

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner,

v.

BLACK HILLS MEDIA, LLC
Patent Owner.

Case No. To Be Assigned
Patent No. 8,230,099

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,230,099
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.***

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LIST OF EXHIBITS

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Ex. 1001	U.S. Patent No. 8,230,099
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Ex. 1003	U.S. Patent Application Publication No. 2002/0087996 to Bi <i>et al.</i>
Ex. 1004	U.S. Patent Application Publication No. 2002/0072817 to Champion
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Ex. 1006	Declaration of Kevin C. Almeroth, Ph.D.
Ex. 1007	<i>Curriculum vitae</i> of Kevin C. Almeroth, Ph.D.
Ex. 1008	Miller <i>et al.</i> , “Home Networking with Universal Plug and Play” (IEEE, Dec. 2001)
Ex. 1009	Michael Jeronimo & Jack Weast, UPnP Design By Example, Intel Press (Apr. 2003)
Ex. 1010	UPnP AV Architecture:1 For Universal Plug and Play Version 1.0, Status: Approved Design Document, Date: June 25, 2002
Ex. 1011	“TV Meets the Web” (Financial Times, Sept. 10, 2002)
Ex. 1012	“Intel Pushes Plug and Play Into Homes” (Extremetech.com, Sept. 10, 2002)
Ex. 1013	“Mediabolic Incorporates Support for UPnP Technology into the Mediabolic ONE Platform” (Business Wire, Jan. 6, 2003)
Ex. 1014	“Oregon Networks Demonstrates UPnP” (PR Newswire, Feb. 18, 2003)

I. MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1))

A. REAL PARTY-IN-INTEREST (37 C.F.R. § 42.8(B)(1))

The real parties in interest for this petition for *Inter Partes* Review (“IPR”) are Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and Samsung Telecommunications America, LLC.

B. RELATED MATTERS (37 C.F.R. § 42.8(B)(2))

U.S. Patent No. 8,230,099 (“the ‘099 Patent”) is currently the subject of litigation against multiple defendants in the Eastern District of Texas, the District of Delaware and the Central District of California, including the action captioned *Black Hills Media, LLC v. Samsung Elecs. Co., Ltd. et al.* (Civil Action No. 2-13-cv-00379 (E.D. Tex.); the “Samsung Litigation”). Other defendants in the litigations include LG Elecs., Inc.; LG Elecs. U.S.A, Inc.; LG Elecs. Mobilecomm U.S.A., Inc.; Toshiba Corp.; Toshiba Am. Info. Sys., Inc.; Panasonic Corp.; Panasonic Corp. of N. Am.; Yamaha Corp. of Am.; Sonos, Inc.; Pioneer Corp.; and Pioneer Elecs. (USA), Inc. The ‘099 Patent was also the subject of proceedings before the U.S. International Trade Commission, captioned *In re Digital Media Devices, Including Televisions, Blu-Ray Disc Players, Home Theater Systems, Tablets and Mobile Phones, Components Thereof and Associated Software*, Inv. No. 337-TA-882, but the investigation was terminated with respect to the ‘099 Patent at the request of Black Hills Media before a decision.

An *inter partes* review of claims 1, 2, 6, and 9-12 of the ‘099 Patent was instituted on March 20, 2014 (IPR2013-00597, Paper 15). The ‘099 Patent is a divisional of the application that issued as U.S. Pat. No. 8,028,323 (“the ‘323 Patent”). U.S. Pat. No. 8,214,873 (“the ‘873 Patent”) issued from a continuation of the ‘323 Patent. An *inter partes* review of claims 1, 2, 6-13, 15-31, 35-42, and 44-46 of the ‘873 Patent was instituted on March 20, 2014 (IPR2013-00598, Paper 19).

C. LEAD AND BACKUP COUNSEL (37 C.F.R. § 42.8(B)(3))

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D. SERVICE INFORMATION (37 C.F.R. § 42.8(B)(4))

Service information for lead and back-up counsel is provided in the designation of lead and back-up counsel above.

II. FEES (37 C.F.R. § 42.103)

The undersigned authorizes the Office to charge \$23,000 (\$9,000 request fee; and \$14,000 post-institution fee) to Deposit Account No. 50-0740 for the fees set forth in 37 C.F.R. § 42.15(a) for this Petition for *Inter Partes* Review. The undersigned further authorizes payment for any additional fees that might be due in connection with this Petition to be charged to the above referenced Deposit Account.

III. REQUIREMENTS FOR INTER PARTES REVIEW UNDER 37 C.F.R. § 42.104

A. Grounds for Standing (37 C.F.R. § 42.104(a))

Pursuant to 37 C.F.R. § 42.104(a), Petitioner certifies that the ‘099 Patent is available for *inter partes* review and that Petitioner is not barred or estopped from requesting an *inter partes* review challenging the ‘099 Patent on the grounds identified in the present petition.

B. Citation of Prior Art

Exhibit	Reference	Publication or Filing Date	Availability as Prior Art
Ex. 1003	U.S. Patent Application Publication No. 2002/0087996 to Bi <i>et al.</i> (“Bi”)	July 4, 2002	§ 102(b)
Ex. 1004	U.S. Patent Application Publication No. 2002/0072817 to Champion	June 13, 2002	§ 102(b)

	("Champion")		
Ex. 1005	U.S. Patent No. 7,668,939 to Encarnacion <i>et al.</i> ("Encarnacion")	December 19, 2003	§ 102(e)

C. Claims and Statutory Grounds (37 C.F.R. §§ 42.104(b)(1) & (b)(2))

The relief requested by Petitioner is that claims 1 and 10-12 of the '099 Patent be found unpatentable and cancelled from the '099 Patent on the following grounds:

Ground	Claims	Basis
I	1, 10-12	Obvious under 35 U.S.C. § 103 in view of Bi, Champion and Encarnacion.
II	1, 10-12	Anticipated under 35 U.S.C. § 102(b) by Bi.

D. Claim Construction (37 C.F.R. § 42.104(b)(3))

A claim subject to IPR is given its "broadest reasonable construction in light of the specification of the patent in which it appears." 37 C.F.R. § 42.100(b). Petitioner has included below a discussion of the "broadest reasonable construction consistent with the specification" ("BRC") for a number of claim terms of the '099

Patent.¹

1. “Playlist”

Each of independent claims 1, 10, 11, and 12 recites a “playlist.” Petitioner submits that the BRC for “playlist” is “a list of media selections.”² The specification indicates in the “Background of the Invention” that a playlist “is a list of a user’s favorite selections.” Ex. 1001, 1:33-34. The specification uses broad language to describe playlists as containing selections such as music and movies. *Id.* at 1:33-42.

Moreover, the BRC of the term “playlist” does not *require* that the constituent media items be arranged to be played in a sequence (as the patent owner has argued in litigation). While the specification notes that “the playlist *may be* compiled in an order in which the playing of selections therefrom is desired,” this is optional. *Id.* at 1:49-51 (emphasis added). The specification makes clear that the user may also “select items to be played from the playlist,” and that “selections may also be played randomly from a playlist.” *Id.* at 1:37-39; 1:52-53. Based on these disclosures, one

¹ In the institution decision dated March 20, 2014 in IPR2013-00597, the PTAB adopted a construction for “remote source” as “a source of a playlist that is separate from a remote control.” (Paper 15, page 9). The Patent Owner did not offer a construction, and the PTAB, without analysis, adopted the Petitioner’s.

² The PTAB adopted this construction of “playlist” in the institution decision dated March 20, 2014, in IPR2013-00597 (Paper 15, page 9).

of skill in the art would not understand the term “playlist” to include a requirement that the contents of the playlist be arranged to play in any particular sequence. Almeroth Dec., ¶ 36. Rather, one skilled in the art would understand that “playlist” includes within its scope content that may or may not be arranged to play in a particular sequence. Almeroth Dec., ¶ 36.

2. “Media Player Device”

Each of independent claims 1, 10, 11, and 12 recites a “media player device.” Petitioner submits that the BRC for “media player device” is “a device capable of playing audio or video or a combination of both.”³ The specification first discloses a “dedicated media player,” which the specification defines as “a media player other than a general purpose computer.” Ex. 1001, 2:49-50. But the specification also recites an alternative embodiment where “[a]ccording to another aspect of the present invention, the media player 17 may be a general purpose computer...” *Id.* at 8:61-63.

The patentee chose to claim the second, broader embodiment, as each of the independent claims of the ‘099 Patent only recites a “media player device.” Notably, the term “dedicated media player” does not appear in the claims. Based on these disclosures, one of skill in the art would not understand the “media player device” in the claims to exclude a general purpose computer. Almeroth Dec., ¶ 40. Rather, one

³ The PTAB adopted this construction of “media player device” in the institution decision dated March 20, 2014, in IPR2013-00597 (Paper 15, page 10).

skilled in the art would understand that “media player device” includes within its scope a device that is capable of playing audio or video or a combination of both, and that may or may not be a general purpose computer. Almeroth Dec., ¶¶ 40-41.

E. Person of Ordinary Skill in the Art

A person of ordinary skill in the art of the ‘099 Patent at the time of the alleged invention (“POSA”) would typically have had at least a B.S. degree in electrical engineering, computer engineering or computer science and approximately two years of professional experience with computer networking and multimedia technologies, or the equivalent. Almeroth Dec., ¶ 4.

F. Unpatentability of the Construed Claims (37 C.F.R. § 42.104(b)(4))

An explanation of how claims 1 and 10-12 of the ‘099 Patent are unpatentable under the statutory grounds identified above, is provided in Section v, below.

G. Supporting Evidence (37 C.F.R. § 42.104(b)(5))

The exhibit numbers of the supporting evidence relied upon to support the challenge and the relevance of the evidence to the challenge raised, including an identification of specific portions of the evidence that support the challenge, are provided below in the form of explanatory text and claim charts. An Exhibit List with the exhibit numbers and a brief description of each exhibit is set forth above.

IV. SUMMARY OF THE ‘099 PATENT

A. Overview of the '099 Patent

The '099 Patent is directed to a method for presenting a playlist, *e.g.*, a playlist of songs, on a wireless handheld remote control for selection of an item to be played on a media player device which is associated with, but separate from, the remote control. Exemplary arrangements are illustrated in FIGS. 1 and 2, reproduced below.

As shown in FIG. 1, a playlist is communicated from a server 11 to a dedicated media player 17 via the Internet 12. *Ex. 1001, 8:21-67.* Alternatively, as shown in FIG. 2, the playlist can be communicated from the server 11 via the Internet 12 to a remote control 18, rather than being communicated directly to media player 17. *Id. at 9:1-8.* Playlists communicated to the media player 17 can be further communicated to the remote control 18, and vice versa. *Id. at 9:9-23.*

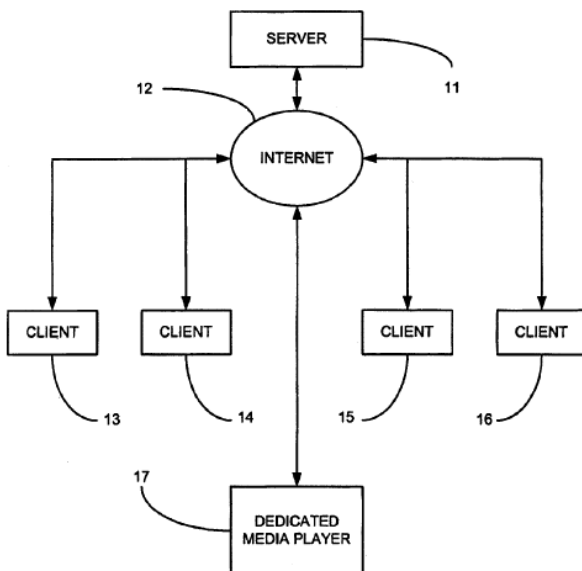


FIG. 1

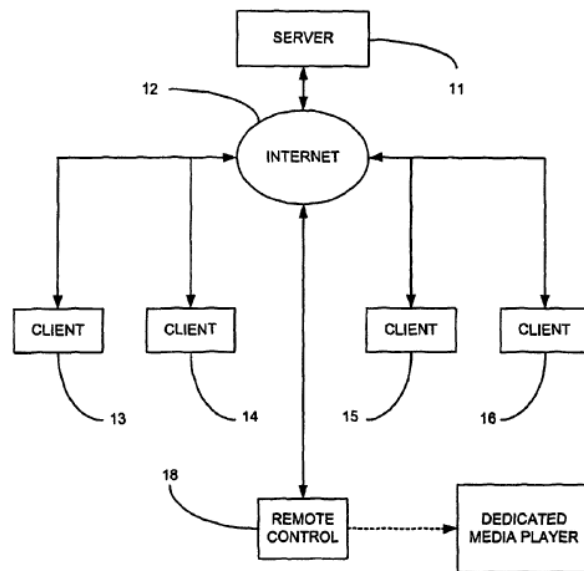


FIG. 2

B. Prosecution History Summary of the ‘099 Patent

The ‘099 Patent was filed on May 2, 2008, as application number 12/114,286. The ‘286 application is a divisional of application number 10/840,110 filed May 5, 2004. The ‘286 application was filed with twelve claims.

