

I. THE CLAIMS OF THE '297 PATENT ARE INVALID UNDER 112

A. Indefinite

The Asserted Claims of the '297 Patent are invalid as indefinite under Section 112, ¶ 2 for failing to particularly point out and distinctly claim the subject matter which the Applicants regarded as the alleged invention. For example, as demonstrated either individually or collectively by the claim elements addressed below, the Asserted Claims fail to inform those skilled in the art about the scope of the invention with reasonable certainty, rendering the Asserted Claims (and any claims depending therefrom) invalid as indefinite:

- “determining to adjust a configuration of the at least one infotainment system based at least partially on the infotainment information in the user profile” (claims 1, 9 and 15)
- “the user” (claims 1, 4, 7, 8, 12, 15, 17, and 19)
- “one or more” (claims 4, 12, 18 and 20)
- “determining whether the access priority of the user allows for the adjustment to the configuration of the at least one infotainment system” (claims 1, 9 and 15)
- “comparing the access priority of the user to the second access priority of the second user, wherein the adjustment is allowed when the access priority of the user is greater than the second access priority of the second user, and wherein the adjustment is prevented when the access priority of the user is less than the second access priority of the second user.” (claims 1, 9 and 15)

- “detecting the at least one infotainment system associated with the user is based at least partially on one or more of a proximity of a user and a user device to the at least one infotainment system” (claims 4 and 12)
- “determining whether the infotainment information matches the determined configuration of the at least one infotainment system, wherein the infotainment information includes at least one infotainment setting, preference, content, and power state” (claims 5 and 13)
- “providing, when the infotainment information does not match the determined configuration of the at least one infotainment system, an adjustment output configured to adjust the configuration of the at least one infotainment system” (claims 6 and 14)
- “determining whether the additional infotainment information qualifies as user profile data” (claim 7))
- “storing, based at least partially on determining that the additional infotainment information qualifies as user profile data, the additional infotainment information in the user profile associated with the user” (claim 7)
- “collecting, while the at least one infotainment system is online, additional infotainment information associated with the user” (claims 17 and 19)
- “wherein the additional infotainment information includes one or more of preferred radio stations, content applications, listening content, viewing content, content playback settings, genres, content consumption habits, and recording preferences” (claims 18 and 20)

The above limitations fail to set forth the scope of the alleged invention with reasonable certainty. The scope of these terms is not reasonably certain. One or more of these limitations is required by all Asserted Claims. Accordingly, all Asserted Claims are indefinite.

B. Written Description

The Asserted Claims of the '297 Patent are also invalid for failure to comply with the written description requirement under Section 112, ¶ 1. For example, the '297 Patent does not contain written description support at least for the following claim terms, either individually or collectively, rendering the Asserted Claims in which they appear (and any claims depending therefrom) invalid for lack of written description:

- “determining to adjust a configuration of the at least one infotainment system based at least partially on the infotainment information in the user profile” (claims 1, 9 and 15)
- “determining whether the access priority of the user allows for the adjustment to the configuration of the at least one infotainment system” (claims 1, 9 and 15)
- “comparing the access priority of the user to the second access priority of the second user, wherein the adjustment is allowed when the access priority of the user is greater than the second access priority of the second user, and wherein the adjustment is prevented when the access priority of the user is less than the second access priority of the second user.” (claims 1, 9 and 15)
- “detecting the at least one infotainment system associated with the user is based at least partially on one or more of a proximity of a user and a user

device to the at least one infotainment system” (claims 4 and 12)

- “determining whether the infotainment information matches the determined configuration of the at least one infotainment system, wherein the infotainment information includes at least one infotainment setting, preference, content, and power state” (claims 5 and 13)
- “providing, when the infotainment information does not match the determined configuration of the at least one infotainment system, an adjustment output configured to adjust the configuration of the at least one infotainment system” (claims 6 and 14)
- “determining whether the additional infotainment information qualifies as user profile data” (claim 7)
- “storing, based at least partially on determining that the additional infotainment information qualifies as user profile data, the additional infotainment information in the user profile associated with the user” (claim 7)
- “collecting, while the at least one infotainment system is online, additional infotainment information associated with the user” (claims 17 and 19)
- “wherein the additional infotainment information includes one or more of preferred radio stations, content applications, listening content, viewing content, content playback settings, genres, content consumption habits, and recording preferences” (claims 18 and 20)

At least under AutoConnect’s apparent interpretation and application of the Asserted Claims, the ’297 Patent does not provide sufficient written description support for the above claim

terms. The specification provides insufficient support for any of the above identified limitations to describe to a person of skill in the art what has been claimed. Instead, the specification describes aspirational functionality without describing how such limitations are to be implemented in the invention. Moreover, the specification does not provide written description support for the full scope of the claims to the extent the scope of the claims is interpreted to cover the accused embodiments, which are not described in the specification.

One or more of these limitations is required by all Asserted Claims. Accordingly, all Asserted Claims are invalid for lack of written description.

C. Lack of Enablement

The Asserted Claims of the '297 Patent are also invalid for failure to comply with the enablement requirement under Section 112, ¶ 1. For example, the '297 Patent fails to provide an enabling disclosure with respect to the following claim terms, either individually or collectively, rendering the Asserted Claims in which they appear (and any claims depending therefrom) invalid for lack of enablement:

- “determining to adjust a configuration of the at least one infotainment system based at least partially on the infotainment information in the user profile” (claims 1, 9 and 15)
- “determining whether the access priority of the user allows for the adjustment to the configuration of the at least one infotainment system” (claims 1, 9 and 15)
- “comparing the access priority of the user to the second access priority of the second user, wherein the adjustment is allowed when the access priority of the user is greater than the second access priority of the second user, and

wherein the adjustment is prevented when the access priority of the user is less than the second access priority of the second user.” (claims 1, 9 and 15)

- “detecting the at least one infotainment system associated with the user is based at least partially on one or more of a proximity of a user and a user device to the at least one infotainment system” (claims 4 and 12)
- “determining whether the infotainment information matches the determined configuration of the at least one infotainment system, wherein the infotainment information includes at least one infotainment setting, preference, content, and power state” (claims 5 and 13)
- “providing, when the infotainment information does not match the determined configuration of the at least one infotainment system, an adjustment output configured to adjust the configuration of the at least one infotainment system” (claims 6 and 14)
- “determining whether the additional infotainment information qualifies as user profile data” (claim 7)
- “storing, based at least partially on determining that the additional infotainment information qualifies as user profile data, the additional infotainment information in the user profile associated with the user” (claim 7)
- “collecting, while the at least one infotainment system is online, additional infotainment information associated with the user” (claims 17 and 19)
- “wherein the additional infotainment information includes one or more of

preferred radio stations, content applications, listening content, viewing content, content playback settings, genres, content consumption habits, and recording preferences” (claims 18 and 20)

At least under AutoConnect’s apparent interpretation and application of the Asserted Claims, the ’297 Patent does not enable the above claim terms. The specification provides insufficient support for any of the above identified limitations to enable a person of skill in the art to make and use the invention. Instead, the specification describes aspirational functionality without describing how such limitations are to be implemented in the invention.

One or more of these limitations is required by all Asserted Claims. Accordingly, all Asserted Claims are invalid for lack of enablement.