

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SDI Technologies, Inc.  
Petitioner

v.

Bose Corporation  
Patent Owner

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Case 2014-00346  
Patent 8,364,295

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**PATENT OWNER BOSE CORPORATION'S  
RESPONSE TO PETITION**

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**UPDATED LIST OF EXHIBITS**

<b>Patent Owner Exhibit Number</b>	<b>Exhibit Description</b>
Ex. 2101	06-28-2013 Bose's Preliminary Infringement Disclosure filed in <i>Bose Corp. v. SDI Technologies, Inc.</i> , Case No. 13-cv-10277-WGY (D. Mass.) (" <i>Bose v. SDI</i> case")  (Previously filed)
Ex. 2102	Excerpts of 01-15-2014 court hearing held <i>Bose v. SDI</i> case (Previously filed)
Ex. 2103	Excerpt from Webster's Third New International Dictionary of the English Language (unabridged 1993), which includes a copy of the reference's definition of "respond" on page 1935 of that reference (Previously filed)
Ex. 2104	Excerpts of 03-10-2014 Deposition Testimony of Dr. Andrew B. Lippman
Ex. 2105	Operating Instructions for RM-AV2000 Integrated Remote Commander by Sony Corporation (1997)
Ex. 2106	U.S. Patent 5,644,303, titled "Specialized Shaped Universal Remote Commander"
Ex. 2107	U.S. Patent 5,872,562, titled "Universal Remote Control Transmitter With Simplified Device Identification"
Reserved	Reserved
Ex. 2109	U.S. Patent No. 8,401,682 (sister patent to the '295 patent)
Ex. 2110	U.S. Patent No. 7,277,765 (parent patent to the '295 patent)
Ex. 2111	01-15-2014 Hearing Transcript in <i>Bose Corp. v. SDI</i>

	Technologies, Inc., Case No. 13-cv-10277-WGY (D. Mass.) (Dkt. D108)
Ex. 2112	Excerpt from 09-27-2013 Defendant's Preliminary Claim Construction Brief filed in Bose Corp. v. SDI Technologies, Inc., Case No. 13-cv-10277-WGY (D. Mass.)
Ex. 2113	Webpage showing the Altec Lansing ADA104 home theater speaker system. <a href="http://edsgoodstuff.com/edscart/index.php?main_page=product_info&amp;products_id=3076">http://edsgoodstuff.com/edscart/index.php?main_page=product_info&amp;products_id=3076</a>
Reserved	Reserved
Ex. 2115	Excerpts of File History for U.S. Patent No. 7,277,765 (parent patent to the '295 patent)
Ex. 2116	Excerpts of File History for the '295 patent)
Ex. 2117	July 22, 2014 Patent Owner's Notice of Objections to Evidence
Ex. 2118	Excerpts from William Strunk Jr. & E.B. White, <i>The Elements of Style</i> (4th ed. 2000)
Ex. 2119	Excerpts from Laurel J. Brinton & Minoji Akimoto, <i>Collocational and Idiomatic Aspects of Composite Predicates in the History of English</i> , John Benjamin's Publishing 1999 <a href="http://books.google.com/books?id=jW0S0AyhGmAC&amp;printsec=frontcover&amp;source=gbs_ge_summary_r&amp;cad=0#v=onepage&amp;q&amp;f=false">http://books.google.com/books?id=jW0S0AyhGmAC&amp;printsec=frontcover&amp;source=gbs_ge_summary_r&amp;cad=0#v=onepage&amp;q&amp;f=false</a>
Ex. 2120	September 16, 2014 Declaration of Dr. Robert L. Stevenson

## I. INTRODUCTION

The Board instituted trial with respect to claims 25, 26, 51-53, 55-62, 75 and 76 of U.S. 8,364,295 (“the ’295 patent”) owned by Bose Corporation (“Bose”) on the ground of obviousness over WinAmp, the IRMan Web Pages, and the Altec Lansing Manual, as raised in an Amended Petition<sup>1</sup> requesting *inter partes* review by SDI Technologies, Inc. (“SDI”). 07-08-2014 Decision (Paper No. 13), p. 21 (“Decision”). All challenged claims are patentable over the cited ground for the reasons set forth herein.

The Amended Petition fails to establish a *prima facie* case of obviousness because a person of ordinary skill in the art at the time of the invention would not have combined WinAmp, the IRMan Web Pages, and the Altec Lansing Manual in the way the Amended Petition proposes.<sup>2</sup> Instead, the references themselves

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<sup>1</sup> Paper No. 6.

<sup>2</sup> Bose has also raised evidentiary objections to all three references. *See* Ex. 2117 (July 22, 2014 Patent Owner’s Notice of Objections to Evidence). In a related IPR proceeding, Bose also filed a motion to exclude the IRMan Web Pages, page 7 of the Altec Lansing Manual, and certain portions of the same Lippman declaration that SDI relies on to support its Amended Petition here. IPR2013-00465, Paper No. 32. As of the filing of this response, that motion is still pending.



include teachings that would directly lead a skilled artisan to make two very different combinations than the one proposed in the Amended Petition—and neither combination would meet the claim requirements. The references thus teach away from the invention of the challenged claims under controlling Federal Circuit authority.

There is no indication that SDI or its expert Dr. Lippman even considered the references' actual teachings. Instead, with the pre-determined objective of invalidating the challenged claims, they focus solely on whether the references could be modified and then combined in order to make them correspond to the claim language. Dr. Lippman even admitted at his deposition that his declaration only considered the combination “that’s shown in the patent” and that other combinations were not addressed because they were “not relevant to the report.” Ex. 2104, Tr. 158:18-159:6. Because SDI’s proposed combination is solely based on the *admitted* hindsight analysis Dr. Lippman undertook and because the combined teachings of the references would lead to a system that does not meet the claims of the ’295 patent, the Board should deny Ground I.

Moreover, even if the references were to be combined in the way that SDI suggests, the resulting combination would not satisfy at least *three* requirements of the challenged claims. For example, the references do not disclose the requirement of claims 25-26 and 51-52 that the sound reproduction device is “configured to

respond to signals received from the computer.” As discussed below, the broadest *reasonable* construction of that phrase, which is supported by all the intrinsic evidence, is “configured to answer or reply to the computer, i.e., send a responsive communication back to the computer.” Nowhere does the Amended Petition even remotely suggest that the proposed combination would send such and answer or reply. The Amended Petition also fails to establish that the proposed combination would include (a) an amplifier within the same housing as the control circuitry (required by all challenged claims) or (b) a connector located at least partially within the same housing as the control circuitry (required by all challenged claims). Thus, the Board should also deny Ground I as failing to establish a *prima facie* case of obviousness with respect to these claim limitations.

