

Petition for *Inter Partes* Review of U.S. Patent No. 7,929,902

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC AND
FREEDMAN ELECTRONICS PTY LTD,
Petitioners

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00231

Patent 7,929,902

PETITION FOR INTER PARTES REVIEW

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Exhibit No.	Description
1001	United States Patent 7,929,902
1002	Declaration of Professor Chris Kyriakakis
1003	United States Patent No. 6,825,875 (“Strub”)
1004	United States Patent No. 5,479,351 (“Woo”)
1005	United States Publication No. 2002/0159179 (“Nagai”)
1006	United States Patent Publication No. 2004/0028241 (“Gleissner”)
1007	[Reserved]
1008	United States Patent No. 7,483,485 (“Winningstad”)
1009	[Reserved]
1010	U.S. Patent No. 7,493,437 (“Jones”)
1011	[Reserved]
1012	[Reserved]
1013	[Reserved]
1014	IPR2018-00972 Paper 41 November 7, 2019 Final Written Decision
1015	United States Patent 9,336,307
1016	IPR2018-00972 Petition for Inter Partes Review
1017	IPR2018-01129 Paper 33 January 24, 2020 Final Written Decision

Exhibit No.	Description
1018	IPR2018-01130 Paper 32 January 24, 2020 Final Written Decision
1019	IPR2018-00972 Zaxcom, Inc's Patent Owner Response
1020	IPR2018-01129 Zaxcom, Inc's Patent Owner Response
1021	IPR2018-01130 Zaxcom, Inc's Patent Owner Response
1022	[Reserved]
1023	United States Patent No 489,570
1024	Apple Be Damned: The Humble Headphone Jack Has Survived For More Than A Century by Jonathan Ore. Published September 10, 2016.
1025	IEC 61076-2-103:2004
1026	Wayback Machine Archived Copy of Sanken Catalogue
1027	Wayback Machine archived copy of Sanken Webpage
1028	United States Patent 8,385,814
1029	[Reserved]
1030	[Reserved]
1031	November 13, 2024 Doc. 98 Order Revising Schedule in <i>Zaxcom, Inc. v. Rode Microphones, LLC and Freedman Electronics PTY Ltd.</i>
1032	October 28, 2024 Letter from Zaxcom counsel responding to RØDE's request to reduce number of asserted claims
1033	Avid Media Composer Editing Guide Release 9.0
1034	Short/cut Personal Audio Editor 2000 Owner's Manual

Exhibit No.	Description
1035	United States Patent 7,929,902 Prosecution History Excerpts

MANDATORY NOTICES UNDER 37 C.F.R. §42.8

Pursuant to 37 C.F.R. §42.8, Petitioner states as follows:

A. Real Parties-in-Interest (37 C.F.R. §42.8(b)(1))

The real parties-in-interest are RØDE Microphones, LLC and Freedman Electronics Pty Ltd.

B. Related Matters (37 C.F.R. §42.8(b)(2))

1. U.S. District Court for the District of Delaware

The following pending district court litigation may affect or be affected by this proceeding: *Zaxcom, Inc. v. RODE Microphones, LLC, et al.*, No. 1:23-cv-01245-JFM (D. Del.), filed October 31, 2023 (“the Delaware Litigation”). Petitioner RØDE Microphones, LLC was served with the original Complaint on December 4, 2023. Petitioner Freedman Electronics Pty Ltd was served with the original Complaint on April 12, 2024. On November 14, 2024, Zaxcom filed an Amended Complaint which alleges, among other things, that Petitioner has infringed certain claims of U.S. Patent No. 7,929,902 (“the ’902 Patent”) and six other patents: U.S. Patent Nos. 7,711,443 (“the ’443 Patent”), 8,385,814 (“the ’814 Patent”), 9,336,307 (“the ’307 Patent”), 10,276,207 (“the ’207 Patent”), 11,610,605 (“the ’605 Patent”), and 12,051,444 (“the ’444 Patent”) (collectively, the “Delaware Patents-in-Suit”). The Delaware patents-in-suit are all related to each other through a chain of continuation and continuation-in-part applications.

2. Patent Trial and Appeal Board—Co-Pending Matters

Concurrently with the present Petition, Petitioner is filing *Inter Partes* Review (“IPR”) Petitions challenging the patentability of certain claims of the ’443 and ’207 Patents. Those IPRs may affect indirectly or may be affected indirectly by the decision in this proceeding since all three patents are related and are involved in the Delaware Litigation.

3. Patent Trial and Appeal Board—Past Matters

The related ’902, ’814, and ’307 Patents were previously involved in the following IPRs filed by third party Lectrosonics:

- ’902 Patent: *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129 (“the ’1129 IPR”);
- ’814 Patent: *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01130 (“the ’1130 IPR”); and
- ’307 Patent: *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-00972 (“the ’972 IPR”)

(collectively, “the Lectrosonics IPRs”).

Since the presently challenged claims of the ’902 Patent share many elements with claims of the ’902 Patent and the related ’814, and ’307 Patents that the PTAB previously found unpatentable in the Lectrosonics IPRs, and since the Lectrosonics

IPRs were based on several of the same prior-art references relied on here, the Lectrosonics IPRs may affect the decision in this proceeding.

C. Lead and Backup Counsel and Service Information (37 C.F.R. §§42.8(b)(3) and (b)(4))

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I. INTRODUCTION

RØDE Microphones, LLC and Freedman Electronics Pty Ltd (collectively “RØDE” or “Petitioner”) requests IPR and cancellation of Claims 1-6, 9-10, 13, and 16-20 (the “Challenged Claims”) of the ’902 Patent (Ex. 1001). IPR of the Challenged Claims should be instituted and the claims found unpatentable.

II. CERTIFICATION OF GROUNDS FOR STANDING UNDER 37 C.F.R. § 42.104(a)

Petitioner certifies that the ’902 Patent is available for IPR and Petitioner is not barred or estopped from requesting IPR of the Challenged Claims.

III. IDENTIFICATION OF RELIEF REQUESTED AND GROUNDS FOR CHALLENGE UNDER 37 C.F.R. §§ 42.22(a)(1) AND 42.104(b)

Petitioner requests review and cancellation of Claims 1-6, 9-10, 13, and 16-20 of the ’902 Patent on the following grounds:

Ground	Claims	Basis	Prior Art
1	1-3, 6, 13, 16	35 U.S.C. § 103	U.S. Patent No. 6,825,875 (“Strub”) (Ex. 1003), U.S. Patent No. 5,479,351 (“Woo”) (Ex. 1004), U.S. Patent Pub. No. 2002/0159179 (“Nagai”) (Ex. 1005), and U.S. Patent Pub. No. 2004/0028241 (“Gleissner”) (Ex. 1006)

2	4, 5, 9, 10	35 U.S.C. § 103	Strub, Woo, Nagai, Gleissner, and U.S. Patent No. 7,493,437 ("Jones") (Ex. 1010)
3	17-20	35 U.S.C. § 103	Strub and Woo

For purposes of the district court litigation, Petitioner reserves the right to argue that one or more of the terms in the claims of the '207 Patent are indefinite or require construction. Furthermore, Petitioner's reading of the respective claim terms is based on Zaxcom's reading of those terms in the Delaware Litigation, including Zaxcom's application of the claim terms in its infringement contentions in that litigation.

IV. BACKGROUND OF THE TECHNOLOGY

The '902 Patent describes a system for recording locally generated audio in a wearable local device and wirelessly transmitting the same audio to a remote device. Ex. 1001, 1:26-58. The alleged invention of the '902 Patent is that the local device stores (*i.e.*, records) local audio data, receives a master timecode from a master timecode generator, and stamps the stored (*i.e.*, recorded) audio data with a timestamp referencing at least a portion of the local audio data to the master timecode. *Id.* 3:53-56, 4:14-23, 4:62-5:19, 10:5-41, 11:63-67, 14:9-24, 14:55-59, 15:63-16:1, 16:30-37, 23:55-57, 25:3-6, 26:27-28, 27:25-27, Figs. 4A, 4B, 5, 6.

This purported innovation was not new, but existed in the prior art. For example, without limitation, Strub and Woo both teach local devices which receive a master timecode from a master timecode generator and stamp local audio data with a timestamp referencing at least a portion of the local audio data to the master timecode. *See, e.g.*, Ex. 1003, 62:26-63:50 (receiving GPS “current time that can be used as a clock to generate time-stamps”), 75:25-57; Ex. 1004, Abstract (“GPS receiver...communicat[es] time code information...to create tracks on each recording for re-synchronizing”), 1:60-2:9 (timecodes), 2:39-48, 3:3-24, 4:3-32, 5:5-67 (master timecodes to “date and time tag[]” recordings), 7:26-50, 8:60-9:4, 9:56-62, 10:15-64, Fig. 3 (element 43), Figs. 1, 4-6; Ex. 1002, ¶ 39.

V. PERSON OF ORDINARY SKILL IN THE ART

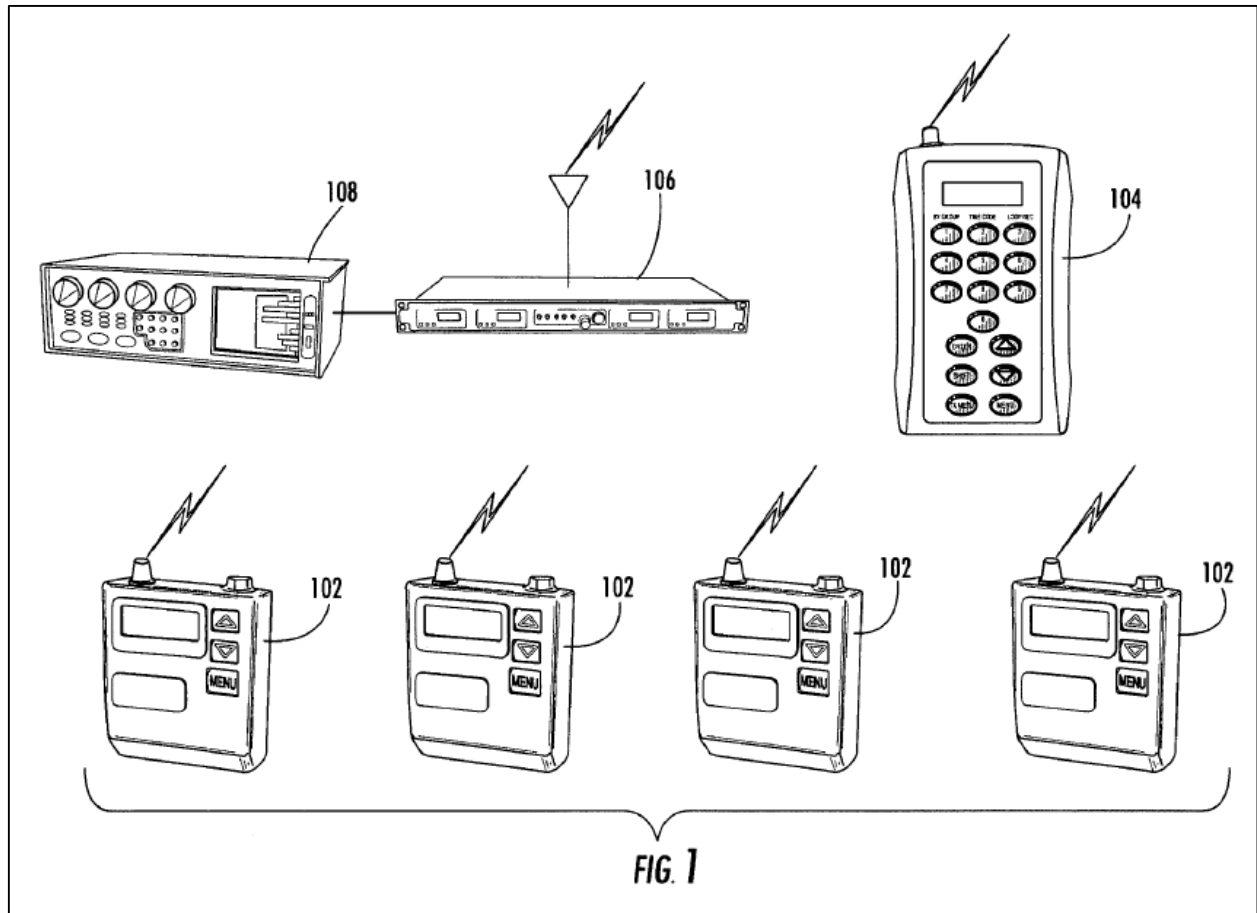
A person of ordinary skill in the art (“POSA”) as of the claimed priority date would have had at least a Bachelor’s degree in electrical engineering or a related or equivalent field, and two or more years of experience working with audio systems. However, additional years of education in the above-referenced fields may compensate for fewer years of experience. Ex. 1002, ¶ 40.

VI. THE ’902 PATENT

A. Summary of the Specification

The ’902 Patent describes a recording system 100 which wirelessly records audio performances by one or more performers. Ex. 1001, 4:12-14, Fig. 1. The

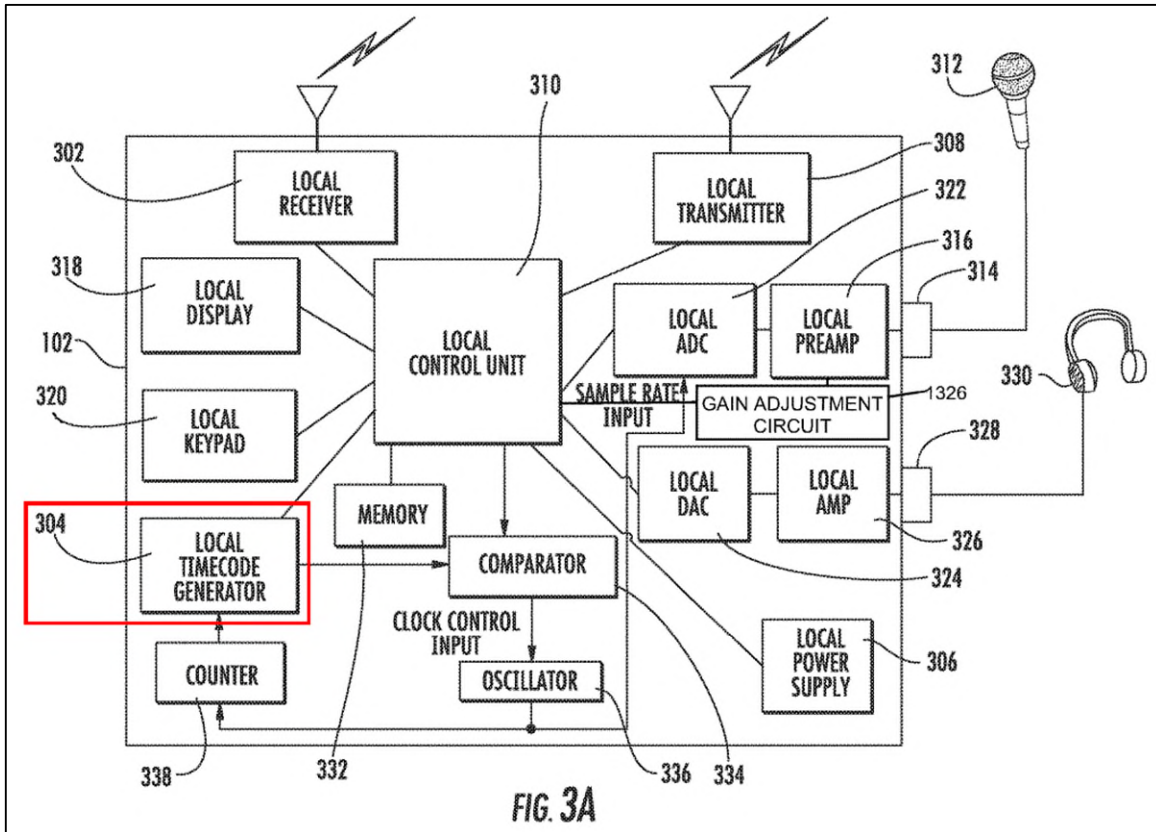
system 100 includes one or more wearable local audio devices 102, a remote receiver 106, a remote recorder 108 connected to the receiver, and a remote-control unit (“RCU”) capable of transmitting a time reference signal, digital commands, and/or audio to the other component, as depicted in Fig. 1:



See *id.* 4:37-43, 23:40-41, 24:55-56, 26:1-2, 27:9-10, Figs. 1, 3A, 3B. The local audio devices 102 record audio from the respective performers and transmit both live and replayed audio wirelessly to the remote receiver 106. *Id.* 4:50-56. The audio received by the receiver 106 is recorded by the recorder 108. *Id.* 4:56-59.

The components of the system 100 are synchronized to timestamp their recorded audio. *Id.* 4:14-23. The timestamps allow the system to combine individual audio tracks into multi-track audio files, correct for lost audio data, and/or synchronize tracks in post-processing. *Id.* 4:23-36, 4:62-5:19.

To synchronize its devices, the system can include a master timecode generator, which can be, *e.g.*, integral to the RCU 104 or the recorder 108. *Id.* 10:56-62. The master timecode generator generates master timecodes and sends them wirelessly to the local audio devices 102. *Id.* 16:30-32, Fig. 6 (step 604). Each local audio device 102 can also have its own local timecode generator 304, as illustrated in Fig. 3A:



See *id.* 6:11-15, Fig. 3A.

B. Claims

The '902 Patent has 26 claims, of which Claims 1, 7, 12, and 17 are independent. Each Challenged Claim refers to a local audio device which receives locally generated audio, wirelessly transmits the audio to a remote device, stores the audio in a memory, and, other than claim 16, stamps the audio with a timecode generated by a master timecode generator. The '902 Patent acknowledges that all of those features were known in the prior art, since they are described in the patent's Background section. *Id.* 1:26-32 (invention relates to “**recording** and processing audio received from one or more **wireless devices**”), 1:40-48 (Received audio “is

*timestamped with a time reference signal such as a...('SMPTE') timecode signal....”), 1:49-58 (“[The] **wireless transmitters** may take the form of **body packs that are worn by each performer**. Typically, the audio receiver receives each performer's audio from the performer’s respective body pack via an analog or digital wireless transmission and transmits it to the audio recorder.”). A number of the challenged dependent claims add features that also appear in the Background section of the '902 Patent and thus constitute admitted prior art.¹ For example:*

Claim(s)	Feature	Location in '902 Background
6, 13, 17	timecodes include time data, frame data, type, recorder transport status, name of scene, name of take, or track identifier	1:40-45 (“[T]he received audio and/or the multitrack audio is timestamped with a [SMPTE] timecode signal containing

¹ See *Nichia Corp. v. Emcore Corp.*, Case IPR2012-00005, Paper 68 at 20 (P.T.A.B. Feb. 11, 2014) (“Admitted Prior Art includes the background section of the...provisional application...and the background section of the...patent...”); *In re Metz*, 173 F.3d 433, at *1 (Fed. Cir. 1998) (“The admitted prior art apparatus is set forth...in the ‘Background of the Invention’”); *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1303 (Fed. Cir. 2016) (admitted prior art in background section); *In re Battiston*, 139 Fed.Appx. 281, 282 (Fed. Cir. 2005) (referring to “the Admitted Prior Art...in the ‘Background of the Invention’ section of [patent] application”).

		information regarding the hour, minute, second,...”)
7	A local timecode is stored with the audio data.	1:40-46 (audio data “timestamped” with SMPTE timecode)

Additional limitations of the Challenged Claims include, without limitation:

- Claim 2: The audio data includes one or more track identifiers, local audio device identifiers, or performer identifiers.
- Claim 3, 18: The control unit is operable to receive commands remotely from a wireless remote control unit.
- Claim 4, 9: A multi-memory unit.
- Claim 4, 5, 9, 10, 16, 19, 20: Manipulating local audio data.
- Claim 5, 10, 16, 20: Manipulating the local audio data using commercially available software.

