UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Hyundai Motor Company Ltd., Hyundai Motor America, Hyundai Motor Manufacturing Alabama, LLC, Kia Motors Corporation, Kia Motors America, Inc., and Kia Motors Manufacturing Georgia, Inc.,
Petitioners

v.

BLITZSAFE TEXAS, LLC
Patent Owner

Patent No. 7,489,786
Issue Date: Feb. 10, 2009
Title: AUDIO DEVICE INTEGRATION SYSTEM

BLITZSAFE TEXAS, LLC'S PRELIMINARY RESPONSE TO PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 7,489,786

Case No. IPR2016-01477

TABLE OF CONTENTS

Page No(s).

TABLE OF AUTHORITIES

Page(s)

Federal Cases

Federal Statutes

Other Authorities

EXHIBIT LIST

Exhibit #	Reference Name
2001	IPR2016-01422, Decision Denying Instution of US Patent 7,489,786, Dated July 6, 2016.

I. INTRODUCTION

On July 21, 2016, Hyundai Motor Company Ltd., Hyundai Motor America, Hyundai Motor Manufacturing Alabama, LLC, Kia Motors Corporation, Kia Motors America, Inc., and Kia Motors Manufacturing Georgia, Inc., (collectively, "Petitioners") submitted a Petition (the "Petition") to institute *inter partes* review ("IPR") of U.S. Patent No. 7,489,786 (Ex. 1001, "the '786 Patent"), challenging Claims 1, 5, 6, 7, 8, 10, 14, 23, 24, 57, 60, 61, 62, 64, 65 ("the Challenged Claims"). Petitioner on the same day also filed an additional Petition alleging unpatentability of the related U.S. Patent No. 8,155,342 ("the '342 Patent").

Most of the Challenged Claims have already survived multiple attacks by Toyota, Petitioners' co-defendant, in the related Texas litigation. *See* Pet. at 1. The Board denied institution as to all claims in IPR2016-00422 and as to all claims in IPR2016-00421, except for Claims 44 and 47 (which relate to "docking stations" that are not currently asserted in the corresponding district court litigations). Volkswagen and Honda followed up with their own volleys of Petitions including IPR2016-01448 and IPR2016-01472 against some of the same claims of the '786 Patent. Hyundai and Kia repeat Toyota's, Volkswagen's, and Honda's mistakes, and this latest salvo of redundant art succumbs to at least the same critical deficiencies as those of the preceding Petitions.

The Petition should be denied because there is not a reasonable likelihood

that Petitioners will succeed on any of their eight Grounds of unpatentability, all of which rely on obviousness combinations based on the amalgam of references Petitioners sets forth. None of these references teach or disclose the "interface" of the Challenged Claims. All of the claims require a "pre-programmed code portion" that performs command conversion. All of the claims also require another pre-programmed code portion which is either a "pre-programmed code portion" to generate a device presence signal, or a "pre-programmed code portion" that performs data reformatting. None of the references teach these pre-programmed code portions, and Petitioners do not even attempt to locate and point to code portions in the amalgam of references. Instead, Petitioners resort to broad generalizations and base conclusions that reek of hindsight.

In view of these and other fundamental deficiencies, Petitioners' request for *inter partes* review should be denied for at least the following reasons addressed more fully below in this Preliminary Response:

(1) The Petition does not "specify where each element of the claim is found in the prior art patents or printed publications relied upon," as required by 37 C.F.R. § 42.104(b)(4), because each Ground has at least one of the following deficiencies: (i) failing to map each claim term to a specific teaching from an asserted reference; (ii) providing citations to the asserted references that do not teach the claim elements against which such citations are applied; and

(iii) mischaracterizing the citations to the asserted references.

(2) In the majority of Petitioners' analysis, the Petition fails to identify the difference(s) between the claims and the asserted references as required by *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

(3) The Petition improperly attempts to support its assertions of obviousness with mere conclusory statements and by impermissibly incorporating, by reference, arguments from the Kyriakakis Declaration (Ex. 1003) in violation of 37 C.F.R. § 42.6(a)(3).