SDI’s failure to establish a *prima facie* case of obviousness, in its Amended Petition *as filed*. SDI cannot evade its obligation to establish a *prima facie* case of obviousness in its Amended Petition, and then try to cure these defects in a reply brief, because SDI may not introduce any new arguments or evidence in that briefing. *See* 37 C.F.R. § 42.23(b) (“All arguments for the relief requested in a motion must be made in the motion. A reply may only respond to arguments raised in the corresponding opposition or patent owner response.”); Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48767 (“I. Petitioner Reply to Patent Owner Response . . . . [A] reply that raises a new issue or belatedly presents evidence will

not be considered and may be returned.”); *CBS Interactive Inc. v. Helferich Pat. Lic., LLC*, IPR2013-00033, Paper No. 79 (Order), p. 3 (“Should there be improper arguments or evidence presented with a reply, the Board, exercising its discretion, may exclude the reply and related evidence in their entirety, or alternatively, decline to consider the improper arguments and/or related evidence.”). Put simply, SDI’s failure to properly support the obviousness allegations in its Amended Petition is SDI’s own doing. Any new arguments or evidence that SDI tries to offer in any reply should be disregarded.

## **II. NOTICE OF RELATED PROCEEDINGS**

The Board has also instituted a trial with respect to certain claims in U.S. Patent 8,401,682 (“the ’682 patent”), which is a sister patent to the ’295 patent. That trial is based on the exact same ground that is the subject of the present IPR proceeding. *See* IPR2014-00343, Paper No. 13 (Decision). That proceeding also has the same trial setting as the present IPR proceeding.

The ’295 patent the ’682 patent are the subject of litigation between Bose and SDI in Massachusetts federal court, *Bose Corp. v. SDI Technologies, Inc.*, Case No. 13-cv-10277-WGY (D. Mass.) (“*Bose v. SDI* case”). The *Bose v. SDI* case is currently stayed through December 14, 2014, pending resolution of two earlier-instituted IPR proceedings concerning the ’295 and ’682 patents. *See* IPR2013-00465 and IPR2013-00350.

With respect to the earlier-instituted IPR proceedings, the Board has already conducted a trial on a subset of the claims in both patents based on certain grounds raised in Petitions filed by SDI in mid-2013. One of these grounds involves the same proposed combination of references relied on by SDI in the current set of IPR proceedings. The Board heard oral argument in these earlier-instituted IPR proceedings on September 4, 2014, and as of the filing of this response, the Board has not yet issued its final decisions.

### **III. CLAIM CONSTRUCTION**

In its Decision, the Board referred to its earlier institution decision in IPR2013-00465, where it construed several terms of the '295 patent claims, and also referred to Bose's subsequent challenge to one of the constructions, namely, the construction for "computer that is configured to provide audio information from any one of a plurality of sources, including digital music files stored on the computer and a network accessible by the computer." Decision, p. 8. As to these constructions, the Board stated in its Decision, "[w]e adopt for purposes of this decision the constructions set forth in IPR2013-00465 for the reasons given in the '465 Decision." *Id.* However, as to the one challenged construction, the Board also stated that in view of its decision not to institute trial on Ground II raised in the Amended Petition, "we do not reach Patent Owner's [Bose's] arguments challenging it at this juncture." *Id.* Accordingly, in view of the Board's

statements, and to preclude any issue of waiver, Bose adopts for purposes of its present Response the claim construction argument Bose advanced in its Response in IPR2013-00465, *see* IPR2013-00465 Paper No. 24, pp. 5-9, as to the construction of “computer that is configured to provide . . .” claim phrase, and preserves its objection to the Board’s construction, although that claim phrase is not material to the sole ground instituted for trial in this proceeding.

In its Decision, the Board also construed “configured to respond to signals received from the computer,” as “configured to take an action as a result of signals received from the computer.” Decision, pp. 8-10. The Board also indicated that this construction was somewhat tentative, as it was based “on the current record.” *Id.* For the reasons below, Bose respectfully requests that the Board reconsider and revise its construction of that phrase.

**A. The Board Should Reconsider And Revise Its Construction Of “Configured To Respond To Signals Received From The Computer”**

Challenged claims 25 and 51 of the ’295 patent recite that the sound reproduction device is “configured to respond to signals received from the computer.” Although SDI did not propose an express construction for this claim phrase, in its claim charts, SDI asserted that the limitation is met by a speaker system that takes some action as a result of signals received from a computer, *e.g.*, SDI asserted that the limitation may be met by a speaker system that turns on when

it receives audio from a computer. *See* Amended Petition, pp. 19, 22. In its Decision, the Board agreed with that position. Decision, pp. 8-10.

Bose respectfully submits that SDI's and the Board's construction cannot be correct because the independent claims, from which challenged claims 25 and 51 depend, already include limitations requiring the sound reproduction device to be configured to take an action as a result of receiving audio signals from the computer. Bose also submits that the construction is overbroad because it does not properly correspond to the specification's usage of the term "respond" and its related teachings. *See In re Suitco Surface, Inc.*, 603 F.2d 1255, 1260 (Fed. Cir. 2010) (broadest reasonable construction rule requires always reading the claims "in light of the specification and teachings in the underlying patent."). In addition, Bose submits that because the claims use other words to express when a device is configured to take an action in response to receiving signals, the phrase "configured to respond" in the challenged claims means something different. As explained more fully below, the broadest reasonable construction of the term "configured to respond to signals received from the computer" that is consistent with the claims, specification and prosecution history is "configured to answer or reply to the computer, *i.e.*, send a responsive communication back to the computer." Ex. 2120 (Stevenson Decl.), ¶¶ 27.

1. The Doctrine Of Claim Differentiation Supports  
Bose's Proposed Construction

First of all, the doctrine of claim differentiation supports Bose's proposed construction because under the current construction, dependent claims 25 and 51 of the '295 patent would not be narrower than the independent claims from which they depend—claims 1 and 27, respectively. *See, e.g., Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367, 1374 (Fed. Cir. 2014) (“[T]he presence of a dependent claim that adds a particular limitation raises a presumption that the limitation in question is not found in the independent claim.” (quotation omitted)); *AK Steel Corp. v. Sollac & Ugine*, 344 F.3d 1234, 1242 (Fed. Cir. 2003) (“Under the doctrine of claim differentiation, dependent claims are presumed to be of narrower scope than the independent claims from which they depend.”).

The Board agreed with SDI's argument that the sound reproduction device would be “configured to respond to signals received from the computer” if it was configured to merely **take an action** as a result of receiving audio signals from the computer. Decision, pp. 8-10, 12-13 (finding “configured to respond” term met by ADA310W speakers turning on as a result of receiving audio from desktop computer). But that construction is inconsistent with independent claims 1 and 27, which already explicitly require the sound reproduction device be configured to take an action as a result of receiving audio signals from the computer. Ex. 2120

(Stevenson Decl.), ¶ 33. For example, claims 1 and 27 each recite a sound reproduction device that includes:

- “*one or more speakers* located at least partially within the housing;” and
- “*an amplifier* located within the housing *for powering the one or more speakers*[.]”