C. **[Reserved]**

D. **Lectrosonics IPRs**

1. **Collateral Estoppel Based on PTAB’s Findings Regarding Claim Elements in Prior Art and Obviousness of Combinations**

In the Lectrosonics IPRs, the PTAB made numerous findings regarding the presence of claim elements in Strub, Woo, Nagai, and Gleissner, and regarding the obviousness of combining those references. Zaxcom is collaterally estopped from disputing those findings.

Collateral estoppel, also known as issue preclusion, precludes a party from relitigating an issue if: “(1) the issue is identical to one decided in the first action; (2) the issue was actually litigated in the first action; (3) resolution of the issue was essential to a final judgment in the first action; and (4) [the party against whom collateral estoppel is being asserted] had a full and fair opportunity to litigate the issue in the first action.” *Google LLC v. Hammond Dev. Int’l, Inc.*, 54 F.4th 1377, 1381 (Fed. Cir. 2022) (citation omitted). “It is well established that collateral estoppel applies to IPR proceedings.” *Id.* (citing *Papst Licensing GMBH & Co. KG v. Samsung Elecs., Am.*, 924 F.3d 1243, 1251 (Fed. Cir. 2019)). Furthermore, “[i]t is well established that patent claims need not be identical for collateral estoppel to apply....Rather, collateral estoppel requires that the *issues of patentability* be identical....Thus, collateral estoppel may apply even if the patent claims ‘use slightly different language to describe substantially the same invention,’ so long as ‘the differences between the unadjudicated patent claims and adjudicated patent claims do not materially alter the question of invalidity.’” *Google v. Hammond*, 54 F.4th at 1381 (emphasis in original); *see also Google LLC v. Parus Holdings, Inc.*, IPR2022-00279, Paper 16 at 17-21 (P.T.A.B. Sept. 18, 2023) (finding collateral estoppel where claim limitations were not identical, but were sufficiently similar that the *issues* were identical); *Papst*, 924 F.3d at 1250-53 (Fed. Cir. 2019) (applying issue preclusion to claim construction and application of a claim limitation to a prior-

art reference based on prior PTAB decision); *see also United States v. Utah Constr. & Mining Co.*, 384 U.S. 394, 421-22 (1966) (collateral estoppel can arise from an administrative decision).

In the '972 IPR, the PTAB found Claims 12-14 of the '307 Patent anticipated by Strub. Ex. 1014 at 25-26. In doing so, the Board necessarily found all elements of those claims present in Strub, including the following:

- locally receiving local audio generated by at least one performer during an audio event;
- locally recording the local audio as local audio data in at least one memory of at least one local audio device wearable by a creator of said local audio;
- locally receiving or generating master time data including at least one of the group consisting of hour data, minute data, second data, and combinations thereof;
- at least one of a group consisting of...adding a local audio device identifier to at least a portion of said memory,...and adding said performer identifier to at least a portion of said local audio data; and
- wirelessly transmitting the locally generated audio to a remote recorder;
- remotely recording the locally generated audio by the remote recorder as remotely recorded audio data.

See Ex. 1015 Claims 12-14; Ex. 1016 at 48 (relying on Strub for “local audio device identifier” and “performer identifier” limitations); *see also* Ex. 1014 at 21-22 (finding that Strub discloses “a local audio device that records local audio and transmits the local audio to other remote devices” and “that the same local audio is stored at both the wearable local audio device as local audio data and the remote receiver/recorder as remotely recorded audio data”), 22 (“We...agree with Petitioner that Strub’s device is ‘wearable.’”);

Further in the ’972 IPR, the PTAB found Claim 1 of the ’307 Patent obvious over Strub combined with Nagai or Gleissner. Ex. 1014 at 19, 25. In making that determination, the PTAB necessarily found that Strub, Nagai and/or Gleissner teach “at least one audio input port for receiving said locally generated audio from an audio input device,” and that it would have been obvious to combine Strub with Nagai or Gleissner. *Id.* 16-19.

In the ’1129 and ’1130 IPRs, the Board made similar findings regarding (1) the presence of the above-referenced limitations in Strub, Nagai, and Gleissner, and (2) the obviousness of combining those three references. *See, e.g.*, Ex. 1017 at 25 (Strub’s device wearable), 35 (finding ’902 Claims 7, 8, and 11 obvious over Strub in combination with Nagai or Gleissner, and Woo), 40 (Strub teaches a local audio device that records local audio and transmits the same local audio to a remote device), 41 (’902 Claims 12, 14, and 15 anticipated by Strub); Ex. 1018 at 22 (Strub’s

device wearable), 32 (numerous '902 Claims obvious over Strub in combination with Nagai or Gleissner, and Woo). The Board also found that Strub discloses “at least one control unit electrically coupled to said local audio device receiver, said audio input device, said memory, and said local timecode generator for creating stamped local audio data and storing said stamped local audio data in said memory,” that Woo discloses a “master timecode generator for generating a plurality of master timecodes” “just as disclosed by the [related '902] patent,” and that a POSA would have been motivated to use Woo’s synchronization techniques Strub’s system. Ex. 1017 at 25-31; Ex. 1018 at 22-28.

Zaxcom appealed the Board’s decisions in all three of the Lectrosonics IPRs. In each case, the Federal Circuit affirmed the decision in its entirety. *Zaxcom, Inc. v. Lectrosonics, Inc.*, Nos. 2020-1350, 2020-1405, 2022 WL 499843, at *1-2 (Fed. Cir. Feb. 18, 2022); *Zaxcom, Inc. v. Lectrosonics, Inc.*, Nos. 2020-1921, 2020-1922, 2020-1943, 2020-1944, 2022 WL 499848, at *1-2 (Fed. Cir. Feb. 18, 2022).

Zaxcom is estopped from disputing (1) the presence in the cited references of any of the above-listed limitations—or any materially identical limitations, or (2) the obviousness of combining Strub, Woo, Nagai, and Gleissner, because: the issues are identical to those decided in the Lectrosonics IPRs; the issues were actually litigated in the Lectrosonics IPRs; resolution of the issues was essential to the

Lectrosonics IPRs; and Zaxcom had a full and fair opportunity to litigate the issue in the Lectrosonics IPRs. *See Google v. Hammond*, 54 F.4th at 1381.

2. **Collateral Estoppel Based on PTAB’s Findings Regarding Zaxcom’s Purported Objective Indicia of Nonobviousness**

In the Lectrosonics IPRs, Zaxcom propounded evidence purporting to show objective indicia of nonobviousness, including: testimony alleging a long-felt need for repairing dropouts; testimony alleging failure of others to implement dropout repair; alleged industry praise in the form of witness testimony, an Emmy award, and a Technical Achievement Award from the Academy of Motion Picture Arts and Sciences; and expert testimony attempting to connect the objective-indicia evidence to the challenged claims. *See* Ex. 1019 at 52-59; Ex. 1020 at 54-66; 1021 at 34-59. But the PTAB found that all of Zaxcom’s purported objective indicia related to replacing remotely recorded audio data with local audio data—a/k/a “dropout repair”—and had no nexus with claims lacking that feature. *See* Ex. 1014 at 23-25; Ex. 1017 at 31-35; Ex. 1018 at 28-31. Here, none of the Challenged Claims include dropout repair or replacing remotely recorded audio data with local audio data. Thus, they also have no nexus with Zaxcom’s purported objective indicia of nonobviousness.

Zaxcom is estopped from relying on the same or substantially similar objective indicia of obviousness in the present case, because: the issues are identical

to those decided in the Lectrosonics IPRs; the issues were actually litigated in the Lectrosonics IPRs; resolution of the issues was essential to the Lectrosonics IPRs; and Zaxcom had a full and fair opportunity to litigate the issue in the Lectrosonics IPRs. *See Google v. Hammond*, 54 F.4th at 1381.

VII. CLAIM CONSTRUCTION

Petitioner does not currently seek construction of any terms.

VIII. OVERVIEW OF THE PRIOR ART

Petitioner asserts three grounds for invalidity based on the following five prior art references:

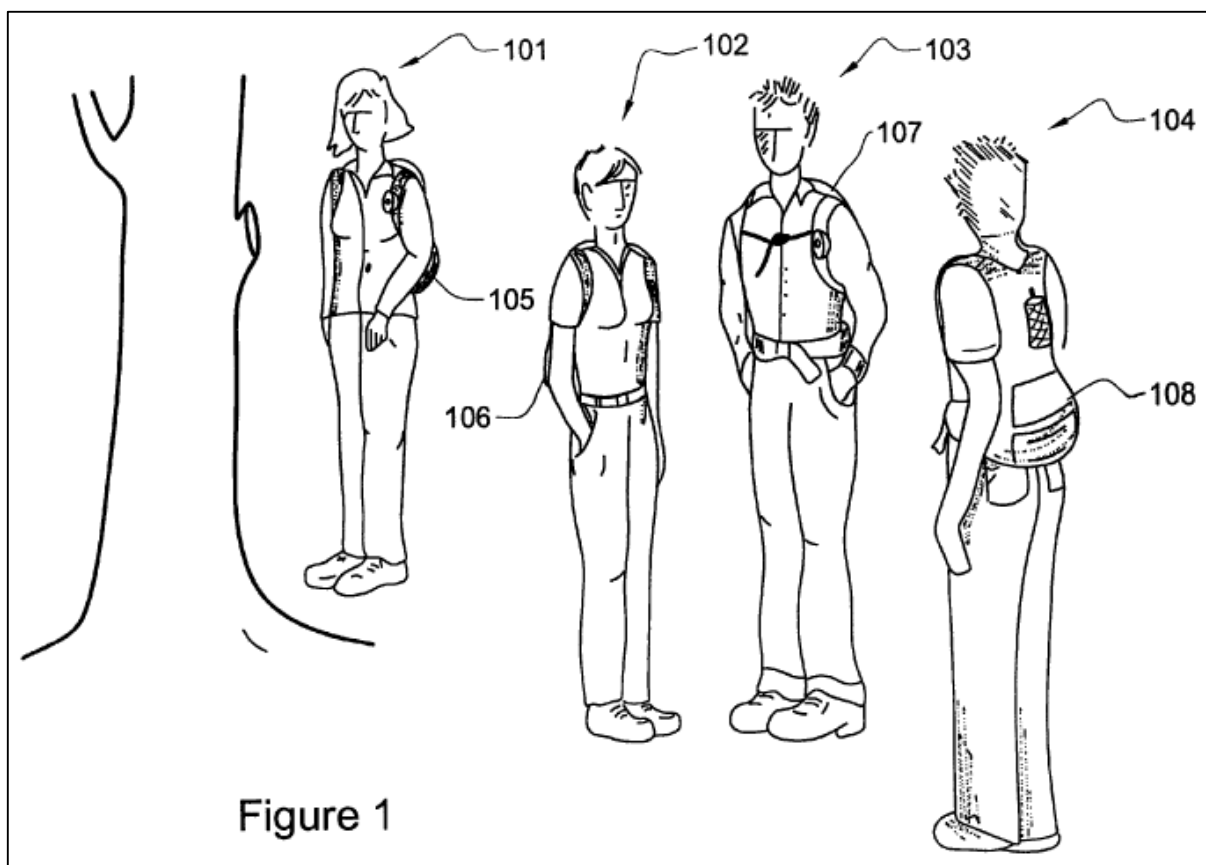
A. Strub

Strub is prior art under at least pre-AIA 35 U.S.C. §§ 102(a) and (e). It discloses a system comprising a plurality of wearable, audio/video recording units, each storing locally generated audio and video and wirelessly transmitting that same audio and video to one or more of the other wearable devices. *See, e.g.*, Ex. 1003, 4:28-30 (“a small, lightweight, wearable recording unit”), 8:7-19, 8:50-53, 12:13–21, 12:31–39 (“transmitter 309 transmits signals (‘recording data signals’) representing recording data acquired by the recording unit 300, so that such recording data can be used by other recording units...”), 14:59-15:11 (wearable), 21:65-22:7, 35:54–65, 37:11–40, Figs. 1, 4, 6, 8A-9B. Further, “each recording unit stores data representing the recording(s) obtained by another recording unit[.]....”).

Id. 37:11–40. Thus, from the perspective of a person wearing one of Strub’s recording units, that unit is a local audio device and the recording units worn by other people are remote devices which receive audio data from the local device and create their own recordings of that audio data.

Examples of Strub’s audio/video recording units 105-108 are depicted in Fig.

1:



See also *id.* 8:7-14, 67:30-53, Figs. 4, 6, 8A-9B.

Each of Strub’s audio/video recording units includes a system controller having an internal clock which generates local timecodes “used to time-stamp the

recording data obtained by the recording unit.” *See, e.g., id.* 13:50-58, 63:50-60, 79:54-80:9; *see also* Ex. 1002, ¶ 78.

Strub was not considered in the prosecution of the ’902 Patent. However, it was before the PTAB in the Lectrosonics IPRs, in which the Board found claims similar to the Challenged Claims unpatentable over Strub alone and over the combination of Strub with Woo, Nagai, and/or Gleissner. *Supra* § VI.D.

B. Woo

Woo is prior art under at least pre-AIA 35 U.S.C. §§ 102(a), (b), and (e). It discloses a system in which one or more local audio devices—recorders 14 and 16—record locally generated audio and transmit the same locally generated audio to a remote device—editing station 34—which creates its own recording of the audio. *See* Ex. 1004, 5:3-5 (“A recorder 14 captures the performance from its vantage point while another recorder 16 independently captures the same performance from its own vantage point.”), 5:37-49 (“[C]onnections 30 and 32 represent the communication of the respective recordings by wire, radio link and/or tape or film delivery to the editing station 34.”), 8:32-44, 9:40-43, 9:56-62, Figs. 1, 4. Fig. 1 depicts Woo’s system in block-diagram form, including recorders 14 and 16 and editing station 34:

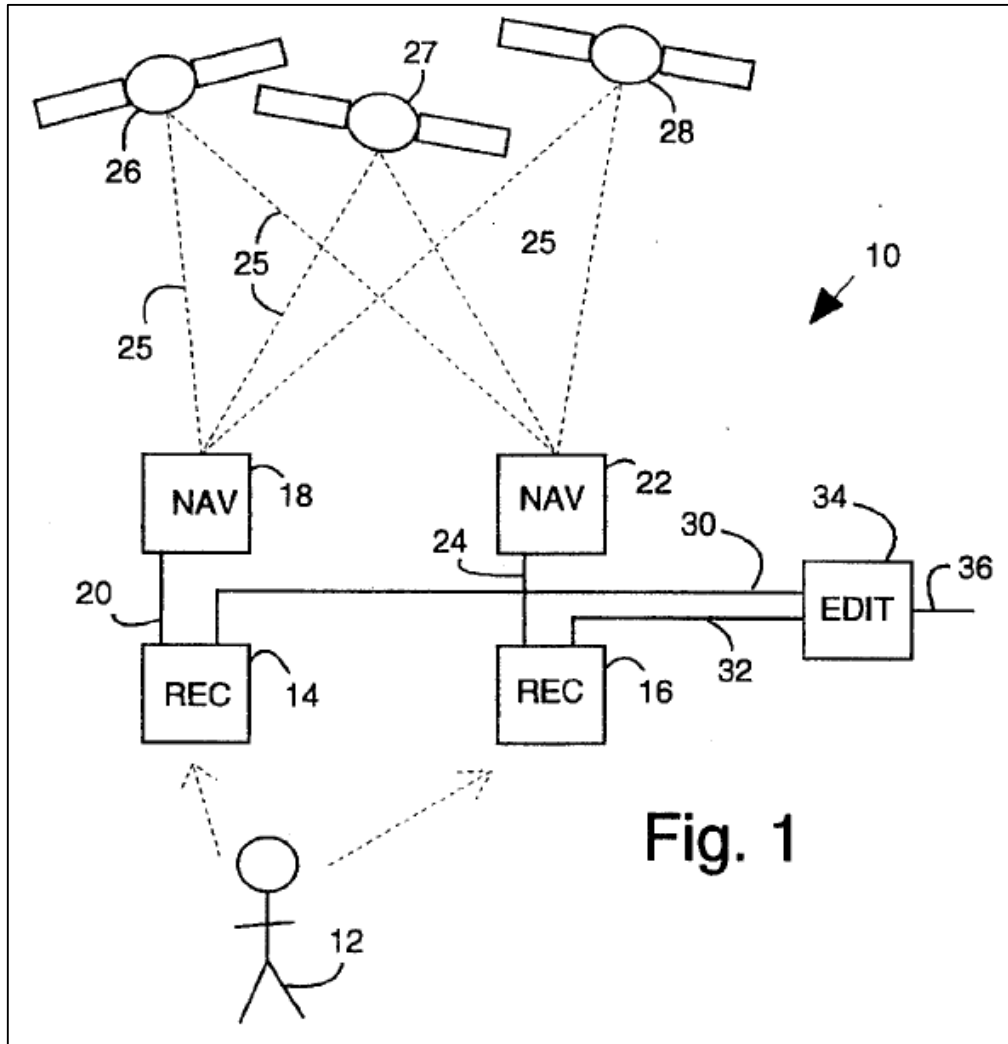


Fig. 1

Each of Woo's local audio devices includes a local timecode generator which is jam-synchronized to a master timecode generator using GPS-based master timecodes. *Id.* Abstract, 3:37-67, 7:26-50, (GPS-based time code generator as a master clock), 8:60-9:4, Figs. 1, 3, 5, 6.

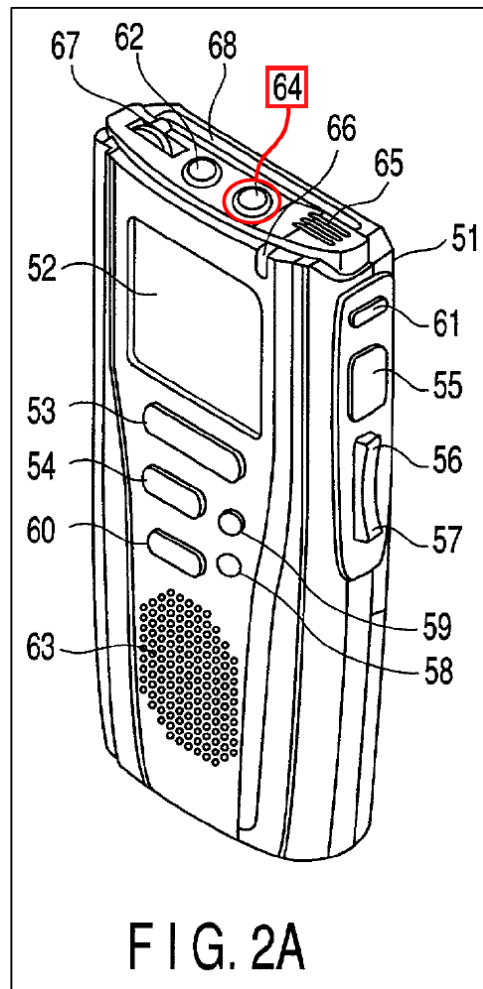
The local timecode generator generates SMPTE timecodes which are used to time-stamp—*e.g.*, date and time tag—the local audio data. *Id.* Abstract (“[SMPTE-formatted] time code information is input to...recorders...to create tracks on each

recording for re-synchronizing the pictures and sounds in post-performance editing”), 1:60-2:9, 2:39-48, 3:3-24, 4:3-32 (“generating coordinated time codes”), 4:62-64 (describing “a time-keeping system for synchronizing sound and picture recordings from a plurality of independent recording devices”), 5:37-45 (recorders “each transmit their respective recordings...to an editing station 34,” each recording “has been date and time tagged.”); *see also* Ex. 1002, ¶ 84.