Due to at least these deficiencies, the Petition does not establish "a reasonable likelihood that the Petitioners would prevail with respect to at least one of the claims challenged in the petition." 35 U.S.C. § 314(a). Patent Owner explicitly reserves the right to provide further distinctions between the prior art and the Challenged Claims. The deficiencies of the Petition noted herein, however, are sufficient for the Board to find that Petitioners has not met its burden to demonstrate a reasonable likelihood that it would prevail in showing unpatentability of any of the Challenged Claims.

II. CLAIM CONSTRUCTION

For the purposes of this review, Patent Owner adopts the constructions set forth in the Board's Decisions in IPR2016-00421 and -00422. Additionally, Petitioners attempts to construe other terms including "car stereo," and "maintain .

. . in an operational state." The constructions of "car stereo" and "maintain . . . in an operational state" are addressed as follows.

A. "car stereo"

A person of ordinary skill in the art would have reasonable certainty about the scope of the term "car stereo." This term should, therefore, be construed according to its plain and ordinary meaning. If the Board believes that construction is necessary, Patent Owner proposes an alternative construction of "car stereo" as "components that process audio signals and produce audible output in a car," which is consistent with the plain language and broadest reasonable interpretation of the claims in light of the specification of the '786 Patent.

Patent Owner's construction lifts a portion of the specification that describes examples of what was meant by the patentee as a "car stereo" or "car radio" and elevates them to the status of a definition. The specification actually states, "Also, as used herein, the terms 'car stereo' and 'car radio' are used interchangeably, and are intended to include all presently existing car stereos . . . .". '786 Patent, 5:1–3 (emphasis added). This is not an instance where the inventor acted as his own lexicographer. Rather, he simply stated that "car stereo" should be interpreted broadly. To the extent a construction is necessary, Plaintiff's construction in the district court litigation captures this scope and should be adopted.

B. "maintain…in an operational state"

In view of the guidance in the claims and specification, it is unnecessary to construe this phrase because it is readily understood by one of ordinary skill in the art. If the Board chooses to construe this term, Patent Owner stipulates to the construction "maintain in a state responsive to processed data and audio signals from the external device."

III. THE BECKERT REFERENCES ARE NOT A SINGLE PRIOR ART REFERENCE

Petitioners assert that three U.S. patents assigned to Beckert, et. al., should be treated as a single reference and that the Beckert references render obvious certain asserted claims of the '786 Patent alone, or when combined with other references. "Beckert" should not be treated as a single reference. U.S. Patent No. 7,085,710 to Beckert, et. al., ("Beckert '710") was filed on January 7, 1998 and issued on August 1, 2006.; U.S. Patent No. 5,794,164 to Beckert, et. al., ("Beckert '164") was filed on November 29, 1995 and issued on August 11, 1998. U.S. Patent No. 6,009,363 to Beckert, et. al., ("Beckert '363") was filed on June 24, 1996 and issued on December 28, 1999. Each of these disclosures stands on its own and the alleged incorporations, by reference, do not make these one reference, nor do they provide an adequate motivation to combine the references.

In order to incorporate material by reference, a host document must contain language clearly identifying the subject matter that is incorporated and where it is

to be found. A mere reference to another patent is insufficient. Even the portions cited by Petitioners only include bare references, and none of the portions identified by Petitioners rise to the level of disclosure necessary to support an incorporation by reference for purposes of treating multiple references as a single reference. Accordingly, Beckert cannot be treated as a single reference and Petitioners must identify a motivation to combine the references, which they have not done, as outlined below.

Accordingly, for at least this reason, the Petition should be denied as to all Grounds.

IV. PETITIONERS HAVE NOT DEMONSTRATED A REASONBLE LIKELIHOOD OF SUCCESS FOR ANY OF GROUNDS 1-4 AND THE PETITION SHOULD BE DENIED.

A. Requirements for Showing Obviousness Under 35 U.S.C. § 103.

The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) where in evidence, so-called secondary considerations. *Graham*, 383 U.S at 17-18. The Board has held that a failure to identify the differences between the claimed subject matter and the prior art is fatal to an obviousness challenge. *See*, *Apple, Inc. v. Contentguard Holdings, Inc.*, IPR2015-00355, Decision Denying Institution of *Inter Partes* Review, Paper 9 at 9-10

(PTAB, June 26, 2015) (denying institution for failure to identify the differences between the claimed subject matter and the prior art).

