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Kevin R. Imes	§	Customer No. 28120
Formerly Application No.: 13/673,391	§	Petitioners:
Issue Date: Sept. 10, 2013	§	Samsung Electronics Co., Ltd.;
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Priority Date: March 28, 2000	§	
	§	
Former Group Art Unit: 2646	§	
Former Examiner: Erika Washington	§	
	§	
	§	

For: SYSTEM AND METHOD FOR MANAGING MEDIA

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
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PETITION FOR INTER PARTES REVIEW OF UNITED STATES PATENT NO. 8,532,641

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I. INTRODUCTION

Pursuant to 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42[1], Petitioners respectfully request *inter partes* review ("IPR") of claims 1-3, 5-7, 9-10 and 12 ("Challenged Claims") of U.S. Pat. No. 8,532,641 ("the '641 patent") currently assigned to Affinity Labs of Texas, LLC ("Affinity").

The '641 patent is one of 14 patents that cite back to U.S. Pat. App. No. 09/537,812 ("the '812 application") filed on March 28, 2000 and issued as U.S. Pat. No. 7,187,947. These patents all share a common specification and generally relate to the delivery of Internet media content, such as "songs, on-line radio stations, on-line broadcasts, [or] streaming audio," to a portable device. The portable device may be used to play the media content and may also be connected with another electronic device, such as a portable radio or vehicle audio system, so that the audio information may be communicated to the other electronic device.

Petitioners previously filed a petition (IPR2014-01184) seeking *inter partes* review and judgment against claims 1-3 and 5-14 of the '641 patent based on combinations of Ohmura, Ahn, Nokia and/or Galensky. On January 30, 2015, the Board granted the petition with respect to claims 8, 11, 13 and 14, finding that there was a reasonable likelihood that claims 8 and 11 are obvious over Ohmura in view of

[1] All sections cited in this Petition are from either 35 U.S.C. or 37 C.F.R. unless stated otherwise. All emphasis is added by Petitioners unless otherwise noted.

Ahn, and claims 13 and 14 are obvious over Ohmura in view of Ahn and Nokia. Ex. 1323 at 15. The Board further concluded that at this stage, Patent Owner failed to demonstrate that claims 8, 11, 13 and 14 are entitled to a priority date earlier than the November 9, 2012 filing date of App. No. 13/673,391 (the application leading to the '641 patent). *Id.* at 8. The Board did not institute review as to '641 patent claims 1-3, 5-7, 9-10 and 12, however, concluding that the petition did not sufficiently identify support for obviousness in the combinations of Ohmura, Ahn, Nokia and/or Galensky. *Id.* at 13. Specifically, the Board stated that "[g]iven that the Ohmura system already includes a separate cellular telephone … Petitioner has not explained sufficiently why one of ordinary skill in the art would have found it 'beneficial' or 'advantageous' to modify Ohmura's portable audio apparatus to include Internet connectivity over a cellular connection." *Id.*

While respectfully disagreeing with the Board's decision not to institute a review of claims 1-3, 5-7, 9-10 and 12 in IPR2014-01184, Petitioners, rather than requesting reconsideration, now file this separate Petition requesting IPR of claims 1-3, 5-7, 9-10 and 12 as obvious based on an alternative prior art reference ("Hu") in view of Ahn, Nokia and/or Galensky. These grounds – presenting new art (Hu) not known to Petitioners before the filing of their original petition and located, instead, after the Board's institution decision in IPR2014-01184 – raise new questions and address the concerns perceived by the Board in the earlier petition, with the benefit of the fuller explanation and consideration that a separate petition affords. Petitioners

note that the Director, pursuant to Rule 325(c), may determine at the proper time that merger of the foregoing proceedings (in particular, IPR2014-01184) with this Petition may be appropriate, and as noted below, Petitioners are concurrently filing a motion for joinder of these proceedings.

The Hu reference relied on in this Petition specifically addresses the Board's concerns with Ohmura that were expressed in IPR2014-01184. Like Ohmura, Hu discloses a system for playing music stored in a portable device through a user interface and an audio system within a vehicle. In contrast to Ohmura, however, the portable device in Hu is a cell phone, which includes the ability to download music and receive and send emails over the Internet and communicate with a voice mail server. Accordingly, Hu addresses the Board's concern that Petitioners had failed to demonstrate in IPR2014-01184 why it would have been beneficial or advantageous to modify Ohmura's portable audio apparatus to include Internet connectivity over a cellular connection: no such modification is necessary with Hu because the portable device in Hu is already a cell phone with the capabilities claimed in the '641 patent.

Consistent with the Board's findings in IPR2014-01184, the present Petition demonstrates that the Challenged Claims are, in fact, not entitled to the claimed March 28, 2000 priority date of the '812 application in addition to the claimed September 23, 2004 priority date of U.S. Pat. App. No. 10/947,755 ("the '755 application") (issued as U.S. Pat. No. 7,324,833), and are unpatentable in view of references published after March 28, 2000. Specifically, Petitioners submit that

Affinity is not entitled to claim a priority date earlier than at least January 16, 2008 because the alleged "inventions" of the '641 patent claims were not disclosed in at least two of the applications preceding the application filed on that date in the claimed priority chain—the '812 and '755 applications. Indeed, the Board previously determined that the claims of the related '228 patent, which contain similar limitations, are likewise not entitled to the March 28, 2000 priority date because of a lack of disclosure in the '812 application, to which it also claimed priority. Ex. 1315.

As set forth herein, the supposed "invention" in each of the Challenged Claims was well-known and obvious prior to January 16, 2008. The Hu and Ahn references relied on in this Petition disclose all of the limitations of independent claims 1 and 8, including the ability for a wireless phone to communicate information to a second device that is used to generate a selectable graphical menu item associated with media content on the phone and stream music to the second device using an asynchronous wireless channel of a localized communications signaling network. The following conventional features of a wireless telephone were, among others, also quite well-known in the art prior to January 16, 2008: a display, a housing, an enclosure, a rechargeable battery, a memory, a physical interface for communicating data and receiving a recharging power, and the ability to alter an output of an audio signal when recognizing receipt of a phone call. The references cited herein – including Hu, Ahn, and Nokia – expressly confirm that these conventional features of a wireless phone were well-known. In fact, these features were all found to be *inherent* in a

wireless phone during prosecution of the '641 patent.

The dependent claims of the '641 patent add limitations that were similarly well-known in the art, such as email, voice-mail, an Internet browser, a hands-free mode, Bluetooth compatibility, wireless receipt of a software application upgrade, and the ability to receive data at two communication rates based at least partially upon an amount of data located in buffer memory. *See, e.g.*, Ex. 1302 at 413-18; Ex. 1311 at 500; Ex. 1312; Ex. 1313; Ex. 1314; Ex. 1316. These limitations are likewise expressly disclosed in the Hu, Ahn, Nokia, and Galensky references cited herein.

Each and every element of the Challenged Claims has been disclosed in the prior art and the Challenged Claims are nothing more than a routine and predictable combination of these well-known elements. Furthermore, the Challenged Claims are not entitled to, *inter alia*, claim priority to the March 28, 2000 filing date of the '812 application or the September 23, 2004 filing date of the '755 application because there is no disclosure of the alleged "invention" in either of these applications. Thus, Petitioners respectfully request that the Board find that each of the Challenged Claims is not entitled to claim a priority date earlier than January 16, 2008 and that each of the Challenged Claims is invalid under § 103.

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

Notices Under § 42.8(b)(1), (b)(3), & (b)(4): The Petitioners and real parties-in-interest are Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively "Samsung" or "Petitioners"). Lead counsel, backup counsel,

and service information for Petitioners are designated in the signature block below.