Woo was not considered in the prosecution of the ’902 Patent. However, it was before the PTAB in the Lectrosonics IPRs, in which the Board found claims similar to the Challenged Claims unpatentable over the combination of Strub, Woo, Nagai, and/or Gleissner. *Supra* § VI.D.

C. Nagai

Nagai is prior art under at least pre-AIA 35 U.S.C. §§ 102(a), (b), and (e). It describes a voice recording and reproducing apparatus with a memory card 117 for storing voice data. Ex. 1005, Abstract, [0105]-[0106], [0115], Figs. 1, 4. Nagai’s voice recorder has an audio input port—mike jack 2 or 64—configured to couple to an audio input device—*e.g.*, external microphone—to receive locally generated voice signals. *Id.*, [0100], [0109]-[0110], [0139], Fig. 1, 2A. An example of Nagai’s audio input port—“mike [sic] jack” 64—is illustrated in Fig. 2A (annotated below):

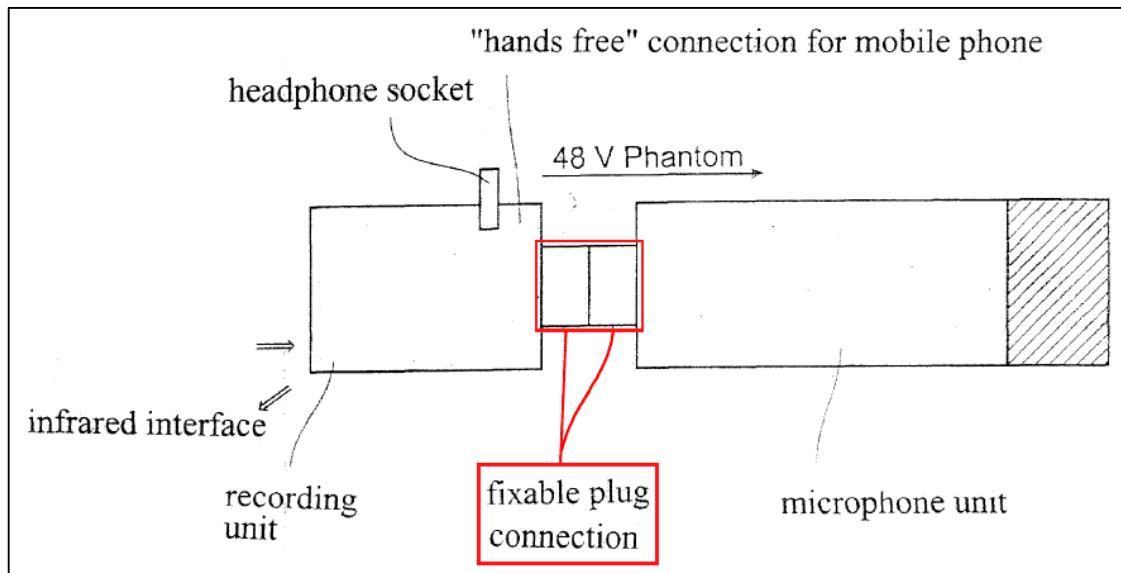


Nagai was not considered in the prosecution of the '902 Patent. However, it was before the PTAB in the Lectrosonics IPRs, in which the Board found claims similar to the Challenged Claims unpatentable over the combination of Strub with Nagai or Gleissner and over the combination of Strub with Woo and Nagai or Gleissner. *Supra* § VI.D.

D. Gleissner

Gleissner is prior art under at least pre-AIA 35 U.S.C. §§ 102(a), (b), and (e). It discloses a portable audio data recorder which stores locally generated audio in a

data memory. Ex. 1006, Abstract, [0025], [0031]. Gleissner's audio data recorder has an audio input port—an XLR plug connector—configured to couple to an audio input device—a microphone—to receive locally generated audio. *Id.* [0013], [0024], [0032]. Gleissner's XLR audio input port is depicted in Fig. 1:



Id. Fig. 1 (annotated); see also Ex. 1002, ¶ 92.

Gleissner was not considered in the prosecution of the '902 Patent. However, it was before the PTAB in the Lectrosonics IPRs, in which the Board found claims similar to the Challenged Claims unpatentable over the combination of Strub with Nagai or Gleissner and over the combination of Strub with Woo and Nagai or Gleissner. *Supra* § VI.D.

E. Jones

Jones is prior art under at least pre-AIA 35 U.S.C. §§ 102(e). It teaches multiple examples of a multi-memory unit—*e.g.*, flash reader 42, flash reader within

computer 20, and “FlashToaster” 80—each including at least one memory unit interface—*e.g.*, connectors 62, 64, 66, 68—for connection to at least a portion of a memory—*e.g.*, memory cards 16, 18, 24, and 28. Ex. 1010 9:56-10:3 (describing “multi-slot embodiment of the flash-card reader”), 10:4-29 (“separate connectors 62, 64, 66, 68 with separate slots in flash reader 42 allows for card-to-card transfers.”), 10:30-12:25 (describing Figs 6B-9), Figs. 6A-9; *see also* Ex. 1002, ¶ 103.

Jones was not considered in the prosecution of the ’902 Patent or in the Lectrosonics IPRs.

IX. SPECIFIC GROUNDS FOR INVALIDITY

A. Ground 1: Claims 1-3, 6, 13, and 16 are Rendered Obvious Under § 103 By the Combination of Strub, Woo, Nagai, and Gleissner

1. A POSA Would have Been Motivated to Combine Strub, Woo, Nagai, and Gleissner

In the Lectrosonics IPRs, the PTAB found that a POSA would have motivated to combine Strub, Woo, Nagai, and Gleissner, and that the combination(s) would have been obvious. *See supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

Moreover, the teachings of Strub, Woo, Nagai, and Gleissner provide substantial motivation to combine them. For example, the systems described in Strub and Woo are the same type of apparatus used for the same purpose. Each discloses a system for receiving and recording local audio in a local device,

wirelessly transmitting the same audio to a remote device, and recording the audio in the remote device. *See, e.g.*, Ex. 1003, 8:50-53, 12:13-21, 12:31-39, 21:65-22:7, 35:54-65, 37:11-40, Figs. 1, 4, 6, 8A-9B; Ex. 1004, 5:3-5, 5:37-49, Fig. 1. In addition, each of the local audio devices of Strub and Woo wirelessly receives master timecodes from a master timecode generator and uses the timing information from the master timecodes to stamp the local audio. *See, e.g.*, 1003, 13:50-58, 63:50-60, 79:54-80:9; Ex. 1004, Abstract, 1:60-2:9, 2:39-48, 3:3-24, 3:37-67, 4:3-32, 4:62-64, 5:37-45, 7:26-50, 8:32-44, 8:60-9:4, 9:40-43, 9:56-62, Figs. 3-6.

Indeed, Woo itself provides express motivations to use its synchronization methods in a wireless, multi-recorder system such as Strub's. For example, Woo's master clock (1) provides accurate synchronization across recorders recording a performance, (2) can generate coordinated timecodes at independent sites proximate to recorders, (3) is simple to connect to the recorders, and (4) provides timecode output in a format that is compatible with a standard (SMPTE) used by commercially available equipment. Ex. 1004, 4:3-44; *see also* Ex. 1017 at 29. In addition, modifying Strub's recording unit to include a conventional SMPTE timecode input port for receiving conventional SMPTE-formatted master timecodes from Woo's master clock would involve nothing more than combining familiar elements according to known methods to improve Strub's system and yield predictable results. Ex. 1002, ¶ 107.

Nagai and Gleissner teach audio recording systems, each having an audio input port—a “mike jack” or XLR plug connector—configured to couple to an audio input device for receiving locally generated audio. Ex. 1005, [0100], [0109]-[0110], [0139], Fig. 1, 2A; Ex. 1006, [0013], [0024], [0032], Fig. 1. Audio plugs and jacks such as those referenced in Nagai have existed for more than 130 years and have not changed substantially since the 19th century. *See, e.g.*, Ex 1023; Ex. 1024. XLR connectors such as those referenced in Gleissner were so common as of the priority date of the '207 Patent that they had been standardized. Ex. 1025 at 1 (standard date March 2004), *passim* (copyright year 2004). A POSA would have considered it obvious to use those well-known standard connectors in Strub’s local audio device because of their popularity, especially since Strub teaches the use of specific brands of commercially available microphones configured to be plugged into a standard XLR jack as described in Gleissner. Ex. 1003, 25:35-49; Ex. 1026 at 6, 14 (CSS-5 uses XLR-5 “IN/OUT” connection), *passim* (other XLR-connected microphones); Ex. 1027, at 7 (CSS-5 uses XLR-5 “IN/OUT” connection), *passim* (other XLR-connected microphones); Ex. 1002, ¶ 108.

Moreover, “any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” *KSR Intern. Co. v. Teleflex Inc.*, 550 U.S. 398, 420 (2007). Motivation to combine is particularly strong where “there is a design

need or market pressure to solve a problem and there are a finite number of identified, predictable solutions.” *Id.* 421. This is especially true where the cited references teach (1) “all the limitations of [the challenged] claims,” and (2) the same “known problem” addressed by the challenged patent. *Ball Aerosol and Specialty Container, Inc. v. Ltd. Brands, Inc.*, 555 F.3d 984, 993 (Fed. Cir. 2009).

The ’902 Patent sought to solve the problem of matching the timing between multiple recordings produced by one or more wireless devices. Ex. 1001, 1:26-58. It solved that problem by generating master timecodes with a master timecode generator, providing those timecodes to a local recording device, and using the timing information in those timecodes to time-stamp the locally recorded audio data. *Id.* 3:53-56, 4:14-36, 4:62-5:19, 6:11-15, 10:17-32, 10:56-62, 14:9-17, 14:55-59, 15:65-16:1, 16:30-46, Figs. 3A, 4A, 4B, 5, 6. Strub and Woo recognized and solved that same problem in the same way. See Ex. 1003, 13:50-58 (local audio device includes “clock that is used to time-stamp the recording data obtained by the recording unit.”), 62:26-63:50 (GPS “current time that can be used as a clock to generate time-stamps”), 63:50-60, 75:25-57 (“SMPTE time code input...to enable synchronization with an external device”), 79:54-80:9; Ex. 1004, Abstract (time code information” from “GPS receiver”), 1:60-2:9, 2:39-48, 3:3-24, 3:37-67, 4:13-19 (SMPTE timecodes from “GPS navigation receiver”), 5:5-10, 5:21-29, 5:37-45

(recordings “date and time tagged”), 7:26-50, 8:60-9:4, 9:33-39, 9:45-55, 10:15-11:1, Figs. 1, 3-6; *see also* 1002, ¶ 111.

In addition, “when a patent ‘simply arranges old elements with each performing the same function it had been known to perform’ and yields no more than one would expect from such an arrangement, the combination is obvious.” *KSR*, 550 U.S. at 417. Every element of Challenged Claims 1-3 and 6 appears in Strub, Woo, Nagai, and/or Gleissner. *See infra* § IX.A.2. Those elements are standard method steps using well-known, off-the-shelf audio-recording and radio components that would be familiar to any POSA. Ex. 1002, ¶ 112. There is nothing unpredictable about the claimed use of those components in a wireless audio-recording system. *Id.*; *see KSR*, 550 U.S. at 417 (To determine obviousness, “a court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions.”). Furthermore, the technology and operation of such components was well-understood in the relevant period such that the combination of Strub, Woo, Nagai, and Gleissner would have had a high likelihood of success. Ex. 1002, ¶ 112.

Thus, since Strub and Woo teach the same kind of device used for the same purpose, since Strub and Woo identified the same problem identified in the ’207 Patent and solved it in the same way, since the microphone jacks and plugs of Nagai and Gleissner were old elements performing the same function they had always been

known to perform, since audio input ports in general have been known for over a century, since the combination of elements in the Challenged Claims is nothing more than “the predictable use of prior art elements according to their established functions,” and since the combination of Strub, Woo, Nagai, and Gleissner would have had a high likelihood of success, a POSA would have been motivated to combine Strub, Woo, Nagai, and Gleissner.

2. **The Combination of Strub, Woo, Nagai, and Gleissner Meets All Elements of Challenged Claims 1-3, 6, 13, and 16**

As discussed below, the Preambles and every element of Claims 1-3, 6, 13, and 16 are taught by Strub, Woo, Nagai, and/or Gleissner. To the extent Patent Owner alleges that any of those references fails to teach any claim element, that element is provided by the other references. Further, to the extent the teachings of any of Strub, Woo, Nagai, and/or Gleissner are substantively different for any given claim element, it would have been at least obvious to try the other references’ implementation of that element, given the overall similarity in their purpose, design and operation.

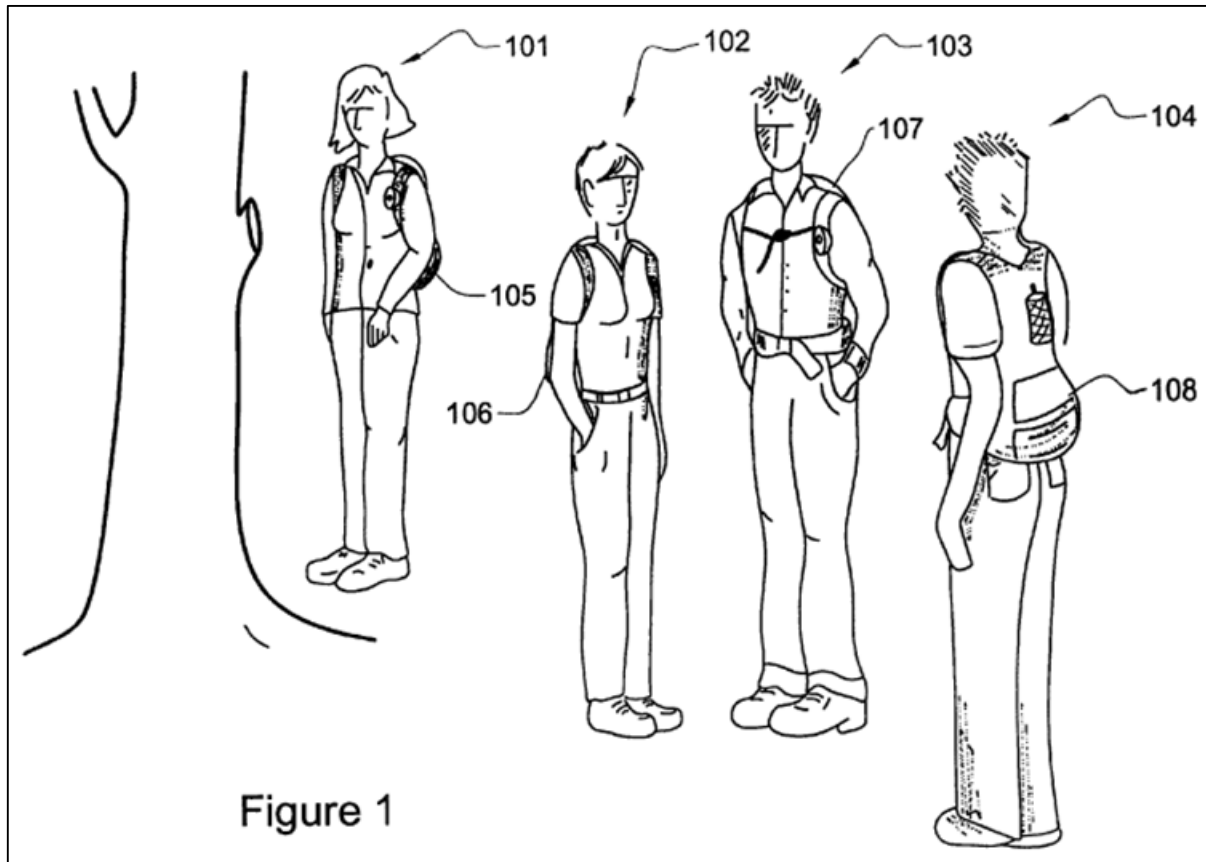
a. **Claim 1.**

(1) **1[Pre]: “A system for recording locally generated audio comprising:”**

Regardless of whether the preamble is limiting, it is taught by Strub. In the Lectrosonics IPRs, the Board found that Strub teaches “a local audio device that

records local audio.” *See supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

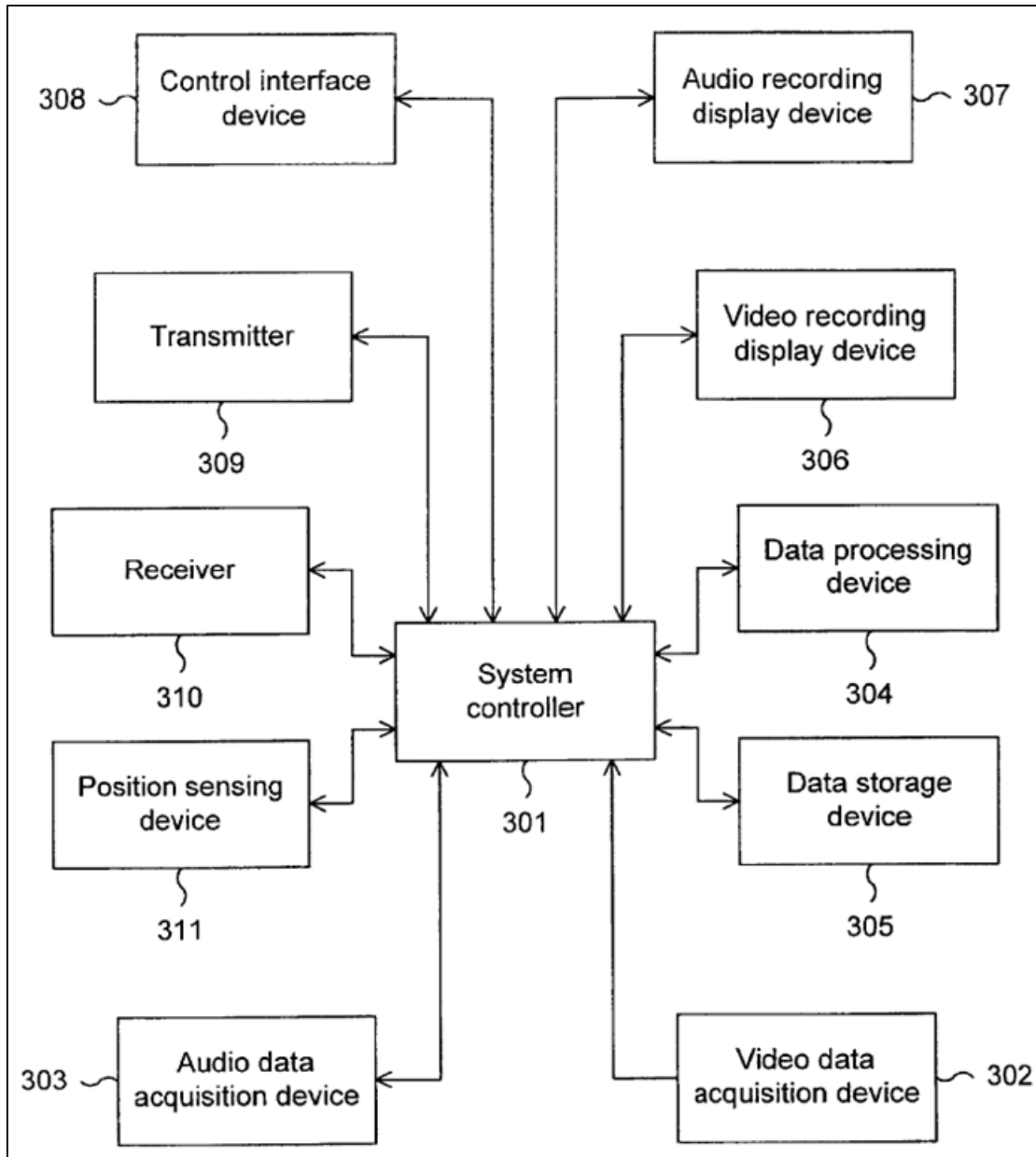
Strub discloses at least one audio device—*e.g.*, recording units 105-108, 200, and 300 worn by a plurality of users as depicted in Ex. 1003, Fig. 1:



