex. 1004)
Owens	US 2002/0084910 A1	July 4, 2002	(Ex. 1005)
Ahn	WO 02/096137 A1	Nov. 28, 2002	(Ex. 1006)
Coon	US 6,539,358 B1	Mar. 25, 2003	(Ex. 1007)
Beckert	US 6,175,789 B1	Jan. 16, 2001	(Ex. 1008)
Perry	US 2003/0025830 A1	Feb. 6, 2003	(Ex. 1010)
Flick	US 2001/0029415 A1	Oct. 11, 2001	(Ex. 1011)
Tranchina	US 7,493,645 B1	Feb. 17, 2009	(Ex. 1012)
Lutter	US 2002/0196134 A1	Dec. 26, 2002	(Ex. 1013)
McConnell	US 6,608,399 B2	Aug. 19, 2003	(Ex. 1014)
Eiche	US 2002/0137505 A1	Sept. 26, 2002	(Ex. 1015)

Petitioner also relies on the Declaration of Dr. Prasant Mohapatra ("Mohapatra Decl."). Ex. 1002.

F. Asserted Grounds of Unpatentability

Petitioner challenges claims 1–25, 49, 73, 97, 120, and 121 of the '342 patent under 35 U.S.C. § 102[2] and § 103(a) on the following grounds:

Challenged Claims	Basis	References
Claims 1–4 and 49	§ 102	Ohmura
Claims 1–4 and 49	§ 103(a)	Owens and Ahn
Claims 25 and 73	§ 103(a)	Ohmura and Anh
Claims 5 and 97	§ 103(a)	Ohmura and Flick
Claims 5 and 97	§ 103(a)	Owens, Ahn, and Flick
Claims 6 and 120	§ 103(a)	Ohmura and Tranchina
Claims 6 and 120	§ 103(a)	Owens, Anh, and Tranchina
Claims 7–10	§ 103(a)	Ohmura and Coon
Claims 7–10	§ 103(a)	Owens, Ahn, and Coon
Claim 11	§ 103(a)	Ohmura and Lutter
Claim 11	§ 103(a)	Owens, Ahn, and Lutter
Claims 12–18, 20–21, and 23–24	§ 103(a)	Ohmura and McConnell
Claims 12–18, 20–21, and 23–24	§ 103(a)	Owens, Ahn, and McConnell
Claim 19	§ 103(a)	Ohmura and Beckert

[2] Petitioner does not identify the subsection of 35 U.S.C. § 102 for anticipation based on Ohmura. Nevertheless, in this case no such identification is necessary because the reference does not disclose all elements of any claim.

Challenged Claims	Basis	References
Claim 19	§ 103(a)	Owens and Ahn
Claim 22	§ 103(a)	Ohmura, McConnell, and Tranchina
Claim 22	§ 103(a)	Owens, Ahn, McConnell, and Tranchina
Claim 121	§ 103(a)	Ohmura and Eiche
Claim 121	§ 103(a)	Owens, Ahn, and Eiche

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given 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*, 778 F.3d 1271, 1281–1282 (Fed. Cir. 2015), *cert. granted sub nom. Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 890 (mem.) (2016). Even under the rule of broadest reasonable interpretation, claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes constructions for two claim terms: (1) "integration subsystem" and (2) "multimedia device integration system" as recited in challenged claims 1–25, 49, 73, 97, 120, and 121. Pet. 15–16. The term "multimedia device integration system" is recited as a preamble of each of independent claims 1, 25, 49, 73, 97, and 120, whereas the term "integration

subsystem" is recited in the body of each independent claim 1, 25, 49, 73, 97, 120, and 121.

Petitioner proposes that the term "integration subsystem" means "a processor and associated software and memory." Pet. 15. According to Petitioner, the '342 patent simply shows a box labelled "integration subsystem" positioned within the portable device or within the car audio/video system, shown in Figures 18–23, and describes "integration" as being handled by a microcontroller to perform the functions: "obtaining information about the audio file, transmitting a control command to select a file, and instructing the audio device to transmit the file." *Id*. at 15 (citing Ex. 1001, 8:64–9:19, 13:9–19).

Patent Owner responds that a construction of "integration subsystem" is not necessary, but if such a construction were necessary, Petitioner's proffered construction of "integration subsystem" is incorrect and inconsistent with its ordinary and customary meaning in light of the claims and Specification of the '342 patent. Prelim. Resp. 11–13. Specifically, Patent Owner argues Petitioner's proposed construction fails to account for the special definition of the term "integration" described in the '342 patent's Specification and the plain meaning of the term "subsystem" itself, which requires that the subsystem be subordinate to another system. *Id*. at 12–13.

We agree with Patent Owner that a proper construction of "integration subsystem" must serve the purpose of "integration" and must be a "subsystem" as described in the '342 patent and as recited in the claims. *Id*. at 13. At the outset, we note the term "integration" is expressly defined in the '342 patent as follows:

> As used herein, the term "*integration*" or "*integrated*" is intended to mean [1] connecting one or more external devices or inputs to an existing car stereo or video system via an interface, [2] processing and handling signals, audio, and/or video information, [3] allowing a user to control the [external] devices via the car stereo or video system, and [4] displaying data from the devices on the car stereo or video system.

Ex. 1001, 8:64–9:3 (emphasis added) (brackets added).

When the specification of a patent contains a "special definition given to a claim term by the patentee," that definition controls interpretation of the term as it is used in the claim. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc).

The term "integration subsystem" is used in the '342 patent in relation to wireless integration embodiments between an existing car audio/video system and a portable device, shown in Figures 18–24. Ex. 1001, 33:43–38:67, Figs. 18–24. In particular, the '342 patent's Specification describes the "integration subsystem" as being positioned within the portable device, shown in Figure 18, or within the car audio/video system, shown in Figure 19. Ex. 1001, 34:9–13, 35:23–28; Figures 18–19.