Related Matters Under § 42.8(b)(2) and Joinder Motion: Affinity is asserting '641 patent claims 1-3 and 5-14 against Petitioners in *Affinity v. Samsung*, 3:14-cv-3030 (NDCA) and in *Affinity v. Blackberry*, 5:14-cv-3031 (NDCA). There are three *inter partes* review proceedings involving the '641 patent that were previously filed by Petitioners. In IPR2014-01181, the Board instituted review of claims 8 and 11-14 based on the primary reference "Ito." Ex. 1324. In IPR2014-01182, the Board instituted review of claims 1-3 and 5-14 based on the primary reference "Abecassis." Ex. 1325. And in IPR2014-01184, the Board instituted review of claims 8, 11, 13, and 14 based on the primary reference "Ohmura." Ex. 1323. Petitioners have also concurrently filed an additional IPR petition challenging claims 1-3, 5-7 and 9-10 of the '641 patent based on the Ito reference. The following additional matters concern one or more of the '641 patent and/or patents that are related to the '641 patent: IPR2014-00209; IPR2014-00212; IPR2014-00407; IPR2014-00408; 90/011,254; 95/001,262; 90/010,333; 95/001,223; 95/001,264; 90/011,982; 95/001,281; 95/001,263; 95/001,266; 95/001,782; *Affinity v. Apple*, 9:09-cv-47 (EDTX), 1:11-cv-349 (EDTX), & 4:09-cv-4436 (NDCA); *Affinity v. Dice Elecs.*, 9:08-cv-163 (EDTX); *Affinity v. BMW*, 9:08-cv-164 (EDTX); *Affinity v. Alpine*, 9:08-cv-171 (EDTX); *Affinity v. Nike*, 2:10-cv-54 (EDTX) & 4:10-cv-5543 (NDCA); *Affinity v. Volkswagen*, 1:11-cv-36 (EDTX); *Affinity v. Clear Channel Broadcasting*, 1:12-cv-205 (WDTX); *Affinity v. Samsung*, 4:13-mc-80209, 4:14-cv-2717, 4:14-cv-02966 (NDCA); *Affinity v. Ford*, 1:12-cv-580

(EDTX) & 6:13-cv-363 (WDTX); *Affinity v. General Motors*, 1:12-cv-582 (EDTX), 6:13-cv-370 (WDTX); *Affinity v. Toyota*, 6:13-cv-365 (WDTX); *Affinity v. Volvo*, 6:13-cv-366 (WDTX); *Affinity v. Honda*, 6:13-cv-367 (WDTX); *Affinity v. Jaguar*, 6:13-cv-368 (WDTX); *Affinity v. Nissan*, 6:13-cv-369 (WDTX); *Affinity v. Bosch,* 6:14-cv-396 (WDTX); *Affinity v. Robert Bosch,* 1:14-cv-499 (EDTX); *Affinity v. Nissan,* 1:14-cv-508 (EDTX); *Affinity v. MLB Advanced Media,* 6:15-cv-33 (WDTX); *Affinity v. Directv,* 6:15-cv-30 (WDTX); *Affinity v. NBA Media Ventures,* 6:15-cv-31 (WDTX); *Affinity v. Amazon.com,* 6:15-cv-29 (WDTX); *Affinity v. NHL Enterprises,* 7:15-cv-32 (WDTX).

By separate motion filed herewith, Petitioners request that this proceeding be joined with Case No. IPR2014-01184.

III. PETITIONERS HAVE STANDING

Grounds for Standing Under § 42.104(a): Petitioners certify that the '641 patent is eligible for IPR and that Petitioners are not barred or estopped from requesting IPR of the '641 patent. Pursuant to § 42.122(b), although Petitioners were served with a complaint asserting infringement of the '641 patent more than one year ago, the normal statutory one-year bar under § 315(b) does not apply here because (1) the Board has already instituted IPR proceedings on this patent on timely first petitions filed by Petitioners (IPR2014-01181, IPR2014-01182, and IPR2014-01184), and (2) Petitioners accompany this second petition with a motion for joinder under § 315(c). *See* IPR2014-00508, Pap. No. 31 at 2 ("The one-year time bar, however, does not apply to a request for joinder.") The Petitioners and real parties-in-interest have not

initiated a civil action challenging validity of the '641 patent.

Claims & Statutory Grounds Under § 42.22 & §§ 42.104(b): Petitioners request IPR of '641 claims 1-3, 5-7, 9-10 and 12 and assert that these claims are unpatentable based on one or more grounds under § 103: Ground 1: Obvious over Hu in view of Ahn & the knowledge of a POSITA (Claims 1-3, 5, 9); Ground 2: Obvious over Hu in view of Ahn & Nokia (Claims 1-3, 5, 9, 10); Ground 3: Obvious over Hu in view of Ahn, Nokia & the knowledge of a POSITA (Claims 1-3, 5, 9, 10); Ground 4: Obvious over Hu in view of Ahn, Galensky & the knowledge of a POSITA (Claims 7, 12); Ground 5: Obvious over Hu in view of Ahn, Galensky & Nokia (Claims 6, 7, 12); Ground 6: Obvious over Hu in view of Ahn, Galensky, Nokia & the knowledge of a POSITA (Claims 6, 7, 12); Ground 7: Obvious over Hu in view of Ahn & Galensky (Claim 12). Section VI.C provides a claim chart specifying how the cited art renders obvious each of the Challenged Claims, as confirmed by the knowledge and understanding of a person of ordinary skill in the art ("POSITA"), as of January 16, 2008, as evidenced in the Declaration of Dr. Schuyler Quackenbush (Ex. 1333).

IV. SUMMARY OF THE '641 PATENT

A. Overview of the '641 Patent

The '641 specification generally describes a "System and Method for Managing Media" as applied to various electronic devices such as a PC, portable device, or vehicle audio system. The Challenged Claims are directed to a system for delivering media content to a wireless telephone over a wireless network, communicating

information about media content from the telephone to a recipient device to generate a graphical menu comprising selectable menu items on the display of the recipient device, and streaming an audio signal from the telephone to the recipient device using an asynchronous wireless channel of a local network in response to a selection of a menu item on the recipient device. The Challenged Claims further claim a Bluetooth communication module in the telephone and that media content is delivered to a wireless telephone at a hybrid of communication rates.

The elements of the Challenged Claims are an amalgam of features described in various embodiments in the '641 patent. For example, in one portion of the specification, the '641 patent discloses that "Electronic devices are described in more detail below and may include a network radio, a modular device, an audio system, a personal digital assistant (PDA), a cellular phone." Ex. 1301 at 5:36-39. Many of the other features of claim 1, however, such as a rechargeable battery, display, housing, and physical interface, are never specifically described in the specification with respect to a cellular phone. Similarly, although the '641 patent describes the ability to communicate audio information from a portable device to a second device over a localized wireless connection (*id.* at 9:31-43), such disclosure is not connected to the '641 patent's only description of an asynchronous wireless channel (*see id.* at 6:31-47).

As set forth in this Petition, all of the elements of the Challenged Claims were well-known in the art long before January 16, 2008. Indeed, the specification itself makes clear that the applicants did not purport to invent, *inter alia*, the following claim

elements: cellular telephone (Ex. 1301 at 5:36-41); display (11:1-3, 12:35-40); housing and enclosure. (Fig. 9); wireless communication module (2:33-43, 5:42-6:6, 9:57-67); rechargeable power supply (13:26-32); non-circular physical interface for communicating data and recharging power (18:33-55, Fig. 9); memory (8:48-52, 8:66-9:3); streaming media (8:31-37); asynchronous channel (6:34-39); Bluetooth (2:41-43, 9:47-49); email client (10:40-45); voicemail client (*id.*); Internet browser (9:17-22, 10:66-11:14); hands-free mode (10:45-46); buffer memory (8:48-52); audio player (9:13-19, 11:35-39, 16:29-34). In the same way that these elements have been combined in the '641 patent claims, it would have been obvious and straightforward to a POSITA to have combined them in the prior art.

B. '641 Patent Prosecution History

The application leading to the '641 patent was filed on November 9, 2012 as a continuation of U.S. Pat. No. 8,521,140 (filed 5/27/11), which is a continuation of U.S. Pat. No. 7,953,390 ("the '390 patent") (filed 6/30/09), which is a continuation of U.S. Pat. No. 7,778,595 ("the '595 patent") (filed 1/16/08), which is a continuation of the '833 patent (filed 9/23/04), which is a continuation of the '947 patent (filed 3/28/00). On March 13, 2013, the Examiner issued an Office Action, rejecting prosecution claims 8-11 and 13-20 under § 102, prosecution claims 1-7 and 12 under § 103 and prosecution claims 1-20 for double patenting. Ex. 1302 at 411-421. The Examiner also noted that many of the claim elements were inherent in the art (*e.g.*, a display, housing, enclosure, wireless communication module, rechargeable power

supply, physical interface, memory, receiving a wireless upgrade for a software application, email, voice-mail, Internet browser). *Id.* at 413-18. On May 1, 2013, Applicants amended the specification and claims: prosecution claim 1 (issued as claim 1) was amended to add "to communicate a collection of information about media content available from the wireless telephone device to a recipient device such that the recipient device can use the collection of information to generate a graphical menu comprising a selectable menu item associated with the available media content"; and prosecution claim 8 (issued as claim 8) was amended to add "in response to a selection of a selectable menu item presented on a recipient device display." *Id.* at 245-258. The Examiner then issued a Notice of Allowance on June 3, 2013, and the '641 patent issued on September 10, 2013.