Ex. 1001, claims 1, 27 (emphases added). Indeed, simply playing audio received from the computer, which is the main purpose of the invention as set forth in claims 1 and 27, would constitute “taking an action” as a result of receiving audio signals, under the Board’s and SDI’s overly-broad construction.

Independent claims 1 and 27 already require that the sound reproduction system be configured with components for amplifying and reproducing audio signals, which are actions taken in response to receiving audio signals. Ex. 2120 (Stevenson Decl.), ¶ 33. Thus, the **additional** “configured to respond” requirement in dependent claims 28 and 51 must mean something different—something **other than** simply that the sound reproduction system is configured to take an action as a result of receiving audio from the computer.



2. The Specification Uses The Word “Respond” To Refer To An Answer Or Reply

The word “respond” appears only once in the specification, where it is used to mean an answer or reply. In the Brief Summary of the Invention, the specification uses the word “respond” in describing that the sound reproduction system of the invention may transmit a control signal to the computer system and can determine if the computer system “is in a responsive state” based on whether or not the computer system “responds” to the control signal:

A method for switching the sound reproduction system from an unpowered state to a powered state includes transmitting a control signal from the sound reproduction system to the computer system. If the computer system *responds* to the control signal, the method determining by the sound reproduction device that the computer system is in a responsive state and

If the computer system does not *respond* to the control signal, determining by the sound reproduction device that the computer system in an unresponsive state.

See Ex. 1001, 1:63-2:5 (emphases added). Bose’s proposed construction of the “configured to respond” term is consistent with the specification’s single use of the word “respond.” In contrast, SDI’s and the Board’s construction is *not*. If the

computer simply took some action as a result of receiving the control signal (*e.g.*, if the computer merely turned on), but did not send an answer or reply back to the sound reproduction device, the sound reproduction device would have no way of knowing whether the computer was in a responsive state. In fact, based on the passage above, if the computer system did not send an answer or reply back to the sound reproduction device, the sound reproduction device would conclude that the computer is in an unresponsive state, even if that were not true. Ex. 2120 (Stevenson Decl.), ¶ 28. Because SDI's and the Board's construction is ***not*** consistent with the only use of the word "respond" in the specification, it cannot be correct. *See* IPR2013-00465, Paper No. 14 (Decision), pp. 10-11 (noting that the Board's construction should be "*consistent with the specification, . . . and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.*" (quoting *In re Suitco Surface, Inc.*, 603 F.3d 1255, 1260 (Fed. Cir. 2010))).

In its Decision, the Board noted that this passage describes an answer or reply by the ***computer system*** in response to receiving a control signal from the speaker system, which is different from "the structure of the claim language, namely, an audio device 'configured to respond to signals received from the computer.'" *See* Decision, pp. 9-10. This distinction is not relevant, because the passage nevertheless teaches what the inventors intended when one device

“responds” to signals received from the other device, Ex. 2120 (Stevenson Decl.), ¶ 29, and that usage is consistent with the ordinary and customary meaning of the term (as the Board has already acknowledged). *See* Ex. 2103, Webster’s Third New International Dictionary. There is certainly no reason to think that the meaning of the term “respond” should change based on which device is doing the responding. Consequently, this portion of the specification is a valuable guidepost for understanding how a person of ordinary skill would interpret “configured to respond” in the claims.

The specification also describes an embodiment where, consistent with the “structure of the claim language,” the *sound reproduction device* sends an answer or reply to the computer. *See* Ex. 1001, 9:24-51 and Figure 7. In this embodiment, the computer uses a reply from the sound reproduction device to assign broadcast radio station presets. First, a user identifies a zip code (locator), and the computer coupled to the system sends a signal to that system (which includes the radio tuner 12) directing it to scan for the broadcast frequencies having the strongest signals. *See* Ex. 1001, 9:32-34; Ex. 2120 (Stevenson Decl.), ¶¶ 30-31. When the sound reproduction device replies back identifying the strongest signals, the computer compares those to the radio stations available based on the entered zip code to assign those available broadcast radio stations having the strongest signals to the preset buttons:

In one embodiment, initial preset assignment of broadcast radio stations is done automatically. . . . At step 104, the computer program directs AM/FM tuner 12 to scan the applicable broadcast frequency band for strong signals. At step 106, the strongest signals are compared to available stations based on the locator and information about available radio stations, as discussed above in the discussion of audio system mode operation. At step 108, the broadcast frequencies of the strongest signals are assigned by the computer program to the presets.

Ex. 1001, 9:24-39; Ex. 2120 (Stevenson Decl.), ¶ 31. The specification also explicitly describes bidirectional signal paths that would enable the sound reproduction device to send such a reply to the computer. *See* Ex. 1001, 4:31-48 (describing interconnections between the computer 20 and the sound reproduction device 10 with respect to Figure 3); Ex. 2120 (Stevenson Decl.), ¶ 32.

In its Decision, the Board discussed this example but found that “the specification does not describe [it] as limiting.” Decision, p. 10. The Board cited case law where the Federal Circuit has “cautioned against reading limitations into a claim from the preferred embodiment described in the specification, even if it is the only embodiment described, absent clear disclaimer in the specification.” *Id.* (quoting *In re Am. Acad. Of Sci. Tech Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004)).

Reliance on that case law is misplaced because here, Bose is not seeking to limit the claim to this particular embodiment. Instead, Bose is relying on the description of this embodiment as illustrative of an answer or reply the sound reproduction device may send to the computer, which is consistent with and supports Bose's proposed construction.

3. The Claims' Separate Use Of "Respond" And "In Response To" Also Supports Bose's Proposed Construction

Finally, the separate use of the terms "respond" and "in response to" in the claims (and in the claims of related patents, as well as the prosecution history) also supports Bose's proposed construction.<sup>3</sup> As discussed above, the specification's

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<sup>3</sup> Not only are the words different, but they are from different parts of speech. "To respond" is an infinitive verb phrase. *See* Ex. 2118 (William Strunk Jr. & E.B. White, *The Elements of Style* (4th ed. 2000)), p. 91 (defining "infinitive": "In the present tense, a verb phrase consisting of *to* followed by the base form of the verb (*to write*)."). In contrast, "in response to" is a complex prepositional phrase. *See id.*, p. 93 (defining "prepositional phrase" as "[a] group of words consisting of a preposition, its object, and any of the object's modifiers. Georgia *on my mind*."); *see also* Ex. 2119 (Laurel J. Brinton & Minoji Akimoto, *Collocational and Idiomatic Aspects of Composite Predicates in the History of English*, John

only use of “respond” refers to an answer or reply sent by one device after it receives a signal from the other device. In contrast, in the claims of the ’295 patent, as well as in the claims of the related ’682 and ’765 patents, the term “*in response to*” is used to indicate that a responsive action (not a reply) is taken. Ex. 2120 (Stevenson Decl.), ¶ 34. For example, the independent claims of the ’295 patent all recite actions the control circuitry in the sound reproduction device is configured to take “in response to” receiving signals from a remote control:

wherein the control circuitry is configured to receive the signals from the remote control and, *in response to* receiving such signals: (i) control the user function of the sound reproduction device when the user issues a command [via the remote] of the first type, and (ii) transmit to the computer, via a signal path of the connector, a signal for controlling the user function of the computer when the user issues a command [via the remote] of the second type.