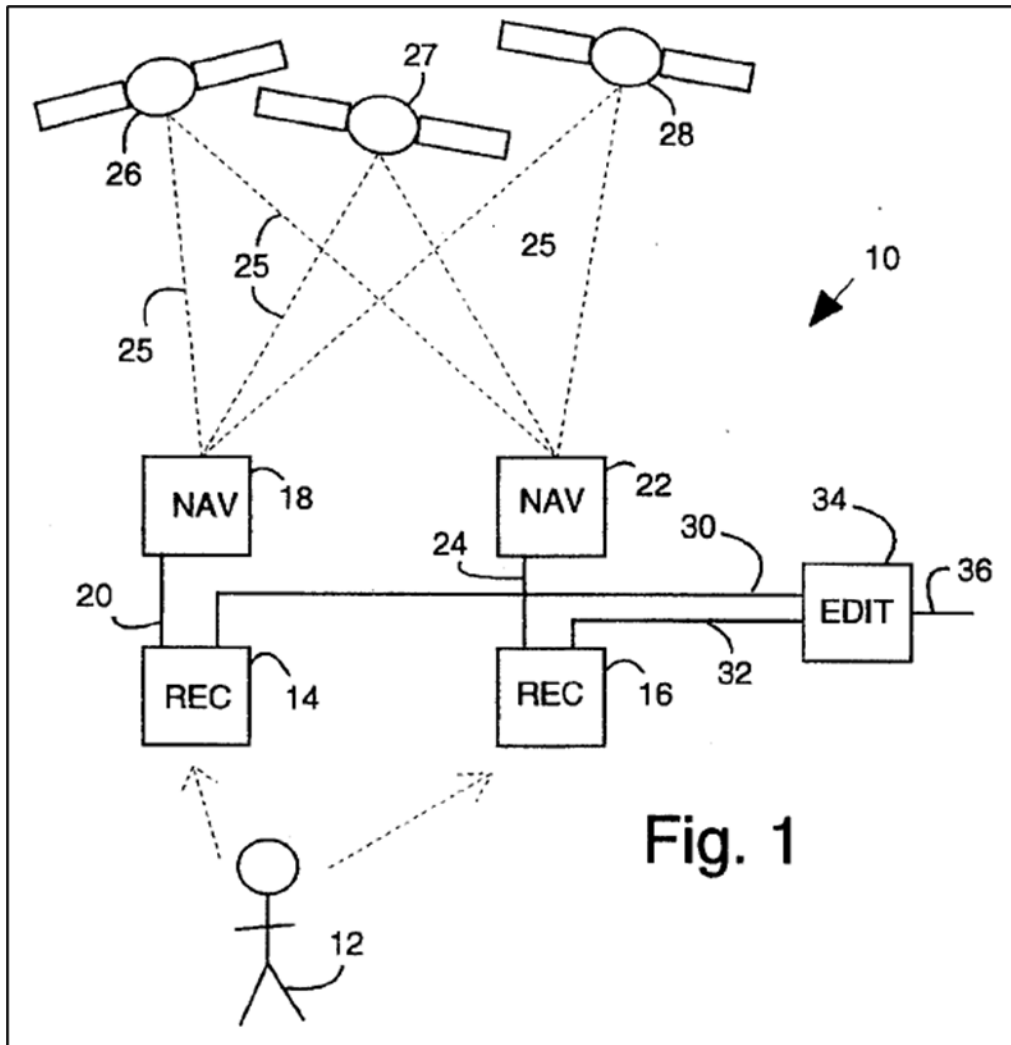
Each of Strub’s recording units is wearable by a user and is for storing, *e.g.*, recording, locally generated audio and transmitting the locally generated audio to a remote device—*e.g.*, a different one of the recording units. *See* Ex. 1003, 8:10-29, 8:50-53, 11:32-50, 12:13-21, 12:31-39, 25:35-49, 35:54-65, 37:18-40, 38:1-4,

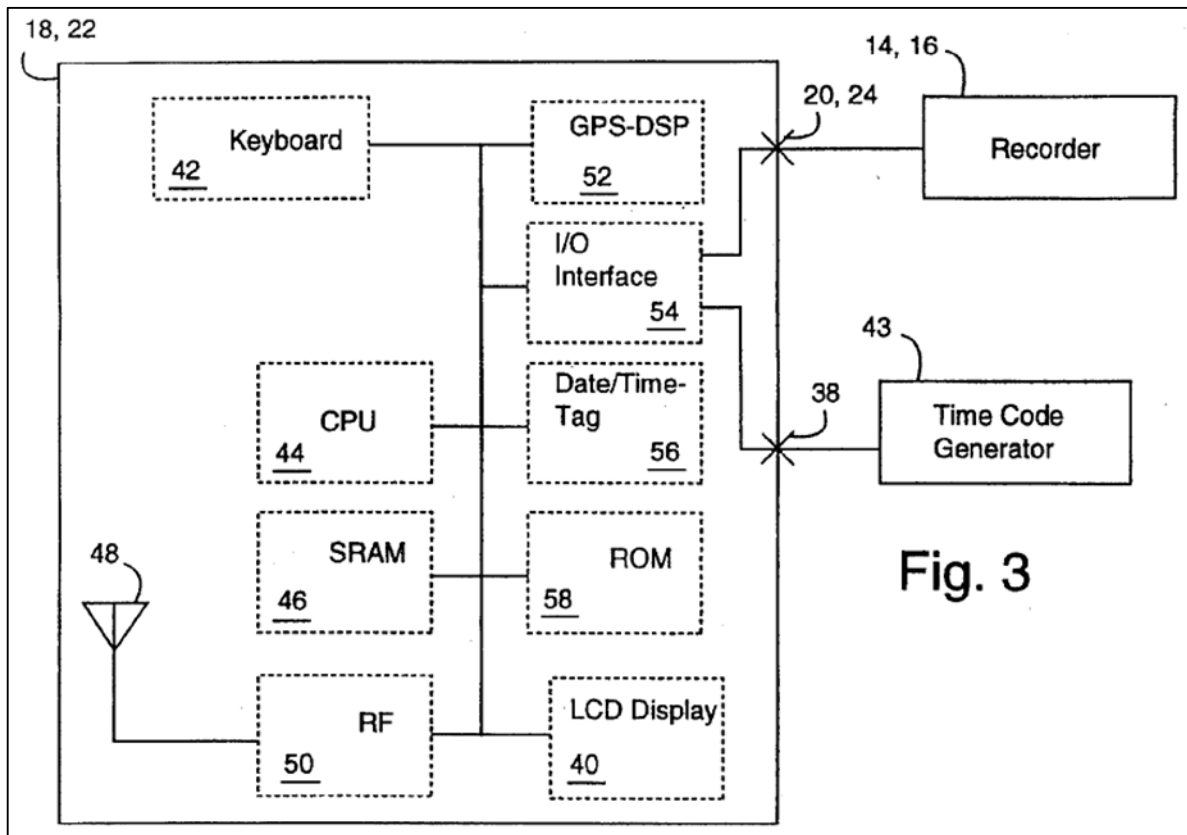
Figs. 1 (recording units 105-108), 2 (recording unit 200), 3 (recording unit 300); see *generally id.* 35:53-38:39.

The internal components of an exemplary local audio device are depicted in Fig. 3 of Strub:



The preamble is also taught by Woo. Woo's system includes at least one local audio device—*e.g.*, an arrangement comprising recorder 14/16, GPS receiver 18/22, and time code generator 43—which stores locally generated audio and it to a remote receiver and recorder—editing station 34, as depicted in Figs. 1 and 3:





See also Ex. 1004, 5:3-5 (multiple recorders), 5:37-49 (“[C]onnections 30 and 32 represent the communication of the respective recordings...to the editing station 34.”), 8:32-44, 9:40-43, 9:56-62, Figs. 1, 3, 4.

A POSA would have understood that, in addition to comprising a recorder, editing station 34 necessarily would comprise a receiver in order to receive the audio signals from the local audio devices. Ex. 1002, ¶ 123. Communication between the local audio devices and the remote receiver/recorder 34 are illustrated in Fig. 1. *Id.*

(2) **1[A]: “at least one master timecode generator for generating a plurality of master timecodes; and”**

In the Lectrosonics IPRs, the Board found that Strub teaches receiving master time data, that Woo discloses a “master timecode generator for generating a plurality of master timecodes,” “just as disclosed by the [related ’902] patent,” and that a POSA would have been motivated to use Woo’s synchronization techniques in Strub’s system—findings that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

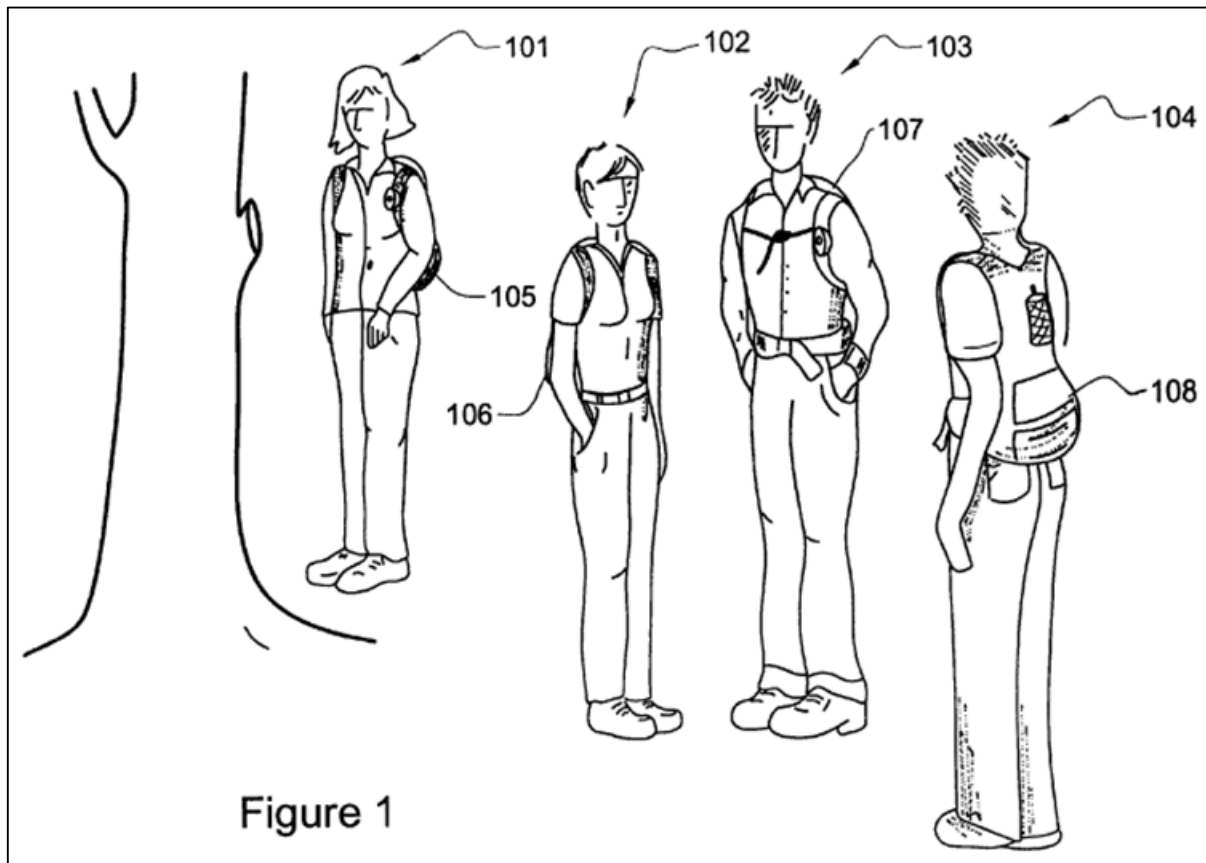
For example, Strub discloses receiving a master timecode—*e.g.*, GPS time information—from a master timecode generator—*e.g.*, GPS satellite or SMPTE timecode source. Ex. 1003, 62:53-54, 63:50-60; 79:63-80:7, 75:25-57 (“SMPTE time code input”), 63:50-60. Strub also discloses synchronizing an internal clock with GPS or SMPTE timecodes (“master timecodes”).

To the extent Zaxcom contends Strub does not disclose Element 1[A], it is taught by Woo. Specifically, Woo also discloses receiving a master SMPTE timecode from a master timecode generator—*e.g.*, GPS satellites 26-28. Ex. 1004, 4:13-19, 4:45-48, 5:5-10, 5:21-29, 5:54-67, 7:18-47, 7:48-9:19, 9:33-39, 9:45-55, 10:15-64, Figs. 2-4; Ex. 1002, ¶ 153.

(3) **1[B]: “at least one local audio device wearable by a creator of said locally generated audio including:”**

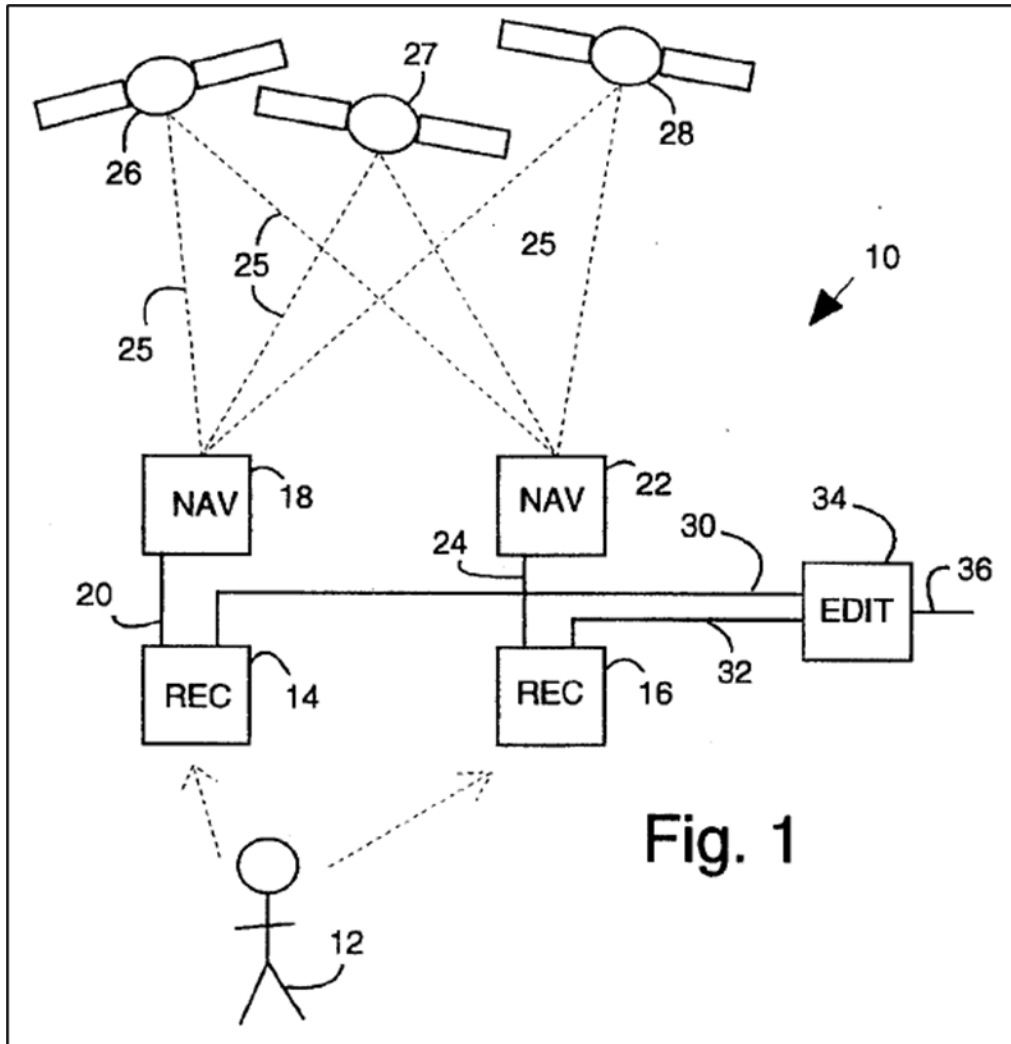
In the Lectrosonics IPRs, the Board found that Strub teaches a “wearable local audio device.” *See supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

Specifically, Strub discloses at least one audio device—*e.g.*, one of recording units 105-108, 200, and 300—which are worn by a plurality of users as depicted in Ex. 1003, Fig. 1:



See also, id. 4:21-31 (“a small, lightweight, wearable recording unit”), 14:59-15:11, 16:66-17:24, 38:65-39:11, 66:33-51, 67:54-68:10, 72:9-19.

Woo's system includes at least one local audio device which stores locally generated audio and transmits it to a remote recorder—editing station 34, as depicted in Figs. 1 and 3:



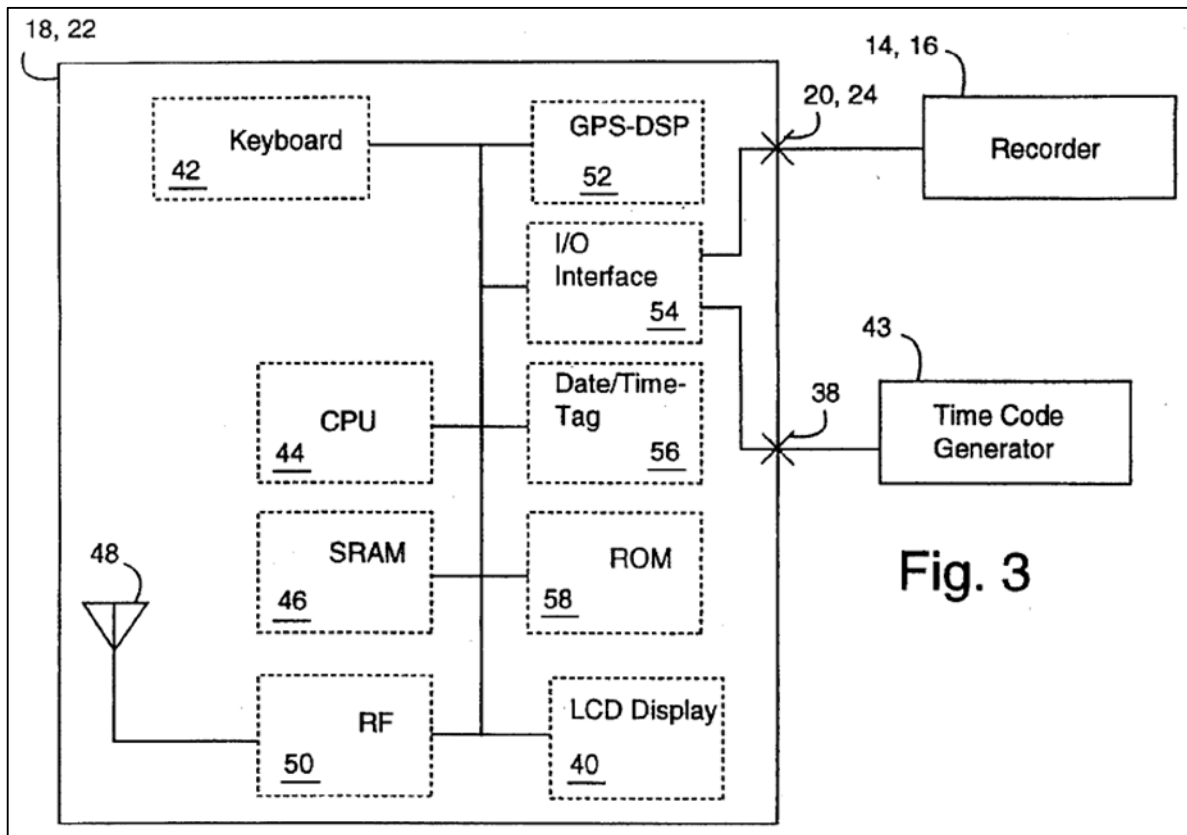


Fig. 3

See also Ex. 1002, ¶ 123.