Based on the special definition of the term "integration" provided by the '342 patent, we construe the term "integration subsystem" as meaning:

> A subsystem to perform at least: (1) connecting one or more portable devices or inputs to the car audio/video system via an interface, (2) processing and handling signals, audio, and/or video information, (3) allowing a user to control the one or more portable devices via the car audio/video system, and (4) displaying data from the one or more portable devices on the car audio/video system.

With respect to the term "multimedia device integration system," Petitioner proposes that term as meaning "a system that provide [sic] audio or video and a display." Pet. 15–16. Patent Owner responds that a construction of "multimedia device integration system" is not necessary, but if such a construction were necessary, Petitioner's proffered construction of "integration subsystem" is incorrect for failure to account for the "integration" limitation. Prelim. Resp. 14.

We agree with Patent Owner. Nevertheless, having construed the term "integration subsystem," we are not persuaded that an express construction of the term "multimedia device integration system" is necessary except to say simply that the integration system must perform the "integration" function defined in the Specification of the '342 patent. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc*., 200 F.3d 795, 803 (Fed. Cir. 1999) ("[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.")

B. Legal Standard for 35 U.S.C. §§ 102 & 103(a)

Having considered the meaning of the claims, we turn next to whether claims 1–25, 49, 73, 97, 120, and 121 of the '342 patent are unpatentable under 35 U.S.C. §§ 102 & 103(a) in view of the prior art submitted by Petitioner. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Obviousness is determined on the basis of underlying factual inquiries, including: (1) the scope and content of the prior art; (2) differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) secondary considerations of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). A patent claim is unpatentable under 35 U.S.C. § 103 if *the differences* between the claimed subject matter and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (emphasis added). However, a conclusion of obviousness "cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

For this decision, we determine that no express finding on the level of ordinary skill in the art is necessary, and that the level of ordinary skill in the art is reflected by the prior art of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995); *In re Oelrich*, 579 F.2d 86, 91 (CCPA 1978).

C. Alleged Anticipation of Claims 1–4 and 49 based on Ohmura

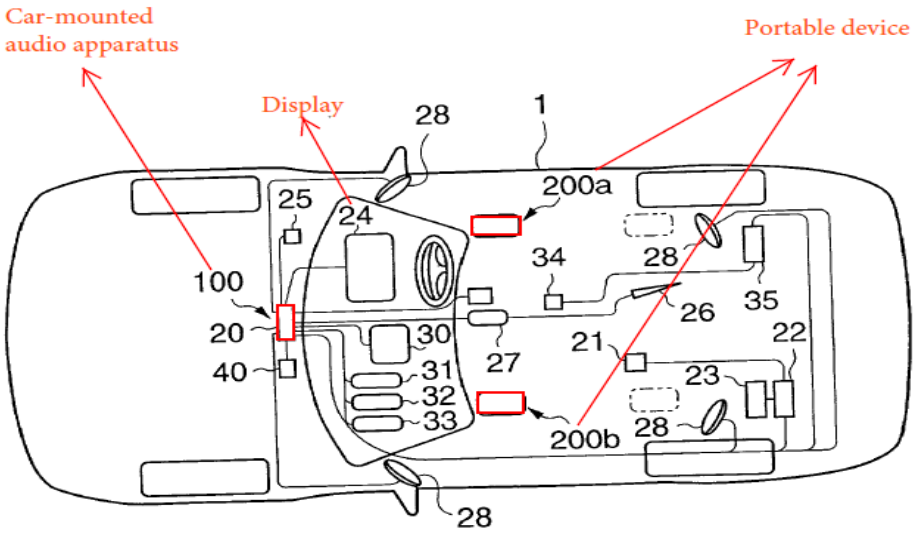
Petitioner contends that claims 1–4 and 49 are anticipated by Ohmura under 35 U.S.C. § 102. Pet. 17–24. To support its contentions, Petitioner provides a claim chart and detailed explanations as to how Ohmura allegedly meets each claim limitation. *Id*. at 21–22. Petitioner also relies upon a

Declaration of Dr. Prasant Mohapatra, who has been retained as an expert witness by Petitioner for the instant proceeding. Ex. 1002. For the reasons that follow, Petitioner has not shown a reasonable likelihood that it would prevail in establishing anticipation of any one of claims 1–4 and 49 by Ohmura.

(1) Ohmura: Exhibit 1004

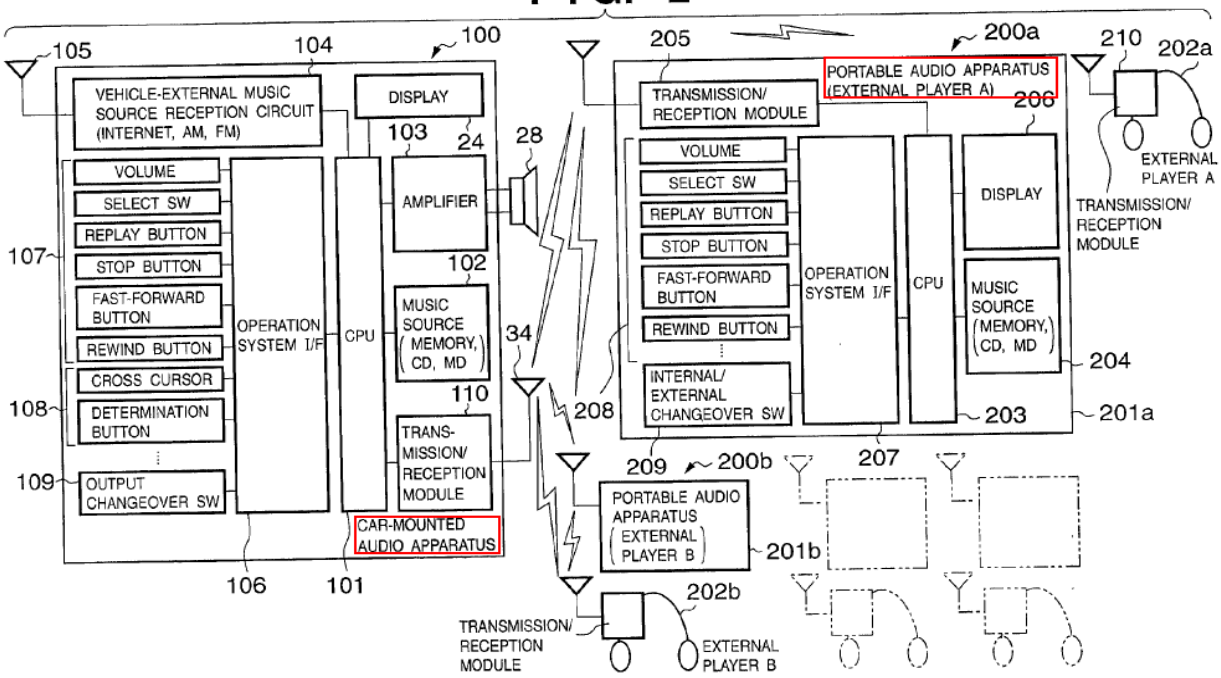
Ohmura discloses car audio/video system 100 mounted in vehicle 1 and portable devices 200a–200b carried into vehicle 1 by passengers that communicate wirelessly with car audio/video system 100, shown in Figures 1 and 2. Ex. 1004 ¶ 56, Abstract. Ohmura's Figures 1 and 2 are reproduced below with additional markings inserted, in red, for illustration.