Furthermore, in proposing that a person of ordinary skill in the art at the time of the invention would have combined the references in a particular way to meet the claimed invention, an obviousness analysis must support the proposed combination with "some articulated reasoning with some rational underpinning." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). A proposed combination cannot be supported based on "mere conclusory statements." *In re Kahn*, 441 F.3d at 988. In a petition seeking institution of an *inter partes* review, "articulated reasons with rational underpinnings" must be found in the petition itself. *Whole Space Indus. v. Zipshade Indus.*, IPR2015-00488, Decision Denying Institution of *Inter Partes* Review, Paper 14 at 15 (PTAB, July 24, 2015) ("[C]onclusory labels do not substitute for a fact-based analysis in the Petition establishing what is being modified, and why it would have been obvious to a person of ordinary skill to make the modification"). *Id.* at 17. The arguments needed to support a conclusion of obviousness may not be incorporated by reference to another document. 37 C.F.R. §42.6(a)(3) ("Arguments must not be incorporated by reference from one document into another document."); *Cisco Sys., Inc., v. C-Cation Techs., LLC*, IPR2014-00454, Decision Denying Institution of *Inter Partes* Review, Paper 12 at

10 (PTAB, Aug. 29, 2014); *see also*, *Plant Science, Inc. v. The Andersons, Inc.*, IPR2014-00939, Decision Denying Institution of *Inter Partes* Review, Paper 8 at 15 (PTAB, Dec. 17, 2014).

Petitioners' obviousness arguments are woefully inadequate. Petitioners fail to identify any differences between the prior art and the claims and leave such tasks to Patent Owner and to the Board. Moreover, the boilerplate used by Petitioners do not pass muster under *KSR*. Even something as basic as the "level of skill in the art" is left to the imagination—Petitioners do not include it. The Petition should not be saved by the Kyriakakis Declaration, which is similarly insufficient. Additionally, to the extent there were to be more robust arguments in an expert declaration, merely citing to that declaration without discussing its substance would be an impermissible incorporation by reference under 37 C.F.R. § 42.6(a)(3).

B. Claims 1, 10, 14, 23, and 24 are Not Obvious under Beckert '710 and Beckert '164 (Ground 1)

As a preliminary matter, and as set forth above, the Board has previously held that the "interface" requires structural and functional separation between three components: (1) the car stereo, (2) the interface, and (3) the aftermarket/portable device. Petitioners, however, have not pointed out any such separation between the components in the cited references. Additionally, while Petitioners generally point to Beckert as allegedly disclosing the "interface," "stereo," and "connectors,"

Petitioners do not specify where each element of the claim is found in the prior art with sufficient particularity. Petitioners' claim charts do not cure these deficiencies because this Board has expressly held that claim charts alone are not enough to show a reasonable likelihood of success, and that merely presenting citations and quotes in claim charts alone is a violation of 37 CFR § 42.104(b)(4). *See*, *GN Resound A/S v. Oticon A/S*, IPR2015-00103, Paper 13 at 6 (June 18, 2015) ("It is a requirement of a Petition to align the evidence and arguments with the various limitations of the challenged claims.").

1. Car Stereo, Interface, and Connectors

As a preliminary matter, Petitioners erroneously point to the "computer module" is the "car stereo." In doing so, Petitioners attempt to shoehorn an aftermarket computer system, along with an alleged interface into the "car stereo" thus eviscerating the structure of the claims. Accordingly, the Petition should be denied.

Additionally, the claims require that the "interface" must include a microcontroller and be disposed between the first connector and the second connector. Petitioners fail to point to such a configuration in any of the references. Likewise, Petitioners again do not identify an "interface" disposed between two connectors for integrating an after-market audio device with a car stereo. The Beckert references disclose a computer for vehicles, but do not contemplate

integrating "after-market audio devices" into a "car stereo." Petitioners point to "86" as the "first electrical connector." Pet. at. 24. However, Beckert '710 states that "86" is "a multi-bit bus." Ex. 1006 at 5:38-39. Petitioners do not explain how a "bus" is an "electrical connector" within the scope of the claims, either literally or under an obviousness argument. A "bus" does not need to involve a physical connector because a bus can be contained within a single SoC. As such, the Petition fails to point out where the limitations exist in the reference and Ground 1 must fail.