(4) **1[C]: “at least one local audio device receiver for receiving at least one of the group consisting of digital commands, said master timecodes, and non-local audio data;”**

In the Lectrosonics IPRs, the Board found that Strub discloses “at least one control unit electrically coupled to said local audio device receiver, said audio input device, said memory, and said local timecode generator for creating stamped local audio data and storing said stamped local audio data in said memory.” Ex. 1017 at 25-31; Ex. 1018 at 22-28. *Supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

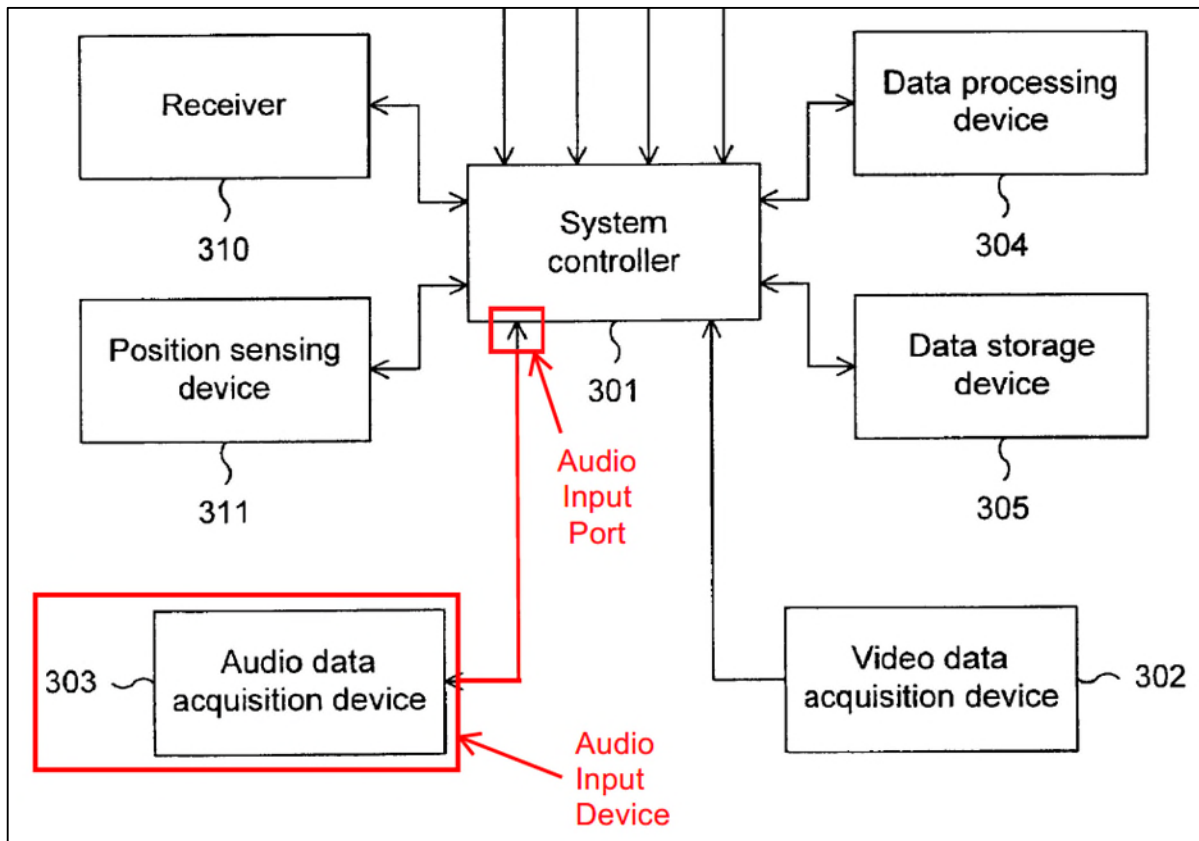
Strub teaches that each local audio device comprises a “recording unit.” Ex. 1003, Fig. 1, 8:6-20. Each recording unit includes a “receiver” 310. *Id.*, Fig. 3, 12:31-46. This receiver receives non-local audio data. *Id.* 12:31-46 (“receives recording data signals representing recording data acquired by one or more other recording units.”) (emphasis added), 35:51-65. Additionally, Strub discloses that the recording unit also contains a “GPS receiver” that receives master time codes, *e.g.*, GPS time, from a master time code generator, *i.e.*, a GPS satellite or SMPTE timecode source. *Id.* , 5:32-66 (“GPS receiver” as part of auxiliary device of recording unit), 63:41-60 (recording unit includes “GPS receiver” to receive GPS signals to use as “a clock to generate time-stamps”), 75:25-57 (receiver port for “SMPTE time code input,” for master timecodes to sync devices). The internal components of an exemplary local audio device (*e.g.*, recording unit) are depicted in FIG. 3 of Strub. *See also id.* 62:26-55 (recording unit includes position sensing device 311 comprising a GPS receiver).

Woo discloses local audio devices (recorders 14 and 16). Ex. 1004, Fig. 1, 5:1-5. These recorders include “satellite receiver(s)” 18 and 22 for receiving GPS signals. *Id.* 5:5-16, 5:54-58. Satellite receivers 18 and 22 include time code generators 43, for generating “master” time codes (including SMPTE time codes) for the recorders. *Id.* Figs. 1 and 3, 4:3-37, 7:27-38, 7:49-53, 8:19-36.

(5) **1[D]: “at least one audio input port for receiving locally generated audio from an audio input device;”**

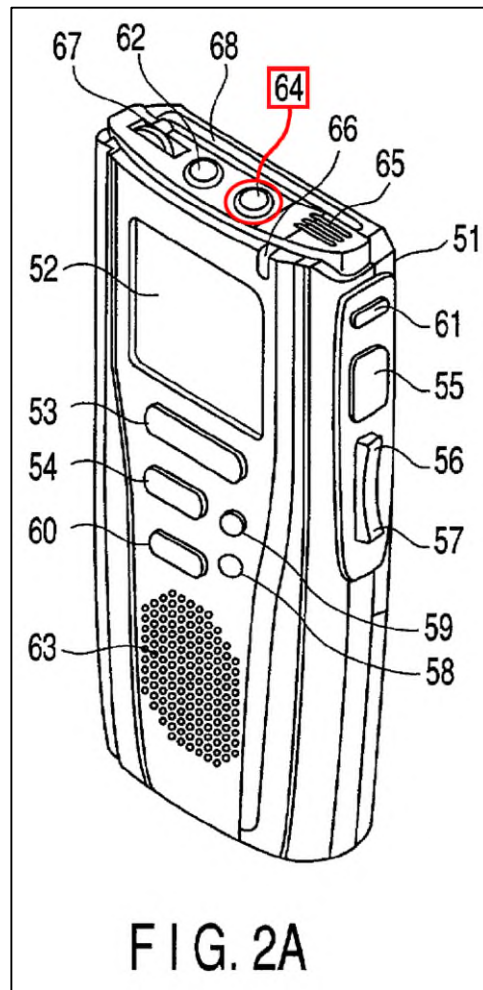
In the Lectrosonics IPRs, the Board found that each of Strub, Nagai, and/or Gleissner teaches an “audio input port for receiving said locally generated audio from an audio input device,” and that it would have been obvious to combine Strub with Nagai or Gleissner. *Supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

For example, Strub’s audio data acquisition device 303 is an audio input device, specifically a microphone. Ex. 1003, 21:65-22:2; 22:64-23:31, 25:25-49, 60:3-5. The system controller 301 in Strub’s local audio recording unit 300 has a local audio input port—the controller’s connection to audio input device 303 (*e.g.*, a microphone)—for receiving locally generated audio from the audio input device 303:



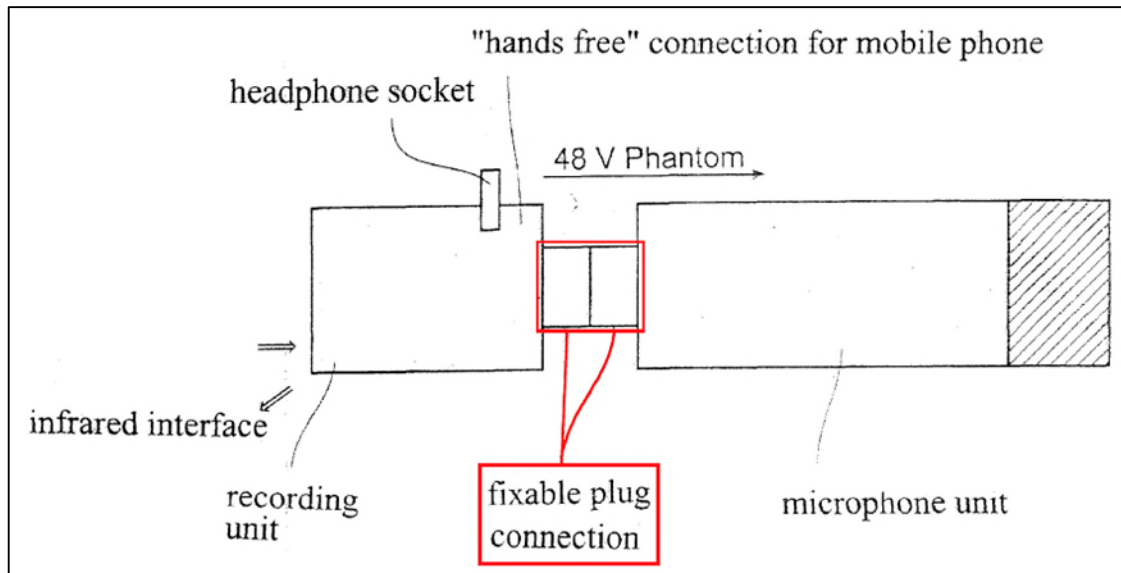
Ex. 1003, Fig. 3 (excerpted, annotated); *id.* 21:65-25:49, 68:63-69:67 (receiving audio from a microphone), 64:50-65:3 (describing wired or wireless connections between components using techniques known in the art, including a standard microphone jack). Furthermore, Strub states: “It can be advantageous to mount the audio...data acquisition device[s] so that the audio...acquisition device[s] [is] detachably attached.” *Id.* 69:23-26. A POSA would interpret Strub’s statement about detachability as meaning that the microphone is not soldered or hard-wired, but it connected to the local audio device through an audio input port such as a microphone jack and/or plug.

To the extent Zaxcom contends that Strub does not disclose Element 1[D], this element is taught by each of Nagai and Gleissner. For example, Nagai's audio recorder has an audio input port—"mike jack" 2 or 64—for coupling to an audio input device—specifically, an external microphone, or "mike [sic]"—to receive the locally generated audio:



Ex. 1005, Fig. 2A (annotated); *id.* [0100], [0109], and [0139], Fig. 1.

Gleisser's audio recorder has a conventional audio input port—an XLR plug connector—to couple to an audio input device—a microphone—to receive the locally generated audio:



Ex. 1006, Fig. 1 (annotated); *id.* [0013] (“XLR connector” for microphone), [0024], [0032]. Gleissner provides explicit motivation for using a standard microphone connector: “This has the advantage that the recording unit can be coupled together with practically any desired microphones, because an XLR connector is generally formed as the preferred embodiment in the case of microphones.” *Id.* [0013].

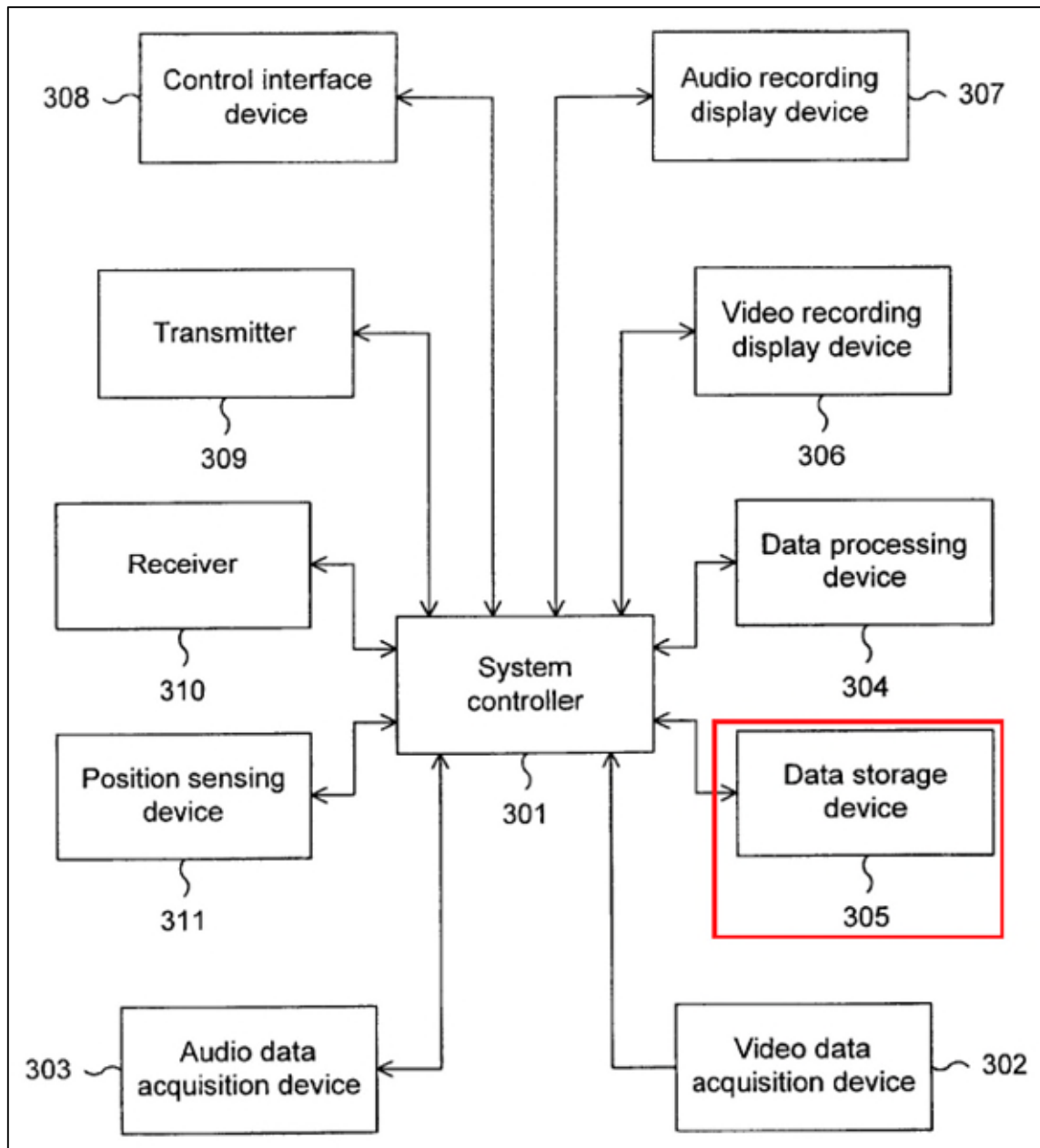
Woo refers to using a recorder 14 to “record the live performance of a performer 12.” Ex. 1004, 5:1-5. A POSA would have understood that recorder 14 necessarily would have had an audio input port to couple to a microphone to receive the sound from the performer. *See* Ex. 1002, ¶ 133.

Furthermore, a POSA would have been motivated to include Nagai's microphone jack or Gleissner's microphone plug connection in Strub's and/or Woo's local audio device because there were many different types and brands of microphones that were commercially available at or before the priority date of the '902 Patent. Ex. 1003, 21:65-22:2, 22:65-23:31, 24:61-64, 25:35-49, 29:35-37, 31:37-45, 32:17-26, 68:63-69:18, 84:52-62; Ex. 1002, ¶ 134. A POSA would have understood the advantages of using Nagai's or Gleissner's standard microphone jacks and plugs to allow different kinds of microphones to be easily swapped in and out of Strub's and Woo's audio recording systems to match the systems to the particular application and environment, and thus would have considered the combination obvious. Ex. 1002, ¶ 134.

(6) **1[E]: “at least one memory; and”**

In the Lectrosonics IPRs, the Board found that Strub teaches that the local audio device has a memory, a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

Specifically, Strub's local audio device has at least one memory—*e.g.*, data storage device 305:



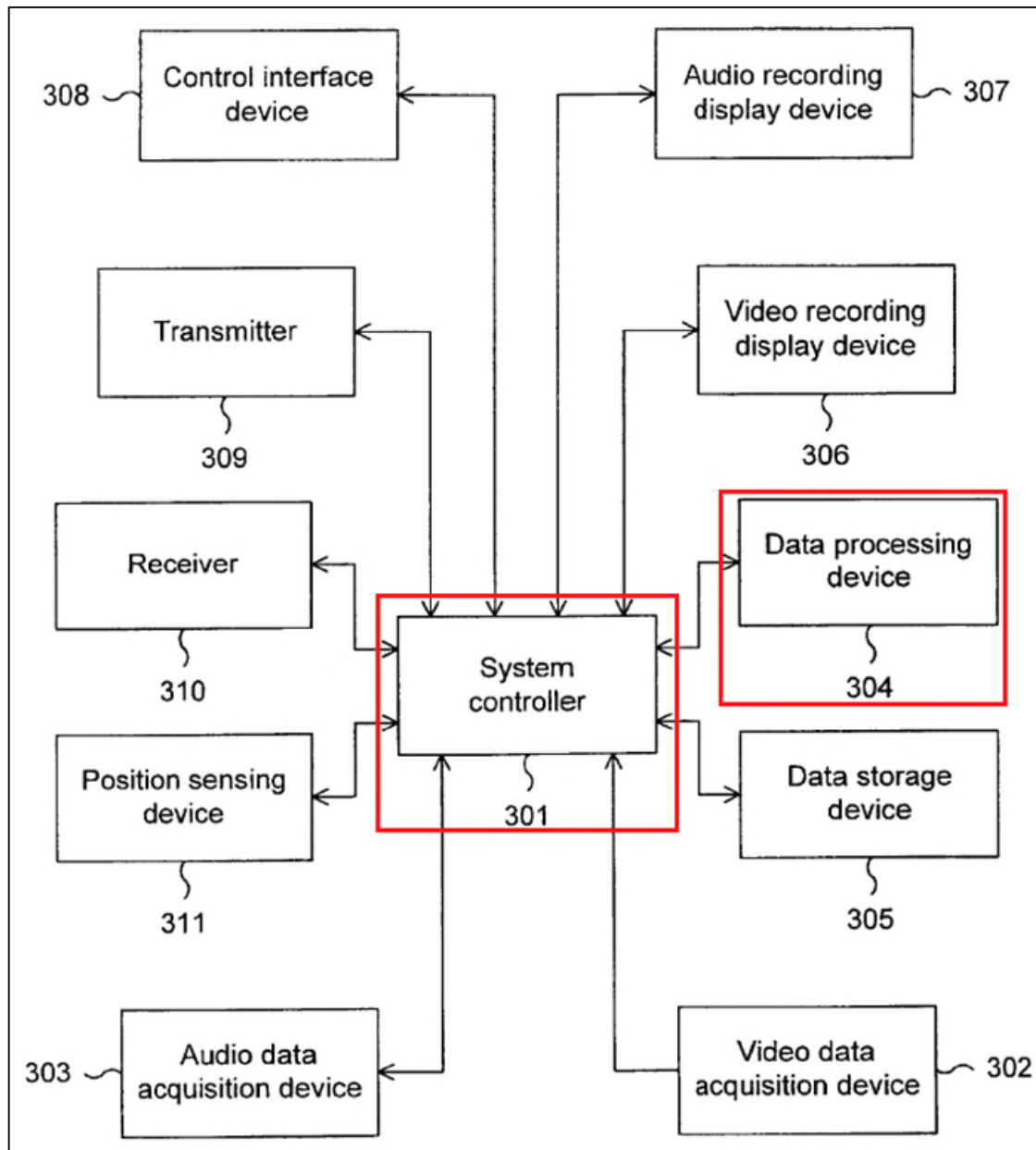
Ex. 1003, Fig. 3 (annotated).