V. '641 PATENT CLAIMS 1-3, 5-7, 9-10 AND 12 ARE NOT ENTITLED TO CLAIM PRIORITY TO THE MARCH 28, 2000 FILING DATE OF THE '812 APPLICATION AND THE SEPTEMBER 23, 2004 FILING DATE OF THE '755 APPLICATION

The application leading to the '641 patent was filed as a continuation of the '140 patent, which is a continuation of the '390 patent, which is a continuation of the '595 patent, which is a continuation of the '833 patent, which is a continuation of the '947 patent. The '641 patent claims priority to this chain of patent applications, the earliest of which is U.S. Pat. App. No. 09/537,812 ("the '812 application"), (filed on March 28, 2000 and issued on March 6, 2007 as the '947 patent), followed by U.S. Pat. App. No. 10/947,755 ("the '755 application") (filed on September 23, 2004 and issued

on January 29, 2008 as the '833 patent).

To properly claim the benefit of the March 28, 2000 priority date, or any other date in the chain of priority, however, the claims at issue must be directed to subject matter disclosed in the prior application(s) in the manner provided by § 112 ¶ 1, and must contain a written description of the invention. *See, e.g.*, *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1562-63 (Fed. Cir. 1991). "A disclosure in a parent application that merely renders the latter-claimed invention obvious is not sufficient to meet the written description requirement; the disclosure must describe the claimed invention with all its limitations." *Tronzo v. Biomet, Inc.*, 156 F.3d 1154, 1158 (Fed. Cir. 1998). Furthermore, "entitlement to a priority date for any claim is a matter for which [the Patent Owner] bears the burden of proof." Ex. 1317 at 16 (CBM2012-00003, Pap. 15); *see also In re NTP, Inc.*, 654 F.3d 1268, 1276 (Fed. Cir. 2011) ("for a patent's claims to be entitled to an earlier priority date, *the patentee must demonstrate that the claims meet the requirements of 35 U.S.C. § 120.*").

While reserving for another forum whether the claims have any support in any of the listed priority applications,[2] Petitioners respectfully submit that for the Challenged Claims in this Petition, Affinity is not entitled to claim priority to a date

[2] Petitioners reserve the right to raise in an appropriate forum invalidity based on § 112, as well as the right to challenge in another forum that the '641 patent is not entitled to the claimed March 28, 2000 priority date on other grounds.

earlier than at least January 16, 2008, which is the filing date of the '595 patent (the great-grandparent to the '641 patent).

At minimum, the '812 and '755 applications do not disclose independent claim 1's recitation of "communicat[ing] a collection of information about media content available from the wireless telephone device to a recipient device such that the recipient device can use the collection of information to generate a graphical menu comprising a selectable menu item associated with the available media content" and independent claim 8's recitation of communicating a streaming audio signal "in response to a selection of a selectable menu item presented on a recipient device display" – the very limitations the applicants added to secure allowance of the '641 patent. Exs. 1302, 1318, 1319. The earliest application that even arguably disclosed these limitations was the application that led to the '595 patent, filed on January 16, 2008. *See* Ex. 1320. Further, because claims 2-3 and 5-7 depend upon independent claim 1, and claims 9, 10 and 12 depend upon independent claim 8, Affinity likewise cannot claim priority for these claims to the '812 and '755 applications.

In the January 30, 2015 Order in IPR2014-01184, the Board correctly determined that with respect to claim 8, Patent Owner failed to demonstrate that the identified claim limitation was "adequately supported in the '812 application, or that adequate disclosure may be found in each application in the priority chain leading to the '812 application," and thus claims 8, 11, 13 and 14 of the '641 patent are *not* entitled to a priority date earlier than the November 9, 2012 filing date of App. No.

13/673,391. Ex. 1323 at 8-10. In so deciding, the Board rejected Patent Owner's argument that the following passage in the '641 patent discloses the limitations:

> Ex. 1301 at 12:25-40 (Ex. 1318 at 619 ('812 App. at 28); Ex. 1319 at 381 ('755 App. at 20, [0062])): "Radio dial 412 may also be displayed as a separate user interface and in some embodiments, does not require a 'browsing' environment to view radio dial 412. For example, an electronic device, such as a PDA, having a display may graphically present radio dial 412 to a user. One example may be using electronic device in association with an automobile audio system. Electronic device may display radio dial 412 and may allow a user to navigate, modify, select, adjust volume, access day timer, access phone lists, etc. or perform other functions while the electronic device is used in association with an automobile sound system. Therefore, radio dial 412 may be operable as an application for use with several different types of electronic devices (i.e., computer systems, portable computing devices, cellular phones, etc.) operable to display radio dial 412 and in [s]ome embodiments may be wirelessly communicated to an electronic device."

The Board properly found that the identified disclosure does not support Patent Owner's argument because the "electronic device" in the identified passage is "not the automobile audio system or 'recipient device,' which displays the radio dial to the user." Ex. 1323 at 10. The same priority analysis that the Board applied with respect to claim 8 likewise applies to claims 9, 10 and 12, which depend upon claim 8, and also applies with respect to claim 1 (and claims 2, 3, and 5-7, which depend upon claim 1) of the '641 patent, which require "communicat[ing] a collection of

information about media content available from the wireless telephone device *to a recipient device such that the recipient device can use the collection of information to generate a graphical menu comprising a selectable menu item associated with the available media content*." As the Board correctly found (*id.* at 9-10), there is no disclosure in the passage identified by Patent Owner that the "electronic device" can send a collection of information to a "recipient device" so that the "recipient device" can use the collection of information to generate a graphical menu comprising a selectable menu item associated with available media content. Petitioners further submit, as explained in detail below, that there is no disclosure of this limitation at all in at least the '812 and '755 applications.

Moreover, during reexamination of the related '228 patent, the Board found that a similar claim limitation was not supported by the '812 application. Ex. 1315 at 10-11. The Board specifically stated that "we are unpersuaded by Patent Owner that the original '812 application Specification supports 'communicating at least some of the collection from the portable hand-held device to a different electronic device in order to allow a user to view a soft button comprising the name on an associated display of the different electronic device.'" *Id.* at 10. The Board found unpersuasive Affinity's argument that this feature was disclosed in '228 patent Fig. 4 and 9:52-56 ('641 patent Fig. 4, 10:66-11:3). *Id.* at 10-11. The Board agreed with the Examiner that there was no disclosure to support this claimed element, citing the Examiner's findings that "[t]he user interface of figure 4 is, by all accounts, embodied only in the portable audio that is connected to the automobile sound system rather than both the

portable player and the automobile sound system," and "[t]here is no teaching, either explicitly or implicitly, that the automobile sound system - or any other 'different electronic device' - with which the portable audio player communicates is capable of receiving audio information from the portable device and then displaying soft buttons comprising a name on an associated display, as claimed."' *Id.*[3]

During prosecution of the '641 patent, on May 1, 2013, Applicants filed a Reply to Office Action to amend the prosecution claims to include the recited claim limitations that Petitioners submit are not disclosed in the '812 and '755 applications. Ex. 1302 at 250-252. In their May 1, 2013 Reply, Applicants asserted that the '641 patent claims were entitled to the March 28, 2000 priority date and cited '641 patent 6:37-39, 10:21-31, 10:41-57, 12:14-40, Figs. 1-4 and 9 as supporting disclosure. Ex.

[3] During reexamination of the '926 patent (whose claims were all ultimately found invalid as affirmed by the Federal Circuit), the Board also decided the issue of whether the '926 patent was entitled to the March 28, 2000 priority date of the '812 application. Ex. 1321; *In re Affinity,* 550 Fed. Appx. 884 (Fed. Cir. Jan. 9, 2014). In that proceeding, the Board originally affirmed the Examiner's finding that the '926 patent was not entitled to the March 28, 2000 priority date, but reversed its finding upon rehearing. Petitioners respectfully submit that the Board's finding with respect to the '926 patent was incorrect. The priority date issue of the '926 patent was not raised on appeal before the Federal Circuit.