FIG. 1



Ohmura's Figure 1 shows car audio/video system 100 with display 24 mounted in vehicle 1 and portable devices 200a–200b that communicate wirelessly with car audio/video system 100.

FIG. 2



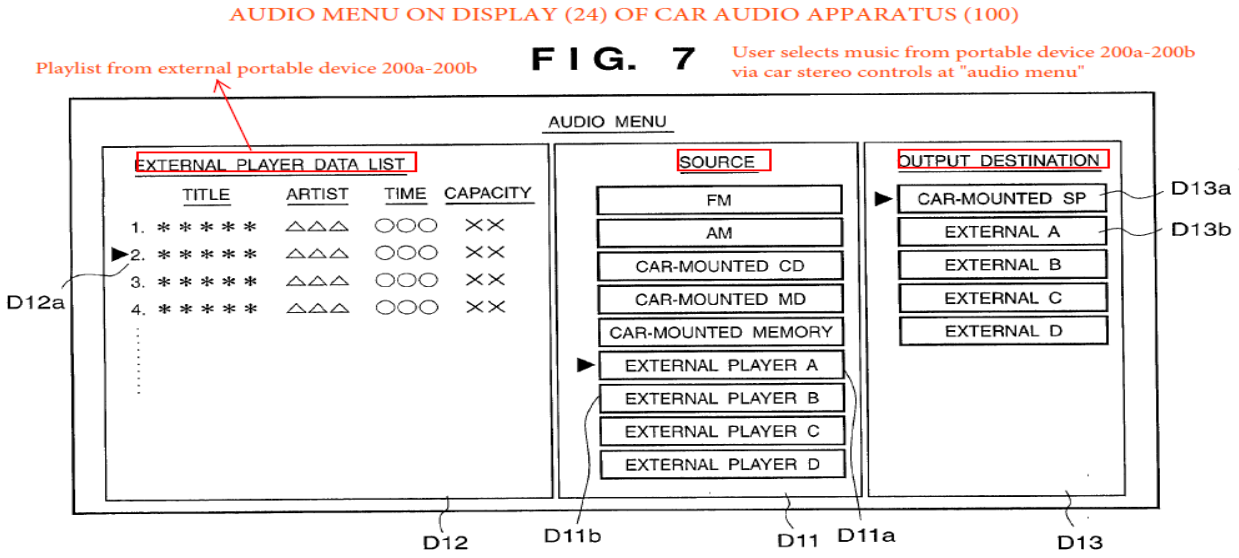
Ohmura's Figure 2 shows car audio/video system 100 with display 24 that communicates wirelessly with portable devices 200a–200b, via Bluetooth.

As shown in Ohmura's Figure 2, car audio/video system 100 and portable devices 200a–200b transmit/receive music data to/from each other via transmission/reception modules 110, 205[3] using a short-range radio such as Bluetooth, and allow car audio system 100 to control portable devices 200a–200b. Ex. 1004 ¶¶ 84–85, 89.

Ohmura describes the use of an "audio menu" on display 24 of car audio/video system 100, as shown in Figure 7, to provide a visual display of a playlist of music data (e.g., music titles, artist names and data volumes) for

[3] In Ohmura's Figure 2, only portable device 200a is shown in detail. However, it is understood that portable device 200b has the same transmission/reception module as portable device 200a.

user selection of music data from a music source (e.g., FM, AM, car-mounted CD or external portable devices A–D) for an output destination (e.g., car-mounted speakers or external portable devices A–D). Ex. 1004 ¶¶ 113–115. Figure 7 of Ohmura is reproduced below with additional markings inserted, in red, for illustration.



Ohmura's Figure 7 shows an "audio menu" screen provided on display 24 of car audio/video system 100 to allow a user to select music data from a music source D11 (portable devices 200a–200b) for an output destination D13.

(2) Analysis of Anticipation

Independent claims 1 and 49 each recite a "multimedia device integration system" which comprises: [A] "an integration subsystem" and [B] first and second wireless interfaces, and requires the [A] "integration subsystem" *inter alia:* [C] "instructs the portable device to play the audio file in response to a user selecting the audio file using controls of the car audio/video system, and [transmits/receives] *audio generated by the portable device* over said wireless communication link to the car audio/video

system for playing on the car audio/video system." Ex. 1001, 39:6–24 (emphasis added).