Ex. 1001, claim 1 (emphasis added); *see also* Ex. 1001 claims 27, 53, 59, 63, 78; Ex. 2109, claims 28, 55, 62.

Cont’d \_\_\_\_\_

Benjamin’s Publishing 1999), p. 4 (“Phrasal preposition' or 'complex preposition' .

.. denotes the structure 'Preposition1 + Noun + Preposition2.' A variety of prepositions may occupy the first position, e.g. *in (in relation to)*”).

Claim 63 of the '295 patent also recites a “display for displaying a user interface configured to present a first assemblage . . . and, *in response to* a user selection of a group in the first assemblage, present a second assemblage of the music files in the selected group . . . .” Ex. 1001, claim 63 (emphasis added); *see also* claim 78. Again, the claim uses “in response to” when expressing a responsive action, as opposed to a reply or answer. Numerous other claims of the related '682 and '765 patents also use the term “in response to” in the same way. *See* Ex. 2109, claims 62; Ex. 2110 ('765 patent), claim 1, 3, 25, 35, 37.

The prosecution history also supports the distinction between “respond” and “in response to.” For example, in the originally-filed patent application leading to the parent '765 patent, Bose included a claim where “respond” was used to mean an answer or reply. Claim 18 of the original application provided:

18. In an audio system comprising a computer system and a sound reproduction system . . . transmitting a control signal from said sound reproduction system to said computer system; and if said computer system *responds* to said control signal, determining by said sound reproduction device that said computer system is in a responsive state; and if said computer system does not *respond* to said control signal, determining by said sound reproduction device that said computer system is in an unresponsive state.

Ex. 2115 ('765 File History), pp. 34-35 (emphases added). Indeed, originally-filed claim 18 uses the word “respond” twice to mean an answer or reply that the computer system sends (or fails to send) to the sound reproduction system. Ex. 2120 (Stevenson Decl.), ¶ 35-36; *see, e.g., Trading Techs. Int’l, Inc. v. Open E Cry, LLC*, 728 F.3d 1309, 1323 (Fed. Cir. 2013) (“In general, the prosecution history regarding a particular limitation in one patent is presumed to inform the later use of that same limitation in related patents, unless otherwise compelled.” (quotation omitted)).

The prosecution histories of the '765 and '295 patents also demonstrate that in prosecuting this patent family, Bose and the Examiner have both consistently and repeatedly used the separate terminology “in response to” when describing a responsive action. Ex. 2115 ('765 File History), pp. 46-48 (new claims 80, 92, 93, 94 and 102), pp. 52-55, pp. 66-69 (new claims 117, 122 and 124); Ex. 2116 ('295 File History), pp. 3-4 (new claim 68), pp. 13-27 (new claims 143, 169, 195, 203 and 209), pp. 47-49 (new claim 226); Ex. 2120 (Stevenson Decl.), ¶ 37.

Thus, the claims in the '295 patent (and in the related '682 and '765 patents, and their file histories) all use “respond to signals received” to mean ***an answer or reply*** to signals received, and contrastingly all use the term “in response to” to indicate an ***action*** taken in response to signals received. This use of separate terminology is consistent with the general presumption in patent law that different



terms have different meanings. *See Chicago Bd. Options Exch., Inc. v. Int'l Sec. Exch., LLC*, 677 F.3d 1361, 1369 (Fed. Cir. 2012) (discussing the “general presumption that different terms have different meanings”); Ex. 2120 (Stevenson Decl.), ¶¶ 35-37.

Accordingly, the Board should construe the term “configured to respond to signals received from the computer” as “configured to answer or reply to the computer, *i.e.*, send a responsive communication back to the computer.”

#### IV. ARGUMENTS

The instituted ground of rejection is defective because a person of ordinary skill in the art would not have combined the references as proposed in the Amended Petition. Such a person would not have formed the proposed combination because the references themselves teach *away from* making the proposed combination. Indeed, SDI’s asserted reasons for making the combination are directly undercut by the actual teachings of the references *as a whole* and by its own expert’s admissions at his deposition. Moreover, even if a person of ordinary skill in the art could have modified and combined the references as SDI proposes, the resulting combination would not include all the features of the claimed invention.

For purposes of the present arguments, a person of ordinary skill in the art is a person who would have a combination of experience and education in the design

and development of audio systems, typically a Bachelor of Science degree in electrical engineering or similar field plus at least three years of experience in designing, implementing, testing, teaching, or otherwise working with audio systems. Ex. 2120 (Stevenson Decl.), ¶ 21.

**A. Ground I Is Defective Because A POSITA Would Not Have Combined WinAmp, The IRMan Web Pages And The Altec Lansing Manual To Arrive At The Features Of The Claimed Invention**

Ground I in the Amended Petition (as narrowed by the Board) asserts that “[c]laims 25, 26, 51-53, 55-62, 75 and 76 are invalid under 35 U.S.C. § 103 in view of the combination of MP3! Book, describing WinAmp (Ex. 1009), the IRMan Web Pages (Ex. 1010), and the Altec Lansing Manual (Ex. 1011) . . . .” Amended Petition, p. 14. WinAmp describes software for playing MP3 digital audio files on a computer and includes an editor for creating and sorting playlists. Ex. 1009, pp. 11-12, 22-23.

The IRMan Web Pages describes an infrared (IR) receiver that plugs into a port on a computer and is controlled by IRMan software running on the computer. Ex. 1010, pp. 1-5. The IRMan Web Pages teaches that the receiver has built-in support for almost every infrared remote standard so that the IRMan receiver can accept and understand commands from a variety of remote controls, and convert these signals to computer commands understood by software on the computer:

Q. Which remotes does Irman support?

A. We tested Irman with more than 40 remotes, Sony, Philips, JVC, etc. they all worked. Irman has built in support for almost every ir remote standard. The only remotes which we think that are not compatible are from B&O, they use a very rare standard . . . however, the vast majority of remotes (over 95%) does use a supported standard and is therefore compatible with Irman.