1302 at 255-57. These citations, along with the '812 and '755 applications generally, however, do not disclose that the claimed wireless telephone/portable device is capable of sending a "collection of information about media content available from the wireless telephone device to a recipient device such that that the recipient device can use the collection of information to generate a graphical menu comprising a selectable menu item associated with the available media content." Exs. 1318, 1319. Nor is there any disclosure in the '812 or '755 applications that the claimed wireless portable device is able to communicate a streaming audio signal "in response to a selection of a selectable menu item presented on a recipient device display." *Id.*

Specifically, the following portions of the '641 specification have been cited by Affinity as support for these limitations during prosecution of the '641 patent, and as support for similar claim limitations during various reexaminations of related patents. Affinity cites numerous passages in an attempt to scrounge for and stitch together a disclosure which simply does not exist. As explained below, none of these passages from the '641 patent (Ex. 1301), which appear in the '812 and '755 applications (Exs. 1318 and 1319, respectively), demonstrate that Affinity was in possession of the claimed limitations at issue at the time the '812 and '755 applications were filed.

> Ex. 1301 at 4:14-18 (Ex. 1318 at 600 ('812 App. at 9:28-31); Ex. 1319 at 367 ('755 App. at 6, [0021])): "Therefore, upon receiving the selected audio information, a user may access and play the received audio information utilizing the electronic device in association with the automobile's audio system."

This passage describes that the portable "electronic device" receives "audio information,"[4] meaning the audio content or song itself, from a personal computer. The user can then play the song using the portable device in association with the automobile audio system. It does not disclose that information *about* the audio content (such as the name of the audio file or song) is sent from the portable device to the automobile audio system to generate a graphical menu or that audio content is sent from the portable device to the automobile audio system in response to a selection of a selectable menu item on a display of the automobile audio system.

> Ex. 1301 at 9:37-10:20 (Ex. 1318 at 612-14 ('812 App. at 21:32-23:24); Ex. 1319 at 376-77 ('755 App. at 15-16, [0049]-[0052])): "Electronic device 300 may then be coupled to an automobile sound system using an interface and *communicate the received information to the automobile sound system*. In this manner, *electronic device 300 may be used to provide the automobile sound system with audio files* received via wireless communication.
>
> In another embodiment, electronic device 300 may be operable to *communicate the received audio information to an audio system* via a localized communications-signaling network. One such network may include

[4] Applicants consistently use the term "audio information" in the specification to refer to audio content itself, and *not information about the audio content*. *See, e.g.* Ex. 1301 at 3:64-4:1 ("a user may select information from an Internet website operable to allow selectivity of *audio information such as songs, on-line radio stations, on-line broadcasts, streaming audio, or other selectable information.*").

utilizing 'Bluetooth' communication standard, used to provide communication between electronic devices in a proximal setting. In one embodiment, electronic device 300 may be integrated into an audio component such as a radio receiver. Electronic device 300 integrated into an audio component may be configured to process digital audio files wirelessly communicated to an audio component. In another embodiment, electronic device 300 may be operable to communicate with an analog receiver at a predetermined frequency.

For example, a specific frequency may be selected (i.e., 93.7 MHz) for communicating the wireless received selected information from electronic device 300 to a localized audio system. Electronic device 300 communication of the wirelessly received information allows a conventional receiver to receive the selected audio information. In one embodiment, the conventional receiver may be configured to receive a digital sub-carrier, on-carrier, or other within a specified frequency. Therefore, electronic device 300 may be operable to locally transmit the signal at a specific frequency thereby allowing the conventional receiver to receive the information. In another embodiment, electronic device 300 may be operable to scan plural bandwidths to receive the selective information. For example, transceiver 301 may be operable to receive selective information across several frequencies and process the received information accordingly.

In another embodiment, electronic device 300 may be operable to scan several frequencies to obtain the desirable information. For example, a user may select several Internet broadcasts comprised of streaming audio information. Therefore, the information may be transmitted across several wireless frequencies receivable by electronic device 300.

> Electronic device 300 may then be operable to allow a user to scan wirelessly communicated Internet broadcast signals thereby providing a user selected virtual broadcast radio network. In another embodiment, electronic device 300 may include a user interface operable to communicate with an Internet website operable to display selectable audio information. The Internet website may be configured as a user-preferred environment displaying a users selected audio information. Internet broadcast selections, streaming audio selections, etc."

This disclosure describes that audio content can be sent from "electronic device 300" to an "audio system" using various methods of transmission, and that "*electronic device 300*" may include a user interface to communicate with an Internet website. It does *not* describe sending information about audio content from the electronic device to an audio system to generate a graphical menu, or communicating audio content from the electronic device to an audio system in response to selection of a menu item on the audio system.

> Ex. 1301 at 10:21-31 (Ex. 1318 at 614-15 ('812 App. at 23:24-24:4); Ex. 1319 at 377 ('755 App. at 16, [0053])): "With a display device for displaying a Website having selectable information, electronic device 300 may allow a user to select audio information via a user interface and receive the selected information via wireless communication thereby providing a customizable WebRadio device for the user. In another embodiment, electronic device 300 may be a modular device configured to be coupled to, for example, a portion of a cars interior. For example, electronic device 300 may be mounted to a portion of a car's console thereby providing a removably coupled electronic device operable to

wirelessly receive selected audio information."

This disclosure does not describe sending information about audio content from a wireless telephone to a recipient device, or communicating audio content from a wireless telephone to a recipient device in response to selection of a menu item on the recipient device display. At best, this disclosure describes wirelessly receiving audio from a website at a portable electronic device.

> Ex. 1301 at 10:31-57 (Ex. 1318 at 615 ('812 App. at 24:4-32), Ex. 1319 at 377-378 ('755 App. at 16, [0053]-[0055])): "As a removable device, electronic device 300 may also be coupled to a home audio system, a portable radio system or other systems thereby providing a versatile electronic device operable to receive wirelessly communicated selected audio information.
>
> In another embodiment, electronic device 300 may be operable as a PDA and/or a cellular phone that may be mounted to an automobile's console. Electronic device 300 may then integrate with a user's automobile to provide an all-encompassing communications device. For example, electronic device 300 configured as a PDA and cellular phone may allow for communication with a user's email account, voice mail account, the Internet, as well as allowing for the receipt of selected audio information via wireless communication. Electronic device 300 may be operable in a hands-free mode allowing a user to maintain safe driving fundamentals. During use, electronic device 300 may be processing selective audio information for communicating with an automobile audio system and may further be operating to receive incoming cellular calls.

> Electronic device 300 may be set-up by the user to pause the music being played and allow the received cellular call to be communicated either via an independent speaker or utilizing the automobiles 'audio system.' Additionally, electronic device 300 may be operable to adjust the listening level of an automobile's audio system, it may play received voice mail messages, allow a user to view the Internet, etc."

At most, this disclosure describes that "electronic device 300" can connect to other devices to receive audio content and further that "electronic device 300" can communicate audio content to an automobile audio system. It does not, however, disclose that the automobile audio system receives information about the audio content to generate a graphical menu or that audio content is sent from the portable electronic device to the automobile audio system in response to the selection of a menu item on the automobile audio system.

> Ex. 1301 at 10:66-11:3 (Ex. 1318 at 616 ('812 App. at 25:9-14), Ex. 1319 at 378 ('755 App. at 17, [0056])): "FIG. 4 illustrates a graphical user interface (GUI) for displaying selectable audio information according to one aspect of the present invention. The GUI may be operable with a computer system, cellular device, PDA, or other electronic devices or systems operable to display the GUI of FIG. 4." *See also* Fig. 4.

This portion of the specification describes that a graphical user interface ("GUI") can be used on a portable device to display selectable audio information. It does not, however, disclose that a recipient device receives information from a portable device to generate a graphical menu on the recipient device or that audio

content is sent from the portable device to the recipient device in response to the selection of a menu item on the recipient device.

> Ex. 1301 at 11:57-62 (Ex. 1318 at 618 ('812 App. at 27:8-13), Ex. 1319 at 380 ('755 App. at 19, [0059])): "A user may also use a select a device feature that allows a user to select a destination device for communicating selected audio information. For example, a user may want to communicate a playlist to several different devices such as a PDA, a home computer system, a work computer system, etc."

This portion discusses that the user may choose a "destination device" for the portable device to communicate audio content to. It does not disclose that information about audio content is sent to the destination device to generate a graphical menu or that audio content is sent in response to the selection of a menu item on the destination device.