Based on its own proffered construction of "integration subsystem" as "a processor and associated software and memory" and Dr. Mohapatra's testimony (Ex. 1002 ¶¶ 20–24), Petitioner argues that (1) the claimed [A] "integration subsystem" is met by Ohmura's operating system 106 and CPU 101 of the car audio/video system 100 or the operating system 207 and CPU 203 of the portable device 200a–200b and its inherent associated memory, shown in Figure 2; and (2) the claimed [B] "first and second wireless interfaces" are met by the "transmission/reception modules" 110 (car audio/video system) and 205 (portable device). Pet. 8–9.

Patent Owner does not dispute Ohmura's "transmission/reception modules" 110, 205 as the claimed [B] "first and second wireless interfaces." However, Patent Owner argues that: (1) Ohmura's operating system does not constitute "software" and (2) there is no memory inherently present in Ohmura's CPU. Prelim. Resp. 18–19. According to Patent Owner, Ohmura's operating system can also be implemented purely as hardware such as a field-programmable gate array (FPGA). *Id*. at 18.

Neither party sufficiently addresses the claim limitation at issue. As previously discussed, our construction of "integration subsystem" is:

> A subsystem to perform at least: (1) connecting one or more portable devices or inputs to the car audio/video system via an interface, (2) processing and handling signals, audio, and/or video information, (3) allowing a user to control the one or more portable devices via the car audio/video system, and (4) displaying data from the one or more portable devices on the car audio/video system.

Based on our construction, we are not sufficiently persuaded that Ohmura's CPU 101, 203 positioned within car audio system 100 or portable device 200a–200b, shown in Figures 2 and 7, alone can be said to meet the "integration subsystem" recited in independent claims 1 and 49. Petitioner does not account for or direct us to where each of the functions performed by the claimed "integration subsystem" is found in Ohmura's CPU as is required by 37 C.F.R. § 42.104(b)(4).

Claims 1 and 49 also require that the [A] "integration subsystem … [C] instructs the portable device to play the audio file in response to a user selecting the audio file using controls of the car audio/video system, and [transmits/receives] *audio generated by the portable device* over said wireless communication link to the car audio/video system for playing on the car audio/video system." Ex. 1001, 39:14–24, 42:37–47 (emphasis added). In claim 1, the integration subsystem instructs the portable device to play an audio file and transmits the audio generated by the portable device over a wireless link to the car audio/video system. In claim 49, the integration subsystem also instructs the portable device to play an audio file, but the integration subsystem receives the audio generated by the portable device over the wireless link for playing on the car audio/video system.[4] In both claims, the "audio generated by the portable device" is the result of

[4] The difference between Claims 1 and 49 is that in Claim 1, the integration subsystem is connected to the car audio/video system by a wireless link, whereas in Claim 49, the integration subsystem is connected to the portable device by a wireless link. In both claims, however, the portable device plays the audio file. Ex. 1001, 39:14–24, 42:37–47.

playing the audio file. We refer to the requirement that audio generated by the portable device as the result of playing the audio file as "the audio generated by the portable device" limitation.

Petitioner contends that the additional [C] functions of the claimed [A] "integration subsystem" are met by Ohmura's CPU 101 and associated functions, shown in Figure 4, including user selection of an audio file from a play list from the portable device, via "audio menu" screen provided on display 24 of the car audio/video apparatus 100, shown in Figure 7, described in paragraphs 84, 99, 111, 113, and 204 as outlined in a claim chart at pages 21–22 of the Petition. Pet. 19–22 (citing Ohmura ¶¶ 84, 99, 111, 113, 204). In particular, Petitioner argue that the additional [C] functions "of controlling the portable device with the car stereo controls is shown in paragraph 111" of Ohmura. *Id*. at 20.

Patent Owner responds that Ohmura does not disclose the "audio generated by the portable device" limitation as recited in the challenged claims 1 and 49. Prelim. Resp. 19–22. According to Patent Owner, Ohmura does not disclose that the portable device plays an audio file because Ohmura teaches that audio data ("music file") is stored on the car audio/video system and played at the car audio/video system. *Id*. at 20 (citing Ex. 1004 ¶¶ 68–69). Likewise, the cited paragraphs of Ohmura outlined in the claim chart only describe: (1) user selection of an audio file from a list of audio files and (2) audio generated by the car audio/video system. *Id*. at 20–22 (citing Exhibit 1004 ¶¶ 69, 84, 113). The cited paragraphs of Ohmura do not describe the "audio generated by the portable device" limitation as recited in the challenged claims 1 and 49. *Id*.

We agree with Patent Owner. According to Ohmura, when music is selected by a user from a portable device 200a–200b, for an output destination D13, i.e., speakers in the vehicle shown in Ohmura's Figure 7, music data (i.e., music file) is sent from the portable device 200a–200b and received at the car audio/video system 100. *See* Ex. 1004 ¶¶ 71, 113. That music data (music file) is temporarily stored in an information storage unit of the car audio system 100 and is then reproduced or outputted as music (audio) from the speakers 28 in the vehicle. Ex. 1004 ¶¶ 119–122. In other words, Ohmura's music data, i.e., the music file, is transferred from the portable device to the car audio/video system. *Id*. at ¶ 84. According to Ohmura, audio is generated on the car audio/video system by playing a transferred music file and *not* generated on the portable device by playing a music file on the portable device as is required by the claims.

Because Ohmura does not disclose the "integration subsystem" and the "audio generated by the portable device" limitations, we are not persuaded that Petitioner has established a reasonable likelihood that independent claims 1 and 49 and dependent claims 2–4 are anticipated by Ohmura under 35 U.S.C. § 102(b).

D. Alleged Obviousness of Remaining Claims 5–25, 73, 97, 120, and 121 based on Ohmura and Various Secondary References, including Ahn, Coon, Beckert, Flick, Tranchina, Lutter, McConnell, and Eiche.