*Id.*, pp. 1, 4. The IRMan Web Pages identifies the WinAmp software among the programs that can be controlled using IRMan, *id.*, but it also teaches that the IRMan software can be programmed to support other non-listed computer applications:

Q. Can I program support for my favorite application?

A. Yes, we would really like that. Just send us an email what you want to do, so we can give you support and place your program on our homepage. The Visual C++ 5.0 source code for the winamp plugin version 2.2 and an interface description are available for download.

*Id.*, p. 4.

The Altec Lansing Manual describes a computer speaker system (model ADA310W) having two satellite speakers and a subwoofer. Ex. 1011, p. 3. The

subwoofer provides the main interface between the computer and speakers. *Id.*, pp. 4-5. As described, the system includes management software that allows the computer to control all the speaker functions of the system from the computer desktop by commands sent to the subwoofer via a USB cable. *Id.*, p. 3 (“Computers that are USB ... equipped can control all speaker functions from the computer desktop.”); Ex. 1012, p. 2 (referencing Altec Lansing Audio Management Software that is included with ADA310 product). As described, the speakers can also be controlled using controls located on the top panel of the right satellite speaker and with a remote control that communicates with an infrared receiver located in the right satellite speaker. Ex. 1011, p. 6.

1. The Proposed Combination Would Not Render  
The Invention Obvious Because The References  
Teach Away From The Claimed Invention

The Amended Petition alleges that one of ordinary skill seeking to combine the three different references—WinAmp, the IRMan Web Pages, and the Altec Lansing Manual—would have been motivated to modify and combine them in a particular way that (fortuitously) meets the claim requirements. In particular, the Amended Petition states in conclusory fashion that one would make unspecified modifications to configure a system that uses control circuitry within the Altec Lansing speaker system to receive remote control signals intended for both the speaker system and personal computer. Amended Petition, pp. 14-15.

In proposing this combination, SDI and its expert critically ignore the teachings of the references. The references themselves would have led a skilled artisan in a direction divergent from SDI's asserted combination and, thus, "teach away from" the invention of the challenged claims. *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994) ("A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant.").

In the claimed audio system, control circuitry located in the housing of the sound reproduction device is configured to receive at least two types of commands from a remote control, and in response to commands of the first type, control a user function of the sound reproduction device, and in response to commands of the second type, transmit to the computer (via a signal path of the system's connector) a signal for controlling a user function of the computer. *See, e.g.*, Ex. 1001, claims 1, 27, 53. The recited functionality is based on the inventors' counter-intuitive idea of using the simpler device (the sound reproduction device) to control the more complex device (the computer).

SDI's Amended Petition, relying on its expert Dr. Lippman, asserts that this recited control functionality is obvious in view of the references' combined teachings. Amended Petition, pp. 14-15 (citing Ex. 1017 (Lippman Decl.), ¶¶ 39-41). As expressed in his declaration, Dr. Lippman asserts that the teachings of

WinAmp, the IRMan Web Pages, and the Altec Lansing Manual could be combined but would yield a system with two remote controls and two infrared receivers. *See id.* He then suggests that to reduce “duplication and clutter,” it would have been obvious to modify the combined system so that the infrared receiver in the right satellite speaker of the system could be used to control both the speakers and the WinAmp software on the computer. *Id.* at ¶41; *see also* Amended Petition, pp. 14-15. The crux of SDI’s and Dr. Lippman’s argument hinges on the assumption that the IRMan system described in the IRMan Web Pages included a remote control, which when combined with the system described in the Altec Lansing Manual, would have resulted in a remote control redundancy issue. *See* Ex. 1017 (Lippman Decl.), ¶40 (“the IRMan system ***provided a remote control*** and an IR receiver that plugged into a computer”) (emphasis added); *see also* Amended Petition, pp. 18, 21, 26 (numerous references to “the IRMan remote”). That assumption is completely baseless. The IRMan Web Pages clearly describe that the hardware for the system is just an ***infrared receiver***, *see, e.g.*, Ex. 1010, p. 2, as Dr. Lippman admitted at his deposition. Ex. 2104, Tr. 110:4-119:14. The IRMan system did not “provide” a remote control, contrary to the Lippman Declaration; and there is no such thing as “the IRMan remote,” contrary to the Amended Petition.

Indeed, Dr. Lippman's contrived configuration of the "combined" system should be rejected, as it is the antithesis of what the combined teachings actually express and/or suggest to one of ordinary skill. Here, based on the combined teachings of the references as a whole, one of ordinary skill would readily recognize that the references teach two different ways for making a "combined" system, both of which would result in a system that utilizes a single remote control and both of which would result in a system that is different from the claimed configuration. Ex. 2120 (Stevenson Decl.), ¶¶ 45-54.

*First*, because the Altec Lansing Manual teaches that the computer can control all the functions of the connected speakers directly via the Altec Lansing audio management software, and because the IRMan Web Pages specifically teaches that there is support for extending the functionality for IRMan to additional applications, one of ordinary skill in the art would have understood that the IRMan receiver could be used to control both the Altec Lansing speakers and WinAmp. Ex. 2120 (Stevenson Decl.), ¶¶ 46-49; Ex. 2104, Tr. 155:10-156:24. Thus, if a person of ordinary skill desired to combine the devices, the teachings of the references would lead such person to build a system that would have required only one remote control that interacted directly with the IRMan receiver connected to the computer. Ex. 2120 (Stevenson Decl.), ¶¶ 48-49; Ex. 2104, Tr. 157:1-5. That IRMan receiver could then control all the functions of both the WinAmp software

and the Altec Lansing speakers. *Id.* As SDI's expert Dr. Lippman admitted in his deposition, such a system would clearly meet SDI's stated motivation of reducing "duplication and clutter."

Q. Okay. And if you used the remote control with the IRMan to control both the WinAmp software running on the PC and the Altec Lansing speakers, as I suggested, you would only have one remote control, right?

A. One could do it that way.

Q. Okay. And if you did it that way, you would only have one remote control, correct?

A. Right.

Q. Okay. And that would reduce duplication and clutter, wouldn't it?

A. It would.

Ex. 2104, Tr. 155:10-157:5, 160:6-17; *see also* Ex. 2120 (Stevenson Decl.), ¶ 49. Such a system would not meet the claims in the '295 patent, because the claims require the system's remote control to be configured to interact with control circuitry housed in the sound reproduction device, not in the computer. Ex. 2120 (Stevenson Decl.), ¶ 48.