In a first Office Action (Ex. 1002, pp. 183-90), all of the claims were rejected as either anticipated by U.S. Patent Application Publication No. 2005/0210507 to Hawkins, or as obvious over Hawkins in view of U.S. Patent No. 7,075,000 to Gang. In response, the applicant explained the novelty of the invention over the cited references:

Embodiments of Applicant’s invention relate to receiving on a remote control a playlist from a remote source. A user can select an item from the playlist for playback on an associated media player device. None of the references cited by the Patent Office teaches or suggests an ability to select an item on a playlist displayed on one device for playback on another device; thus Applicant submits that Applicant’s claims are allowable over the cited references.

Id. at p. 171. Specifically, the applicant noted two claim limitations the cited references failed to disclose.

First, the applicant argued that Hawkins failed to teach the “receiving, at a remote control, a playlist from a remote source” in claim 1 because none of the “client devices” disclosed in Hawkins constitutes a “remote control.” *Id.* at p. 172.

Second, the applicant argued that Hawkins failed to teach the “presenting the playlist ...” limitation of claim 1 and specifically noted that that Hawkins “fails to teach or suggest at least three relevant features recited in Applicant's claim 1, specifically: 1) a remote control, 2) a media player device associated with the remote control, and 3) an ability to select an item from the playlist on the remote control for playback on the associated media player device.” *Id.* at p. 172.

In a final Office Action, the Examiner maintained all of the rejections based upon Hawkins and Gang. *Id.* at pp. 155-63. During a phone interview, the Examiner recommended certain “clarifications” for the claims and the applicant subsequently amended each of the independent claims to refer to the remote control as a “wireless handheld remote control.” *Id.* at pp. 133-38. The claims were also amended to recite that the media player device is “separate from” the remote control. *Id.* The applicant then repeated the argument as to the three features that Hawkins failed to teach or suggest:

Applicant submits that Hawkins fails to teach or suggest at least three relevant features recited in Applicant's amended claim 1, specifically: (1) a wireless handheld remote control, (2) a media player device which is associated with and separate from the wireless handheld remote control, and (3) an ability to select an item from the playlist on the wireless handheld remote control for playback on the associated media player device. Although Hawkins discloses that a client device may receive a playlist, Hawkins contains no teachings or suggestions

regarding receiving a playlist on a wireless handheld remote control and selecting an item from the playlist on the wireless handheld remote control, wherein the item is selected for playback on an associated, and separate, media player device.

Id. at pp. 136-37. In response to the amendments and remarks, the Examiner issued a Notice of Allowance without any further comments. *Id.* at pp. 53-58.

V. THERE IS A REASONABLE LIKELIHOOD THAT PETITIONER WILL PREVAIL WITH RESPECT TO AT LEAST ONE CLAIM OF THE ‘099 PATENT

The subject matter of claims 1 and 10-12 of the ‘099 Patent is disclosed and taught in the prior art as explained below. As set forth in §§ V.A.-V.B., the combination utilized in Ground I renders obvious each of claims 1 and 10-12 pursuant to 35 U.S.C. § 103, and the reference in Ground II anticipates each of claims 1 and 10-12 pursuant to 35 U.S.C. § 102. These grounds provide a reasonable likelihood that the Petitioner will prevail on at least one claim. 35 U.S.C. § 314(a).

A. Prior Art

Paragraphs 15-31 of the Almeroth Declaration describe the state of the art regarding sharing and playing items from playlists in the 2004 time frame. As that discussion and the prior art make clear, by May 2004, the purported innovations of the ‘099 Patent were well-known.

1. U.S. Patent Application Publication No. 2002/0087996 A1 (“Bi”) (Ex. 1003)

U.S. Patent Application Publication No. 2002/0087996 A1 (“Bi”) was published on July 4, 2002, and thus qualifies as prior art to the ‘099 Patent under § 102(b). Bi was neither cited nor considered during prosecution of the ‘099 Patent.

Bi is entitled “Interactive Remote Control of Audio or Video Playback and Selection.” Ex. 1003. It is directed to a system with an interactive remote control that may be wired or wireless, and that is used to control a player application running on a personal computer or set-top box. *Id.* at [0007]; [0018]. One embodiment of the Bi system is illustrated in FIG. 2, reproduced below:

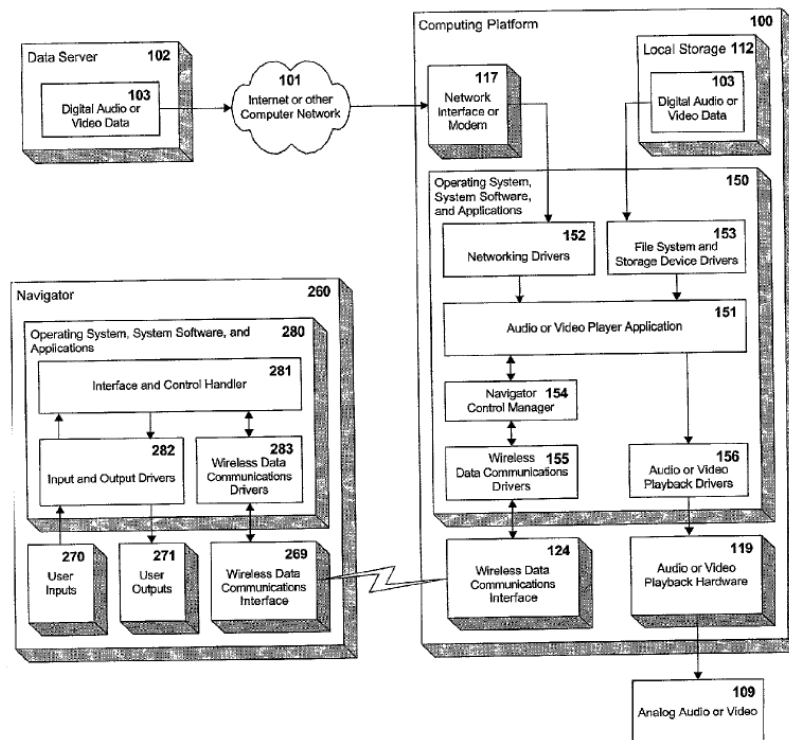


Figure 2

In this figure, digital audio or video data is provided from a data server 102 via the Internet or other computer network 101 to a computing platform 100. *Id.* at [0020]. Computing platform 100 may be a personal computer, set-top box or Internet appliance. *Id.* at [0018]. An “interactive remote control device,” referred to as a “navigator” 260, is provided to facilitate selection of audio or video to be played on computing platform 100. As noted at [0007], the interactive remote control provides various functions “such as playback of current digital or audio video content; selection of new audio or video content; and providing lists of content for playback.”

The same paragraph states:

An important aspect of this invention is that the digital content can be controlled from a location away from the computing platform running the digital content playback application.

Id. at [0007]. As discussed at the beginning of [0028], the navigator 260 acts as a remote control and allows the user to receive feedback from and provide input to an audio or video player application 151 running on the computing platform 100. It is noted that communication between the navigator 260 and the computing platform may be wireless, *e.g.*, by an IEEE 802.11 interface. *Id.* at [0020]. The navigator 260 is illustrated in more detail in FIG. 5 of Bi, reproduced below:

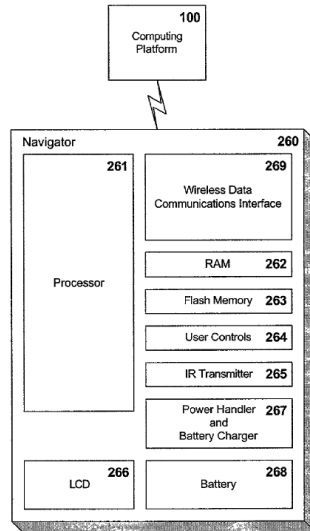


Figure 5

The navigator 260 includes an LCD display 266. As described in [0018], the LCD display 266 may be configured to display “user outputs” such as graphics or text. The navigator 260 also includes “user controls” 264 that can include “buttons, dials, a touch screen, and a keyboard.” These controls send user inputs to the audio or video player application running on the computing platform 100. *Id.*

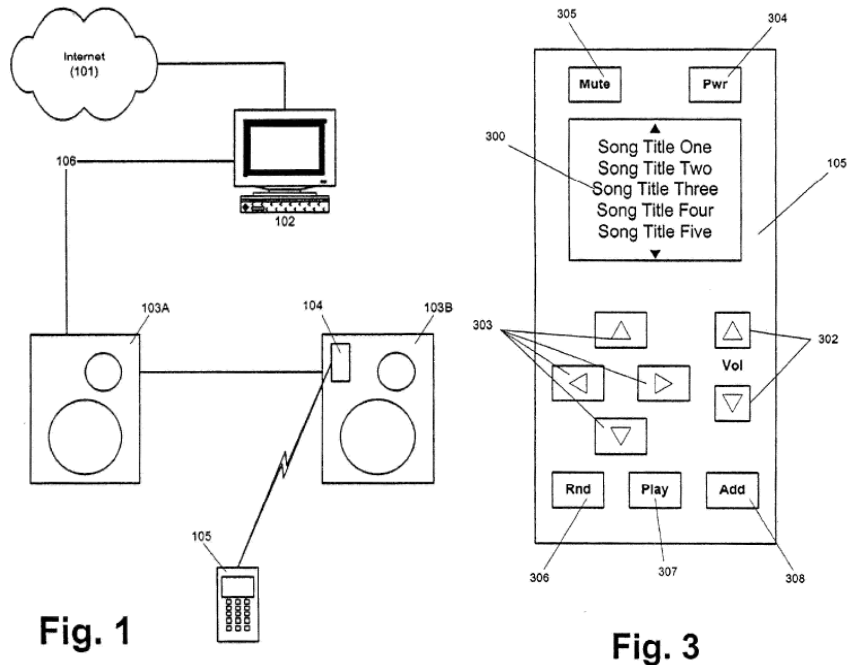
As described beginning at [0031], navigator control manager 154 takes inputs from the navigator 260 and interprets and translates them into commands and actions for the audio or video player application 151, thereby providing interactive remote control specifically for selection and playing of digital music. FIG. 7 provides the software flow of the navigator control manager 154. As can be seen in that figure, the remote control functionality includes browsing music by reference to playlists (step 188).

Paragraph [0032] of Bi discusses the software flow. Specifically, steps 188-193 relate to browsing and selecting music utilizing the navigator 260. These steps disclose the possibility of browsing music local to the computing platform 100, as well as obtaining music from the data server 102 in case the music is not locally stored on the computing platform 100. It is noted that “[t]ypically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” *Id.* at [0032].

2. U.S. Patent Application Publication No. 2002/0072817 A1 (“Champion”) (Ex. 1004)

U.S. Patent Application Publication No. 2002/0072817 A1 (“Champion”) was published on June 13, 2002, and thus qualifies as prior art to the ‘099 Patent under § 102(b). Champion was neither cited nor considered during prosecution of the ‘099 Patent.