> Ex. 1301 at 12:14-40 (Ex. 1318 at 619 ('812 App. at 28:2-32); Ex. 1319 at 380-81 ('755 App. at 19-20, [0061]-[0062])): "However, radio dial 412 surpasses the limitations of conventional systems through providing a programmable radio dial of user customized audio information. Radio dial 412 includes several stations that may be programmed using program interface 413. The preset stations may include several different types of user customized preset information such as user selected playlists, Internet broadcast stations, top lists, group playlists, artist-selected lists, on-line radio station, conventional radio stations. Internet phone, cellular phone, etc. and other functions, features, or information associated with audio information. Radio dial 412 may also be displayed as a separate user interface and in some embodiments, does not require a

> 'browsing' environment to view radio dial 412. For example, an electronic device, such as a PDA, having a display may graphically present radio dial 412 to a user. One example may be using electronic device in association with an automobile audio system. Electronic device may display radio dial 412 and may allow a user to navigate, modify, select, adjust volume, access daytimer, access phone lists, etc. or perform other functions while the electronic device is used in association with an automobile sound system. Therefore, radio dial 412 may be operable as an application for use with several different types of electronic devices (i.e., computer systems, portable computing devices, cellular phones, etc.) operable to display radio dial 412 and in come [sic] embodiments may be wirelessly communicated to an electronic device."

As discussed above, the Board has already correctly determined in IPR2014-01184 that this portion of the specification describes the ability to select audio information using a graphical menu presented on the portable "'electronic device,' not [on] the automobile audio system or 'recipient device.'" Ex. 1323 at 10. Further, this passage does not describe sending information about audio content available from the portable device to a recipient device, or sending audio content from the portable device to a recipient device in response to the selection of a menu item on the recipient device.

> Ex. 1301 at 13:15-32 (Ex. 1318 at 621-22 ('812 App. at 30:16-31:2); Ex. 1319 at 382 ('755 App. at 21, [0066])): "FIG. 5B illustrates automobile console having a mount for coupling an electronic device according to one aspect of the present invention. Console 510 includes mount 511

operable to receive electronic device 512. Mount 511 may be located in many different locations within an automobile such as coupled to a sun visor, center console, dashboard, floorboard, etc. Mount 511 allows the user to couple electronic device 512 to the automobile and provide an interface for communication between electronic device 512 and the automobile audio system. Mount 511 may also include a power connection that allows electronic device 512 to use the automobiles power during use. The power connection may also be used in association with a recharging circuit operable to recharge a power supply within the electronic device. During operation, electronic device 512 coupled to mount 511 may receive selected audio information via wireless communication and communicate the selective information to the automobile audio system." *See also* Figs. 5A, 5B (Ex. 1318 at 587 ('812 App. at Figs. 5A, 5B); Ex. 1319 at 406 ('755 App. at Figs. 5A, 5B)).

Ex. 1301 at 18:27-34 (Ex. 1318 at 633 ('812 App. at 42:1-9); Ex. 1319 at 390 ('755 App. at 29, [0091])): "FIG. 9 illustrates an automobile console having a mount for an electronic device according to one embodiment of the present invention. Console 900 includes a conventional audio system 901 comprised of a receiver 902 and CD player 903. Interface 904 may be coupled to audio system 901 via plug 905 and cable 908, which may be coupled to an auxiliary line into audio system 901. Interface 904 may also include contact 906 for contacting electronic device 907." *See also* Fig. 9 (Ex. 1318 at 591 ('812 App. at Fig. 9); Ex. 1319 at 410 ('755 App. at Fig. 9)).

Ex. 1301 at 18:56-59 (*see also* Ex. 1318 at 633-34 ('812 App. at 42:32-43:5); Ex. 1319 at 391 ('755 App. at 30, [0093])): "In another embodiment, a radio manufacturer may provide interface 904 as a

> standard interface integrated into the audio system, thereby allowing communication between electronic device 907, audio system 901 and/or console 900."

These portions of the specification merely describe that the portable electronic device can be coupled to an automobile. They do not describe communicating information about audio content to a recipient device to generate a graphical menu or sending audio content from a portable device to the recipient device in response to a selection of a menu item on the recipient device.

> Ex. 1301 at 4:21-24 (Ex. 1318 at 601 ('812 App. at 10:2-6); Ex. 1319 at 367 ('755 App. at 6, [0022])): "One skilled in the art can appreciate that other types of information, such as video, textual, etc. may be communicated utilizing the systems and methods disclosed herein without departing from the spirit and scope of the present invention."
>
> Ex. 1301 at 6:37-39 (*see also* Ex. 1318 at 606 ('812 App. at 15:4-6); Ex. 1319 at 371 ('755 App. at 10, [0031])): "As such, information is communicated across a channel in an asynchronous manner to provide a continuous audio signal to the recipient."
>
> Ex. 1301 at Figs. 1, 2, 3 (Ex. 1318 at 583-585 ('812 App. at Figs. 1, 2, 3); Ex. 1319 at 402-404 ('755 App. at Figs 1, 2, 3)).
>
> '947 patent claim 1 as issued ('947 patent at 19:39-42, 45-50): "A cellular communication device comprising: … a processor communicatively coupled to the memory module and configured to process the audio information and to output a digital representation of the audio information; … an interface configured to releasably engage with a docking mechanism of a separate sound system such that: (1) a power

> supply of the separate sound system can recharge the local rechargeable battery via the interface; (2) the digital representation can be communicated to the separate sound system via the interface…."[5]

These disclosures do not describe at all sending information about audio content from a wireless telephone device to a recipient device so that the recipient device can generate a graphical menu comprising a selectable menu item associated with available media content, nor do they disclose communicating audio content from a wireless telephone to a recipient device in response to selection of a menu item on the recipient device display.

None of the foregoing citations proffered by Affinity disclose that the portable device/wireless telephone can communicate *information about media content* to a recipient device so that the recipient device *can use the information to generate a graphical menu comprising a selectable menu item* nor that a streaming audio signal can be sent from the wireless telephone/portable device *in response to a selection of a selectable menu item on a recipient device display*. At best, the disclosures that Affinity cites only discuss receiving audio content on the portable device, transmitting audio content from the portable device to a recipient device, and displaying a graphical user interface on the portable

[5] To the extent Affinity intends to rely on '947 claim 1 as issued as supporting disclosure of the limitations at issue, such reliance is improper because '947 claim 1 *as issued* was not a part of the original disclosure in the '812 application. Ex. 1318 at 512-648; *see Studiengesellschaft Kohle v. Shell Oil Co.*, 112 F.3d 1561, 1564 (Fed. Cir. 1997).

device. The disclosures cited by Affinity do not disclose at all transmitting information about the audio content, such as the name of a song, from a portable device to a recipient device so that the recipient device can generate a graphical menu with a selectable menu item on a display. Nor do these citations disclose that a user could select a selectable menu item on the recipient device display to initiate the transmission of the audio content from the portable device to the recipient device.

Accordingly, claims 1-3, 5-7, 9-10 and 12 of the '614 patent are not entitled to at least the March 28, 2000 filing date of the '812 application and the September 23, 2004 filing date of the '755 application. Petitioners respectfully submit that the Challenged Claims are thus not entitled to a priority date earlier than January 16, 2008, and the Challenged Claims are rendered obvious under § 103 by the Hu, Ahn, Nokia, and Galensky references cited herein.

VI. THERE IS A REASONABLE LIKELIHOOD THAT PETITIONERS WILL PREVAIL WITH RESPECT TO AT LEAST ONE CLAIM OF THE '641 PATENT

Petitioners submit there is at least "a reasonable likelihood that the petitioners would prevail with respect to at least 1 of the claims challenged in the petition." § 314(a). Indeed, all of the Challenged Claims of the '641 patent are unpatentable as invalid under the requirements of § 103 because they are obvious in light of the prior art, as explained below in Section VI.C. Specifically, this Petition relies on one primary reference, Hu. Hu has never been presented or considered by the PTO during prosecution or any other PTO proceedings of the '641 patent. As detailed below,

pursuant to § 42.104(b)(4)-(5), all of the Challenged Claims are unpatentable.

A. Claim Construction Under § 42.104(b)(3)

Pursuant to § 42.100(b), and solely for purposes of this review, Petitioners construe the claim language such that terms are given their broadest reasonable interpretation in light of the specification. Terms not specifically listed and construed below should be given their plain and ordinary meaning under the broadest reasonable interpretation. *See* § 42.100(b). Because the standard for claim construction at the PTO is different than that used in U.S. District Court litigation, *see In re Am. Acad. of Sci. Tech Ctr.,* 367 F.3d 1359, 1364, 1369 (Fed. Cir. 2004); MPEP § 2111, Petitioners expressly reserve the right to argue in a different forum a different claim construction for any term in the '641 patent as appropriate in that proceeding.