*Second*, one of ordinary skill in the art would have also readily understood from the combined teachings of the references, that given the stated versatility of the IRMan receiver (*see* Ex. 1010, p. 4: “Irman has built in support for almost every ir remote standard”), the “combined” system could be easily controlled using a single universal remote control that communicated independently with both infrared receivers—the IRMan receiver coupled to the computer and the infrared receiver in the satellite speaker.<sup>4</sup> Ex. 2120 (Stevenson Decl.), ¶¶ 50-54. Universal remote controls were well-known at the time of the invention. *See, e.g.*, Ex. 2105 (Operating Instructions for Sony Integrated Remote Commander), pp. 13-15; Ex. 2106 (U.S. Patent 5,644,303), 3:20-42; Ex. 2107 (U.S. Patent 5,872,562), 1:60-65. In this system, no modifications to any software or circuitry would have been needed. This “combined” system would have worked with a single remote control, and would also meet SDI’s stated motivation of reducing “duplication and clutter.” Ex. 2120 (Stevenson Decl.), ¶ 54. Such a system also would not have corresponded to the invention as claimed. Ex. 2120 (Stevenson Decl.), ¶ 53.

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<sup>4</sup> Dr. Lippman also testified that he expected that the Altec Lansing remote functionality was built with a standard set of components. Ex. 2104, Tr. 177:11-22.

A proper obviousness analysis focuses on what the teachings of the relied-on references expressly describe or suggest. *In re Mouttet*, 686 F.3d 1322, 1330 (Fed. Cir. 2012). “An inference of nonobviousness is especially strong where the prior art’s teachings undermine the very reason being proffered as to why a person of ordinary skill would have combined the known elements.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 567 F.3d 1314, 1326 (Fed. Cir. 2009). As shown, the combined teachings of the references as a whole lead a person of ordinary skill in a direction divergent from the path of the inventors. *See In re Gurley*, 27 F.3d at 553. As a result, the skilled person would not have been motivated to make SDI’s proposed combination to arrive at the claimed invention. Since the references teach away from the claimed invention, SDI’s proposed combination fails to establish a *prima facie* case of obviousness.

In *In re Gurley*, the Federal Circuit expressly recognized in that case that a teaching away need not be explicit: “A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, ***or would be led in a direction divergent from the path that was taken by the applicant.***” 27 F.3d at 553 (emphasis added). Indeed, in a case that discusses *In re Gurley*, the Federal Circuit expressly rejected the notion that teaching away needs to be express:

“Teaching away” does not require that the prior art foresaw the specific invention that was later made, and warned against taking that path. It is indeed of interest if the prior art warned against the very modification made by the patentee, but it is not the sole basis on which a trier of fact could find that the prior art led away from the direction taken by the patentee.

*Spectralytics, Inc. v. Cordis Corp.*, 649 F.3d 1336, 1343-44 (Fed. Cir. 2011).

Accordingly, the Federal Circuit has found implicit teaching away where, as here, the alleged prior art does not expressly criticize the claimed approach but nevertheless would have led a skilled artisan to take a different approach. *See id.* (relying on *In re Gurley* and affirming that an implicit finding of teaching away was supported by substantial evidence); *Fluor Tec, Corp. v. Kappos*, 499 Fed. Appx. 35, 42 (Fed. Cir. 2012) (affirming Board’s conclusion that claims were not obvious because “a skilled artisan desiring to utilize a high-pressure feed gas would have been directed to follow the alternative systems disclosed in the Mak application that are specifically designed to accommodate a high-pressure feed gas, rather than attempt to modify Mak’s low-pressure configuration”).

Dr. Lippman’s deposition testimony, moreover, makes clear that he simply retraced the path of the inventors with hindsight, ignored the express teachings of the references, and set out with an objective of concluding that the invention was

obvious. But obviousness is determined as a matter of foresight, not hindsight.

*KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007).

At his deposition, as described above, Dr. Lippman admitted that the skilled person could modify the IRMan software to control the Altec Lansing speakers and by doing that, the IRMan receiver would control both WinAmp and the Altec Lansing speakers. Ex. 2104, Tr. 155:8-157:5. But he testified that he did not consider this combination because it would not be a combination that could render the claims of the patents invalid (*id.*, Tr. 157:1-158:17) (emphasis added):

Q. And if you did that, you could use a single remote control to control the WinAmp software running on the PC as well as the Altec Lansing speaker, right?

A. It's reasonable to say that.

Q. Okay. When you were working on your declaration, did you consider that possible combination?

A. Did I consider that combination as being feasible and reasonable?

Q. Yes?

A. I don't think I commented on it.

Q. I know you didn't comment on it. I'm asking if you considered it.

A. In my mind?

Q. Yes. In your mind.

A. As being something one could do?

Q. Yes.

A. I might have.

*Q. Do you know why you didn't write about it, then?*

*A. Because it doesn't bear on the case in point.*

*Q. Why doesn't it bear on the case in point?*

*A. Because the case in point has the control system going the other way.*

*Q. "The case in point" meaning the patents in suit, right?*

*A. Yes.*

*Q. Okay. So if you combined it the way I just described, that wouldn't meet the claims of the patents in suit, right?*

*A. Well it's not relevant to what I'm declaring.*

*Q. And what you're declaring is a way to render the claims that the patents invalid, right? [Objection omitted]*

*A. Well, I'm showing a combination that would render them – could render them, invalid, yeah.*

Dr. Lippman further admitted that there were “many things one could do” to combine the Altec Lansing speakers, computer system, and controls, but discounted these as ***“not relevant to the report” because they don’t “bear on the combination that’s relevant that’s shown in the patent.”*** *Id.*, Tr. 158:18-159:6 (emphasis added).

This testimony could not be clearer in its import. In making his declaration, Dr. Lippman was only interested in opining on a combination that could meet the requirements of the claims. This is “fraught with hindsight bias.” *ActiveVideo Networks, Inc. v. Verizon Communications, Inc.*, 694 F.3d 1312, 1327 (Fed. Cir. 2012). By using the claims as a starting point and ignoring the very teachings of the references, Dr. Lippman’s analysis, which is SDI’s only “evidence” of its assertions of obviousness, has no validity and must be completely discounted. *KSR*, 550 U.S. at 421 (cautioning that “[a] factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning”).

The audio system configuration that the inventors proposed and claimed in the ’295 patent is counterintuitive; it involves the simple device (the sound reproduction device) controlling the complex device (the computer). The combined teachings of WinAmp, the IRMan Web Pages, and the Altec Lansing Manual—taken as a whole—teach configurations that are vastly different than this

claimed configuration. Because SDI's proposed combination is solely based on the *admitted* hindsight analysis Dr. Lippman undertook and because the combined teachings of the references to one skilled in the art would have led to a system that is not the invention claimed in the '295 patent, the Board should deny Ground I.