Claims 25, 73, 97, 120, and 121 are independent and each also recites the "integration subsystem" and the "audio generated by the portable device" limitations of challenged claims 1 and 49 in addition to other

limitations not disclosed by Ohmura. For example, claims 25 and 73 each further require the audio file to be "received by" instead of "stored on" the portable device (e.g., the portable device that streams or receives music). Ex. 1001, 40:50–41:2. Claim 97 further requires the car stereo control commands to be in a format incompatible with the portable device, and to be re-formatted for purposes of compatibility. *Id*. at 45:45–63. Likewise, claim 120 further requires the data from the portable device is in a format incompatible with the car audio/video device, and is then re-formatted for purposes of compatibility. *Id*. at 46:63–47:18. Claim 121 further requires the integration subsystem have separate wireless links with both the portable device and the car audio/video system. *Id*. at 47:19–48:20.

Petitioner contends these additional features are disclosed in several secondary references. For example, Petitioner alleges: (1) music streaming feature recited in claims 25 and 73 is allegedly disclosed by Ahn (Pet. 34–35); (2) conversion of incompatible control signals recited in claim 97 is allegedly disclosed by Flick (Pet. 35–37); (3) conversion of incompatible data recited in claim 120 is allegedly disclosed by Tranchina (Pet. 37–39); and (4) separate wireless links with both the portable device and the car audio system recited in claim 121 are allegedly disclosed by Eiche (Pet. 55–56) in order to support the conclusion of obviousness. Pet. 34–39, 55–56.

Because Ohmura does not disclose the "integration subsystem" and the "audio generated by the portable device" limitations and these secondary references do not remedy the deficiencies of Ohmura, we are not persuaded that Petitioner has established a reasonable likelihood that the remaining independent claims 25, 73, 97, 120, and 121 are unpatentable under

35 U.S.C. § 103(a) as obvious over Ohmura in view of these secondary references.

Similarly, claims 5–24 depend, directly or indirectly, from independent claim 1, and each further recites additional aspects of integration, control signals and data format conversion, voice recognition, speech synthesizer, and different types of portable devices. Petitioner contends these additional features are disclosed by Flick (Pet. 37), Tranchina (Pet. 37–40, 53), Coon (Pet. 40–42), Lutter (Pet. 44–45), McConnell (Pet. 46–52), and Beckert (Pet. 52–53). Again, because Ohmura does not disclose the "integration subsystem" and the "audio generated by the portable device" limitations and these secondary references do not remedy the deficiencies of Ohmura, we are not persuaded that Petitioner has established a reasonable likelihood that dependent claims 5–24 are unpatentable under 35 U.S.C. § 103(a) as obvious over Ohmura in view of these secondary references.

E. Alleged Obviousness of Claims 1–4 and 49 based on Owens and Ahn

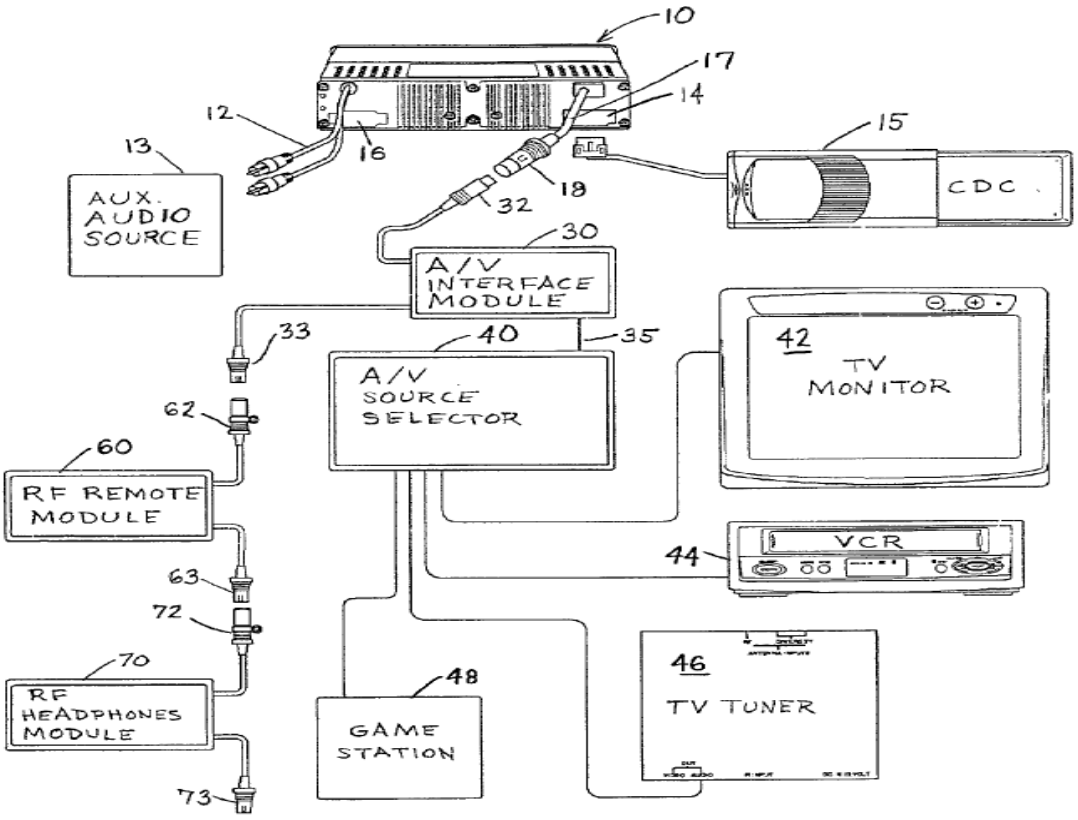
Petitioner contends that claims 1–4 and 49 are unpatentable under 35 U.S.C. § 103(a) as obvious over the combination of Owens and Ahn. Pet. 24–34. To support its contentions, Petitioner provides a claim chart and detailed explanations as to how the combination of Owens and Ahn meets each claim limitation. *Id*. at 31–32. Petitioner also relies upon the

Declaration of Dr. Mohapatra to support the assertion of obviousness. Ex. 1002 (citing ¶¶ 29–44).