In addition, it is apparent from the physical embodiment of Beckert '710's computer 22 shown in Figure 1 (reproduced below) that the Beckert references do not disclose integrating "after-market audio devices" into "a car stereo."

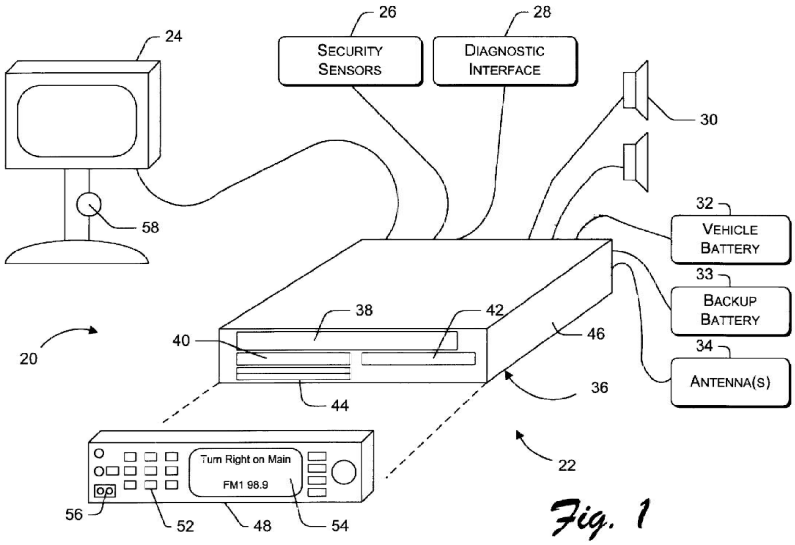

Fig. 1

Ex. 1006 at Fig. 1. Petitioners do not identify which of the elements in Figure 1

are "car stereo" elements, which of the elements are "interface" elements, and which of the elements are "after-market audio device" elements.

With regard to the separation between the "car stereo" and the "interface," Petitioners' errors again begin with the "first connector." Petitioners state that "Beckert '710 discloses a computer module which corresponds to the broad construction of 'car stereo.'" (Pet. at 22). Petitioners then allege that the interface is the "support module," however, the support module *is part of the same vehicle computer* and, thus, cannot be an "interface." (Pet. at 29). This Board has ruled that the term "interface" is a "physical unit that connects one device to another and that has a functional and structural identity separate from that of both connected devices" and Petitioners have advocated for that construction here. Ex. 2001 at 15; Pet. at 17. Petitioners make no argument whatsoever relating to how the "support module," (Petitioners' accused "interface"), which is part of the same vehicle computer system, is a physical unit with a structural identity separate from the "computer module" (Petitioners' accused "car stereo").

Accordingly, Ground 1 should be denied.

2. First Code Portion

The "first code portion" limitation requires:

> a first pre-programmed code portion for remotely controlling the after-market audio device using the car stereo by receiving a control command from the car stereo through said first connector in a format

> incompatible with the aftermarket audio device, processing the received control command into a formatted command compatible with the after-market audio device, and transmitting the formatted command to the after-market audio device through said second connector for execution by the after-market audio device

Ex. 1001 at Claim 1 (exemplary). This code portion performs three steps, (1) receiving a control command from the car stereo through the first connector in a format incompatible with the aftermarket audio device, (2) processing the received control command into a formatted command compatible with the after-market audio device, and (3) transmitting the formatted command to the after-market audio device through said connector for execution by the after-market audio device. Thus, a conversion is performed between the stereo's control commands and the after-market audio device's control commands. Even assuming that the references teach "control commands," none of the references teach conversion of control commands from a stereo format to an after-market audio device format.

The Beckert references do not contemplate or describe "control commands" being received by a processor in a format incompatible with an after-market audio device. Petitioners' analysis of the disclosure is misleading. Petitioners make no reference of the accused "interface" receiving "control commands" that are incompatible with the audio devices. Instead, Petitioners make general allegations

regarding an "API." However, this "API" does not receive commands in an incompatible format, or translate commands. Instead, Beckert discloses several other components involved in the command structure including device "drivers" as well as the hardware itself. For example, Beckert states that the API "transfers calls made by the applications to the appropriate device drivers," but Beckert does not explicitly describe the format that commands are relayed from an API to a device driver and then subsequently to the devices. Ex. 1006 at 2:64-3:6.