2. The Amended Petition's Proposed Combination  
Would Not Render The Challenged Claims  
Obvious Because It Would Not Meet All The  
Requirements Of The Claims

Even if the proposed combination of WinAmp (Ex. 1009), the IRMan Web Pages (Ex. 1010), and the Altec Lansing Manual (Ex. 1011) were made in the manner suggested by SDI and its expert Dr. Lippman, that combination would not meet all the requirements of the challenged claims. As discussed more fully below, this combination would not satisfy several requirements, including: (a) the "configured to respond" requirement of (claims 25-26 and 51-52); (b) the requirement of an amplifier within the same housing as control circuitry (all challenged claims); and (c) the requirement of a connector located at least partially within the same housing as the control circuitry (all challenged claims).

**a) The Proposed Combination Would Not Result In A System That Is “Configured To Respond To Signals Received From The Computer,” As Claims 25-26 And 51-52 Require**

Even if one of ordinary skill were motivated to make SDI’s proposed combination, that combination would not satisfy claims 25-26 and 51-52 because the Altec Lansing Manual does not disclose or suggest “[a] sound reproduction device [that] is *configured to respond to signals received from [a] computer*” as required by those claims. As discussed above in Section II(A), under the broadest reasonable construction standard for this phrase, the claims plainly require that the sound reproduction device must be “configured to answer or reply to the computer, *i.e.*, send a responsive communication back to the computer.” The Amended Petition points to two passages in the Altec Lansing Manual for this requirement, but neither passage demonstrates that the ADA310W speaker system is configured to answer or reply to the personal computer. *See* Amended Petition, pp. 19, 22.

**First**, the Amended Petition relies on the manual’s statement that “[c]omputers that are USB (universal serial bus) equipped can control all speaker functions from the desktop” via software installed on the computer. *See id.*, citing Ex. 1011, p. 3. At most, that passage reasonably discloses that the user is able to adjust the volume of the speakers, *e.g.*, by having the computer transmit a command via USB to the speaker system, which then adjusts the amplifier settings.



There is no hint or suggestion in the manual that the speakers reply or answer back to the computer in response to receiving any control signal. Ex. 2120 (Stevenson Decl.), ¶ 57.

*Second*, the Amended Petition cites to the manual's statement that "[w]hen audio is received ... the speaker turns on automatically." See Amended Petition, pp. 19, 22, citing Ex. 1011, p. 4 [sic: 3]. The manual specifically states that this functionality is implemented via audio sensing circuitry in the speaker: "An audio sensing circuit automatically turns the unit on when input signal is present. If no audio signal is present at the input of the amplifier for a prolonged period, the unit turns off automatically." Ex. 1011, p. 3. In view of the described operation of the audio sensing circuitry, it is clear that the speaker system does not reply or answer back to the computer when it receives audio signals from the computer. Ex. 2120 (Stevenson Decl.), ¶ 57.

Because neither passage of the Altec Lansing Manual upon which SDI relies discloses "[a] sound reproduction device [that] is *configured to respond to signals received from [a] computer*," as that claim phrase should properly be construed, the proposed combination would not result in a system that would satisfy claims 25-26 and 51-52. Accordingly, the proposed combination of WinAmp, the IRMan Web Pages, and the Altec Lansing Manual fails to render claims 25-26 and 51-52 obvious.

**b) The Proposed Combination Would Not Result In A System Where An Amplifier Is Located Within The Same Housing As Control Circuitry, As All The Challenged Claims Require**

In its Amended Petition, SDI asserts that the claimed “amplifier” recited in independent claims 1 and 27 (non-challenged) and claims 53 and 59 (challenged) is met by three “amplifiers” that are separately located in each of the small speakers as well as in the subwoofer. *See* Amended Petition, pp. 16, 20, 23, and 28. But the challenged claims require the amplifier to be located within the same housing of the sound reproduction system as the control circuitry. *See, e.g.*, Ex. 1001, claims 1, 27, 53 and 59 (reciting a “housing,” “control circuitry located within *the* housing,” and “an amplifier located within *the* housing”) (emphasis added). As described, the ADA310W speaker system included at least three separate housings: two satellite speakers and a subwoofer. SDI’s Amended Petition alleges that the “control circuitry” requirement is met by the “IR Receiver” in the ADA310W speaker system:

control circuitry located within the housing; and	Both the ADA310 and the IRMan provided control circuitry for receiving IR signals, as described below. ( <i>See</i> ADA310 Manual, Ex. 1011, at 6 ( <u>IR receiver</u> ); IRMan Web Page, Ex. 1010, at 1 (“Irman can receive the infrared signals transmitted by all sorts of remotes. It converts these signals to computer commands understood by software in your PC.”).)
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Amended Petition, p. 17 (emphasis added); *see also id.*, pp. 20, 24 and 29.

According to the Altec Lansing Manual, this “IR Receiver” is located in the right satellite speaker. *See* Ex. 1011, p. 6 (Fig. 2, showing “RIGHT SPEAKER” with “IR RECEIVER”); Ex. 2120 (Stevenson Decl.), ¶ 62. Thus, in SDI’s proposed combination, the alleged “control circuitry” and “amplifier” of the ADA310W speaker system would both have needed to be located in the right satellite speaker. Ex. 2120 (Stevenson Decl.), ¶ 63.

SDI has failed to show this. Ex. 2120 (Stevenson Decl.), ¶¶ 61-63. SDI relies on the “power rating” of the speaker drivers that is given on page 7 of the Altec Lansing Manual, but that rating does not at all suggest that any amplifier for the drivers in the satellite speakers would have been physically located in the housing for those speakers.<sup>5</sup> Ex. 2120 (Stevenson Decl.), ¶ 63. That rating is simply an indication of the maximum power the speakers were designed to output in the Altec Lansing system. Ex. 2120 (Stevenson Decl.), ¶ 63. At the time of the invention, one of ordinary skill in the art understood that amplifiers in speaker

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<sup>5</sup> SDI also relies on page 7 of the Altec Lansing manual to show the alleged functionality of the Altec Lansing remote control—*i.e.*, that the remote can allegedly be used to control volume and other aspects of the Altec Lansing speaker system. *See* Amended Petition, pp. 18, 21, 26 and 31.

systems could be housed separately from the speaker drivers, and the indication of speaker power rating in the Altec Lansing Manual would not have indicated anything about the location of the amplifiers for the Altec Lansing speakers. Ex. 2120 (Stevenson Decl.), ¶ 63.

This flawed argument is the *sole* reasoning SDI gives in its Amended Petition for demonstrating that the “amplifier” and “control circuitry” requirements of the challenged claims would have been met by its proposed combination. Because SDI has failed to show that the Altec Lansing Manual discloses an amplifier within the same housing as the control circuitry to which it points—only the IR receiver—the claims would not be rendered obvious by the combination. *See also* Ex. 2120 (Stevenson Decl.), ¶¶ 61-63.