Champion is entitled “System and Method for Request, Delivery and Use of Multimedia Files for Audiovisual Entertainment in the Home Environment.” Ex. 1004. It is directed to a system and method for using a remote control to control audiovisual programming playing on a computer or set-top box. An exemplary embodiment of the system is shown in FIG. 1, reproduced below, and an exemplary embodiment of the remote control is shown in FIG. 3, reproduced below.



As shown in FIG. 1, the system includes a computer 102 which can download audiovisual files and access streaming content via the Internet. *Id.* at [0030]. Alternately, computer 102 may be any device capable of supplying audiovisual outputs, such as a VCR, DVD player, cable or satellite television box, or other set-top box. *Id.* at [0067]. The computer is connected to speakers and/or a monitor for playing the audiovisual content via a digital connection 106. *Id.* at [0031]-[0036]; [0062]-[0063]. The system also includes a remote control 105 that communicates wirelessly with computer 102 via a transceiver 104. *Id.* at [0039]. The remote control is used to control the audiovisual programming output by the computer 102 to the speakers and/or monitor. *Id.* at [0040].

As shown in FIG. 3, remote control 105 has a display device (such as LCD) to display information received from computer 102, including a list of available

audiovisual files and/or streams from the Internet. *Id.* at [0042]. The remote control also includes controls to allow the user to move through the listing of available files and streams, as well as controls to allow the user to select a file or stream to be played. *Id.* at [0043].

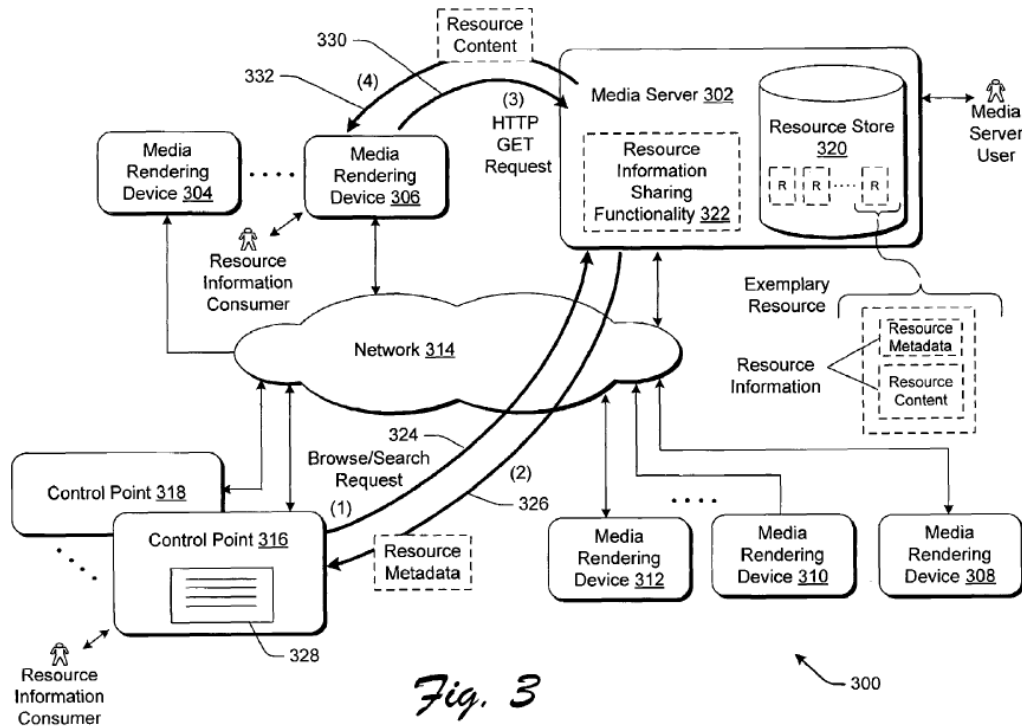
3. U.S. Patent No. 7,668,939 (“Encarnacion”) (Ex. 1005)

U.S. Patent No. 7,668,939 to Encarnacion *et al.* (“Encarnacion”) was filed on December 19, 2003, and issued on February 23, 2010; thus, it qualifies as prior art to the ‘099 Patent under § 102(e). Encarnacion was neither cited nor considered during prosecution of the ‘099 Patent.

Encarnacion discloses a Universal Plug and Play (“UPnP”) network configured to allow media from a server to be played on a player device. *See, e.g.*, Ex. 1005, 1:20-24, 3:4-16, and 14:31-47. In the UPnP network of Encarnacion, a “control point” device, for example a personal digital assistant, is configured to control the other devices on the network. *See, e.g., id.* at 8:14-28. The network also includes a “media rendering device,” which can play back the media, and a “media server,” which stores the media for transmission to other devices on-demand. *See, e.g., id.* at 7:65-8:13. A “media rendering device” could include a “stereo system, speakers, TVs, hand-held audio players, and so on.” *Id.* at 8:6-8. A “media server” could be “a personal computer that stores a collection of music, video, pictures, etc.,

or may comprise various types of jukebox devices.” *Id.* at 3:9-12; *see also* 5:25-26.

An exemplary embodiment is shown in FIG. 3, reproduced below.



One key use case of the UPnP system disclosed in Encarnacion is where the user of the control point submits a query to the media server for available media resources matching certain criteria. *Id.* at 7:15-26; 25:13-43. The media server returns resource metadata, which can identify various forms of media available on the network – such as an individual song, or a collection of media items such as an album or playlist of songs. *Id.* at 14:8-30; 21:48-50. The user of the control point then selects one of the resource identifiers, which will cause the control point to issue a command to a selected media rendering device, causing the media rendering device to then request the identified resource from the media server. *See*,

e.g., id. at 14:31-47. The requested resource is then provided to the media rendering device, which plays the media. *Id.* at 14:53-55.

B. The Grounds of Unpatentability

Petitioner has set forth two grounds of unpatentability, the first based on unpatentability under 35 U.S.C. § 103 in view of the combination of the Bi publication, the Champion publication, and the Encarnacion patent (Ground I). The second ground is based on anticipation by the Bi publication (Ground II). Petitioner submits that the prior art combination set forth in Ground I includes additional and more robust disclosure than the Bi publication alone, on a number of elements recited in the challenged claims. For example, the Champion publication presents a more robust disclosure of a wireless handheld remote control that presents a playlist to a user, and enables the user to select an item to be played using the remote control, as recited in the challenged claims. Such disclosure is shown in the Champion publication in, for example, Fig. 3 and the associated description, showing the wireless handheld remote control 105 with a display 300 of a playlist of songs, and buttons 303 and 307 to select a song to play. *See* Ex. 1004 at FIG. 3.

The Encarnacion patent provides a more robust disclosure of the communication of a playlist from the remote source to a wireless handheld remote control, as recited in, for example, challenged claims 1 and 10. Such disclosure is shown in the Encarnacion patent (Ex. 1005) in, for example, Fig. 3, and the

description at 6:43-46 and 25:13-43. As explained at 25:13-43 and 6:43-46 of the Encarnacion patent, the consumer sends a request to a media server to search through the resource metadata that is associated with shared resources, such as audio, video, and/or photo resources, in the media server's directory. The media server responds by creating a list of matching resource metadata, formatting this list as an XML message, and transmitting this XML message to the consumer. The resource metadata in the XML message can describe individual resources as well as resource collections such as albums or playlists.

Petitioner requests that trial be instituted on both Grounds I and II. However, should the PTAB be minded to institute trial on only one ground, given the additional and more robust disclosure provided in the combination set forth in Ground I, Petitioner requests that Ground I be instituted. Should the PTAB for any reason find that Ground I should be substantively denied, then Petitioner requests that Ground II be instituted. (Petitioner notes that the PTAB instituted trial on claims 1, 2, 6, and 9-12 of the '099 patent as anticipated by the Bi publication in IPR2013-00597).

1. Ground I: The Combination of the Bi Publication, the Champion Publication and the Encarnacion Patent Renders Obvious Each of Claims 1 and 10-12 Under 35 U.S.C. § 103

Bi, Champion and Encarnacion are all directed to using handheld devices to control the playing of remotely stored media items on media player devices. Bi discloses using a handheld navigator to browse listings of available media items

from a remote source, and to select an item to be played on a separate computing platform. Similarly, Champion discloses using a handheld remote control to browse listings of available media items from an audio/visual server or the Internet, and to select an item to be played on a media player device. Likewise, Encarnacion discloses that a control point, such as a PDA, can browse listings of available media items on a media server, including playlists, and select an item from a list to be played on a separate media rendering device. As such, one of skill in the art would have readily combined the features of Bi, Champion and Encarnacion. Almeroth Dec., ¶¶ 55-56.

As explained by Dr. Almeroth, one skilled in the art would have combined the features of these three references because the navigator disclosed in Bi and the remote control in Champion could each be used as a control point in the Encarnacion system, and because the remote control in Champion could be used as the navigator in Bi. Both the navigator in Bi and the remote control in Champion have all of the required functionality for a control point in Encarnacion, namely the ability to connect to a network to communicate with other devices, a display for browsing media items available on the network, and buttons to allow for user input and selection of media items. Almeroth Dec., ¶ 57. Additionally, one of skill in the art would recognize that the remote control in Champion could be used as the navigator in Bi because the remote control can wirelessly communicate with a

computing platform, display the results of the browse command and allow the user to select an item to be played on computing platform 100. Almeroth Dec., ¶ 57.

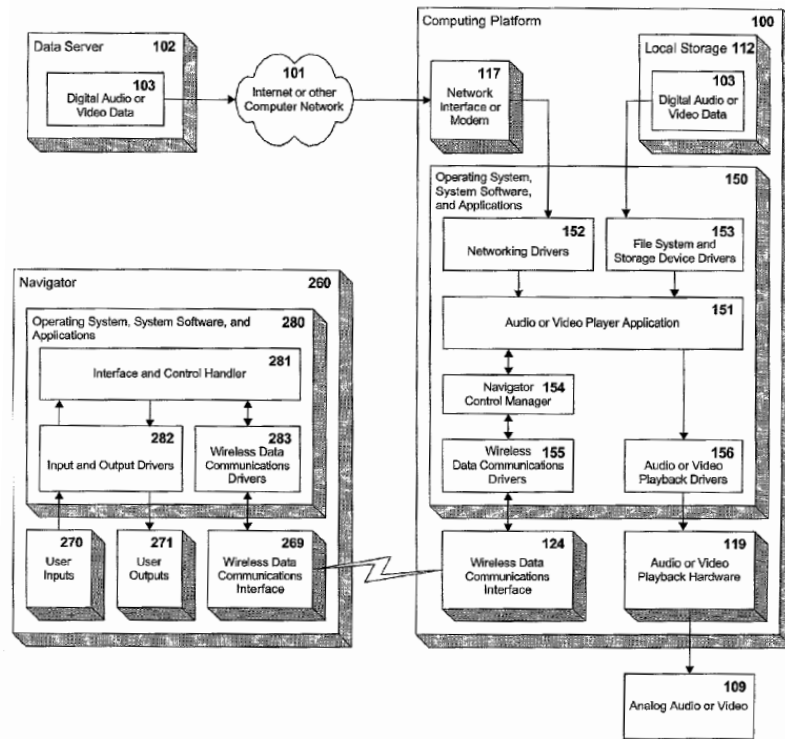
Similarly, one of skill in the art would also recognize that the protocols for communicating playlists between the media server and the control point disclosed in Encarnacion could be used for the communication between the computing platform and the navigator in the Bi system, or for the communication between the computer and remote control in the Champion system. Almeroth Dec., ¶ 58. For example, Encarnacion discloses that a media server responding to a browse command sent by a control point sends an XML file to the control point, and that this XML file can contain “resource containers” such as playlists. This protocol could readily be used by the computing platform in Bi when it responds to a browse command from the navigator, or it could be used by the computer in Champion when it transmits the listing of available programs to the remote control. Almeroth Dec., ¶ 58.

Thus, the combination the systems of Bi, Champion, and Encarnacion, or the components thereof, would merely yield predictable results from the combination of known prior art devices and methods. Almeroth Dec., ¶ 59.