Moreover, Petitioners do not explain where the API software is located within the "vehicle computer system." Beckert states that a "computer system," which is the entire "vehicle computer system," including the accused "interface," "car stereo," and "after-market audio device," contains an API. Petitioners do not allege the location of the API with any further specificity. Additionally, an API is a set of protocols and tools that may be used to program a *software* interface. This is not the same as a "*pre-programmed* microcontroller" disclosed by Marlowe, in which the interface comprises *pre-programmed* hardware.

Petitioners also cite to Beckert's disclosure of a Hardware Abstraction Layer. Pet. at 33. However, Petitioners do not map the hardware abstraction layer to the conversion limitations, and Petitioners do not explain where the Hardware Abstraction Layer is located or how it represents "pre-programmed" code.

Accordingly, because the Beckert references fail to disclose this limitation,

Ground 1 should be denied.

3. Second Code Portion

The "second code portion" limitation requires:

> a second pre-programmed code portion for receiving data from the after-market audio device through said second connector in a format incompatible with the car stereo, processing the received data into formatted data compatible with the car stereo, and transmitting the formatted data to the car stereo through said first connector for display by the car stereo

Ex. 1001 at Claim 1 (exemplary). This code portion requires three steps, (1) receiving data from the after-market audio device through said second connector in a format incompatible with the car stereo, (2) processing the received data into formatted data compatible with the car stereo, and (3) and transmitting the formatted data to the car stereo through said first connector for display by the car stereo.

The Beckert references do not describe data format conversion, which requires the "receiving data from the after-market audio device through said second connector in a format incompatible with the car stereo" or "processing the received data into formatted data compatible with the car stereo." Petitioners again point to Beckert's disclosure of a Hardware Abstraction Layer to meet the "data" limitation. Pet. at 36. Petitioners do not properly map the prior art to this limitation, and do not explain where this Hardware Abstraction Layer is located or

how it is related in any way to data conversion. Instead, Petitioners make general statements regarding the ability to display information without discussing the claimed *translation* itself. Petitioners simply parrot the claim language without any meaningful discussion. Pet. at 35-38. Even without taking into consideration the "structural and functional separation" issue described above, the references, when combined, do not teach or disclose the claimed data conversion. Petitioners do not appear to acknowledge this deficiency, and Petitioners' boilerplate obviousness arguments do not remedy the issue.

Accordingly, Ground 1 should be denied.

4. Third Code Portion

The "third code portion" limitation requires:

> a third pre-programmed code portion for switching to one or more auxiliary input sources connected to said third electrical connector

Ex. 1001 at Claim 1 (exemplary). Petitioners do not address a pre-programmed code portion used to switch to one or more auxiliary input sources. Instead, Petitioners cite to Beckert's disclosure of an API, which is merely a guideline for implementing a program and not a specific teaching regarding pre-programmed code portions such as those of the claim. Patent Owner has addressed the shortcomings of the mere disclosure of an API and HAL above.

Accordingly, Ground 1 should be denied.

5. Obviousness

Petitioners' arguments repeatedly do not address whether any of the missing limitations can be reconstructed from the piecemeal disclosures set forth in Petitioners' charts and prose.

The Board has held that a failure to identify the differences between the claimed subject matter and the prior art is fatal to an obviousness challenge. *See, Apple, Inc. v. Contentguard Holdings, Inc.*, IPR2015-00355, Decision Denying Institution of Inter Partes Review, Paper 9 at 9–10 (PTAB, June 26, 2015) (denying institution for failure to identify the differences between the claimed subject matter and the prior art). Petitioners attempt to mask the inadequacies of their references through their failure to identify these critical differences. Petitioners provide various string-cites in their charts with no substantial analysis. This Board has expressly held that claim charts are not enough to show a reasonable likelihood of success and that merely presenting arguments in claim charts alone is a violation of 37 CFR § 42.104(b)(4*)*. *See*, *GN Resound A/S v. Oticon A/S*, IPR2015-00103, Paper 13 at 6 (June 18, 2015) ("It is a requirement of a Petition to align the evidence and arguments with the various limitations of the challenged claims.") The Board in *GN Resound* denied institution based on an insufficiently detailed explanation of how the asserted references taught or suggested the claims. In a subsequent request for rehearing, the Board

acknowledged that the cited portions were present in the claim charts, but still rejected the rehearing request because "bare citations and quotes" did not provide a "sufficiently detailed explanation of how the asserted references teach or suggest the claimed limitations." *See*, *GN Resound A/S*, IPR2015-00103, Paper 13 at 6.