We have considered Petitioner's analysis and supporting evidence, as well as Patent Owner's arguments presented in the Preliminary Response (Prelim. Resp. 23–34), and are not persuaded that Petitioner has demonstrated a reasonable likelihood that it would prevail on this challenge.

(1) Owens: Exhibit 1005

Owens describes traditional "head unit" 10 of a car audio system to allow various expansion modules to be added-on and connected thereto, via traditional cables 12, 14, 16–18, including, for example, CD changer (CDC) 15 and A/V interface module 30 connecting to a variety of other devices, shown in Figure 1. Ex. 1005 ¶¶ 6, 10; Abstract. Figure 1 of Owens is reproduced below.



Owens' Figure 1 shows "head unit" 10 of a car audio system to provide add-on expansion modules, via traditional cables 12, 14, 16–18, including CDC 15 and A/V interface module 30.

Owens describes a schematic circuit diagram of "head unit" 10, shown in Figure 9, in terms of a dedicated integrated circuit (IC) including a "master microprocessor" to perform all the system selection functions, to send/receive signals from various expansion modules, and to control all the indicia which appear on the display 21. Ex. 1005 ¶ 34. Figure 9 of Owens is reproduced below.

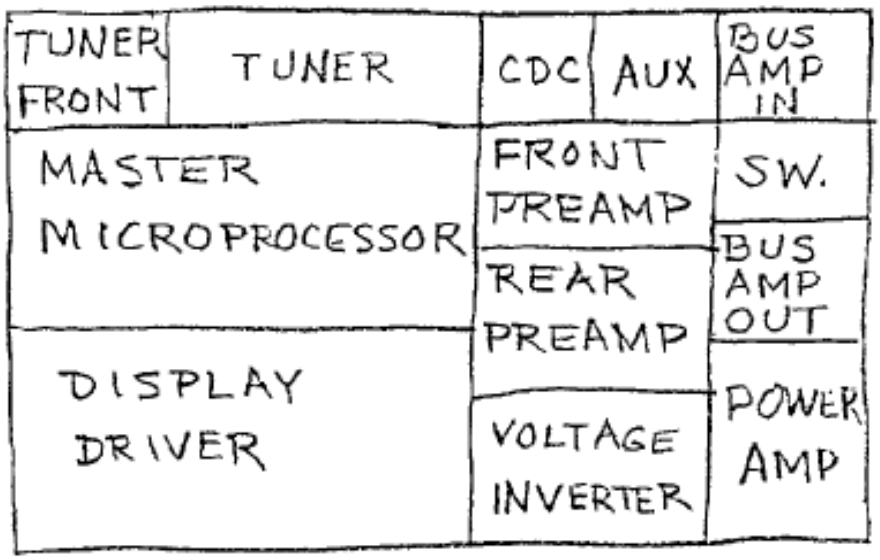
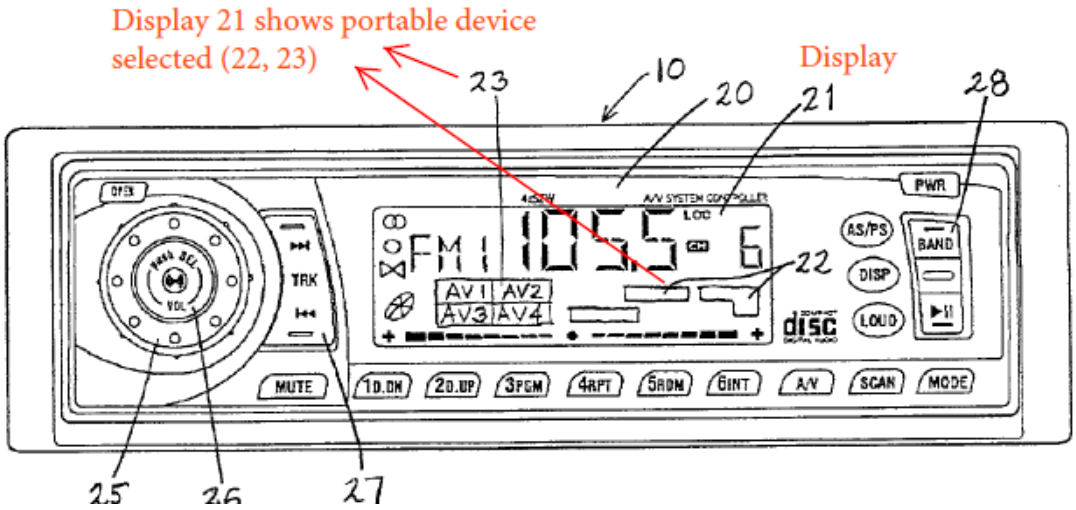


FIG. 9

Owens' Figure 9 shows a dedicated integrated circuit (IC) in head unit 10 including a "master microprocessor."

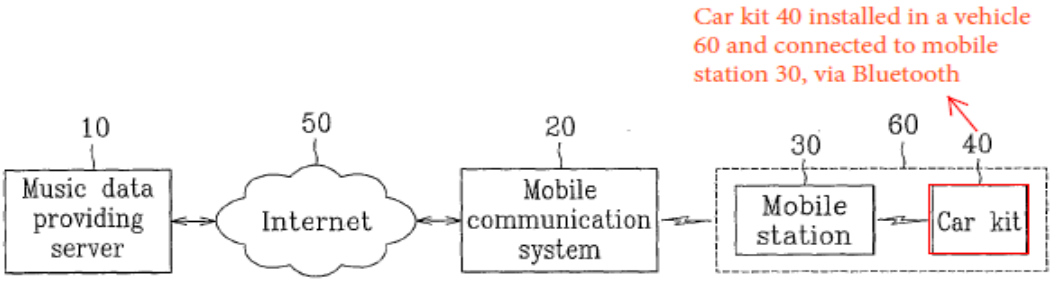
Owens shows car stereo LCD display 21 and various controls to provide a visual display of portable devices selected 22, 23, as shown in Figure 10. Ex. 1005 ¶¶ 35–36. Figure 10 of Owens is reproduced below with additional markings inserted, in red.