As shown in the claim charts below, the combination of Bi, Champion and Encarnacion discloses all of the limitations of claims 1, 10, 11 and 12 and establishes a *prima facie* case of obviousness for these claims. Furthermore, each

of Bi, Champion and Encarnacion discloses the three features that the applicant argued the cited art failed to disclose during prosecution. *See* Section IV.B, *supra*. Namely, Bi, Champion and Encarnacion each disclose (i) a wireless handheld remote control (ii) associated with a separate media player device and (iii) with an ability to select an item from a playlist displayed on the remote control to be played on the separate media player device. Accordingly, it is submitted that the present petition establishes a reasonable likelihood that the Petitioner will prevail on at least one claim. 35 U.S.C. § 314(a).

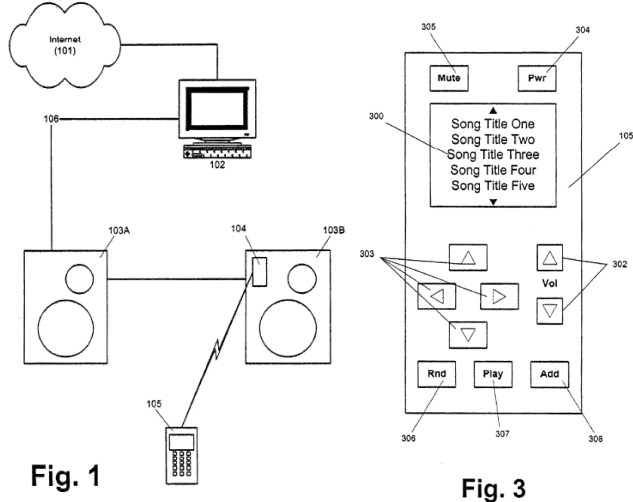
Claim 1	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
A method comprising:	
receiving, at a wireless handheld remote control, a playlist from a remote source; and	<p>Each of Bi, Champion, and Encarnacion discloses a wireless handheld remote control receiving a playlist from a remote source.</p> <p>Bi discloses that Navigator 260 (wireless handheld remote control) communicates wirelessly with computing platform 100.</p> <p>“On the navigator 260, communication with the navigator control manager 154 running on the computing platform 100 is handled through a wireless data communications interface 269 on the navigator 260.” Bi, [0020]. <i>See also</i> Bi, FIGS. 1, 3 and 4; [0018]; [0020]; [0023]; [0028].</p>

Claim 1**Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)****Figure 2**

Bi, FIG. 2.

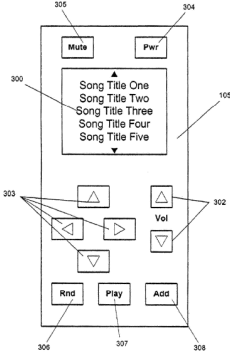
Bi further discloses that Navigator 260 (wireless handheld remote control) receives the results of a browse command, which includes playlists, from data server 102 (a remote source).

“[I]f there is a browse music command from the navigator 260 in step 188, then the navigator control manager 154 checks if the music to browse is local to computing platform 100 in step 189. . . . If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. . . . ***Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.***” Bi, [0032] (emphasis added). *See also*

Claim 1	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>Bi, FIG. 7, steps 188-193; [0032].</p> <p>Champion discloses a wireless handheld remote control that receives a playlist of available audio/audiovisual programs from an audiovisual server and/or the Internet.</p> <div data-bbox="516 499 1144 997">  <p>The diagram consists of two parts. Fig. 1 on the left shows a system architecture: a cloud labeled 'Internet (101)' is connected to a computer monitor (102). The monitor is connected to a speaker system (103A and 103B) via a line (108). A handheld remote control (105) is shown with a wireless signal (104) connecting it to the speaker system. Fig. 3 on the right is a detailed view of the remote control (105). It features a display (300) showing a playlist: 'Song Title One', 'Song Title Two', 'Song Title Three', 'Song Title Four', and 'Song Title Five'. Above the display are buttons for 'Mute' (305) and 'Pwr' (304). Below the display are navigation buttons (303) including left, right, and up/down arrows. At the bottom are 'Rnd' (306), 'Play' (307), and 'Add' (308) buttons. A volume control section (302) with 'Vol' and up/down arrows is also present.</p> </div> <p>Fig. 1 Fig. 3</p> <p>Champion, FIGS. 1 and 3. <i>See also</i> Champion, Abstract; FIGS. 1, 3-7a.</p> <p>“In one preferred embodiment, the audio server is a computer on which audio or audiovisual data is stored or which is receiving a stream of audio or audiovisual data. The computer may be connected to the Internet and the audio or audiovisual programming may be received from the Internet.” Champion, [0012].</p> <p>“The audiovisual server may transmit a listing of available audiovisual programming to a remote control unit via the digital connection to the monitor. The remote control [sic] unit communicates wirelessly with a transceiver of the monitor.” Champion, [0018]. <i>See also</i> Champion, [0013].</p> <p>Encarnacion discloses a Personal Digital Assistant (wireless handheld remote control) receiving a playlist from a media server (remote source) in response to a browse command.</p> <p>“An exemplary control point may be implemented using various types of computers, Personal Digital Assistants (PDAs), application specific logic modules, and so on.”</p>

Claim 1	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>Encarnacion, 8:21-23.</p> <p>“[T]he consumer sends a request via a control point to browse or search through the resource metadata associated with the shared resources provided in the directory 600. ... Then, the content directory service module 526 will format a list of the surviving matching resource metadata into an XML message, and then transmit this XML message to the consumer. This resource metadata can describe individual matching resources as well as, if applicable, resource collections (such as resource containers) that include individual member resources.”</p> <p>Encarnacion, 25:13-43.</p> <p>“A particular kind of resource collection is a resource playlist. This resource can be implemented as a file that refers to a list of audio, video, and/or photo resources (or other kinds of resources).” Encarnacion, 6:43-46. <i>See also</i> Encarnacion, FIG. 3; 8:14-34; 13:1-15; 13:56 -14:21; 21:48-50.</p>
presenting, at the wireless handheld remote control, the playlist to a first user associated with the wireless handheld remote control such that the first user is enabled to select at least one item from the playlist for playback by a media player device which is associated with and separate from the wireless handheld remote	<p>Each of Bi, Champion, and Encarnacion discloses presenting the playlist to a user of a wireless handheld remote control such that the user can select an item for playback on a separate media player device.</p> <p>Bi discloses that Navigator 260 includes an LCD display screen 266 for displaying the results of the browse command from the data server.</p> <p><i>See</i> Bi, [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0031] (“The navigator control manager 154 then takes the results from the commands and actions of the audio or video player application 151 to provide user outputs 271 on the navigator 260”); [0032]; [0033]; [0034] (“If there are user outputs 271 from the navigator control manager 154, then the interface and control handler 281 takes the user outputs 271 and updates the graphics displayed on the LCD 266 in step 294...”).</p>

<p>Claim 1</p>	<p>Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)</p>
<p>control.</p>	<div data-bbox="539 315 850 852" data-label="Diagram"> </div> <div data-bbox="633 915 771 953" data-label="Caption"> <p>Figure 5</p> </div> <div data-bbox="894 327 1205 835" data-label="Diagram"> <pre> graph TD 290([290 Start]) --> 291{291 User Inputs?} 291 -- Yes --> 292[292 Send user input to computing platform] 291 -- No --> 293{293 User outputs from platform?} 292 --> 293 293 -- Yes --> 294[294 update display] 293 -- No --> 291 294 --> 291 </pre> </div> <div data-bbox="925 919 1062 957" data-label="Caption"> <p>Figure 8</p> </div> <p>Bi, FIGS. 5 and 8.</p> <p>As noted above, the results of a browse command can include playlists. <i>See</i> Bi, [0032].</p> <p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). <i>See</i> Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various functions, such as ... selection of new audio or video content</i>”) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020]; [0023]; [0028]; [0038]; FIG. 5.</p> <p>Champion discloses displaying the list of available audiovisual programs on the remote control and allowing the user to select an item to be played on the computer and/or speaker and/or monitor (media player device).</p> <p>Champion discloses a computer and/or speaker and/or</p>

<p>Claim 1</p>	<p>Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)</p>
	<p>monitor is a media player device. <i>See, e.g.</i>, Champion, [0002]; [0007]-[0008]; [0011]; [0016]-[0017]; [0031]-[0038]; [0045]; [0054]; [0061]; [0062].</p>  <p>Fig. 3</p> <p>Champion, FIG. 3.</p> <p>“In this embodiment, the remote control unit has a display device for displaying the listing; and a user input device <i>with which the user can select an audio program from the list and transmit a command for the audio server to output that selected audio program to the speaker.</i>” Champion, [0013] (emphasis added).</p> <p>“When a desired audio file or audio data stream is indicated by the cursor, the user can preferably press a “play” key (307) to have that audio file or audio stream sent to the speakers (103) by the computer (102).” Champion, [0043].</p> <p>Encarnacion discloses displaying a playlist on a control point (wireless handheld remote control), so that the user can select an item to be played on a media rendering device (media player device).</p> <p>“The receiving control point device can translate the XML message into a presentation format (e.g., HTML), and then display this information for the consumer’s review. This display can provide a media list that identifies the matching resource metadata. The consumer can then command the media rendering device 306 to play resource content associated with one or more items in the media list.”</p>

Claim 1	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	Encarnacion, 25:44-50. <i>See also</i> Encarnacion, 8:21-23; 8:55-65; 13:15-20; 14:31-39. As discussed above, the XML message received by the control point can include resource collections, such as playlists. Encarnacion, 6:43-46; 25:13-43.

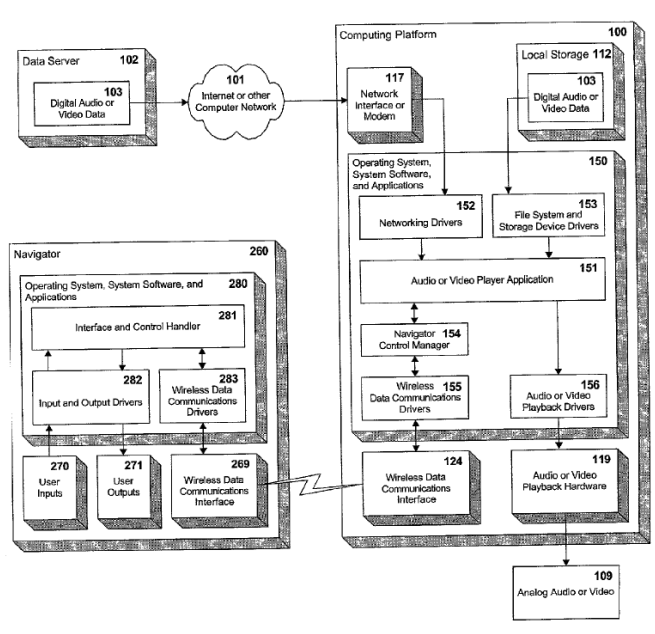
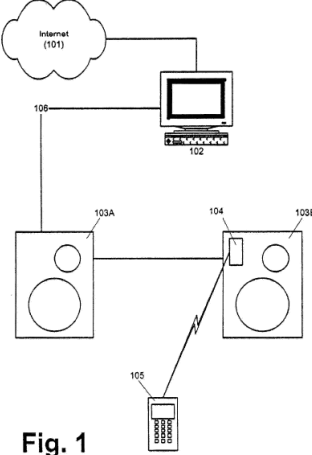
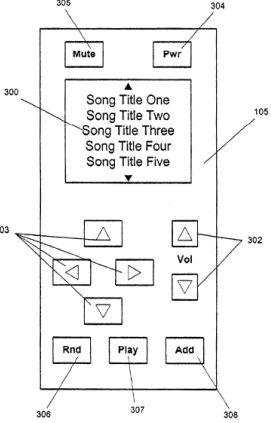
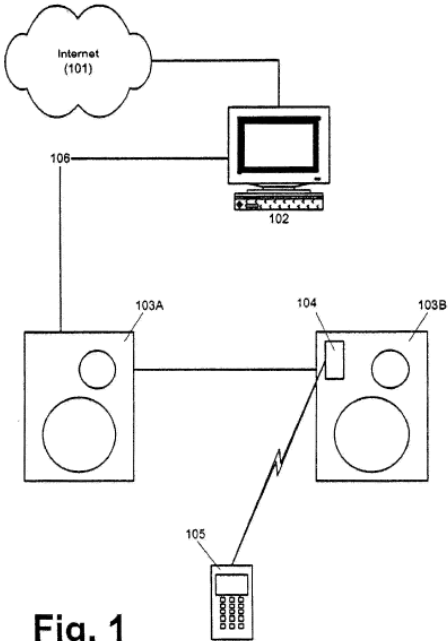
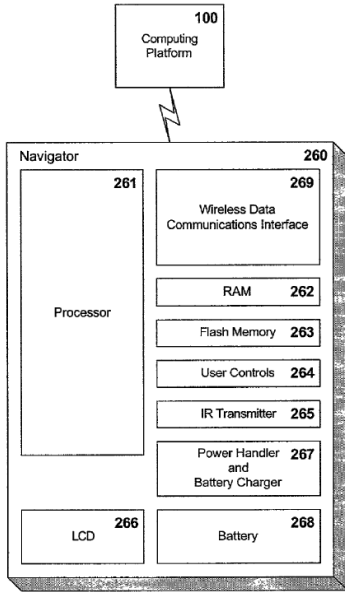
Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
A wireless handheld remote control comprising:	<p>Each of Bi, Champion, and Encarnacion discloses a wireless handheld remote control.</p> <p>Bi discloses that Navigator 260 is a wireless handheld remote control that communicates wirelessly with computing platform 100.</p> <p>“On the navigator 260, communication with the navigator control manager 154 running on the computing platform 100 is handled through a wireless data communications interface 269 on the navigator 260.” Bi, [0020]. <i>See also</i> Bi, FIGS. 1, 3 and 4; [0018]; [0020]; [0023]; [0028].</p> 