The claim charts themselves present citations and quotes to the prior art—not arguments. The claim charts do not present a detailed explanation as to how each claim element is taught by the prior art. As explained in *GN Resound*, Petitioner should not expect the Board to search through cited portions of references to map prior art disclosure with claim elements or to infer or create arguments from the record. *Id.*

The claims of the '786 Patent require a particular arrangement of three components ("stereo," "interface," and "after-market device"), yet the references cited by Petitioners do not include these components arranged in any way that could be molded into the shape of the claims, but for impermissible hindsight. This Ground fails to provide anything resembling "articulated reasoning with some rational underpinning." *KSR*, 550 U.S. at 418.

Petitioners fail to include any description as to what the differences are between the prior art and the claims. Such an analysis would be required in order to embark on an obviousness search. Without the analysis of differences between the art and the claims, the Petition must fail.

Petitioners' sparse citations to their expert declaration of Dr. Kyriakakis similarly does not save its Grounds. The Board has held expert declarations to be unpersuasive for providing broad conclusory statements. *See, Zimmer Biomet Holdings, Inc. v. Four Mile Bay, LLC*, IPR2016-00011, Paper 8 at 11 (April 1, 2016) (Institution denied). The Kyriakakis Declaration is devoid of any explanations as to how a person having ordinary skill in the art would (1) understand the prior art, and (2) modify the prior art references to teach a claim limitation. Meanwhile, each of Petitioners' obviousness arguments directly cite back to the Kyriakakis Declaration for evidentiary support, including the argument as to whether it would be obvious (to combine the references). Neither Petitioners nor Dr. Kyriakakis explains how a person having ordinary skill in the art would understand and modify Beckert to meet the claim limitations. Because of these deficiencies, the expert declaration fails to disclose underlying facts for which it bases its obviousness conclusions on; neglects to show how a person of ordinary skill in the art would understand or modify the references; and merely amounts to broad conclusory statements. The Board should find the expert declaration unpersuasive, afford the expert declaration no weight, and find each obviousness allegation to be unsupported and fatally deficient. Accordingly, the Petition should be denied institution on all grounds because the alleged obviousness combinations fall unsupported.

Because Petitioners have provided no support for its argument other than hindsight, and because Petitioners' conclusory statements are not articulated reasoning with rational underpinnings, and because of the other deficiencies with the combination Beckert, Ground 1 should be denied.

Claims 10, 14, 23, and 24 ultimately depend from Claim 1. The dependent claims of Claim 1 are valid because they further narrow the invention recited in Claim 1.

Accordingly, Ground 1 should be denied for all claims.

C. Claim 5 Is Not Obvious over Beckert '710, Beckert '164 The AutoPC Manual and USB 2.0 (Ground 2)

Claim 5 depends from Claim 1. The dependent claims of Claim 1 are valid because they further narrow the invention recited in Claim 1, which is valid in view of Ground 1. A dependent claim that adds additional limitations to a valid independent claim cannot be invalid for anticipation or obviousness. 37 C.F.R. § 1.75(c) (dependent claims further limit independent claims); *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1343-45 (Fed. Cir. 2009) (vacating a judgment and ordering a new trial on obviousness when a jury found a dependent claim obvious while finding its independent claim nonobvious). Petitioners add additional references, AutoPC Manual and USB 2.0, but Petitioners do not allege that either addresses any of the deficiencies outlined with regard to Ground 1 above.

Accordingly, Ground 2 should be denied.

D. Claim 6 Is Not Obvious over Beckert '710, Beckert '164 and Beckert '363 (Ground 3)

Claim 6 depends from Claim 1. The dependent claims of Claim 1 are valid because they further narrow the invention recited in Claim 1 which is valid in view of Ground 1. A dependent claim that adds additional limitations to a valid independent claim cannot be invalid for anticipation or obviousness. 37 C.F.R. § 1.75(c) (dependent claims further limit independent claims); *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1343-45 (Fed. Cir. 2009) (vacating a judgment and ordering a new trial on obviousness when a jury found a dependent claim obvious while finding its independent claim nonobvious). Petitioners add an additional reference, Beckert '363, but Petitioners do not allege that either addresses any of the deficiencies outlined with regard to Ground 1 above.