Owens' Figure 10 shows LCD display 21 of a car audio system to display added-on portable devices selected 22, 23.

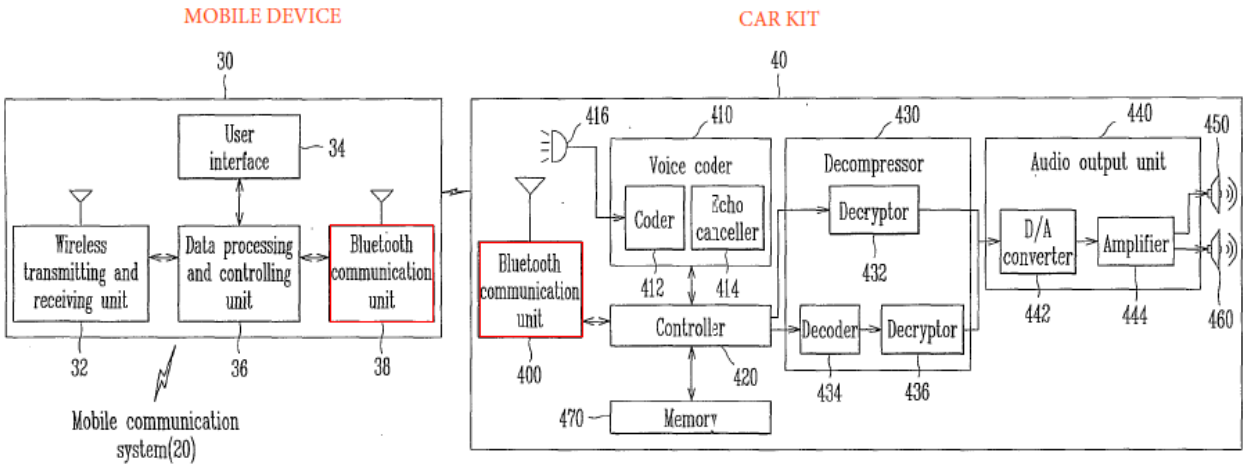
(2) Ahn: Exhibit 1006

Ahn describes an online music providing system, shown in Figures 1 and 2, to stream music over Internet 50 wirelessly to mobile device 30, which in turn provides the music to car audio system (car kit) 40, via a wireless Bluetooth. Ex. 1006, Abstract. Ahn's Figure 1 is reproduced below with additional markings inserted, in red, for illustration:



Ahn's Figure 1 shows an online music providing system, via car audio system (car kit) 40.

Ahn describes the use of Bluetooth transceiver 38 in mobile device 30 and Bluetooth transceiver 400 in car audio system (car kit) 40 for wireless communication, as reproduced below with additional markings.



Ahn's Figure 2 shows the use of Bluetooth transceivers 38, 400 (in red box) in mobile device 30 and car audio system (car kit) 40.

(3) Analysis of Obviousness

Petitioner relies on Owens for allegedly disclosing all aspects of the challenged claims 1 and 49, except for the wireless Bluetooth connection disclosed by Ahn. Pet. 28–30. Petitioner then concludes that "it would have been obvious to substitute the Bluetooth interface of *Ahn* for the wired bus of *Owens*" so as "to provide a more flexible wireless connection in place of the wired connection of *Owens*." *Id*. at 29, 30. Petitioner also concludes that because Owens also describes the use of a wireless remote control of the "head unit," a person skilled in the art also would look for wireless implementations of data and other control functions, as shown in Ahn. *Id*. at 30 (citing Owens ¶¶ 40–41).

In particular, Petitioner argues that: (1) the claimed [A] "integration subsystem" is met by Owens' "master microprocessor" of the car audio system, shown in Owens' Figure 9 and its inherent associated memory; and (2) the claimed [B] "first and second wireless interfaces" are met by what Petitioner describes as "the 'transmission/reception modules' 110 (car audio/video system) and 205 (portable apparatus) of *Ahn*."[5] *Id*. at 29. Petitioner also argues that the additional claimed [C] functions of controlling the portable device with the car stereo controls performed by the claimed

[5] Ahn does not disclose any "'transmission/reception modules' 110 (car audio/video system) and 205 (portable apparatus)" as alleged by Petitioner. Instead, Ahn discloses the use of Bluetooth communication unit 400 (car audio system) and 38 (portable device), as shown in Figure 2. It appears that Petitioner has cut and pasted that portion from the proposed ground of anticipation based on Ohmura from page 20 of the Petition.

[A] "integration subsystem" are met by the operations of Owens' "master microprocessor" outlined in a claim chart at pages 31–32 of the Petition. *Id*. at 29–30 (citing Owens ¶¶ 6, 34–35, 37, 39).

Patent Owner responds that Petitioner's *Graham* analysis is deficient for several reasons including the failure to: (1) specify the differences between the claim and the asserted references; (2) articulate with particularity where each element of the claims are found; and (3) specify why one of ordinary skill in the art would have been motivated to modify one or more of the references to arrive at the claim. Prelim. Resp. 23–34 (citing 37 C.F.R. § 42.104(b)(4)). For example, Patent Owner contends the Petitioner fails to identify how either Owens or Ahn teaches or suggests:

> (i) "an integration subsystem" and (ii) "instructs the portable device to play the audio file in response to a user selecting the audio file using controls of the car audio/video system and [transmits/receives] audio generated by the portable device . . ." or a "portable device" either alone or in combination.

Id. at 26 (emphasis added). According to Patent Owner, Petitioner fails to account for: (1) the "associated software and memory" with Owens' "master microprocessor" shown in Figure 9; and (2) Owens' "master microprocessor" "instructs the portable device to play the audio file … and [transmits/receives] audio generated by the portable device" as recited in the challenged claims 1 and 49. *Id*. at 27–28 (emphasis added).