Furthermore, page 7 of the Altec Lansing Manual does not even correspond to the ADA310W speaker system described in the manual. This issue was already briefed with respect to Bose’s Motion to Exclude filed in the co-pending proceeding, IPR2013-00465. *See* IPR2013-00465, Paper No. 32, pp. 4-6. As previously shown, that page, which is oriented sideways and partly cut off, depicts a portion of a remote control that corresponds to a *different* Altec Lansing product, the ADA104 speaker system. Ex. 1011, p.7 (referencing “ADA104 unit” under heading “Remote Control Operation.”). Dr. Lippman even recognized this problem while preparing his declaration, and because of it, he conducted searches

on the Internet to confirm that the ADA310W product described in the Altec Lansing Manual included a remote control. Ex. 2104, Tr. 90:21-91:20.

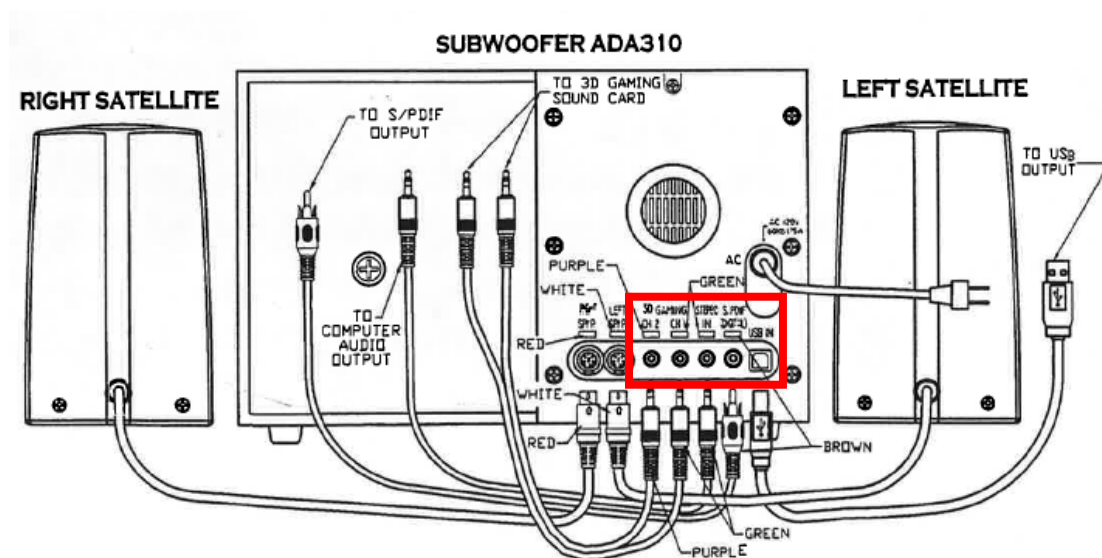
The ADA104 product is a home theater system having a different set of speakers from the ADA310W computer speaker system. *Compare* Ex. 2113 with Ex. 1011, pp. 3-5. Notably, the Altec Lansing Manual describes that the remote control for the ADA310W includes functionality for selecting the various operating modes of the system: Stereo, Dolby Pro Logic, Dolby Digital, and 3D Gaming. Ex. 1011, p. 3. Yet, the remote control depicted on page 7 (for the ADA104 product) does not show any button for selecting the Dolby Digital operating mode. *See* Ex. 1011, p. 7. Dr. Lippman also recognized this problem. Ex. 2104, Tr. 84:9-21.

**c) The Proposed Combination Would  
Not Result In A System with A  
“Connector Located At Least Partially  
Within The Housing” As Required By  
All Challenged Claims**

The proposed combination would also not meet the requirement of claims 1 and 27 (not challenged), their challenged dependent claims 25, 26, 51, and 52, and challenged claims 55-62, 75 and 76 (*i.e.*, all challenged claims), all of which recite that the sound reproduction device includes a “connector located at least partially within” the same housing as the control circuitry. *See, e.g.*, Ex. 1001, claim 1 (reciting a “housing,” “control circuitry located within *the* housing,” and “a

connector located at least partially within *the* housing”) (emphasis added). As discussed above, in SDI’s proposed combination, the alleged “control circuitry” would have been located in the *right satellite speaker* of the ADA310W system. Ex. 2120 (Stevenson Decl.), ¶ 59. Thus, the claimed “connector” would have needed to be located at least partially within that same satellite speaker. Again, SDI has failed to show this.

The claimed connector is one that is configured to provide a “physical and electrical connection exclusively between the sound reproduction device and the computer.” Ex. 1001, claim 51. The Altec Lansing Manual, however, shows that the satellite speakers in the system only connect to the *subwoofer*, and it is the *subwoofer* that connects to a personal computer via a series of cables. Ex. 2120 (Stevenson Decl.), ¶ 59. These interconnections are shown on page 4 of the Altec Lansing Manual.



Ex. 1011, p. 4 (emphasis added to highlight where connections to computer are made); *see also id.* (“One end has a series ‘A’ USB connector which is plugged into the USB output on the computer and the other end has a series ‘B’ connector which is plugged into the USB input on the subwoofer.”). Thus, because in SDI’s proposed combination, SDI relies on the right satellite speaker housing for the location of the claimed “control circuitry” (the IR receiver), but then relies on a *different* housing, the housing of the ADA310W subwoofer, for the location of the claimed “connector,” SDI’s proposed combination, even if made, would not result in the configuration of the claimed sound reproduction device. Ex. 2120 (Stevenson Decl.), ¶¶ 58-60.

## V. CONCLUSION

Because Petitioner SDI has not demonstrated that the challenged claims are unpatentable by a preponderance of the evidence on the ground on which this proceeding was instituted, the Board should affirm the patentability of claims 25, 26, 51-53, 55-62, 75 and 76 of the ’295 patent.

Please apply any fees or any credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 16, 2014/

/Mark J. Hebert/

Dorothy P. Whelan, Reg. No. 33,814

W. Karl Renner, Reg. No. 41,265

Mark J. Hebert, Reg. No. 31,766

Attorneys for Patent Owner, Bose Corp.

Customer Number 26171

Fish & Richardson P.C.

Telephone: (612) 337-2508

Facsimile: (612) 288-9696



**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on September 16, 2014, a complete and entire copy of this Patent Owner's Response was provided via email to the Petitioner by serving the correspondence email addresses of record as follows:

Matthew B. Lowrie  
Aaron W. Moore  
James C. De Vellis  
Foley & Lardner LLP  
111 Huntington Avenue  
Boston, MA 02199

Email: [mlowrie-PTAB@foley.com](mailto:mlowrie-PTAB@foley.com)

Email: [amoore-PTAB@foley.com](mailto:amoore-PTAB@foley.com)

/Jessica K. Detko/  
Jessica K. Detko  
Fish & Richardson P.C.  
60 South Sixth Street, Suite 3200  
Minneapolis, MN 55402  
(612) 337-2516