Additionally, Beckert '363 does not disclose a portion of the interface that "generates a device presence signal for maintaining the car stereo in a state responsive to processed data and audio signals." Petitioners make only base conclusions regarding this limitation, and point to the general descriptions of a bus from the Beckert '363 disclosure. The portions cited to by Petitioners on pages 52-54 describe an initialization step prior to communication that correspond to a "**state unit**." Ex. 1008 at 9:12-45 (emphasis added by Petitioners). This type of initialization of a state machine has already been considered and rejected by the

Board in the context of IPR2016-00421 and the Lau reference. Ex. 1014 at 28-29.

The initialization of a communications bus does not **maintain** the car stereo in a state responsive to processed data and audio signals. Petitioners point only to initialization steps and do not argue that Beckert'363 performs any maintenance steps.

Accordingly, Ground 3 should be denied.

E. Claim 7 is not Obvious Beckert '710, Beckert '164 The AutoPC Manual (Ground 4)

Claim 7 depends from Claim 1. The dependent claims of Claim 1 are valid because they further narrow the invention recited in Claim 1 which is valid in view of Ground 1. A dependent claim that adds additional limitations to a valid independent claim cannot be invalid for anticipation or obviousness. 37 C.F.R. § .75(c); *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1343-45 (Fed. Cir. 2009). Petitioners add an additional references, AutoPC Manual, but Petitioners do not allege that it addresses any of the deficiencies outlined with regard to Ground 1 above.

Accordingly, Ground 4 should be denied.

F. Claim 8 is Not Obvious over Beckert '710, Beckert '164 and the Sony XR-C5120R Manual (Ground 5)

Claim 8 depends from Claim 1. The dependent claims of Claim 1 are valid because they further narrow the invention recited in Claim 1 which is valid in view

of Ground 1. A dependent claim that adds additional limitations to a valid independent claim cannot be invalid for anticipation or obviousness 37 C.F.R. § 1.75(c); *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1343-45 (Fed. Cir. 2009). Petitioners add an additional reference, Sony XR-C5120R Manual, but Petitioners do not allege that it addresses any of the deficiencies outlined with regard to Ground 1 above.

Accordingly, Ground 5 should be denied.

G. Claims 57, 60, 64, and 65 are Not Obvious Over Beckert '710, Beckert '164, and USB ADF (Ground 6)

Claim 57 essentially includes the "command conversion" of Claim 1 with the addition of a "device presence signal" and "portable MP3 Player." For at least the reasons described above with regard to Claims 1 and 6, neither Beckert nor the additional references relied on by Petitioners include all of the limitations of the claims even when combined.

1. Interface, MP3 Player, and Connectors

As described above in Section IV.B.1, the Beckert references do not disclose the claimed interface or connectors and Petitioners do not provide any additional support in Ground 6 and, accordingly, the Petition should be denied as to Ground 6 for at least the reasons described above.

Additionally, the Beckert disclosures do not provide an audio device integration system that enables devices that are not specifically designed for use in

an automobile, such as an MP3 player or iPod, to be connected to, operate with, and be controlled from an existing stereo system in an automobile. The Beckert '710 reference specifically relates to only the "vehicle computer system," and more particularly, to the audio entertainment aspects of the system. Ex. 1006 at 1:61-63. Beckert '710 addresses the interoperability of various electronics systems within a vehicle not pertaining to the integration of a car stereo and an external device.

As Petitioners admit, the Beckert references fail to disclose an MP3 player, and Petitioners rely on the USB ADF reference for the disclosure of an MP3 player. Pet. at 61-62. For alleged motivation to combine, Petitioners state "[a] person of ordinary skill in the art would naturally look to the relevant USB specifications, including USB ADF, for additional information about how to communicate with USB audio devices connected to a USB-capable computer." Pet. at 60. Petitioners' argument, which boils down to "both of the devices are USB capable," is not "some articulated reasoning with some rational underpinning." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Without a reasonable rationale for combining the references, the combination must fail.