"stream" (Claim 1) / "streaming audio signal" (Claim 8) In IPR2014-01181, -01182 and -01184, Petitioners proposed that, for review purposes, "stream" should be construed to mean "transfer as a flow of data" and "streaming audio signal" should be construed to mean "audio signal transferred as a flow of data." *See e.g.,* Ex. 1301 at 8:31-35 ("the method of FIG. 2 may be deployed in association with an Internet website operable to display selectable links for *downloading information. The information may include audio information such as MP3s, streaming audio, streaming.*"); *see also* Ex. 1312 at 7; Ex. 1318 at 394 (4/30/2003 Final Rej. at 3) ("the examiner maintains that *'streaming audio' is transferred as an 'audio file' and can be stored on the receiving device as such. The invention as claimed provides no teachings of any other definition or significant difference*

between 'streaming audio' and the transferring of an 'audio file.'); Ex. 1322 at 4 (IBM Dict. of Comp. at 654) ("stream (1) To send data from one device to another."). In its decisions instituting IPR in IPR2014-01181, -01182 and -01184, the Board construed "streaming audio signal" to mean "an audio signal that is transferred in a continuous stream." *See, e.g.*, Ex. 1323 at 7. Petitioners agree that the Board's construction is consistent with the meaning of this phrase as it is used in the '641 patent.

"[wireless] communication rate" (Claims 6, 7, 12) For review purposes, this term is construed to mean "speed at which data is [wirelessly] transmitted." *See, e.g.,* Ex. 1301 at 6:25-7:18.

B. Level of Ordinary Skill in the Art & State of the Art

"A [POSITA] is a person of ordinary creativity, not an automaton." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007). "[I]n many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* at 420. More specifically, the level of ordinary skill in the art relating to the technology of the '641 patent as of January 16, 2008 would have been a person with a Bachelor's degree in Electrical Engineering or Computer Science, or an equivalent field, and approximately 1-2 years of experience in working with client/server architectures, Internet transmission protocols, wireless transmission protocols, Internet browser programming, and streaming media transmission. Ex. 1333 ¶21.

C. Ground 1: Obvious over Hu in view of Ahn & the knowledge of a POSITA (Claims 1-3, 5, 9); Ground 2: Obvious over Hu in view of Ahn & Nokia (Claims 1-3, 5, 9, 10); Ground 3: Obvious over Hu in

view of Ahn, Nokia & the knowledge of a POSITA (Claims 1-3, 5, 9, 10); Ground 4: Obvious over Hu in view of Ahn, Galensky & the knowledge of a POSITA (Claims 7, 12); Ground 5: Obvious over Hu in view of Ahn, Galensky & Nokia (Claims 6, 7, 12); Ground 6: Obvious over Hu in view of Ahn, Galensky, Nokia & the knowledge of a POSITA (Claims 6, 7, 12); Ground 7: Obvious over Hu in view of Ahn & Galensky (Claim 12)

In the Institution Decision in IPR2014-01184, the Board found that claims 8 and 11 are likely obvious over Ohmura in view of Ahn, and claims 13 and 14 are likely obvious over Ohmura in view of, Ahn, and Nokia. Ex. 1323. With respect to claims 1-3, 5-7, 9, 10 and 12, however, the Board found that Petitioners had not met their burden because "[g]iven that the Ohmura system already includes a separate cellular telephone … Petitioner has not explained sufficiently why one of ordinary skill in the art would have found it 'beneficial' or 'advantageous' to modify Ohmura's portable audio apparatus to include Internet connectivity over a cellular connection." *Id.* at 14. While Petitioners respectfully disagree, the Hu reference relied on in this Petition resolves any concerns that the Board had with respect to Ohmura. As discussed more fully below, Hu discloses a system for playing music stored in a portable device through a user interface and an audio system in a vehicle. While the system disclosed in Hu shares many of the same features with the system disclosed in Ohmura – such as the ability to wirelessly connect a portable device to a vehicle using Bluetooth, stream music from the device to the vehicle, and control the portable device through the vehicle interface – the portable device in Hu is expressly disclosed to be a cellular telephone with Internet connectivity. Accordingly, Hu provides the teaching in the

art that the Board found to be lacking from Ohmura because the portable device in Hu is already a cellular telephone with the capabilities claimed in the '641 patent.

Lest Patent Owner argue that the Board should deny review under § 325(d) without regard to this Petition's merits, Petitioners note that this Petition does not raise substantially the same arguments or prior art as the original petition. This Petition relies in significant part on a new reference – Hu – that was not previously known to Petitioners or presented in the prior petition and that contains explicit disclosure of the teachings that the Board found absent from the previously-cited art. *See, e.g.*, CBM2013-00009, Pap. 10 at 20-21 (rejecting argument under § 325(d) that cited art was "substantially the same" as art previously before PTO where "recognition" of principle in newly-cited reference was "not expressed so clearly in [earlier considered] references"). Moreover, although this Petition relies on other references that were previously considered, "[t]he permissive language of § 325(d) ... does not prohibit instituting [IPR] based on prior art previously presented to the Office." IPR2014-01002, Pap. 11 at 14; *see also* IPR2014-01235, Pap. 12 at 7 ("The statutory language gives the Director the authority not to institute review on the basis that the same or substantially the same prior art or arguments were presented previously to the Office, but does not require that result. Biewendt, and the specific combinations of Biewendt and other prior art asserted by Petitioner in this proceeding were not considered during prosecution of the '013 patent, the *inter partes* reexamination of the '013 patent, or during IPR2014-00041."). Indeed, in a recent

decision of an expanded panel in *Target Corp.*, the Board granted joinder and instituted an IPR that was filed more than one year after the date on which the petitioner was served with a complaint, based, at least in part, on a reference that had been relied upon by the same petitioner in a previously rejected petition challenging the same claim.[6] IPR2014-00508, Pap. 31 at 1-4 (granting joinder, noting that "[t]he only additional prior art cited in the instant proceeding on which we institute review is the Asada reference"; "in the Decision to Institute, we institute only on two grounds: Claim 21 as anticipated by Asada; and claim 21 as obvious over the JCP fold-over panel jeans and Asada"), Pap. 32. Petitioners respectfully submit that the demonstration herein of the unpatentability of actively-litigated claims that should never have issued is a worthwhile subject for the Board's consideration.

1. Overview of U.S. Patent Pub. No. 2006/0262103 ("Hu")

Hu (Ex. 1303), titled "Human Machine Interface Method and Device for Cellular Telephone Operation in Automotive Infotainment Systems," was filed on May 19, 2006 and published on Nov. 23, 2006 as U.S. Pat. Pub. No. 2006/0262103, making it prior art under at least §§ 102 (a), (b) and (e). Hu generally discloses a system for utilizing a user interface to play music stored in a cell phone in an audio system of a vehicle. Ex. 1303 at [0008], [0009], [0030]. Hu discloses that the cell

[6] The *Target* panel also concluded that "Congress has made it clear that § 315(c) contemplates the joinder of issues, as well as parties." IPR2014-00508, Pap. 28 at 10.

phone is able to send information about available music to a recipient device to generate a selectable menu on a display. *Id.* at [0009], [0039], [0046]. The phone is able to receive commands (*e.g.*, indicating selection of a menu item) from the user interface and transmit playback of media stored in the phone over a wired or wireless connection, such as Bluetooth, to the vehicle's audio system. *Id.* at [0030], [0041], [0045], [0046]. The phone also has the capability to download music and send/receive emails over the Internet, surf the Internet, and communicate with a voice mail server. *Id.* at [0047], [0049], Cl. 22, 25. Hu also discloses that the audio system can be muted or unmuted depending on the cell phone status and that the phone can operate in a hands-free mode while wirelessly connected to the vehicle. *Id.* at [0005], [0046], [0049].

2. Overview of U.S. Patent Pub. No. 2004/0214525 ("Ahn")

Ahn (Ex. 1305), titled "On-line Music Data Providing System via Bluetooth Car Kit," was filed on October 26, 2001 as Int'l App. No. PCT/KR01/01824, claiming priority to KR 2001/28429 (filed 5/23/01). Ahn was published on October 28, 2004 as U.S. Pat. Pub. No. 2004/0214525, making it prior to the '641 patent under at least § 102 (a), (b) and (e). All of the subject matter relied on from Ahn is also disclosed in Int'l Pub. No. WO 02/096,137 (published 11/28/02) to Ahn (Ex. 1306), and is also prior art to the '641 patent under at least §§ 102(a) and (b). Ahn generally discloses a wireless phone (*e.g.* mobile station) that is able to wirelessly receive music data from a server and transmit music data to a car kit over Bluetooth. Ex. 1305 at [0029], [0030], [0036]-[0037], [0054], Fig. 2. Ahn further discloses that data can be

transmitted over an asynchronous call path of Bluetooth. *Id.* at [0034]. Ahn also discloses that when a call is received, music playback can be temporarily or completely stopped, and further that the car kit can operate as a hands-free function of the wireless telephone. *Id.* at [0060].