Patent Owner further contends Petitioner's reason to combine Owens and Ahn is conclusory because "Petitioner does not explain how or why a wireless connection is more flexible than a wired connection, ignores any drawbacks or challenges in substituting a wireless connection for a wired

connection, and does not identify the specific changes that would be required to implement the substitution." *Id*. at 30. For example, Patent Owner argues there is no support for the premise that Owens' disclosure of a remote control, which transmits only control signals to a head unit, would have motivated an artisan to use a wireless interface for (1) transmitting control signals *from the integration subsystem to the portable device*, and (2) for transmitting *audio* generated by the portable device to the integration subsystem. *Id*. at 31.

We agree with Patent Owner in part. First, as previously discussed, our construction of "integration subsystem" is:

> A subsystem to perform at least: (1) connecting one or more portable devices or inputs to the car audio/video system via an interface, (2) processing and handling signals, audio, and/or video information, (3) allowing a user to control the one or more portable devices via the car audio/video system, and (4) displaying data from the one or more portable devices on the car audio/video system.

Based on our construction, we are not persuaded that Owens' master microprocessor installed at "head unit" 10 of the car audio system, shown in Owens' Figure 9, alone can be said to meet the "integration subsystem" recited in independent claims 1 and 49. Petitioner does not account for or direct us to where each of the functions performed by the claimed "integration subsystem" is found in Owens' master microprocessor as required by 37 C.F.R. § 42.104(b)(4).

Second, we are also not persuaded that Owens' "master microprocessor" in the form of a dedicated integrated circuit (IC) shown in

Figure 9, "instructs the portable device to play the audio file … and [transmits/receives] audio generated by the portable device" in the manner recited in the challenged claims 1 and 49. Rather, Owens' "master microprocessor" is only described as performing "all the system selection functions as may be selected by the menu and remote controls," and sending and receiving "signals to the various peripherals in clocked time slots." *See* Owens, Exhibit 1005 ¶ 34, Figure 9. Likewise, Owen's Figure 9 only shows the dedicated integrated circuit (IC) installed at "head unit" 10 of the car audio system, and not at the alleged "portable device," which Petition contends is the CD changer in Owens. *Id*. Contrary to Petitioner's contention, Owen's disclosure is insufficient to establish the "integration" functions of the claimed "integration subsystem" and the specific relationship between the claimed "integration subsystem" and the portable device, i.e., instructing the portable device to play the audio file and then transmitting/receiving "audio generated by the portable device" as the result of playing the audio file in the manner suggested by the claims.

Third, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR*, 550 U.S. at 418. A determination of unpatentability on a ground of obviousness must include "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* (quoting *In re Kahn*, 441 F.3d at 988). The reasoning is important "because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known."

Id. at 418–19. Petitioner must not only articulate a reason to combine the teachings of Owens and Ahn supported by "some rational underpinnings," but must also show that the combination of Owens and Ahn meets the subject matter of the '342 patent with a reasonable expectation of success. *See PAR Pharm., Inc. v. TWI Pharm., Inc.*, 773 F.3d 1186, 1193 (Fed. Cir. 2014).

Here, because Owens' "master microprocessor" fails to account for the claimed "integration subsystem" including (1) its "integration" functions and (2) the "audio generated by the portable device" limitation, we are not persuaded that the proposed modification of Owens to incorporate wireless Bluetooth connections as disclosed by Ahn would arrive at the subject matter of the '342 patent. For example, incorporating the wireless Bluetooth connections as disclosed by Ahn into Owens' "head unit" for a car audio system equipped with traditional cables for added-on expansion modules may allow for Owens' "head unit" of the car audio system to communicate with Ahn's mobile device, via Bluetooth. However, Owen's "head unit" still does not and cannot instruct Ahn's mobile device or any other portable device to play the audio file and transmit/receive "audio generated by the portable device" as the result of playing the audio file in the manner suggested by the claims.

Because neither Owens nor Ahn discloses the "integration subsystem" and the "audio generated by the portable device" limitations and because Petitioner's proposed modification of Owens to incorporate wireless Bluetooth connections as disclosed by Ahn fails to arrive at the subject matter of the '342 patent, we are not persuaded that Petitioner has

established a reasonable likelihood that independent claims 1 and 49 and dependent claims 2–4 are unpatentable under 35 U.S.C. § 103(a) as obvious over Owens and Ahn.

F. Alleged Obviousness of Remaining Claims 5–25, 73, 97, 120, and 121 based on Owens, Ahn and Other Secondary References, including Flick, Tranchina, Coon, Lutter, McConnell, and Eiche.

Claims 25, 73, 97, 120, and 121 are independent and each recite the "integration subsystem" and the "audio generated by the portable device" limitations recited in the challenged claims 1 and 49 in combination with additional features not said to be disclosed by either Owens or Ahn. Similarly, claims 5–24 depend, directly or indirectly, from independent claim 1, and further recite additional aspects of integration, control signals and data format conversion, voice recognition, speech synthesizer, and different types of portable devices.

Because Petitioner's obviousness arguments are deficient for reasons discussed above and none of these secondary references, as applied by Petitioner, cures the defects of the combination of Owens and Ahn, we are not persuaded that Petitioner has established a reasonable likelihood that the remaining claims 5–25, 73, 97, 120, and 121 are unpatentable under 35 U.S.C. § 103(a) as obvious over the combination of Owens and Ahn in view of these secondary references.

III. CONCLUSION

For the foregoing reasons, and having considered the Petition and all of the arguments presented in the Preliminary Response, we determine the information presented in the Petition does not establish a reasonable

likelihood that Petitioner would prevail in showing the unpatentability of any one of claims 1–25, 49, 73, 97, 120, and 121 of the ’342 patent.

IV. ORDER

Accordingly, it is:

ORDERED that the Petition is *denied* as to all challenged claims and no trial is instituted.

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