Accordingly, Petitioners have not set forth a basis for the "MP3 Player" limitation and Ground 6 fails for this additional reason.

2. First and pre-programmed code /device presence signal

The "first pre-programmed code portion" limitation requires:

> a first pre-programmed code portion for generating a device presence signal and transmitting the signal to the car stereo to maintain the car stereo in an operational state

Ex. 1001 at Claim 57 (exemplary). This code portion performs two steps, (1) generating a device presence signal and (2) transmitting the signal to the car stereo to maintain the car stereo in an operational state. As explained in Ground 1 above, the Beckert references do not contemplate or describe "device presence signals."

Similarly, for the reasons stated above in Ground 1, Petitioners' reference to the disclosure of an API does not satisfy the "pre-programmed code" limitations. Petitioners do not provide any additional support for this limitation, other than cites to previous sections.

For these reasons, Ground 6 fails.

3. Second pre-programmed code portion

The "second pre-programmed code portion" limitation requires:

> a second pre-programmed code portion for remotely controlling the MP3 player using the car stereo by receiving a control command from the car stereo through said first electrical connector in a format incompatible with the MP3 player, processing the control command into a formatted control command compatible with the MP3 player,

and transmitting the formatted control command to the MP3 player through said second electrical connector for execution by the MP3 player.

Ex. 1001 at Claim 57 (exemplary). This code portion performs three steps, (1) remotely controlling the MP3 player using the car stereo by receiving a control command from the car stereo through said first electrical connector in a format incompatible with the MP3 player, (2) processing the control command into a formatted control command compatible with the MP3 player, and (3) transmitting the formatted control command to the MP3 player through said second electrical connector for execution by the MP3 player.

Claims 60, 64, and 65 depend from Claim 57. The dependent claims of Claim 57 are valid because they further narrow the invention recited in Claim 57.

For the reasons stated above with regard to Ground 1, Petitioners' arguments concerning the disclosure of an API do not satisfy the "pre-programmed code" limitations.

Likewise, as stated above, the Beckert references do not contemplate or describe control commands being received by a processor in a format incompatible with an MP3 Player. For these reasons, Ground 6 fails.

Accordingly, Ground 6 should be denied for all claims.

H. Claim 61 is Not Obvious over Beckert '710, Beckert '164, USB ADF and the AutoPC Manual (Ground 7)

Claim 61 depends from Claim 57. The dependent claims of Claim 57 are valid because they further narrow the invention recited in Claim 57 which is valid in view of Ground 1. A dependent claim that adds additional limitations to a valid independent claim cannot be invalid for anticipation or obviousness. 37 C.F.R. § 1.75(c); *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1343-45 (Fed. Cir. 2009). Petitioners add an additional reference, AutoPC Manual, but Petitioners do not allege that it addresses any of the deficiencies outlined with regard to Ground 6 above.

Accordingly, Ground 7 should be denied.

I. Claim 62 is Not Obvious Under Beckert '710, Beckert '164, USB ADF, the AutoPC Manual, and Sony XR-C5120 Manual (Ground 8)

Claim 62 depends from Claim 57. The dependent claims of Claim 57 are valid because they further narrow the invention recited in Claim 57 which is valid in view of Ground 1. A dependent claim that adds additional limitations to a valid independent claim cannot be invalid for anticipation or obviousness. 37 C.F.R. § 1.75(c); *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1343-45 (Fed. Cir. 2009). Petitioners add additional references, AutoPC Manual and Sony XR-C5120 Manual, but Petitioners do not allege that either addresses any of the deficiencies outlined with regard to Ground 6 above.

Accordingly, Ground 8 should be denied.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board deny institution of the Petition in its entirety.

Respectfully submitted,

Dated November 17, 2016 /*Peter Lambrianakos*/

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CERTIFICATE OF WORD COUNT

The undersigned hereby certifies that the portions of the above-captioned PATENT OWNER'S PRELIMINARY RESPONSE specified in 37 C.F.R. § 42.24 has 5,893 words in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24. This word count was prepared using Microsoft Word 2010.

Respectfully Submitted,

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)(4) & 42.105(b)

A copy of BLITZSAFE TEXAS, LLC'S PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,489,786 and Exhibit 2001 have been served on Petitioners at the correspondence of the Petitioners as follows:

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