Memory 305 may include a hard disk, a removable data storage medium such as a recordable-once DVD disk or a recordable/writable DVD disk, or a non-volatile data storage device, such as solid state or flash memory. *Id.*, 27:36-51, 33:20-35:50, 76:6-34, 94:15-20, Fig. 3; Ex. 1002, ¶ 137.

(7) **1[F]: “at least one control unit electrically coupled to said local audio device receiver, said audio input device, and said memory for creating local audio data from said locally generated audio and storing said local audio data in said memory;”**

In the Lectrosonics IPRs, the Board found that Strub teaches “at least one control unit electrically coupled to said local audio device receiver, said audio input device, said memory, and said local timecode generator,” a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

Strub’s local audio device includes a control unit—*e.g.*, system controller 301 and/or data processing device 304—which is coupled to the receiver 310, the audio input port (the connection to audio data acquisition device 303), and the memory (data storage device 305):



Ex. 1003, Fig. 3 (annotated); *id.* 12:4-13, 13:36-14:13 (describing operation of “system controller”).

In addition, a POSA would have considered it obvious to couple Strub’s control unit 301 to an audio input port such as Nagai’s mike jack or Gleissner’s XLR

plug connector, described *supra* Element 1[D]; *see also* Ex. 1006, [0013] (advantages of standard microphone connector); Ex. 1002, ¶ 148.

Further, in the Lectrosonics IPRs, the Board found that Strub teaches storing the locally generated audio as audio data in the memory of the local audio device, a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

Specifically, the system controller 301 in Strub’s local audio device acquires locally generated audio via audio data acquisition device 303 and stores the audio in memory—*i.e.*, data storage device 305. Ex. 1003, 12:10-21, Fig. 3.

Woo’s system also stores—*i.e.*, records—locally generated audio in a memory as audio data. Ex. 1004, 4:62-64, 5:1-5 (“A recorder 14 captures [a live] performance....”), 5:37-45 (“recordings” stored within recorders 14 and 16); Ex. 1002, ¶ 159.

(8) **1[G]: “wherein said local audio data includes stamped local audio data and unstamped local audio data;”**

In the Lectrosonics IPRs, the Board found that Strub teaches a “local timecode generator for creating stamped local audio data and storing said stamped local audio data in said memory,” a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

The system controller 301 in Strub’s local audio device “can include a clock that is used to time-stamp the recording data obtained by the recording unit.” Ex.

1003, 13:50-58, 63:56-60. The time stamps comprise timecodes. *Id.* 6:65-7:24 (storing a “*time code* on the videotape”); 29:42-62 (records audio and visual data and “other types of data (e.g.,...*time codes*)”); 77:24-28 (identifying exemplary portable video recorders that “*write a time code to the linear data storage medium.*”); 78:7-40; 84:20-25. *See also* 63:12-49 (GPS time signals to “generate time-stamps for the recording data”).

Woo’s local audio device includes “a date and time tag unit 56 and a read only memory (ROM) 58.” Ex. 1004, 7:59-60, Fig. 3. “The ROM 58...includes an application program for generating SMPTE time codes....” *Id.* 8:21-22. In addition, Woo’s local audio device can employ “commercially-available time code generator 43” to generate time codes. *Id.* 7:28-29, Fig. 3. Date and time tag unit 56 provides time stamps, which are used to stamp at least a portion of the local audio data. *Id.*, 8:11-21, 8:25-44, Figs. 3, 4; *see also id.* 1:60-2:1, 5:37-45; Ex. 1002, ¶ 162.

In addition to stamped audio data, Strub’s local audio data includes unstamped audio data. For example, Strub provides an example in which a time-stamp indicates only “the time at which a displayed recording was obtained.” Ex. 1003, 13:54-56. A POSA would understand Strub’s reference to “the time at which a...recording was obtained” to refer to the time that the entire recording was completed—i.e., the time that either the first or final audio sample of the recording

was captured. Ex. 1002, ¶ 163. Thus, in that example, the time-stamp applies only to the first or final audio sample, whereas the other samples are unstamped.

In addition, a POSA would have been motivated, and would have considered it obvious, to stamp only the first or last sample in an audio recording in order to conserve transmission bandwidth, leaving the other samples unstamped. The time between samples in a digital recording is known. Thus, the timing of all samples easily can be reconstructed starting from the time-stamp associated with the first or last sample. Ex. 1002, ¶ 163.

Additionally, Strub teaches that the system controller can store information “that identifies *particular* stored recording data,” and gives the example of applying a “time-stamp” to the recording data, indicating that only particular audio data is stamped and other audio data is unstamped. Ex. 1003, 13:48-54 (emphasis added); Ex. 1002, ¶ 164.

(9) **1[H]: “wherein said stamped local audio data includes at least one first timestamp to reference at least a portion of said local audio data to at least one of said master timecodes; and”**

Strub discloses at least one timestamp to reference at least a portion of local audio data to at least one of the master timecodes, for instance applying GPS timestamps to the audio data. *See, e.g.*, Ex. 1003, 63:12-49 (recording unit using “GPS time signal” to “generate time-stamps for the recording data”).

Woo also discloses at least one first timestamp to reference at least a portion of local audio data to at least one of the master timecodes, including timecodes from GPS. *See* Ex. 1004, 8:25-36 (tagging first recording with date and time code information from satellite receiver). *See also id.*, 4:13-19, 4:45-48, 5:5-13, 7:26-35, 7:49-53, 9:33-39, 10:44-60, Figs. 2-4; Ex. 1002, ¶ 167.

(10) **1[I]: “wherein said unstamped local audio data does not include a reference to said master timecodes.”**

As discussed *supra* Element 1[G], Strub discloses unstamped audio, *e.g.*, audio samples other than the first or final sample for an obtained recording. Necessarily, these unstamped samples have no reference to a master timecode. Additionally and alternatively, Strub teaches that the local audio data may be stamped using locally generated timecodes, and therefore the local audio data would be referenced to local, rather than master, timecodes. *See* Ex. 1003, 13:52-58 (system controller 301 includes a local “clock that is used to time-stamp the recording data”), 63:56-60 (recording unit has local “internal clock” to time-stamp data); *see also* Ex. 1002, ¶ 165.

- b. **Claim 2: “A system according to claim 1, wherein said local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof.”**

In the Lectrosonics IPRs, the Board found that Strub teaches adding a local audio device identifier and a performer identifier to the local audio data, a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

Strub’s local audio data can include one or more “marks” identifying a track, device, or performer. Ex. 1003, 52:19-33 (marks indicating subject matter or conditions or recorded track), 52:62-53:44 (marks identifying recording device, person making the mark, or “person present in the content”); Ex. 1002, ¶ 189.

- c. **Claim 3.**

(1) **3[A] & 3 [B]: “A system according to claim 1, said system further comprising: at least one remote control unit having an RCU transmitter capable of wirelessly transmitting digital commands; wherein said remote control unit controls at least one function of said local audio devices via transmission of at least one of said digital commands; and”**

Strub meets the additional limitations of Claim 3. For example, Strub teaches that “control interface device...[can] be implemented to enable wireless communication...between the control interface device...and the remainder of the recording unit[s].” *Id.*, 47:41-48. Strub teaches that the control interface device is remote and separate from the recording unit. *Id.* 47:25-32, 46:18-24, 46:54-56, 47:2-9. The control interface device transmits, and the system controller (*i.e.*, control

unit) is operable to receive, “instructions” (*i.e.*, commands). *Id.* 45:52-65, 47:49-50.

“[T]he control interface device enables the recorder to control operation of the recording unit. [It] includes...mechanisms (*e.g.*, pushbutton, switch) for enabling the recorder to start and stop operation of the recording unit.” *Id.*, 47:49-53. *See also id.* 47:50-63, 48:5-17, 49:4-14, 49:23-31, 49:46-55, 57:25-32. The commands are received by the system controller 301 (control unit) of the recording unit. *Id.* 45:56-46:5. Further, Strub teaches that the control interface unit may communicate wirelessly. *Id.* 47:41-47; *see also id.* 68:11-19, 70:38-46, Fig. 7; Ex. 1002, ¶ 210.

(2) **3[C]: “wherein said function includes at least one of the group consisting of ... [adding/deleting/altering] said local audio device identifier ... [adding/deleting/altering] said performer identifier ... and combinations thereof.”**

Strub meets this element. Strub teaches that “[t]he control interface device can also be implemented so as to enable specification of multiple types of marks, each mark having a different meaning,” *id.* at 51:32-34, and that such marks can be a local audio device identifier, a user identifier, or a performer identifier. *See id.* at 52:62-53:44. Ex. 1002, ¶ 211.

d. **Claim 6.**

(1) **Claim 6: “A system according to claim 1, wherein said master timecode includes at least one of the group consisting of time data, frame data, timecode type, recorder transport status, name of scene, name of take, track identifier, and combinations thereof.”**

In the Lectrosonics IPRs, the Board found that Strub teaches master time data including hour, minute, and/or second data—*i.e.*, a master timecode which includes time data—a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

For example, the local timecodes generated by the internal clock in each of Strub’s local audio devices comprise time-stamps—*i.e.*, time data. Ex. 1003, 13:48-67 (“clock...used to time-stamp the recording data”), 63:56-60, 77:24-28 (“time code...indicating ***the time at which corresponding recording data was obtained.***”), 7:11-24, 79:63-80:9, Fig. 3; *see also supra* 1[A]. Strub also discloses including a track identifier in the local timecode used to stamp the audio data. *See supra* Claim 2. In addition, Strub discloses monitoring recorder transport status—*e.g.*, “whether the recording unit is transmitting or not.” Ex. 1003, 48:18-41.

Strub’s master timecodes comprise GPS time data and/or SMPTE timecodes. *See supra* 1[A]. SMPTE timecodes include time data—specifically, “twenty-six [bits of a SMPTE timecode] are used to store time information.” Ex. 1004 (Woo), 3:20-22.

Woo's local timecode generator 43 and CPU 44 running the timecode-generation program stored in ROM 58 both generate SMPTE local timecodes, which include time data, based on timing information received from a GPS satellite. *See supra* 1[A], 1[C]; *see also* Ex. 1004, 1:21-40, 2:3-9, 2:42, 3:20-22, 4:13-19; 7:26-50.

The master timecodes that Woo uses to synchronize its local timecode generator 43 are received from GPS satellites 26-28. *See supra* 1[A], 1[C]. The GPS signals include time data. Ex. 1004, 4:13-19, 5:5-10, 5:21-29, 7:18-25, Figs. 2, 4; *see also* Ex. 1002, ¶ 194.

e. **Claim 13.**

Challenged Claim 13 depends upon Claim 12. In the Lectrosonics IPRs, the Board found that “claim 12 of the '902 patent is unpatentable under 35 U.S.C. § 102(e) as anticipated by Strub.” Ex. 1017 at 41. *See also supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

(1) **12[Pre]: “A method of wirelessly recording local audio, said method comprising:”**

This element is taught by Strub and Woo. *See supra* 1[Pre].

(1) **12[A]: “locally receiving said local audio generated by at least one performer during an audio event;”**

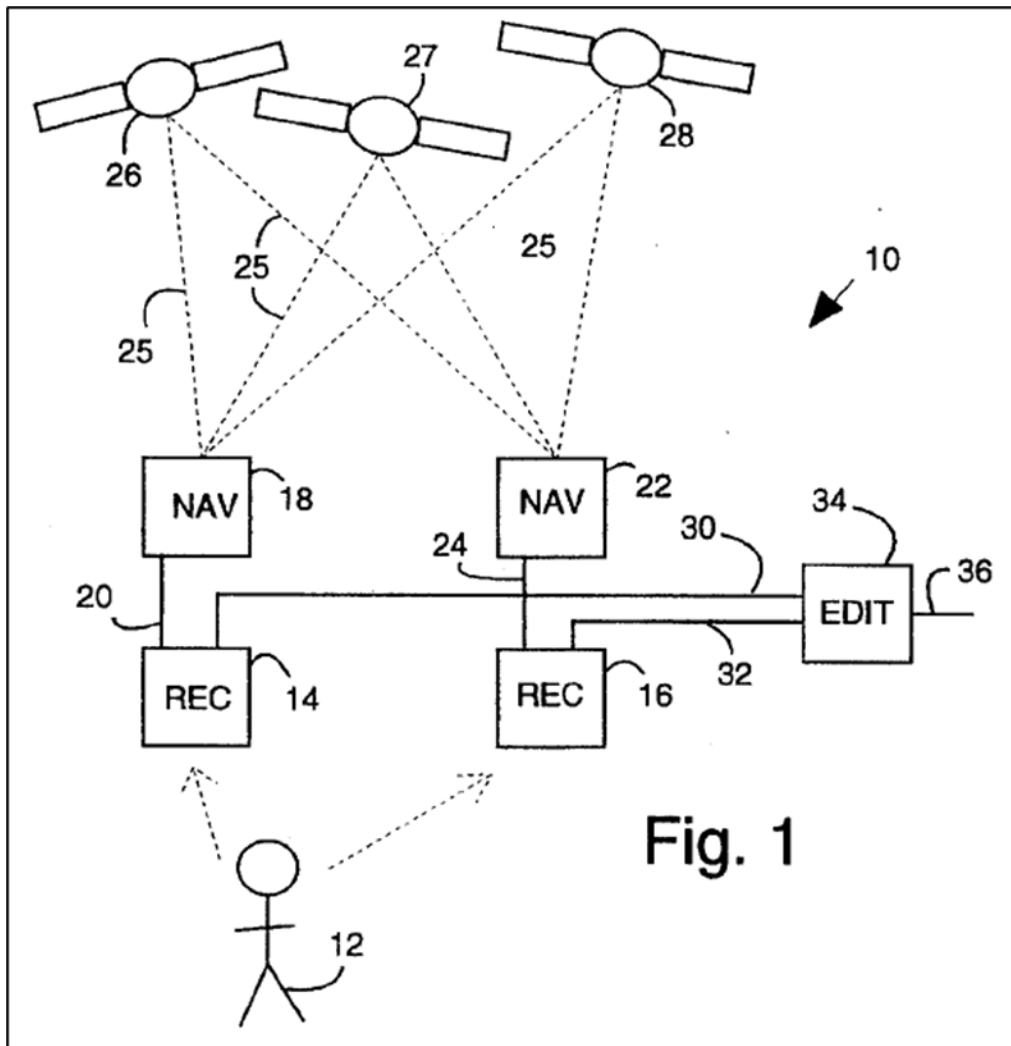
This element is taught by Strub, Woo, Nagai, and Gleissner. *See supra* 1[B] and 1[D].

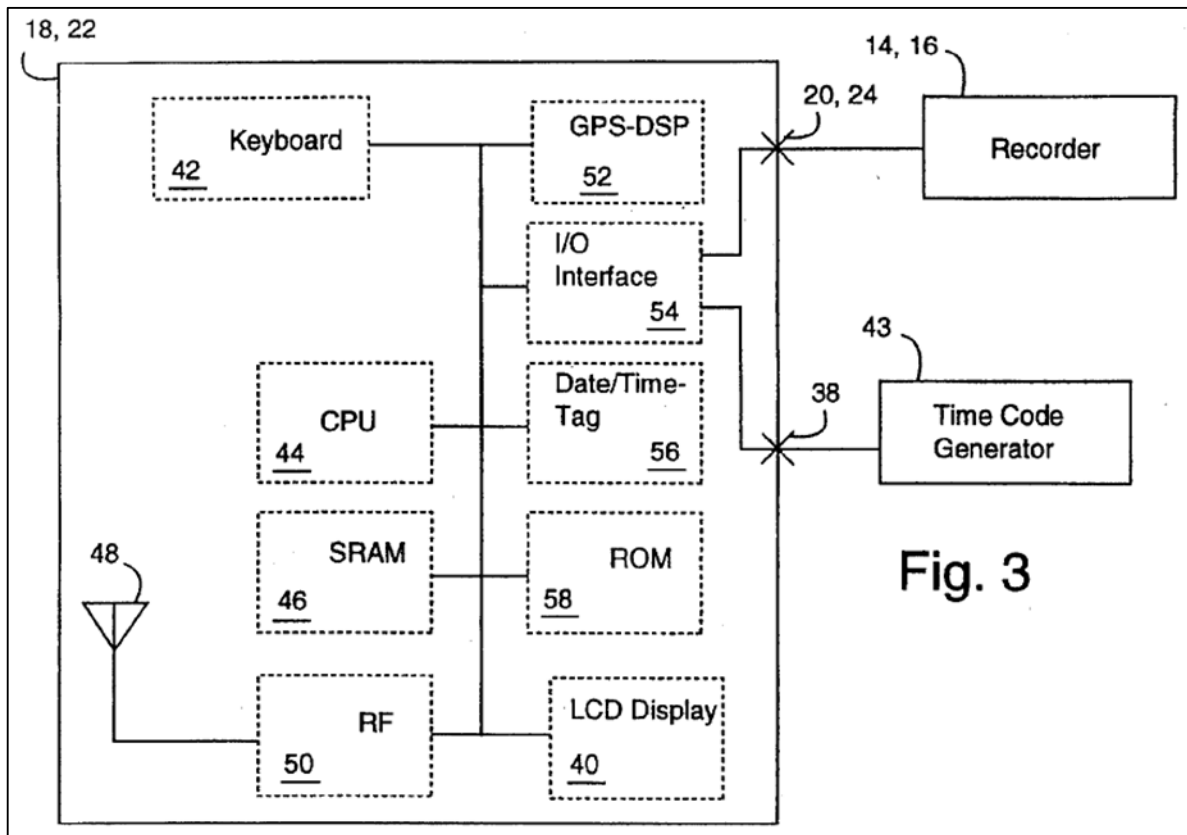
(1) **12[B]: “wirelessly transmitting said local audio to at least one of the group consisting of a recorder, a receiver, and combinations thereof;”**

In the Lectrosonics IPRs, the Board found that Strub teaches “a local audio device that records [(i.e., stores)] local audio and transmits the local audio to other remote devices” and “that the same local audio is stored at both the wearable local audio device as local audio data and the remote receiver/recorder as remotely recorded audio data.” *See supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

Each of Strub’s recording units is wearable by a user and is for storing locally generated audio and transmitting the locally generated audio to a remote device—*e.g.*, a different one of recording units 105-108, 200, and 300. *See* Ex. 1003, 8:10-29, 8:50-53, 11:32-50, 12:13–21, 12:31–39 (“[T]ransmitter 309 transmits signals...representing recording data acquired by the recording unit 300” to “other recording units.”), 25:35–49, 35:54–65, 37:18–40, 38:1–4, Figs. 1 (recording units 105-108), 2 (recording unit 200), 3 (recording unit 300); *see generally id.* 35:53-38:39 (“Communication Between Recording Units”). The remote recording unit receives the transmitted audio data via a receiver and records it. *Id.* 35:54-65, 37:18-40.