3. Overview of Nokia 9000/9000i Owner's Manual ("Nokia")

The Nokia 9000i Communicator Owner's Manual (Exs. 1308, 1308B) was printed and publicly available at least as of 1997 (Exs. 1307, 1308, 1308B) making it prior art to the '641 patent under at least § 102(a) and (b). Nokia describes the Nokia 9000i—a cell phone that had a rechargeable battery, a physical interface to communicate data and receive a recharging power, an e-mail client, voice-mail client, Internet web browser, a display that makes up more than half of the front surface, housing, an enclosure, and capability to wirelessly download and install software applications. Ex. 1308B at 2-3–2-6, 4-6, 7-5–7-15, 10-6, 10-7, Figs. 1-2, 2-6, 2-8.

4. Overview of U.S. Pat. No. 6,845,398 ("Galensky")

Galensky (Ex. 1309), titled "Wireless Multimedia Player," was filed on August 2, 1999 and issued on January 18, 2005, making it prior art to the '641 patent under at least § 102(a), (b) and (e). Galensky describes a system having a portable device that is able to wirelessly receive streamed multimedia files from a server. Ex. 1309 at Abstract, 2:8-12. When streaming data from the server to the portable device, Galensky discloses that it is preferable to initially stream at the highest rate possible and to fill a buffer of, *e.g.*, 5 to 10 seconds in size. Once filled, the rate is decreased to

a lower rate such that the buffer size does not fall below a size of, *e.g.*, 2 to 3 seconds over the course of the streaming media transmission. *Id.* at 6:2-18.

5. Motivation to Combine Hu with Ahn, Nokia, & Galensky

It would have been obvious to a POSITA to combine Hu with Ahn. Ex. 1333 ¶¶78, 84, 106; *see generally KSR* at 415-17; *Dystar Textilfarben GMBH v. C.H. Patrick Co.*, 464 F.3d 1356, 1368 (Fed. Cir. 2006). Both Hu and Ahn are in the same field of art and disclose cell phones that stream multimedia data to a recipient device (*e.g.*, a vehicle) via a local wireless network (*e.g.*, Bluetooth). *E.g.*, Ex. 1303 at [0030], [0041], [0046], [0060]; Ex. 1305 at [0012], [0054], Fig. 2; Ex. 1333 ¶78. Moreover, Ahn specifically teaches transmitting data over an asynchronous call path of Bluetooth. Ex. 1305 at [0034]; Ex. 1333 ¶78. Thus, a POSITA would have understood that Ahn teaches a functional implementation for transmitting data over Bluetooth. Ex. 1333 ¶78. In view of the foregoing, a POSITA would have been motivated to look to Ahn's teachings to provide Hu's phone with the beneficial capability of streaming music data to a recipient device over an asynchronous channel. *Id.* As recognized by the '641 patent itself, it was also well known in the art and "conventional" to transmit audio content across a channel in an asynchronous manner. *E.g.*, Ex. 1301 at 6:34-39; Ex. 1323 at 3; Ex. 1333 ¶78. Thus, it would have been clear to a POSITA that such a combination would work and provide the expected functionality. Ex. 1333 ¶78.

As noted, both Hu and Ahn are in the same field of art, and both Hu and Ahn disclose systems where audio playback in a vehicle is altered depending on the status

of the cell phone. *E.g.*, Ex. 1303 at [0049]; Ex. 1305 at [0060]; Ex. 1333 ¶84. Thus, particularly in the context of overlapping teachings, a POSITA would have been motivated to look to Ahn's teachings to provide Hu's phone with the beneficial capability of stopping playback of an audio signal when recognizing receipt of an incoming call as taught by Ahn. Ex. 1333 ¶84. This feature is desirable to provide a safer way to receive a call while driving and listening to music, so the driver can receive a call without the distraction of music playing in the background or the distraction of attempting to turn off the music manually when a call is received. *Id.* In addition, it would have been clear to a POSITA that such a combination would work and provide the expected functionality. *Id.*

Further, both Hu and Ahn disclose a system that can receive streaming media from a server. *E.g.*, Ex. 1303 at [0049], [0060], Cl. 22, 25; Ex. 1304 at 67-68; Ex. 1305 at [0014], [0054]; Ex. 1333 ¶106. Thus, a POSITA would have been motivated to look to Ahn's express teachings of receiving music data from a server (*e.g.*, through a mobile communication network) in implementing Hu's phone. Ahn also teaches that "wireless data terminals such as mobile stations [(*e.g.*, cell phones)] have spread, and accordingly, wireless data communication services, and in particular, wireless Internet services using them, have increased" and "online music data distribution services for distributing music files through the Internet have become available." Ex. 1305 at [0005], [0006]; Ex. 1333 ¶106. Receiving music data from a server over a wireless network (*e.g.*, a mobile communication network) is beneficial because it conveniently

allows a user to wirelessly access media available over that network on demand to provide access to media that may not be currently available as stored data on the user's phone. Ex. 1333 ¶106. In view of the foregoing, a POSITA would have been motivated to provide Hu's cell phone with the advantageous capability of receiving music data over a wireless network (*e.g.*, a mobile communication network), as taught by Ahn. *Id.* It would have been clear to a POSITA that such a combination would work and provide the expected functionality. *Id.*

It would also have been obvious to a POSITA to combine Hu with Nokia. Ex. 1333 ¶¶43, 48, 58-59, 98, 102, 138; *see generally KSR* at 415-17; *Dystar* at 1368. Both Hu and Nokia are in the same field of art and disclose cell phones that can receive and transmit audio files, include software applications (*e.g.*, web surfing and e-mail), and communicate data via a physical interface. *E.g.*, Ex. 1303 at [0035], [0041], [0049], [0060]; Ex. 1308B at 2-4, 7-5, 7-10, 7-13, 7-15, 10-6, Figs. 2-6, 2-8; Ex. 1333 ¶43. Thus, a POSITA would have been motivated to look to Nokia's explicit teachings of housing, an enclosure, a rechargeable power supply, a physical interface, an Internet browser, a display that makes up more than half of the front surface, and wirelessly upgrading software in implementing Hu's cell phone. Ex. 1333 ¶¶43, 48, 58-59, 98, 102, 138. Further, Nokia expressly discloses the well-known features of a cell phone, including a front surface, housing defining a back surface and an enclosure located between the front and back surfaces. *E.g.*, Ex. 1307; Ex. 1308; Ex. 1308B at Fig. 1-2; Ex. 1330 at 1-2, 11-12; Ex. 1331; Ex. 1333 ¶43. Also, Figure 3 of Hu (Ex. 1303)

depicts a portion of housing for a cell phone. Ex. 1333 ¶43. Thus, a POSITA would have been motivated to look to Nokia's express teachings to advantageously provide a front surface, housing defining a back surface and an enclosure in implementing Hu's cell phone to protect the inner components of the device. *Id.*

As noted above, both Hu and Nokia are in the same field of art and disclose cell phones. *E.g.*, Ex. 1303 at Fig. 3, [0008]; Ex. 1333 ¶¶43, 48, 58-59. Nokia also expressly discloses the well-known features of a cell phone, including rechargeable batteries and a physical interface to recharge the batteries. *E.g.*, Ex. 1307; Ex. 1308; Ex. 1308B at 2-4, 2-5; Figs. 2-6, 2-8; *see also* Ex. 1330 at 13-14, 34-35; Ex. 1331; Ex. 1327 at 6:66-7:12, Fig. 18; Ex. 1329 at 1:65-2:4; Ex. 1333 ¶¶48, 58-59. Thus, a POSITA would have been motivated to look to Nokia's teachings in implementing the phone taught by Hu to advantageously eliminate the need to replace batteries of Hu's phone (which would be convenient for the user) by using rechargeable batteries, and to recharge the batteries via a physical interface, as taught by Nokia. Ex. 1333 ¶¶48, 58-59. Hu also discloses that its phone has a wired connection and can be used with a docking station to transfer data. *E.g.*, Ex. 1303 at [0028], [0041], [0046], [0049], [0060]; Ex. 1333 ¶¶50-51, 58. Thus, a POSITA would understand that Hu's cell phone necessarily, and thus inherently, includes a physical interface for communicating data. Ex. 1333 ¶¶51, 58. Employing Nokia's teachings in implementing Hu's phone would be advantageous because, among other things, it would eliminate the need to have two separate physical interfaces on the phone (one for data communication and one

for recharging), which is simpler from a design standpoint and permits a smaller cell phone housing. *Id.* ¶59. Also, having a single universal interface that can accommodate connections for both data communication and recharging permits easy connection to a docking station. *Id.* Further, implementing Hu's cell phone with Nokia's teachings of a physical interface would allow a user to advantageously communicate data and recharge the battery of the phone while in a vehicle (*e.g.*, Exs. 1326 at 6, 1328). Ex. 1333 ¶59. Thus, a user could conveniently recharge the batteries of the phone while driving (which also provides the ability to recharge when no other power source is available). *Id.* Implementing Hu's cell phone with Nokia's teachings of a physical interface would also allow a user to advantageously communicate data with a PC and recharge the battery of the phone via a single interface on the phone. *Id.* In view of the foregoing, a POSITA would have been motivated to look to Nokia's teachings to add a rechargeable battery to Hu's cell phone and to add the capability of recharging the battery via the physical interface on Hu's phone. *Id.*