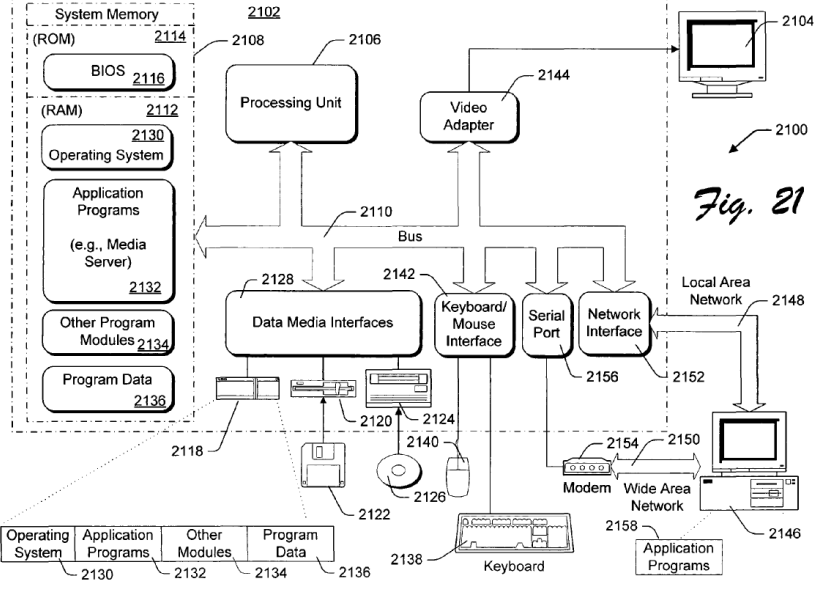
Figure 2

Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>Bi, FIG. 2.</p> <p>Champion discloses a wireless handheld remote control.</p> <p>“The audiovisual server may transmit a listing of available audiovisual programming to a remote control unit via the digital connection to the monitor. The remote control [sic] unit communicates wirelessly with a transceiver of the monitor.” Champion, [0018].</p>  <p>Fig. 1</p>  <p>Fig. 3</p> <p>Champion, FIGS. 1 and 3.</p> <p>Encarnacion discloses a control point, such as a Personal Digital Assistant (wireless handheld remote control), that communicates with other devices on the network.</p> <p>“An exemplary control point may be implemented using various types of computers, Personal Digital Assistants (PDAs), application specific logic modules, and so on.” Encarnacion, 8:21-23. <i>See also</i> Encarnacion, FIG. 3; 8:14-21.</p>
a communication interface communicatively coupling the wireless handheld remote control to a remote source	<p>Each of Bi, Champion, and Encarnacion discloses a communication interface communicatively coupling the wireless handheld remote control to a remote source via a network.</p> <p>Bi discloses that communication interface 269 couples remote navigator 260 (wireless handheld remote control) to computing platform 100 via a wireless network. Computing</p>

Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
via a network; and	<p>platform 100 is, in turn, coupled to data server 102 (remote source) via a network 101.</p> <p>“The navigator 260 receives and transmits the data communications using the <i>wireless data communications interface 269</i>. This wireless data communications interface 269 may be, for example, a Bluetooth, HomeRF, or IEEE 802.11 interface.” Bi, [0028] (emphasis added). <i>See also</i> Bi, FIGS. 2, 4, and 5; [0020]; [0027] (“The computing platform 100 uses a network interface or modem 117 to access data server computers 102 on the Internet or other computer network 101, in order to download digital audio or video data 103.”).</p> <p>Champion discloses that a remote control has a communications interface coupling it to computer 102 and Internet sources (remote source) via a network.</p>  <p>Fig. 1</p> <p>Champion, FIG. 1.</p> <p>“Preferably, the remote control unit (105) communicates using infrared (IR) signaling. ... However, the remote control unit (105) can use any other method of wirelessly communicating with the transceiver (104). For example, the</p>

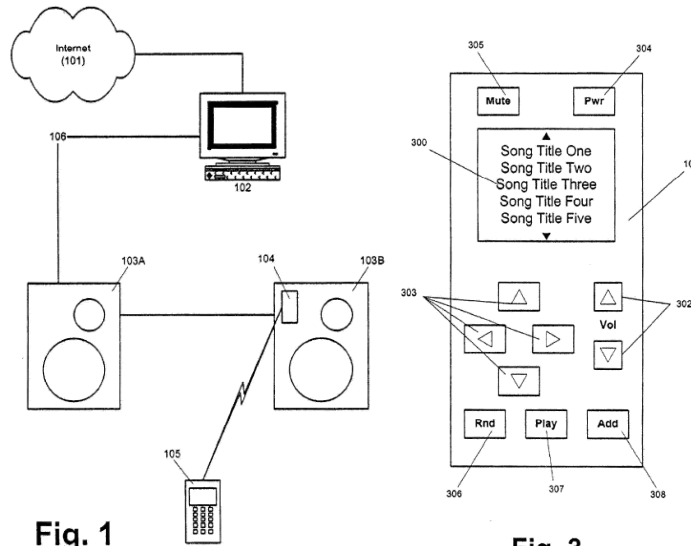
Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>transceiver (104) (and the counterpart transceiver in the remote control unit (105) (not shown)) may be a radio frequency transceiver.” Champion, [0039].</p> <p>“In still another alternative, the digital connection (106) may be an Ethernet connection. Ethernet is a digital networking scheme that is commonly used to network computers and other digital devices in Local Area Networks (LANs). Ethernet data transmission rates range up to 1 Gigabit/sec. The digital connection (106) may also be other types of connections such as a wireless radio-frequency network or a phone line network.” Champion, [0035]-[0036]. <i>See also</i> Champion, FIGS. 1-7a.</p> <p>Encarnacion discloses that a control point (wireless handheld remote control) can communicate with a media server (remote source) via a network interface.</p> <p>“FIG. 21 provides information regarding a computer environment 2100 that can be used ... to implement the control points (e.g., control points 316, 318) ... computer environment 2100 can include hand-held or laptop devices ...” Encarnacion, 51:42-55.</p> <p>“Any type of network can be used to couple the computer 2102 with remote computing device 2146, such as a local area network (LAN) 2148, or a wide area network (WAN) 2150 15 (such as the Internet). When implemented in a LAN networking environment, the computer 2102 connects to local network 2148 via a network interface or adapter 2152.” Encarnacion, 53:13-18 (emphasis added). <i>See also</i> Encarnacion, FIGS. 3, 21; 8:29-34; 53:24-28.</p>
a control system associated with the communication interface and adapted to:	<p>Each of Bi and Encarnacion discloses a control system associated with the communication interface.</p> <p>Bi discloses that Navigator 260 includes a processor 261 (control system) to control its operations, including the operations of the wireless data communications interface 269.</p>

Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	 <p style="text-align: center;">Figure 5</p> <p>Bi, FIG. 5.</p> <p>“The processor 261 handles the data communications with the wireless data communications interface 269.” Bi, [0028]. <i>See also</i> FIG. 2.</p> <p>“The interface and control handler 281, which runs on the navigator 260, takes the user inputs 270, such as button presses, and sends them to the navigator control manager 154 running on the computing platform 100. The interface and control handler 281 also receives user outputs 271 from the navigator control manager 154 such as updated graphics on an LCD 266 on the navigator 260.” Bi, [0033]. <i>See also</i> Bi, FIG. 8; [0034].</p> <p>Encarnacion discloses that a control point (wireless handheld remote control) has a processing unit 2106 (control system) associated with network interface 2152.</p>

<p>Claim 10</p>	<p>Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)</p>
	 <p>Encarnacion, FIG. 21. <i>See also</i> Encarnacion, 51:42-48; 51:63-66 (“Exemplary computer 2102 includes one or more processors or processing units 2106”); 52:43-51; 53:13-28;</p>
<p>receive a playlist from the remote source; and</p>	<p>Each of Bi, Champion and Encarnacion discloses a wireless handheld remote control receiving a playlist from a remote source.</p> <p>Bi discloses that Navigator 260 (wireless handheld remote control) receives the results of a browse command, which includes playlists, from data server 102 (a remote source).</p> <p>“[I]f there is a browse music command from the navigator 260 in step 188, then the navigator control manager 154 checks if the music to browse is local to computing platform 100 in step 189. . . . If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. . . . <i>Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.</i>” Bi, [0032] (emphasis added). <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p> <p>Champion discloses a wireless handheld remote control that</p>

Claim 10**Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)**

receives a playlist of available audio/audiovisual programs from an audiovisual server and/or the Internet.



Champion, FIGS. 1 and 3. *See also* Champion, Abstract; FIGS. 4-7a.

“In one preferred embodiment, the audio server is a computer on which audio or audiovisual data is stored or which is receiving a stream of audio or audiovisual data. The computer may be connected to the Internet and the audio or audiovisual programming may be received from the Internet.”
Champion, [0012].

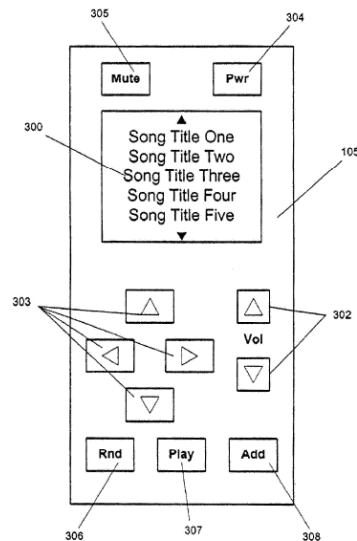
“Preferably, the audio server transmits a listing of available audio programming to the remote control unit via the connection and the transceiver.” Champion, [0013]. *See also* Champion, [0018].

Encarnacion discloses a control point (wireless handheld remote control) receiving a playlist from a media server (remote source) in response to a browse command.