This element is also taught by Woo. Woo's system includes at least one local audio device which stores locally generated audio and transmits it to a remote recorder—editing station 34, as depicted in Figs. 1 and 3:





See also Ex. 1004, 5:3-5 (“recorder 14 captures [a] performance from its vantage point while another recorder 16 independently captures the same performance from its own vantage point.”), 5:37-49, 8:32-44, 9:40-43, 9:56-62, Figs. 1, 3-4. Communication between the local audio devices and the remote recorder are illustrated in Fig. 1. Ex. 1002, ¶¶ 123.

(1) **12[C]: “locally recording said local audio as local audio data in at least one memory of at least one local audio device; and”**

This element is taught by Strub, Woo, Nagai, and Gleissner. See *supra* 1[E] and 1[F].

(1) **12[D]: “remotely recording said transmitted local audio via at least one of the group consisting of a recorder, a receiver, and combinations thereof as remote audio data;”**

This element is taught by Strub and Woo. *See supra* 12[B]. Specifically, Strub’s remote recording unit receives the transmitted audio data via a receiver (“receiver”) and records it. Ex. 1003, 35:54-65 (“each recording unit can include a receiver that enables receipt of signals broadcast from other recording units that represent the recording data”), 37:18-40. In addition, Woo’s system includes at least one local audio device which stores locally generated audio and transmits it to a remote recorder—editing station 34, as depicted in Ex. 1004, Figs. 1 and 3. *See also* Ex. 1002, ¶ 215.

(1) **12[E]: “wherein at least a portion of said local audio data is retrieved during or subsequent to said audio event and is combined with said remote audio data;”**

Strub discloses retrieving at least a portion of said local audio data during or subsequent to said audio event. *See* Ex. 1003 12:4-39, 66:7-25 (audio data retrieved by transmitting the data to other devices via transmitter or wired connections).

Further, Strub discloses combining said remote audio data with said local audio data by replacing a portion of said remote audio data with said local audio data. *See id.* 37:18-40 (recorders “exchange recording data after the event is over”), 85:28-41; 87:61-63. In addition, Strub discloses “[t]he time-stamps can be used...

to enable post-event synchronization of the display of recordings obtained by different recording units.” Ex. 1003, 13:50–67.

In addition, Woo teaches using software and timecode information to synchronize and “blend” two different recordings from different microphones to generate a third, composite recording which is a combination of the first two. Ex. 1004, 8:44-51 (“[S]tep 114 combines the first and second recordings, according to a synchronization between the first and second date and time code information. A step 116 generates a third recording from the date and time synchronized portions.”), 9:65-5, 10:1-5, 11:12-16 (“editing means...for combining said first and second recording mediums according to said recorded formatted digital time codes to create a time-synchronized composite recording.”), 12:11-14. Woo provides alternative examples in which the combining is done either in post-processing or in real time. *See id.*, 8:51-54, 10:7-10, 10:12-14. Moreover, Woo teaches synchronizing clocks of recording units so that recordings can later be combined by aligning time stamps. *See id.*, 3:38-67. *See also* Ex. 1002, ¶ 218.

(1) **12[F]: “wherein said local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof.”**

This element is taught by Strub. *See supra* Claim 2.

(1) **13[Pre]: “A method according to claim 12, said method further comprising the step of:”**

See supra 12[Pre]–12 [F].

(1) **13[A]: “locally receiving or generating a plurality of master timecodes;”**

This element is taught by Strub and Woo. *See supra* 1[A].

(1) **13[B]: “wherein said local audio data includes stamped local audio data and unstamped local audio data;”**

This element is taught by Strub and Woo. *See supra* 1[G].

(1) **13[C]: “wherein said stamped local audio data includes at least one first timestamp to reference at least a portion of said local audio data to at least one of said master timecodes;”**

This element is taught by Strub and Woo. *See supra* 1[H].

(1) **13[D]: “wherein said unstamped local audio data does not include a reference to said master timecodes;”**

This element is taught by Strub and Woo. *See supra* 1[I].

(1) **13[E]: “wherein said master timecode includes at least one of the group consisting of time data, frame data, timecode type, recorder transport status, name of scene, name of take, track identifier, and combinations thereof.”**

Element 13[E] is identical to the limitation of Claim 11. In the Lectrosonics IPRs, the Board found that “claim[...11 of the ’902 patent [is] unpatentable under 35 U.S.C. § 103(a) as obvious [over] Strub in combination with Nagai or Gleissner, and Woo.” Ex. 1017 at 35. *See also supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

In addition, while this element requires only “at least one of the group,” Strub teaches master timecodes that include at least time data (Ex. 1003, 12:39-52, 63:12-15, 70:26-37, 75:25-51, Fig. 3), frame data (14:15-25), timecode type (4:7-13), recorder status (48:18-41), and track identifier (52:19-33).

Moreover, Woo teaches a master timecode including at least time data. See Ex. 1004, Abstract, 1:21-40, 1:60-2:9, 2:39-48, 3:3-24, 4:3-32; 7:26-50; *see also* Ex. 1002, ¶ 227.

f. **Claim 16.**

Claim 16 depends upon Claims 12 and 15. In the Lectrosonics IPRs, the Board found that “claim 12 of the ’902 patent is unpatentable under 35 U.S.C. § 102(e) as anticipated by Strub” and that “claim[...15 of the ’902 patent [is] unpatentable under 35 U.S.C. § 102(e) as anticipated by Strub” Ex. 1017 at 41. See *also supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

(1) **15[Pre]: “A method according to claim 12, further comprising:”**

See supra 12[Pre]–2[F].

(1) **15[A]: “manipulating said local audio data contained in at least a portion of said memory;”**

Strub discloses said memory. See *supra* 1[E]. Strub further discloses at least the following manipulation of audio data: transmitting digital commands (Ex. 1003,

47:49-63), adding a track identifier (52:19-33), adding marks identifying a particular recording unit (52:62-53:15), and adding marks identifying the performer and people present in a recording (53:16-44).

In addition, Woo teaches manipulating said local audio data contained in at least a portion of said memory, including at least “editing sessions” and that “[t]ime codes may also be used for film editing, film on tape editing, and many other tasks.” Ex. 1004, 1:36-2:9; *see also, id.*, 5:36-52 (describing use of an editing station); Ex. 1002, ¶ 230.

(1) **15[B]: “wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier... [adding/deleting/altering] said local audio device identifier...[adding/deleting/altering] said performer identifier...and combinations thereof.”**

This element is taught by Strub and Woo. *See supra* 15[A].

(2) **Claim 16: “A method according to claim 15, wherein said manipulation is performed via commercially available software.”**

This element is taught by Strub and Woo. *See supra* 15[A]-15[B].

In addition, commercially available software for said manipulating was well known to a POSA. For example, the '902 Patent discloses that “electronic mixing may be performed via [third-party] commercially available software such as Pro Tools or the like and may be performed in addition to or in lieu of live wireless recording of the audio event.” Ex. 1001, 10:48-52.

Commercially available software such as Avid Media Composer discloses multiple ways of editing audio or video. *See* Ex. 1033. For example, Avid Media Composer describes “single-mark editing,” which allows users to “establish a single mark,” and discloses using SMPTE timestamps to mark audio and video data. *Id.*, 342, 146, 321 (typing “SMPTE timecode[s]” “to find a frame in the sequence”). In addition, commercially available Short/cut 2000 software similarly discloses multiple ways of editing audio or video. *See, e.g.*, 1034 *See also* Ex. 1002, ¶ 234.

B. Ground 2: Claims 4, 5, 9, and 10 are Rendered Obvious Under § 103 By the Combination of Strub, Woo, Nagai, Gleissner, and Jones

1. A POSA Would have Been Motivated to Combine Strub, Woo, Nagai, Gleissner, and Jones

As previously discussed, a POSA would have been motivated to combine Strub, Woo, Nagai, and Gleissner. *See supra* § IX.A.1. In addition, the teachings of Strub, Woo, Nagai, Gleissner, and Jones provide substantial motivation to combine them.

Furthermore, every element of Challenged Claims 4, 5, 9, and 10 appears in Strub, Woo, Nagai, Gleissner, and/or Jones. *See infra* § IX.B.2. Those elements are standard method steps using well-known, off-the-shelf audio-recording and radio components that would be familiar to any POSA. Ex. 1002, ¶ 252. For example, devices like Jones’ multi-flash-card reader were common and well-known as of the priority date of the patents. A POSA would have been familiar with advantages of

such devices, such as, *e.g.*, providing the flexibility of interfacing different types of memories with electronic devices such as audio recorders. *See, e.g.*, Ex. 1010, 1:20-23, 2:25-60, 3:8-55; Ex. 1002, ¶ 252. There is nothing unpredictable about the claimed use of those components in a wireless audio-recording system. Ex. 1002, ¶ 252; *see KSR*, 550 U.S. at 417 (non-obviousness requires “more than the predictable use of prior art elements according to their established functions.”). Furthermore, the technology and operation of such components was well-understood in the relevant time period such that the combination of Strub, Woo, Nagai, Gleissner, and Jones would have had a high likelihood of success. Ex. 1002, ¶ 252.

Thus, since Strub and Woo teach the same kind of device used for the same purpose, since each of them identified the same problem identified in the '902 Patent and solved it in the same way, since the microphone jacks and plugs of Nagai and Gleissner and the multi-slot memory unit of Jones were old elements performing the same function they had always been known to perform, since audio input ports in general have been known for over a century, since the combination of elements in the Challenged Claims is nothing more than “the predictable use of prior art elements according to their established functions,” and since the combination of Strub, Woo, Nagai, Gleissner, and Jones would have had a high likelihood of success, a POSA would have been motivated to combine Strub, Woo, Nagai, Gleissner, and Jones.

2. **The Combination of Strub, Woo, Nagai, Gleissner, and Jones Meets All Elements of Challenged Claims 4, 5, 9 and 10**

As discussed below, the Preambles and every element of Claims 4, 5, 9, and 10 are taught by Strub, Woo, Nagai, Gleissner, and/or Jones. To the extent Patent Owner alleges that any of those references fails to teach any claim element, that element is provided by the other references. Further, to the extent the teachings of any of Strub, Woo, Nagai, Gleissner, and/or Jones are substantively different for any given claim element, it would have been at least obvious to try the other references' implementation of that element, given the overall similarity in their purpose, design and operation.

a. **Claim 4.**

(1) **4[A]: “A system according to claim 1, said system further comprising: a multi-memory unit including:”**

Element Claim 4[A] is taught by Strub, Woo, Nagai, and/or Gleissner. See *supra* 1[Pre]–1[I].

In addition, Jones teaches multiple examples of a multi-memory unit—*e.g.*, flash reader 42, flash reader within computer 20, and “FlashToaster” 80—each including at least one memory unit interface—*e.g.*, connectors 62, 64, 66, 68—for connection to at least a portion of a memory—*e.g.*, memory cards 16, 18, 24, and 28. Ex. 1010, 9:56-10:3 (describing “multi-slot embodiment of the flash-card reader [42].”), 10:4-29 (“[S]eparate slots in flash reader 42 allows for card-to-card

transfers....Each of the flash memory cards...can be assigned a different drive letter by the operating system.”), 10:30-12:25, Figs. 6A-9; *see also* Ex. 1002, ¶ 256.

(2) **4[B]: “at least one memory unit interface for connection to at least a portion of said memory; and”**

Jones teaches at least one memory unit interface for connection to at least a portion of said memory. *See, e.g.*, Ex. 1010, Abstract (“The flash card reader includes an Integrated Device Electronics (IDE) interface for transferring data to a personal computer.”); Ex. 1002, ¶ 257.

(3) **4[C]: “a user interface for manipulating said local audio data contained in said at least a portion of said memory;”**

Strub teaches manipulating said local audio data contained in at least a portion of said memory. *See supra* 15[A]. Strub further teaches a user interface for said manipulating. *See, e.g.*, Ex. 1003, 46:10-33; 58:8-14 (“A control interface device in a recording unit...can also include a control interface display for enabling the recorder to input control instructions to the recording unit.”); 58:44-56 (“control interface display...makes use of graphical user interface...that allow the recorder to specify instructions 50 regarding any of the above-described control functions.”); 51:32-56 (control interface device “enable[s] specification of multiple types of marks, each mark having a different meaning.”); *see also* Ex. 1002, ’902 Patent Element 15[A] ¶¶ 229-230, 258.

(4) **4[D]: “wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier ... [adding/deleting/altering]said local audio device identifier ... [adding/deleting/altering]said performer identifier ... and combinations thereof.”**

Strub teaches said manipulating. *See supra* 15[A] and 4[C]. *See also*, Ex. 1003, 51:32-56. Strub further discloses at least the following manipulation of audio data: transmitting digital commands (*id.*, 47:49-63), adding a track identifier (52:19-33), adding marks identifying a particular recording unit (52:62-53:15), and adding marks identifying the performer and people present in a recording (53:16-44). *See* Ex. 1002, ¶ 259.

b. **Claim 5: “A system according to claim 4, wherein said manipulation is performed via commercially available software.”**

This element is taught by Strub and Woo, and by commercially-available software, such as Pro Tools. *See supra* 15[A]-[B], 16. *See also* Ex. 1002, ¶ 261.

a. **Claim 9.**

Claim 9 depends upon Claim 7. In the Lectrosonics IPRs, the Board found that “independent claim 7 of the ’902 patent is unpatentable under 35 U.S.C. § 103(a) as obvious over Strub in combination with Nagai or Gleissner, and Woo.” Ex. 1017 at 35. *See also supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

(1) **7[Pre]: “A system for recording locally generated audio comprising:”**

This element is taught by Strub and/or Woo. *See supra* 1[Pre]. Ex. 1002, ¶ 262.

(2) **7[A]: “at least one master timecode generator for generating a plurality of master timecodes; and”**

This element is taught by Strub and/or Woo. *See supra* 1[A]; Ex. 1002, ¶ 263.

(1) **7[B]: “at least one local audio device wearable by a creator of said locally generated audio including:”**

This element is taught by Strub and/or Woo. *See supra* 1[B]; Ex. 1002, ¶ 264.

(2) **7[C]: “at least one local audio device receiver for receiving at least one of the group consisting of digital commands and said master timecodes;”**

This element is taught by Strub and/or Woo. *See supra* 1[C]; Ex. 1002, ¶ 265.

(3) **7[D]: “at least one audio input port for receiving locally generated audio from an audio input device;”**

This element is taught by Strub, Nagai, Gleissner, and/or Woo. *See supra* 1[D]; Ex. 1002, ¶ 266.

(4) **7[E]: “at least one memory;”**

This element is taught by Strub. *See supra* 1[E]; Ex. 1002, ¶ 267.

(5) **7[F]: “at least one local timecode generator for generating a plurality of local timecodes; and”**

In the Lectrosonics IPRs, the Board found that Strub teaches a local timecode generator, a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

In particular, Strub’s local audio device (a recording unit) includes a local timecode generator—an internal clock—that generates a timecode—*e.g.*, a signal indicating the time—used to timestamp the recording data. Ex. 1003, 13:52-56, 63:56-60, 79:54-80:9, Fig. 3.

Woo’s local audio device includes a local time code generator 43 that generates SMPTE timecodes. *See supra* 1[A]; Ex. 1004, 7:28-37, Fig. 3, 3:3-40. In addition, Woo’s local audio device has a CPU 44 (local timecode generator) which executes “an application program for generating SMPTE time codes...” *Id.* 8:8-9, 8:21-22, Fig. 3. Ex. 1002, ¶ 270.

(6) **7[G]: “at least one control unit electrically coupled to said local audio device receiver, said audio input device, said memory, and said local timecode generator for creating stamped local audio data and storing said stamped local audio data in said memory;”**

In the Lectrosonics IPRs, the Board found that Strub teaches “at least one control unit electrically coupled to said local audio device receiver, said audio input device, said memory, and said local timecode generator,” a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

In addition, this element is taught by Strub, Gleissner, and/or Woo. *See supra* 1[F]; Ex. 1002, ¶ 272.

(7) **7[H]: “wherein said stamped local audio data includes at least one local timestamp to reference at least a portion of said stamped local audio data to at least one of said local timecodes; and”**

Strub discloses at least one first timestamp to reference at least a portion of stamped local audio data to at least one of the local timecodes. In particular, Strub’s local audio device (a recording unit) has an internal clock and a GPS receiver, each of which comprises a local timecode generator operable to generate a plurality of local timecodes to be applied to the local audio data. *See, e.g.*, Ex. 1003, 62:26-63:50, 75:25-57.

Woo also discloses at least one first timestamp to reference at least a portion of stamped local audio data to at least one of the local timecodes. *See, e.g.*, Ex. 1004, 4:13-19, 4:45-48, 5:5-10, 5:21-29, 5:54-67, 7:18-47, 7:48-9:19, 9:33-39, 9:45-55, 10:15-64, Figs. 2-4; Ex. 1002, ¶ 274.

(8) **7[I]: “wherein said stamped local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof.”**

In the Lectrosonics IPRs, the Board found that Strub teaches adding a local audio device identifier and a performer identifier to the local audio data, a finding that Zaxcom is collaterally estopped from disputing. *Supra* § VI.D.

Specifically, Strub's local audio data can include one or more "marks" identifying a track, device, or performer. Ex. 1003, 52:19-33 (marks indicating subject matter or conditions or recorded track), 52:62-53:44 (marks identifying recording device, person making the mark, or "person present in the content"); Ex. 1002, ¶ 276.

(9) **Claim 9[Pre]: "A system according to claim 7, said system further comprising:"**

This element is taught by Strub, Nagai, Gleissner, and/or Woo. *See supra* 7[Pre]–7[I]). *See also* Ex. 1002, ¶ 277.

(10) **Claim 9[A]: "a multi-memory unit including:"**

This element is taught by Jones. *See supra* 4[A]; Ex. 1002, ¶ 278.

(11) **Claim 9[B]: "at least one memory unit interface for connection to at least a portion of said memory; and"**

This element is taught by Jones. *See supra* 4[B]; Ex. 1002, ¶¶ 279.

(12) **Claim 9[C]: "a user interface for manipulating said local audio data contained in said at least a portion of said memory;"**

This element is taught by Strub. *See supra* 4[C]; Ex. 1002, ¶¶ 280.

(1) **Claim 9[D]: "wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier...[adding/deleting/altering] said local audio device identifier...[adding/deleting/altering] said performer identifier...and combinations thereof."**

This element is taught by Strub. *See supra* 4[D]; Ex. 1002, ¶ 281.

a. **Claim 10.**

Challenged Claim 10 depends upon Claim 9, which depends on Claim 7. In the Lectrosonics IPRs, the Board found that “independent claim 7 of the ’902 patent is unpatentable under 35 U.S.C. § 103(a) as obvious over Strub in combination with Nagai or Gleissner, and Woo.” Ex. 1017 at 35. *See also supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.* In addition, the elements of Claims 7 and 9 are taught by Strub, Woo, Nagai, Gleissner, and/or Jones. *See supra* 7[Pre]–7[I] and 9[Pre]–9[C].

(1) **Claim 10: “A system according to claim 9, wherein said manipulation is performed via commercially available software.”**

This element is taught by Strub and Woo, and by commercially-available software, such as Pro Tools. *See supra* 15[A]–[B], 16; *see also* Ex. 1002, ¶ 282.

C. **Ground 3: Claims 17-20 Are Rendered Obvious Under § 103 By the Combination of Strub and Woo**

1. **A POSA Would have Been Motivated to Combine Strub and Woo**

In the Lectrosonics IPRs, the PTAB found that a POSA would have motivated to combine Strub and Woo and that the combination would have been obvious. *See Supra* § VI.D. Zaxcom is collaterally estopped from disputing those findings. *Id.*

In addition, a POSA would have been motivated to combine Strub and Woo. *See supra* § IX.A.1.

2. **The Combination of Strub and Woo Meets All Elements of Challenged Claims 17-20**

As discussed below, the Preambles and every element of Claims 17-20 are taught by Strub and Woo. To the extent Patent Owner alleges that either of those references fails to teach any claim element, that element is provided by the other reference. Further, to the extent the teachings of any of Strub or Woo are substantively different for any given claim element, it would have been at least obvious to try the other references' implementation of that element, given the overall similarity in their purpose, design and operation.

a. **Claim 17.**

(1) **17[Pre]: “A method of recording local audio, said method comprising the steps of:”**

This element is taught by Strub and Woo. *See supra* 1[Pre]; Ex. 1002, ¶ 286.

(2) **17[A]: “locally receiving said local audio generated by at least two performers during an audio event;”**

This element is taught by Strub and Woo. *See supra* 1[B] and 1[D]. *See also* Ex. 1002, ¶ 287.

(3) **17[B]: “locally recording said local audio as local audio data in at least one memory of at least one local audio device; and”**

This element is taught by Strub and Woo. *See supra* 1[B], 1[D], and 1[E]. *See also* Ex. 1002, ¶¶ 288.

(4) **17[C]: “locally receiving or generating a plurality of master timecodes;”**

This element is taught by Strub and Woo. *See supra* 1[A], 1[C], 7[F]; Ex. 1002, ¶ 289.

(5) **17[D]: “wherein said local audio data for each of said performers is retrieved from said local audio devices subsequent to said audio event and is combined to create a single multi-track audio file;”**

This element is taught by Strub and Woo. *See supra* 12[E]. In addition, Woo teaches using software and timecode information to synchronize and “blend” two different recordings from different microphones to generate a third, composite recording which is a combination of the first two. *See supra* 12[E]; Ex. 1002, ¶ 290.

(6) **17[E]: “wherein said local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof;”**

This element is taught by Strub. *See supra* Claim 2. *See also* Ex. 1002, ¶ 291.

(7) **17[F]: “wherein said local audio data includes stamped local audio data and unstamped local audio data;”**

This element is taught by Strub and Woo. *See supra* 1[G]; Ex. 1002, ¶ 292.

(8) **17[G]: “wherein said stamped local audio data includes at least one first timestamp to reference at least a portion of said local audio data to at least one of said master timecodes;”**

This element is taught by Strub and Woo. *See supra* 1[H]; Ex. 1002, ¶ 293.

(9) **17[H]: “wherein said unstamped local audio data does not include a reference to said master timecodes; and”**

This element is taught by Strub and Woo. *See supra* 1[I]; Ex. 1002, ¶ 294.

(10) **17[I]: “wherein said master timecode includes at least one of the group consisting of time data, frame data, timecode type, recorder transport status, name of scene, name of take, track identifier, and combinations thereof.”**

This element is taught by Strub and Woo. *See supra* 13[E]; Ex. 1002, ¶ 295.

b. **Claim 18.**

(1) **18[A]: “A method according to claim 17, further comprising: remotely controlling at least one function of at least one of said local audio device via at least one remote control unit;”**

This element is taught by Strub. *See supra* 3[A]-3[B]; Ex. 1002, ¶ 296.

(2) **18[B]: “wherein said function includes at least one of the group consisting of [adding/deleting/altering] said track identifier ... [adding/deleting/altering] said local audio device identifier ... [adding/deleting/altering] said performer identifier ... and combinations thereof.”**

This element is taught by Strub. *See supra* 3[C]; Ex. 1002, ¶ 297.

c. **Claim 19.**

(1) **19[A]: “A method according to claim 17, further comprising: manipulating said local audio data contained in at least a portion of said memory;”**

This element is taught by Strub. *See supra* 15[A]; Ex. 1002, ¶ 298.

(2) **19[B]: “wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier ... [adding/deleting/altering] said local audio device identifier ... [adding/deleting/altering] said performer identifier ... and combinations thereof.”**

This element is taught by Strub. *See supra* 15[B]; Ex. 1002, ¶ 299.

- d. **Claim 20. “A method according to claim 19, wherein said manipulation is performed via commercially available software.”**

This element is taught by Strub and Woo, and by commercially-available software, such as Pro Tools. *See supra* 15[A]-[B], 16; *see also* Ex. 1002, ¶ 300.

D. No Relevant Secondary Considerations

Petitioner is not aware of any secondary considerations which would impact the obviousness analysis of Grounds 1-3.

X. DISCRETIONARY DENIAL IS NOT WARRANTED

A. Section 325(d)

Institution denial based on 35 U.S.C. §325(d) is unwarranted because the arguments and evidence presented here were not previously and/or properly considered. *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (PTAB Feb. 13, 2020) (precedential) (“*Advanced Bionics*”), *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 at 17-18 (PTAB Dec. 15, 2017) (precedential as to §III.C.5, first paragraph).

1. Advanced Bionics Part One

Strub, Woo, Nagai, Gleissner, and Jones were neither before the Examiner nor are “substantially the same” as the prior art considered by the Examiner. *Advanced Bionics*, Paper 6 at 13-19. The only reference that the Examiner considered substantively was U.S. Patent 6,678,501 (“Valeski”). Ex. 1035 at 3-4. The

Examiner never asserted, *e.g.*, that Valeski discloses a local device that receives a master timecode from a master timecode generator and stamps local audio data with a timestamp referencing at least a portion of the local audio data to the master timecode, as in Strub and Woo. *See id.*; *see also supra* Ground 1, Elements 1[H], 7[H][, 13[C], 17[G]. Nor are any of those limitations present in Valeski.

2. **Advanced Bionics Part Two**

Since Strub, Woo, Nagai, Gleissner, and Jones were not before the USPTO during prosecution of the '902 Patent and are not substantially the same as the art that was before the USPTO, Petitioner's arguments presented herein cannot be the same or substantially the same as those previously presented to the Office during prosecution.

Strub, Woo, Nagai, and Gleissner were considered by the PTAB in the Lectrosonics IPRs, but in those earlier proceedings the Board found claims similar to the present Challenged Claims unpatentable over those references. *See Supra* § VI.D. In contrast, the only claims **not** found unpatentable in the Lectrosonics IPRs included the limitation "replacing...[remote/remotely recorded] audio data with...local audio data." Ex. 1014 at 64 (Claims 1-14 unpatentable over Strub, Nagai, and Gleissner and replaced by substitute Claims 15-28); Ex. 1015, IPR Certificate, 1:30-31, 2:28-30; Ex. 1017 at 73 (Claims 7, 8, 11, 12, 14, and 15 unpatentable over Strub, Nagai, Gleissner, and Woo and replaced by substitute

Claims 21-26); Ex. 1001, IPR Certificate, 1:41-43, 2:32-33; Ex. 1018 at 6 n.6, 63 (Claims 1-4, 9, 10, 12, 15, 31, 36, 37, and 41-44 unpatentable over Strub, Nagai, Gleissner, and Woo; Claim 45 (reciting storage of timecode-associated data in file header) unpatentable over those references plus Dwyer (U.S. Pat. 6,571,211); replaced by substitute Claims 50-65); Ex. 1028 IPR Certificate, 1:41-43). That limitation does not appear in any Challenged Claim in the present case.

Thus, since the USPTO's only substantive consideration of any of the presently presented prior art resulted in unpatentability and cancelation of claims similar to the Challenged Claims, this factor weighs strongly against discretionary denial.

B. Section 314(a)

Under the Director's Interim Procedure for Discretionary Denials (June 21, 2022) ("IP"), "the PTAB will not deny institution based on *Fintiv* if there is compelling evidence of unpatentability" (IP, 5), which this Petition provides. The *Fintiv* factors favor institution based on efficiency, fairness, and patent quality. *Apple v. Fintiv*, IPR2020-00019, Paper 11 at 5 (Mar. 20, 2020) ("*Fintiv*") (precedential).

1. Stay Potential

Petitioner intends to seek a stay of the district court litigation, but without "specific evidence" how the court will rule, this factor is neutral. *Sand Revolution*

II v. Continental Intermodal Group–Trucking, IPR2019-01393, Paper 24 at 7 (PTAB June 16, 2020) (informative).

2. **Trial Timing and Diligence**

Institution approximately six months from Petition filing would result in an FWD by June 2026. The district court in the Delaware Litigation has not yet set a trial date, but the final summary judgment and Daubert briefs are not due until April 10, 2026. Ex. 10313. Thus, it is extremely unlikely that trial will start in or before June 2026. Rather, there is a significant probability that the Court will not even issue its summary judgment and Daubert rulings, let alone start the trial, until June 2026 or later. Trial will not occur until substantially after the FWD.

Furthermore, Petitioner plans to seek a stay of the Delaware Litigation during the pendency of this IPR, which is likely to be granted, pushing the trial date back even further after the FWD, as the District of Delaware has historically granted requests to stay pending IPR that were filed after the institution decision. *See Ethicon LLC v. Intuitive Surgical, Inc.*, No. 17-871-LPS, 2019 WL 1276029, at *1-3 (D. Del. Mar. 20, 2019); *Bio-Rad Labs. Inc. v. 10X Genomics, Inc.*, No. 18-1679-RGA, 2020 WL 2849989, at *1-2 (D. Del. June 2, 2020); *NEC Corp. v. Peloton Interactive, Inc.*, No. 22-987-CJB, 2024 WL 1533952, at *1–3 (D. Del. Apr. 9, 2024). Thus, Factor 2 weighs against discretionary denial. *Fintiv*, at 9.

3. **Litigation Investment**

In the Delaware Litigation, fact discovery does not end until August 2025, claim construction and expert discovery have not even begun, Ex. 1031 at 3, a trial date has not been set, *id.*, and no substantive orders have been issued related to the patents-in-suit, facts that weigh against discretionary denial. *Fintiv*, at 9-10. Thus, this factor weighs against discretionary denial.

4. **Issue Overlap**

Although all of the Challenged Claims are currently being asserted in the Delaware Litigation, that is at least partly because Zaxcom is asserting 140 claims and has refused to narrow its list of claims at this time. Ex. 1032 The Court recently issued a revised scheduling order which requires Zaxcom to reduce its asserted claims in two phases, one before the claim construction proceeding and one after the claim construction ruling. In addition, Petitioner is concurrently filing IPR Petitions on the '443 and '207 Patents. Collectively, the three related IPR Petitions challenge a total of 38 claims, which is itself too many to present to a jury, and that does not even include the other four patents-in-suit, which are not subject to the IPR Petitions filed today. Thus, it is highly likely that many of the Challenged Claims will not be asserted in the Delaware Litigation. This weighs against discretionary denial, because “[t]he IPR trial will impact the integrity of the patent system positively by

considering material issues not raised in the District Court Action.” *Seven Networks*, Paper 10 at 17, 19; *Fintiv*, at 12-13.

5. **Litigation Parties**

This Petition involves the same parties as the Delaware Litigation, so this factor may “depend[] on which tribunal was likely to address the challenged patent first,” which is the PTAB (*supra* § X.B.2). *Google v. Parus Holdings*, IPR2020-00846, Paper 9 at 20-21 (PTAB Oct. 21, 2020). In this instance, the PTAB will address the challenged patent first. When the FWD issues, the Delaware Litigation will have had no trial but will still be in its summary judgment/Daubert phase. *Ex. 1031*, 3.

6. **Merits**

The “strong showing on the merits” presented here weighs against denial. *Seven Networks*, Paper 10 at 20.

XI. CONCLUSION

For the foregoing reasons, Petitioner requests institution of IPR and cancellation of all the Challenged Claims.

XII. PAYMENT OF FEES

Petitioner submits concurrently herewith the required fees under 37 C.F.R. §§ 42.15(a) and 42.103(a). The Office is authorized to charge any shortfall or other fees due during this proceeding to Deposit Account No. 50-2778.

Dated: December 4, 2024

Michael A. Fisher

Jeffrey B. Plies, reg. no. 46,999

Michael A. Fisher, reg. no. 42,536

DECHERT LLP

Counsel for Petitioner

WORD COUNT CERTIFICATION

Pursuant to 37 C.F.R. § 42.24(d), I certify that this Petition contains 13,894 words (excluding the title page, table of contents, table of authorities, table of exhibits, mandatory notices, this certificate, the claim listing, and the certificate of service), as determined by Microsoft Word.

Dated: December 4, 2024

Michael A. Fisher

Michael A. Fisher, Reg. No. 42,536

DECHERT LLP

Counsel for Petitioner

CHALLENGED CLAIM LISTING
(INCLUDING LIMITATIONS OF CANCELED BASE CLAIMS 7, 12, 15)

Claim 1
1[Pre]: A system for recording locally generated audio comprising:
1[A]: at least one master timecode generator for generating a plurality of master timecodes; and
1[B]: at least one local audio device wearable by a creator of said locally generated audio including:
1[C]: at least one local audio device receiver for receiving at least one of the group consisting of digital commands, said master timecodes, and non-local audio data;
1[D]: at least one audio input port for receiving locally generated audio from an audio input device;
1[E]: at least one memory; and
1[F]: at least one control unit electrically coupled to said local audio device receiver, said audio input device, and said memory for creating local audio data from said locally generated audio and storing said local audio data in said memory;
1[G]: wherein said local audio data includes stamped local audio data and unstamped local audio data;
1[H]: wherein said stamped local audio data includes at least one first timestamp to reference at least a portion of said local audio data to at least one of said master timecodes; and
1[I]: wherein said unstamped local audio data does not include a reference to said master timecodes.

Claim 2

A system according to claim 1, wherein said local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof.

Claim 3

3[A] & 3 [B]: A system according to claim 1, said system further comprising: at least one remote control unit having an RCU transmitter capable of wirelessly transmitting digital commands; wherein said remote control unit controls at least one function of said local audio devices via transmission of at least one of said digital commands; and

3[C]: wherein said function includes at least one of the group consisting of ... [adding/deleting/altering] said local audio device identifier ... [adding/deleting/altering] said performer identifier ... and combinations thereof.

Claim 4

4[A]: A system according to claim 1, said system further comprising: a multi-memory unit including:

4[B]: at least one memory unit interface for connection to at least a portion of said memory; and

4[C]: a user interface for manipulating said local audio data contained in said at least a portion of said memory;

4[D]: wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier ... [adding/deleting/altering] said local audio device identifier ... [adding/deleting/altering] said performer identifier ... and combinations thereof.

Claim 5

A system according to claim 4, wherein said manipulation is performed via commercially available software.

Claim 6

A system according to claim 1, wherein said master timecode includes at least one of the group consisting of time data, frame data, timecode type, recorder transport status, name of scene, name of take, track identifier, and combinations thereof.

Claim 7

7[Pre]: A system for recording locally generated audio comprising:

7[A]: at least one master timecode generator for generating a plurality of master timecodes; and

7[B]: at least one local audio device wearable by a creator of said locally generated audio including:

7[C]: at least one local audio device receiver for receiving at least one of the group consisting of digital commands and said master timecodes;

7[D]: at least one audio input port for receiving locally generated audio from an audio input device;

7[E]: at least one memory;

7[F]: at least one local timecode generator for generating a plurality of local timecodes; and

7[G]: at least one control unit electrically coupled to said local audio device receiver, said audio input device, said memory, and said local timecode generator for creating stamped local audio data and storing said stamped local audio data in said memory;

7[H]: wherein said stamped local audio data includes at least one local timestamp to reference at least a portion of said stamped local audio data to at least one of said local timecodes; and

7[I]: wherein said stamped local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof.

Claim 9

Claim 9[Pre]: A system according to claim 7, said system further comprising:

Claim 9[A]: a multi-memory unit including:

Claim 9[B]: at least one memory unit interface for connection to at least a portion of said memory; and

Claim 9[C]: a user interface for manipulating said local audio data contained in said at least a portion of said memory;

Claim 9[D]: wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier...[adding/deleting/altering] said local audio device identifier...[adding/deleting/altering] said performer identifier...and combinations thereof.

Claim 10

A system according to claim 9, wherein said manipulation is performed via commercially available software.

Claim 12

12[A]: locally receiving said local audio generated by at least one performer during an audio event;

12[B]: wirelessly transmitting said local audio to at least one of the group consisting of a recorder, a receiver, and combinations thereof;

12[C]: locally recording said local audio as local audio data in at least one memory of at least one local audio device; and

12[D]: remotely recording said transmitted local audio via at least one of the group consisting of a recorder, a receiver, and combinations thereof as remote audio data;

12[E]: wherein at least a portion of said local audio data is retrieved during or subsequent to said audio event and is combined with said remote audio data;

12[F]: wherein said local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof.

Claim 13

13[Pre]: A method according to claim 12, said method further comprising the step of:

13[A]: locally receiving or generating a plurality of master timecodes;

13[B]: wherein said local audio data includes stamped local audio data and unstamped local audio data;

13[C]: wherein said stamped local audio data includes at least one first timestamp to reference at least a portion of said local audio data to at least one of said master timecodes;

13[D]: wherein said unstamped local audio data does not include a reference to said master timecodes;

13[E]: wherein said master timecode includes at least one of the group consisting of time data, frame data, timecode type, recorder transport status, name of scene, name of take, track identifier, and combinations thereof.

Claim 15

15[Pre]: A method according to claim 12, further comprising:

15[A]: manipulating said local audio data contained in at least a portion of said memory;

15[B]: wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier... [adding/deleting/altering] said local audio device identifier...[adding/deleting/altering] said performer identifier...and combinations thereof.

Claim 16

A method according to claim 15, wherein said manipulation is performed via commercially available software.

Claim 17

17[Pre]: A method of recording local audio, said method comprising the steps of:

17[A]: locally receiving said local audio generated by at least two performers during an audio event;

17[B]: locally recording said local audio as local audio data in at least one memory of at least one local audio device; and

17[C]: locally receiving or generating a plurality of master timecodes;

17[D]: wherein said local audio data for each of said performers is retrieved from said local audio devices subsequent to said audio event and is combined to create a single multi-track audio file;

17[E]: wherein said local audio data includes at least one identifier selected from the group consisting of track identifiers, local audio device identifiers, performer identifiers, and combinations thereof;

17[F]: wherein said local audio data includes stamped local audio data and unstamped local audio data;

17[G]: wherein said stamped local audio data includes at least one first timestamp to reference at least a portion of said local audio data to at least one of said master timecodes;

17[H]: wherein said unstamped local audio data does not include a reference to said master timecodes; and

17[I]: wherein said master timecode includes at least one of the group consisting of time data, frame data, timecode type, recorder transport status, name of scene, name of take, track identifier, and combinations thereof.

Claim 18

18[A]: A method according to claim 17, further comprising: remotely controlling at least one function of at least one of said local audio device via at least one remote control unit;

18[B]: wherein said function includes at least one of the group consisting of [adding/deleting/altering] said track identifier ... [adding/deleting/altering] said

local audio device identifier ... [adding/deleting/altering] said performer identifier ... and combinations thereof.

Claim 19

19[A]: A method according to claim 17, further comprising: manipulating said local audio data contained in at least a portion of said memory;

19[B]: wherein said manipulation includes at least one of the group consisting of [adding/deleting/altering] said track identifier ... [adding/deleting/altering] said local audio device identifier ... [adding/deleting/altering] said performer identifier ... and combinations thereof.

Claim 20

A method according to claim 19, wherein said manipulation is performed via commercially available software.

CERTIFICATE OF SERVICE

I certify that today in:

RØDE Microphones, LLC., et al. v, Zaxcom, Inc., IPR2025-00231 (U.S. Patent 7,929,902)

I caused to be served a copy of:

Petition
Power of Attorney
Exhibits 1001-1006, 1008, 1010, 1014-1021, 1023-1028, 1031-1035

upon:

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Electronic Mail

Patent Owner agreed to have the above-listed counsel accept electronic service of the Petition on April 30, 2024. *See* 37 CFR § 42.105(b) (“Upon agreement of the parties, service may be made electronically....”).

Dated: December 4, 2024

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