“[T]he consumer sends a request via a control point to browse or search through the resource metadata associated with the shared resources provided in the directory 600. ... Then, the content directory service module 526 will format a list of the surviving matching resource metadata into an XML message,

Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>and then transmit this XML message to the consumer. This resource metadata can describe individual matching resources as well as, if applicable, resource collections (such as resource containers) that include individual member resources.” Encarnacion, 25:13-43.</p> <p>“A particular kind of resource collection is a resource playlist. This resource can be implemented as a file that refers to a list of audio, video, and/or photo resources (or other kinds of resources).” Encarnacion, 6:43-46. <i>See also</i> Encarnacion, FIG. 3; 8:14-34; 13:1-15; 13:56-14:21; 21:48-50.</p>
<p>present the playlist to a first user associated with the wireless handheld remote control such that the first user is enabled to select at least one item from the playlist for playback by a media player device which is associated with and separate from the wireless handheld remote control.</p>	<p>The combination of Bi, Champion and Encarnacion discloses presenting the playlist to a user of a wireless handheld remote control such that the user can select an item for playback on a separate media player device.</p> <p>Bi discloses that Navigator 260 includes an LCD display screen 266 for displaying the results of the browse command from the data server.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="548 1075 862 1612" style="text-align: center;"> <p>Figure 5</p> </div> <div data-bbox="906 1075 1219 1612" style="text-align: center;"> <p>Figure 8</p> </div> </div> <p>Bi, FIGS. 5 and 8. <i>See also</i> Bi, [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0031] (“The navigator control manager 154 then takes the results</p>

Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>from the commands and actions of the audio or video player application 151 to provide user outputs 271 on the navigator 260”); [0032]; [0033]; [0034] (“If there are user outputs 271 from the navigator control manager 154, then the interface and control handler 281 takes the user outputs 271 and updates the graphics displayed on the LCD 266 in step 294...”).</p> <p>As noted above, the results of a browse command can include playlists. <i>See</i> Bi, [0032].</p> <p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). <i>See</i> Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various functions, such as ... selection of new audio or video content</i>”) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020]; [0023]; [0028]; [0038]; FIG. 5.</p> <p>Champion discloses a computer and/or speaker and/or monitor is a media player device. <i>See, e.g.,</i> Champion, [0002]; [0007]-[0008]; [0011]; [0016]-[0017]; [0031]-[0038]; [0045]; [0054]; [0061]; [0062].</p> <p>Champion discloses displaying the list of available audiovisual programs on the remote control and allowing the user to select an item to be played on a computer and/or speaker and/or monitor (media player device).</p> <p>“In this embodiment, the remote control unit has a display device for displaying the listing; and a user input device with which <i>the user can select an audio program from the list and transmit a command for the audio server to output that selected audio program to the speaker.</i>” Champion, [0013] (emphasis added).</p>

Claim 10**Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)****Fig. 3**

Champion, FIG. 3.

“When a desired audio file or audio data stream is indicated by the cursor, the user can preferably press a “play” key (307) to have that audio file or audio stream sent to the speakers (103) by the computer (102).” Champion, [0043].

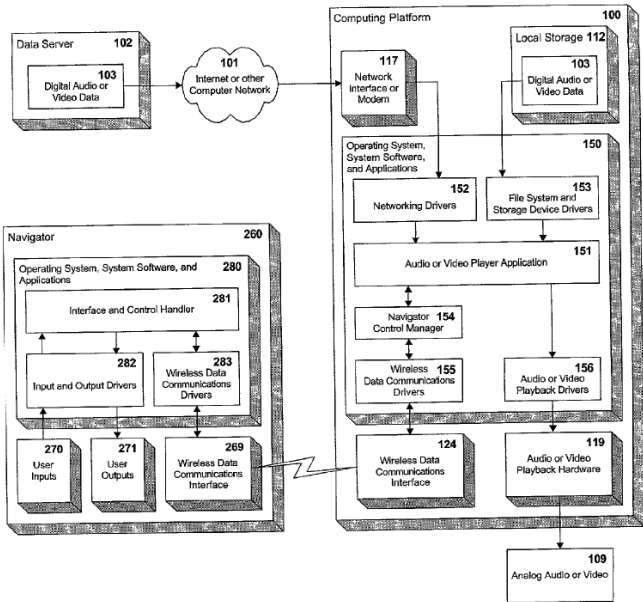
Encarnacion discloses displaying a playlist on a control point (wireless handheld remote control), so that the user can select an item to be played on a media rendering device (media player device).

“The receiving control point device can translate the XML message into a presentation format (e.g., HTML), and then display this information for the consumer’s review. This display can provide a media list that identifies the matching resource metadata. *The consumer can then command the media rendering device 306 to play resource content associated with one or more items in the media list.*”

Encarnacion, 25:44-50 (emphasis added). See also Encarnacion, 8:21-23; 8:55-65; 13:15-20; 14:31-39.

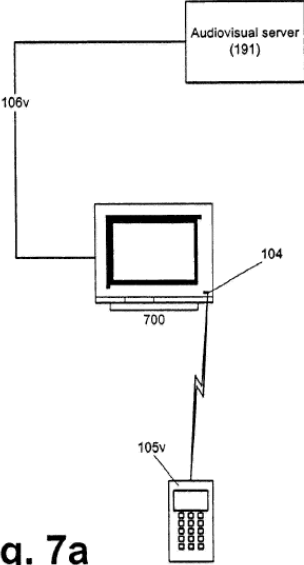
As discussed above, the XML message received by the control point can include resource collections, such as

Claim 10	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	playlists. Encarnacion, 6:43-46; 25:13-43.

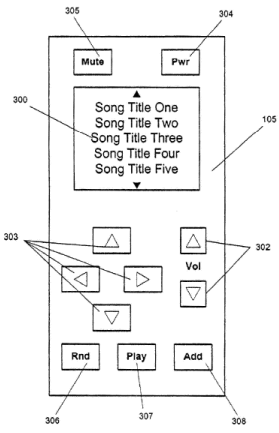
Claim 11	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
A method comprising:	
receiving, at a media player device, a playlist from a remote source; and	<p>Each of Bi, Champion and Encarnacion discloses a media player device receiving a playlist from a remote source.</p> <p>Bi discloses that computing platform 100 (a media player device) receives a playlist from data server 102 (a remote source).</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. ... <i>Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.</i>” Bi, [0032] (emphasis added).</p>  <p style="text-align: center;">Figure 2</p>

Claim 11	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>Bi, FIG. 2. <i>See also</i> Bi, FIG. and 7, steps 188-193; [0032].</p> <p>Champion discloses receiving a playlist at a computer and/or speaker and/or monitor (media player device) from an audiovisual server or internet (remote source).</p> <p>Champion discloses a computer and/or speaker and/or monitor is a media player device. <i>See, e.g.</i>, Champion, [0002]; [0007]-[0008]; [0011]; [0016]-[0017]; [0031]-[0038]; [0045]; [0054]; [0061]; [0062].</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div data-bbox="516 682 961 1333"> <p>Fig. 1</p> </div> <div data-bbox="987 730 1360 1348"> <p>Fig. 7a</p> </div> </div> <p>Champion, FIGS. 1 and 7a. <i>See also</i> Champion, Abstract; FIGS. 3-6; [0012].</p> <p>“Referring to FIG. 1, the computer (102) will transmit a listing of, for example, the audio files available and/or the digital audio streams from the Internet (101) that the computer (102) has been programmed to access. This listing is sent over the digital connection (106) to the speakers (103).” Champion, [0041]. <i>See also</i> Champion, [0029]; [0062].</p> <p>Encarnacion discloses a media rendering device (media player device) receiving a playlist from a media server (remote source) in response to a browse command.</p>

Claim 11	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>“Collectively, the media rendering devices (304-312) and control points (316, 318) can serve as resource information recipient entities, among other roles, meaning, as will be described below, that they can receive resource information provided by the media server 302.” Encarnacion, 8:23-28.</p> <p>“[T]he content directory service module 526 will format a list of the surviving matching resource metadata into an XML message, and then transmit this XML message to the consumer. This resource metadata can describe individual matching resources as well as, if applicable, resource collections (such as resource containers) that include individual member resources.” Encarnacion, 25:36-43.</p> <p>“A particular kind of resource collection is a resource playlist. This resource can be implemented as a file that refers to a list of audio, video, and/or photo resources (or other kinds of resources).” Encarnacion, 6:43-46. <i>See also</i> Encarnacion, FIG. 3; 7:65-8:8; 8:14-34; 13:1-15; 13:56-14:21; 21:48-50.</p>
communicating the playlist from the media player device to a wireless handheld remote control associated with and separate from the media player device,	<p>Each of Bi and Champion discloses communicating a playlist from a media player device to a wireless handheld remote control.</p> <p>Bi discloses that computing platform 100 (a media player device) communicates a playlist to the navigator 260 (a wireless handheld remote control).</p> <p>“On the navigator 260, communication with the navigator control manager 154 running on the computing platform 100 is handled through a wireless data communications interface 269 on the navigator 260.” Bi, [0020]. <i>See also</i> Bi, FIGS. 1, 2, 3 and 4; [0018]; [0020]; [0023]; [0028].</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. . . . Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032]. <i>See also</i> Bi, FIG. 7, steps 188-193;</p>

Claim 11	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>[0032].</p> <p>Champion discloses transmitting a playlist from a computer and/or speaker and/or monitor (media player device) to a remote control.</p> <p>“Referring to FIG. 1, the computer (102) will transmit a listing of, for example, the audio files available and/or the digital audio streams from the Internet (101) that the computer (102) has been programmed to access. This listing is sent over the digital connection (106) to the speakers (103). The wireless transceiver (104) in the speaker or speaker pair (103), transmits the listing wirelessly to the remote control unit (105).” Champion, [0041]. <i>See also</i> Champion, [0029]; [0062].</p>  <p>Fig. 7a</p> <p>Champion, FIG. 7a.</p> <p><i>See also</i> Champion, Abstract; FIGS. 1, 3-7a.</p> <p><i>See also</i>, Almeroth Dec., ¶ 58.</p>
wherein, at the wireless handheld remote control, the playlist is presented to a	Each of Bi, Champion and Encarnacion discloses displaying the playlist on the remote control, where the user selects an item from the playlist for playback on the media player device.

<p>Claim 11</p>	<p>Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)</p>
<p>first user associated with the wireless handheld remote control and used by the first user to select at least one item from the playlist for playback by the media player device.</p>	<p>Bi discloses that Navigator 260 (wireless handheld remote control) includes an LCD display screen 266 for displaying the playlist.</p> <p>See Bi, [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0007]; [0031]; [0032]; [0033].</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="537 594 854 1138" style="text-align: center;"> <p>Figure 5</p> </div> <div data-bbox="899 588 1227 1117" style="text-align: center;"> <p>Figure 8</p> </div> </div> <p>Bi, FIGS. 5 and 8.</p> <p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). See Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various functions, such as ... selection of new audio or video content</i>”) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020]; [0023]; [0028]; [0038]; FIG. 5.</p> <p>Champion discloses displaying a list of available audio</p>

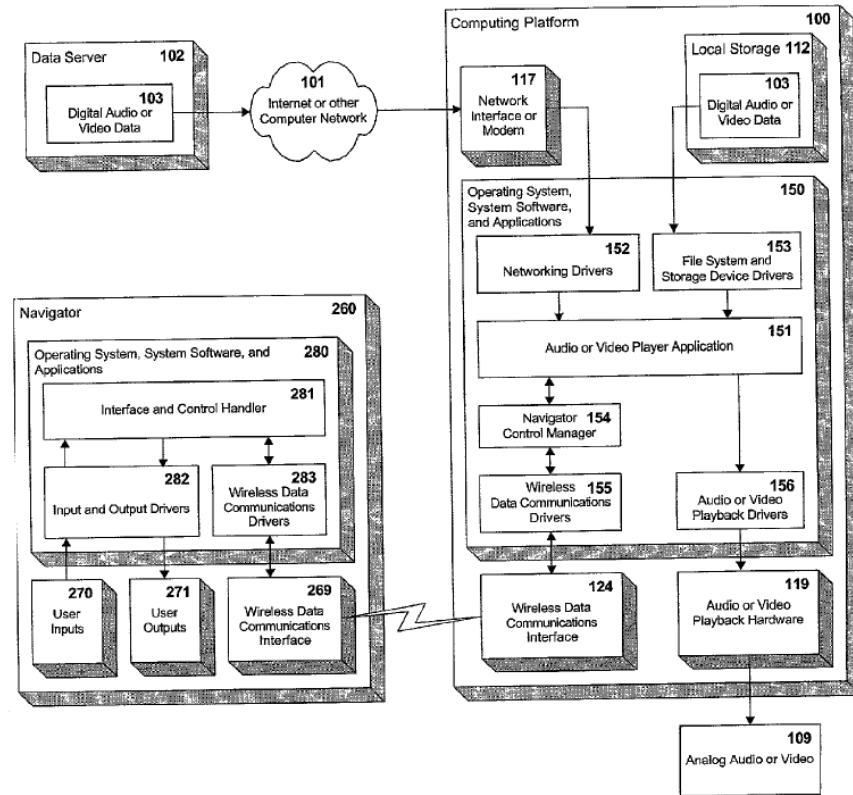
Claim 11	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>programs on a remote control and enabling a user to select a program to be played on a computer and/or speaker and/or monitor (media player device).</p>  <p>Fig. 3</p> <p>Champion, FIG. 3.</p> <p>“In this embodiment, the remote control unit has a display device for displaying the listing; and a user input device with which <i>the user can select an audio program from the list and transmit a command for the audio server to output that selected audio program to the speaker.</i>” Champion, [0013] (emphasis added). <i>See also</i> Champion, [0042]-[0043].</p> <p>Encarnacion discloses receiving a playlist on a control point (wireless handheld remote control) and displaying the playlist, so that the user can select an item to be played on a media rendering device (media player device).</p> <p>“The receiving control point device can translate the XML message into a presentation format (e.g., HTML), and then display this information for the consumer’s review. This display can provide a media list that identifies the matching resource metadata. <i>The consumer can then command the media rendering device 306 to play resource content associated with one or more items in the media list.</i>” Encarnacion, 25:44-50 (emphasis added).</p> <p>“A particular kind of resource collection is a resource playlist. This resource can be implemented as a file that refers to a list</p>

Claim 11	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	of audio, video, and/or photo resources (or other kinds of resources).” Encarnacion, 6:43-46. <i>See also</i> Encarnacion, FIG. 3; 8:14-34; 8:55-65; 13:1-20; 13:56-14:21; 14:31-39; 21:48-50.

Claim 12	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
A media player device comprising:	<p>Each of Bi, Champion, and Encarnacion discloses a media player device.</p> <p>Bi discloses that computing platform 100 is a media player device. <i>See, e.g.</i>, [0018] (“The present invention relates to interactive control of digital content, such as digital audio or video content, running on a computing platform, such as a personal computer, set top box or other device, such as personal digital assistant.”); [0020].</p> <p>Champion discloses a computer and/or speaker and/or monitor is a media player device. <i>See, e.g.</i>, Champion, [0002]; [0007]-[0008]; [0011]; [0016]-[0017]; [0031]-[0038]; [0045]; [0054]; [0061]; [0062] (“the video data acquired by the computer (102) can then be provided over a digital connection (106v) to a monitor or television set (700). ...”).</p> <p>Encarnacion discloses a plurality of media rendering devices (media player devices) coupled to a network. <i>See, e.g.</i>, Encarnacion, FIG. 3, 8:2-8 (“The devices (302-312) include the above-mentioned media server 302 and a plurality of media rendering devices (304-312). ... Exemplary rendering devices can include various types of computers, stereo system, speakers, TVs, hand-held audio players, and so on.”)</p>
a communication interface communicatively coupling the media player device to a remote source via a	<p>Each of Bi, Champion, and Encarnacion discloses a communication interface communicatively coupling the media player device to a remote source via a network.</p> <p>Bi discloses that computing platform 100 is coupled to data server 102 (remote source) via network interface 117 and Internet or other computer network 101. <i>See, e.g.</i>, [0020];</p>

Claim 12**Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)****network; and**

[0021]; [0027]; FIGS. 2, 3 and 4;

**Figure 2**

Champion discloses a computer and/or speaker and/or monitor (media player device) can have a digital communications interface coupling them to a remote source (*i.e.*, audiovisual server or internet) via a network.

“The computer (102) has a digital connection (106) to a number of speakers (103). ... the digital connection (106) may be an Ethernet connection. Ethernet is a digital networking scheme that is commonly used to network computers and other digital devices in Local Area Networks (LANs). Ethernet data transmission rates range up to 1 Gigabit/sec. The digital connection (106) may also be other types of connections such as a wireless radio-frequency network or a phone line network.” Champion, [0031]-[0036].

Claim 12	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p><i>See also</i> Champion, [0030] (“the system includes a computer (102) which is connected to the Internet (101).”); [0062]-[0063].</p> <p>Fig. 1 Fig. 7a</p> <p>Champion, FIGS. 1 and 7a. <i>See also</i>, FIGS. 2-6.</p> <p>Encarnacion discloses that a media rendering device (media player device) is coupled to a media server (remote source) via a network interface.</p> <p>“FIG. 21 provides information regarding a computer environment 2100 that can be used ... to implement ... any of media rendering devices (304-312)...” Encarnacion, 51:42-48.</p> <p>“Any type of network can be used to couple the computer 2102 with remote computing device 2146, such as a local area network (LAN) 2148, or a wide area network (WAN) 2150 15 (such as the Internet). When implemented in a LAN networking environment, the computer 2102 connects to local network 2148 via a network interface or adapter 2152.” Encarnacion, 53:13-18. <i>See also</i> Encarnacion, FIG. 3; 8:29-34; 53:24-28.</p>
a control system associated with	Each of Bi and Encarnacion discloses a control system associated with the communication interface.

Claim 12	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
the communication interface and adapted to:	<p>Bi discloses that computing platform 100 has a main processor 110. <i>See</i> Bi, FIG. 4; [0027] (“In general, the computing platform 100 includes a main processor 110, for example, an Intel Pentium III or better, for executing various software components.”).</p> <p>Bi further discloses that access to the network interface 117 is handled by the operating system running on processor 110. <i>See</i> [0020] (“Access to the network interface or modem 117 by the audio or video player application 151 is handled though networking drivers 152, also part of the operating system for the computing platform 100.”).</p> <p>Encarnacion discloses that a media rendering device (media player device) has a processing unit 2106 (control system) associated with network interface 2152. <i>See</i> Encarnacion, FIG. 21. <i>See also</i> Encarnacion, 51:42-48; 51:63-66 (“Exemplary computer 2102 includes one or more processors or processing units 2106”); 52:43-51; 53:13-28.</p>
receive a playlist from the remote source; and	<p>Each of Bi, Champion and Encarnacion discloses a media player device receiving a playlist from a remote source.</p> <p>Bi discloses that computing platform 100 (media player device) receives a playlist from data server 102 (remote source).</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 <i>Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.</i>” Bi, [0032](emphasis added). <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p> <p>Champion discloses a computer and/or speaker and/or monitor (media player device) receiving a playlist from an audiovisual server or the internet (remote source).</p> <p>“Referring to FIG. 1, the computer (102) will transmit a listing of, for example, the audio files available and/or the digital audio streams from the Internet (101) that the</p>

Claim 12	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>computer (102) has been programmed to access. This listing is sent over the digital connection (106) to the speakers (103). The wireless transceiver (104) in the speaker or speaker pair (103), transmits the listing wirelessly to the remote control unit (105).” Champion, [0041]. <i>See also</i> Abstract; FIGS. 1, 3-7a; [0012]; [0017]; [0062].</p> <p>Encarnacion discloses a media rendering device (media player device) receiving a playlist from a media server (remote source) in response to a browse command.</p> <p>“Collectively, the media rendering devices (304-312) and control points (316, 318) can serve as resource information recipient entities, among other roles, meaning, as will be described below, that they can receive resource information provided by the media server 302.” Encarnacion, 8:23-28.</p> <p>“[T]he content directory service module 526 will format a list of the surviving matching resource metadata into an XML message, and then transmit this XML message to the consumer. This resource metadata can describe individual matching resources as well as, if applicable, resource collections (such as resource containers) that include individual member resources.” Encarnacion, 25:13-43.</p> <p>“A particular kind of resource collection is a resource playlist. This resource can be implemented as a file that refers to a list of audio, video, and/or photo resources (or other kinds of resources).” Encarnacion, 6:43-46. <i>See also</i> Encarnacion, FIG. 3; 7:65-8:8; 8:14-34; 13:1-15; 13:56-14:21; 21:48-50.</p>
communicate the playlist from the media player device to a wireless handheld remote control which is	<p>Each of Bi and Champion discloses communicating a playlist from a media player device to a wireless handheld remote control.</p> <p>Bi discloses that computing platform 100 (a media player device) communicates a playlist to the navigator 260 (a wireless handheld remote control).</p> <p>“On the navigator 260, communication with the navigator control manager 154 running on the computing platform 100 is handled through a wireless data communications interface</p>

Claim 12	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
associated with and separate from the media player device,	<p>269 on the navigator 260.” Bi, [0020]. <i>See also</i> Bi, FIGS. 1, 2, 3 and 4; [0018]; [0020]; [0023]; [0028].</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. . . . Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032]. <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p> <p>Champion discloses transmitting a playlist from a computer and/or speaker and/or monitor (media player device) to a remote control.</p> <p>“Referring to FIG. 1, the computer (102) will transmit a listing of, for example, the audio files available and/or the digital audio streams from the Internet (101) that the computer (102) has been programmed to access. This listing is sent over the digital connection (106) to the speakers (103). The wireless transceiver (104) in the speaker or speaker pair (103), transmits the listing wirelessly to the remote control unit (105).” Champion, [0041]. <i>See also</i> Champion, Abstract; FIGS. 1, 3-7a.</p> <p><i>See also</i>, Almeroth Dec., ¶ 58.</p>
wherein, at the wireless handheld remote control, the playlist is presented to a first user associated with the wireless handheld remote control	<p>Each of Bi, Champion and Encarnacion discloses displaying the playlist on the remote control, where the user selects an item from the playlist for playback on the media player device.</p> <p>Bi discloses that Navigator 260 (wireless handheld remote control) includes an LCD display screen 266 for displaying the playlist.</p> <p><i>See</i> Bi, [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0031]; [0032]; [0033]; FIGS. 5 and 8.</p>

<p>Claim 12</p>	<p>Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)</p>
<p>and used by the first user to select at least one item from the playlist for playback by the media player device.</p>	<p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). <i>See</i> Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various functions, such as ... selection of new audio or video content</i>”) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020]; [0023]; [0028]; [0038]; FIG. 5.</p> <p>Champion discloses displaying a list of available audio programs on a remote control and enabling a user to select a program to be played on a computer and/or speaker and/or monitor (media player device).</p> <div data-bbox="516 1014 792 1438" data-label="Diagram"> <p>The diagram shows a remote control unit 105. At the top, there are two buttons: 'Mute' (305) and 'Pwr' (304). Below them is a rectangular display screen (300) showing a list of five song titles: 'Song Title One', 'Song Title Two', 'Song Title Three', 'Song Title Four', and 'Song Title Five'. Below the screen are several control buttons. On the left, there are four buttons with arrow symbols: an up arrow (303), a left arrow (303), a right arrow (303), and a down arrow (303). To the right of these is a volume control section (302) with a 'Vol' label and two arrow buttons. At the bottom, there are three buttons: 'Rnd' (306), 'Play' (307), and 'Add' (308).</p> </div> <p>Fig. 3</p> <p>Champion, FIG. 3.</p> <p>“In this embodiment, the remote control unit has a display device for displaying the listing; and a user input device with which <i>the user can select an audio program from the list and transmit a command for the audio server to output that selected audio program to the speaker.</i>” Champion, [0013] (emphasis added). <i>See also</i> Champion, [0042]-[0043].</p> <p>Encarnacion discloses receiving a playlist on a control point</p>

Claim 12	Bi, Champion and Encarnacion (Exs. 1003, 1004 and 1005)
	<p>(wireless handheld remote control) and displaying the playlist, so that the user can select an item to be played on a media rendering device.</p> <p>“The receiving control point device can translate the XML message into a presentation format (e.g., HTML), and then display this information for the consumer’s review. This display can provide a media list that identifies the matching resource metadata. <i>The consumer can then command the media rendering device 306 to play resource content associated with one or more items in the media list.</i>” Encarnacion, 25:44-50 (emphasis added).</p> <p>“A particular kind of resource collection is a resource playlist. This resource can be implemented as a file that refers to a list of audio, video, and/or photo resources (or other kinds of resources).” Encarnacion, 6:43-46. <i>See also</i> Encarnacion, FIG. 3; 8:14-34; 8:55-65; 13:1-20; 13:56-14:21; 14:31-39; 21:48-50.</p>

2. Ground II: The Bi Publication Anticipates Each of Claims 1 and 10-12 Under 35 U.S.C. § 102

As shown in the claim charts below, the Bi Publication discloses all of the limitations of claims 1, 10, 11 and 12 and establishes a *prima facie* case of anticipation of these claims. Furthermore, the Bi publication discloses the three features that the applicant argued the cited art failed to disclose during prosecution. *See* Section IV.B, *supra*. Namely, Bi discloses (i) a wireless handheld remote control (ii) associated with a separate media player device and (iii) with an ability to select an item from a playlist displayed on the remote control to be played on the separate media player device. Accordingly, it is submitted that the present petition

establishes a reasonable likelihood that the Petitioner will prevail on at least one claim. 35 U.S.C. § 314(a). (Petitioner notes that the PTAB instituted trial on claims 1, 2, 6, and 9-12 of the '099 patent as anticipated by the Bi publication in IPR2013-00597).

Claim 1	Bi (Ex. 1003)
A method comprising:	
receiving, at a wireless handheld remote control, a playlist from a remote source; and	<p>Bi discloses that Navigator 260 (wireless handheld remote control) communicates wirelessly with computing platform 100.</p> <p>“On the navigator 260, communication with the navigator control manager 154 running on the computing platform 100 is handled through a wireless data communications interface 269 on the navigator 260.” Bi, [0020]. <i>See also</i> Bi, FIGS. 1, 2, 3 and 4; [0018]; [0020]; [0023]; [0028].</p> <p>Bi further discloses that Navigator 260 (wireless handheld remote control) receives the results of a browse command, which includes playlists, from data server 102 (a remote source).</p> <p>“[I]f there is a browse music command from the navigator 260 in step 188, then the navigator control manager 154 checks if the music to browse is local to computing platform 100 in step 189. . . . If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. ... Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032]. <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p>
presenting, at the wireless handheld remote control, the playlist to a	Bi discloses that Navigator 260 includes an LCD display screen 266 for displaying the results of the browse command from the data server.

Claim 1	Bi (Ex. 1003)
<p>first user associated with the wireless handheld remote control such that the first user is enabled to select at least one item from the playlist for playback by a media player device which is associated with and separate from the wireless handheld remote control.</p>	<p><i>See</i> Bi, FIGS. 5 and 8; [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0031] (“The navigator control manager 154 then takes the results from the commands and actions of the audio or video player application 151 to provide user outputs 271 on the navigator 260”); [0032]; [0033]; [0034] (“If there are user outputs 271 from the navigator control manager 154, then the interface and control handler 281 takes the user outputs 271 and updates the graphics displayed on the LCD 266 in step 294...”).</p> <p>As noted above, the results of a browse command can include playlists. <i>See</i> Bi, [0032].</p> <p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). <i>See</i> Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various functions, such as ... selection of new audio or video content</i>”) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020]; [0023]; [0028]; [0038]; FIG. 5.</p>

Claim 10	Bi (Ex. 1003)
<p>A wireless handheld remote control comprising:</p>	<p>Bi discloses that Navigator 260 is a wireless handheld remote control that communicates wirelessly with computing platform 100.</p> <p>“On the navigator 260, communication with the navigator control manager 154 running on the computing platform 100 is handled through a wireless data communications interface 269 on the navigator 260.” Bi, [0020]. <i>See also</i> Bi, FIGS. 1, 2, 3 and 4; [0018]; [0020]; [0023]; [0028].</p>

Claim 10	Bi (Ex. 1003)
<p>a communication interface communicatively coupling the wireless handheld remote control to a remote source via a network; and</p>	<p>Bi discloses that communication interface 269 couples remote navigator 260 to computing platform 100 via a wireless network. Computing platform 100 is, in turn, coupled to data server 102 (remote source) via a network 101.</p> <p>“The navigator 260 receives and transmits the data communications using the wireless data communications interface 269. This wireless data communications interface 269 may be, for example, a Bluetooth, HomeRF, or IEEE 802.11 interface.” Bi, [0028]. <i>See also</i> Bi, FIGS. 2, 4, 5; [0020]; [0027] (“ The computing platform 100 uses a network interface or modem 117 to access data server computers 102 on the Internet or other computer network 101, in order to download digital audio or video data 103.”).</p>
<p>a control system associated with the communication interface and adapted to:</p>	<p>Bi discloses a control system associated with the communication interface.</p> <p>Bi discloses that Navigator 260 includes a processor 261 (control system) to control its operations, including the operations of the wireless data communications interface 269.</p> <p>“The processor 261 handles the data communications with the wireless data communications interface 269.” Bi, [0028]. <i>See also</i> FIGS. 2 and 5.</p> <p>“The interface and control handler 281, which runs on the navigator 260, takes the user inputs 270, such as button presses, and sends them to the navigator control manager 154 running on the computing platform 100. The interface and control handler 281 also receives user outputs 271 from the navigator control manager 154 such as updated graphics on an LCD 266 on the navigator 260.” Bi, [0033]. <i>See also</i> Bi, FIG. 8; [0034].</p>
<p>receive a playlist from the remote source; and</p>	<p>Bi discloses that Navigator 260 (wireless handheld remote control) receives the results of a browse command, which includes playlists, from data server 102 (a remote source).</p> <p>“[I]f there is a browse music command from the navigator 260 in step 188, then the navigator control manager 154</p>

Claim 10	Bi (Ex. 1003)
	<p>checks if the music to browse is local to computing platform 100 in step 189. . . . If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. ... Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032]. <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p>
<p>present the playlist to a first user associated with the wireless handheld remote control such that the first user is enabled to select at least one item from the playlist for playback by a media player device which is associated with and separate from the wireless handheld remote control.</p>	<p>Bi discloses that Navigator 260 includes an LCD display screen 266 for displaying the results of the browse command from the data server.</p> <p><i>See</i> Bi, FIGS. 5 and 8; [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0031] (“The navigator control manager 154 then takes the results from the commands and actions of the audio or video player application 151 to provide user outputs 271 on the navigator 260”); [0032]; [0033]; [0034] (“If there are user outputs 271 from the navigator control manager 154, then the interface and control handler 281 takes the user outputs 271 and updates the graphics displayed on the LCD 266 in step 294...”).</p> <p>As noted above, the results of a browse command can include playlists. <i>See</i> Bi, [0032].</p> <p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). <i>See</i> Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various functions, such as ... selection of new audio or video content</i>”) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020];</p>

Claim 10	Bi (Ex. 1003)
	[0023]; [0028]; [0038]; FIG. 5.

Claim 11	Bi (Ex. 1003)
A method comprising:	
receiving, at a media player device, a playlist from a remote source; and	<p>Bi discloses that computing platform 100 (a media player device) receives a playlist from data server 102 (a remote source).</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032].</p>
communicating the playlist from the media player device to a wireless handheld remote control associated with and separate from the media player device, wherein, at the wireless handheld remote control, the playlist is presented to a first user associated with the wireless handheld remote control and used by the first user to select at least one item from the playlist for	<p>Bi discloses that computing platform 100 (a media player device) communicates a playlist to the navigator 260 (a wireless handheld remote control).</p> <p>“On the navigator 260, communication with the navigator control manager 154 running on the computing platform 100 is handled through a wireless data communications interface 269 on the navigator 260.” Bi, [0020]. <i>See also</i> Bi, FIGS. 1, 2, 3 and 4; [0018]; [0020]; [0023]; [0028]</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. . . . Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032]. <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p> <p>Bi further discloses that Navigator 260 includes an LCD display screen 266 for displaying the playlist.</p> <p><i>See</i> Bi, FIGS. 5 and 8; [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0031]; [0032];</p>

Claim 11	Bi (Ex. 1003)
playback by the media player device.	<p>[0033].</p> <p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). <i>See</i> Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various functions, such as ... selection of new audio or video content</i>”) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020]; [0023]; [0028]; [0038]; FIG. 5.</p>
Claim 12	Bi (Ex. 1003)
A media player device comprising:	Bi discloses that computing platform 100 is a media player device. <i>See, e.g.</i> , [0018] (“The present invention relates to interactive control of digital content, such as digital audio or video content, running on a computing platform, such as a personal computer, set top box or other device, such as personal digital assistant.”); [0020].
a communication interface communicatively coupling the media player device to a remote source via a network; and	Bi discloses that computing platform 100 is coupled to data server 102 (remote source) via network interface 117 and Internet or other computer network 101. <i>See, e.g.</i> , [0020]; [0021]; [0027]; FIGS. 2, 3 and 4.
a control system associated with the communication interface and adapted to:	<p>Bi discloses that computing platform 100 has a main processor 110. <i>See, e.g.</i>, FIG. 4; [0027] (“In general, the computing platform 100 includes a main processor 110, for example, an Intel Pentium III or better, for executing various software components.”).</p> <p>Bi further discloses that access to the network interface 117 is handled by the networking drivers in the operating system running on processor 110. <i>See</i> [0020] (“Access to the</p>

Claim 12	Bi (Ex. 1003)
	network interface or modem 117 by the audio or video player application 151 is handled through networking drivers 152, also part of the operating system for the computing platform 100.”).
receive a playlist from the remote source; and	<p>Bi discloses that computing platform 100 (media player device) receives a playlist from data server 102 (remote source).</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032]. <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p>
communicate the playlist from the media player device to a wireless handheld remote control which is associated with and separate from the media player device, wherein, at the wireless handheld remote control, the playlist is presented to a first user associated with the wireless handheld remote control and used by the first user to select at least one item from the playlist for	<p>Bi discloses that computing platform 100 (the media player device) communicates a playlist to the navigator 260 (wireless handheld remote control).</p> <p>“If the music to browse is not local to the computing platform 100, then the navigator control manager 154 requests music information from the data server 102 in step 193 and sends the results of the local music browse to the navigator 260 in step 191. . . . Typically, a browse of music is based on such criteria as music track, album, artist, music genre, and playlists.” Bi, [0032]. <i>See also</i> Bi, FIG. 7, steps 188-193; [0032].</p> <p>Bi further discloses that Navigator 260 includes an LCD display screen 266 for displaying the playlist.</p> <p><i>See</i> Bi, FIGS. 5 and 8; [0018] (“The navigator 260 may be configured to display user outputs 271, such as graphics and text for display on an LCD 266”); [0031]; [0032]; [0033].</p> <p>Bi further discloses that the user of the Navigator 260 can select an item to be played on computing platform 100 (the media player device). <i>See</i> Bi, Title (“Interactive Remote Control of Audio or Video Playback and Selections”); [0007] (“<i>The interactive remote control provides various</i></p>


Claim 12	Bi (Ex. 1003)
<p>playback by the media player device.</p>	<p><i>functions, such as ... selection of new audio or video content</i>) (emphasis added); [0018] (“The navigator 260 is used to send user inputs 270 from user controls 264 (FIG. 5) on the navigator 260, such as buttons, dials, a touch screen, and a keyboard, to the audio or video player application 151 (FIG. 1) running on the computing platform 100.”); [0020]; [0023]; [0028]; [0038]; FIG. 5.</p>

VI. CONCLUSION

Petitioner respectfully submits that, for the reasons set forth above, there is a reasonable likelihood that Petitioner will prevail on at least one claim. Accordingly, Petitioner respectfully requests that this Petition be granted and claims 1 and 10-12 of the ‘099 Patent be found to be unpatentable.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6 and 42.105, I hereby certify that on this 30th day of April 2014, the foregoing Petition for *Inter Partes* Review of U.S. Patent No. 8,230,099 Under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 *et seq.*, together with Petitioner's Exhibits Nos. 1001-1014, was served via overnight courier on the following counsel of record for patent owner:

Concert Technology Corporation
5400 Trinity Road, Suite 303
Raleigh NC 27607

Date: April 30, 2014



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