Moreover, both Hu and Nokia disclose a cell phone that allows a user to surf the Internet. *E.g.*, Ex. 1303 at [0049]; Ex. 1308B at 7-13; Ex. 1333 ¶98. Thus, a POSITA would have been motivated to look to Nokia's teachings to provide Hu's cell phone with a web browser, which was well known in the art and desirable to provide a user-friendly platform to easily and efficiently surf the Internet. Ex. 1333 ¶98. A POSITA would have also looked to Nokia's express teachings to provide Hu's cell phone with a display that makes up more than half of the front surface, which was

also well known in the art and desirable to provide a larger screen for viewing menus and selecting audio files (as taught by Hu) and performing other tasks on the device (*e.g.*, Internet browsing and email, as also taught by Hu). *Id.* ¶102. A POSITA would have been further motivated to use Nokia's large display on Hu's phone as Hu specifically recognizes the inconvenience of using a "tiny display" on a cell phone. Ex. 1303 at [0004] ("without the need to press tiny buttons or read the tiny display of the cellular telephone device."); *see also* Ex. 1333 ¶102. Moreover, Nokia expressly teaches the benefit of using a large display. *See, e.g.*, Ex. 1308B at 1-2 ("The … *large display* make[s] using the applications easy."); Ex. 1333 ¶102.

Finally, both Hu and Nokia disclose cell phones that require software for a variety of applications (*e.g.*, surfing the Internet, email, etc.). *E.g.*, Ex. 1303 at [0049], Claim 25; Ex. 1308B at 7-5, 7-13, 7-15; Ex. 1333 ¶138. A POSITA would have known that software upgrades are beneficial to obtain the latest features of the software. Ex. 1333 ¶138. In addition, since the software resides on a cell phone which generally has a wireless data connection, it would be beneficial to upgrade the software at anytime using the wireless connection. *Id.* Thus, a POSITA would have been motivated to look to Nokia's teachings to wirelessly upgrade the software of Hu's cell phone. *Id.*

It would have been routine for a POSITA to implement Nokia's express teachings of a housing, an enclosure, a rechargeable power supply, a physical interface, an Internet browser, a display that makes up more than half of the front surface, and wirelessly upgrading software in Hu's cell phone and it would have been clear to a

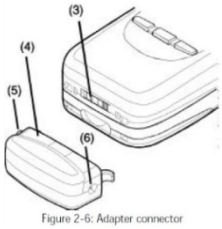
POSITA that such a combination would work and provide the expected functionality. Ex.1333 ¶¶43, 48, 58-59, 98, 102, 138. *See KSR* at 415-17.

It would also have been obvious to a POSITA to combine Hu with Galensky. Ex. 1333 ¶¶108, 111, 117; *see generally KSR* at 415-17; *Dystar* at 1368. Both Hu and Galensky are in the same field of art and concern streaming audio over a wireless network to a portable device. *E.g.*, Ex. 1303 at [0049], [0060], Cl. 22, 25; Ex. 1309 at Abstract, 24:59-67; Ex. 1333 ¶¶108, 111, 117. Thus, a POSITA would have been motivated to look to Galensky's teachings in connection with Hu's phone to advantageously conserve bandwidth as taught by Galensky (Ex. 1309 at 5:66-6:15). Ex. 1333 ¶¶108, 111, 117. Hu further recognizes that it is desirable to wirelessly transmit "high quality" media and that storing media data in a buffer can allow playback "at a decent frame rate." Ex. 1303 at [0060]; Ex. 1333 ¶¶108, 111, 117. Thus, a POSITA would have been motivated to look to Galensky's teaching of a buffer to provide for "streaming and/or storing high quality, real time multimedia information" to and/or in Hu's phone. *E.g.*, Ex. 1309 at 1:6-11; Ex. 1333 ¶¶108, 111, 117. It would have been routine for a POSITA to implement Galensky's teachings of receiving media at two communication rates through a wireless telecommunications network, where the change in rates is based in part on an amount of data in the buffer, in implementing Hu's phone, and it would have been clear to a POSITA that such a substitution would work and provide the expected functionality. Ex. 1333 ¶¶108, 111, 117.

6. Claims 1-3, 5-7, 9-10 & 12 Are Obvious Over Grounds 1-7

For certain claims, Petitioners have provided additional explanations and argument after the corresponding claim chart.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
1. A music enabled communication system, comprising:	**Hu discloses this element:** "The *wireless communication module can also support … data transmission … for audio/video playback of media content stored in the cellular telephone.*" *Id.* at [0030]. *See also id.* at [0028], [0045], [0049]. Ex. 1333 ¶37.
[1.A] a wireless telephone device, the device having	**Hu discloses this element:** "A system for controlling *cellular telephone* from within a vehicle...." Ex. 1303 at [0008]. *See also id.* at [0031]. Ex. 1333 ¶38.
[1.B] (1) a display at least partially defining a front surface of the device, (2) a housing component at least partially defining a back surface of the device, (3) an enclosure located between the front surface and the back surface,	**Hu alone, Hu in view of the knowledge of a POSITA, or alternatively, Hu in view of Nokia, discloses this element.** Hu discloses: "*display of the cellular telephone*" Ex. 1303 at [0004]; *see also id.* at Fig. 3 (item 26). Nokia discloses: Ex. 1308B at Fig. 1-2, 1-1, 1-2, 2-3. Ex. 1333 ¶¶39-43.
[1.C] (4) a wireless communication module located within the enclosure,	**Hu alone, or alternatively, Hu in view of the knowledge of a POSITA, discloses this element:** "*[T]he … cellular telephone … [is] integrated with the vehicle audio system via a Bluetooth wireless connection….*" Ex. 1303 at [0005]. *See also id.* at [0046]; Ex. 1333 ¶¶44-45.
[1.D] (5) a rechargeable power supply located within the enclosure,	**Hu in view of the knowledge of a POSITA, or alternatively, Nokia, discloses this element.** Hu discloses a cellular telephone. Ex. 1303 at [0008], [0031]. Nokia discloses: "*Your Nokia 9000i Communicator is powered by a rechargeable Lithium-Ion battery.*" Ex. 1308B at 2-5. *See also id.* at 2-3 — 2-6, 16-3. Ex. 1333 ¶¶46-48.
[1.E] (6) a physical interface having a first and a second conductive path, the physical interface operable to communicate	**Hu in view of the knowledge of a POSITA, or alternatively, Hu in view of Nokia discloses this element.** Hu discloses: "*[A] wireless communication module 25…provides wireless communication with cellular phone 26.... Of course…wired communication links are also possible*" Ex. 1303 at [0028]. "In the case of [a]…*cell phone, it is envisioned that a docking station can be used to transfer the video data to a video media player of the vehicle at a fast rate.*" *Id.* at [0060]; *see also id.* at [0027], [0035], [0046], [0049], Cl. 44; Ex. 1304 at 73. Nokia discloses: "*(3) System connector for car installation and for the adapter (Figure 2-6) (4) Adapter for connecting the charger and the RS-232 cable to the communicator. The connector on the left side (5) of the adapter is for the RS-232 cable plug and the one on*

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
data via the first conductive path and to receive a recharging power for the rechargeable power supply via the second conductive path, and	*the right (6) is for the charger plug (Figure 2-6).*" Ex. 1308B at 2-4. "To establish a serial cable connection… : (1) Connect the adapter to the communicator... (2) *Connect the 9-pin adapter end of the RS-232 cable to the COM port of the PC and the other end to the adapter (into the connector on the left side of the adapter)....*" *Id.* at 10-6. *Id.* at Figs. 2-6, 2-8:  Figure 2-6: Adapter connector  Figure 2-8: Charger lead *See also id.* at 2-4–2-6, 10-6, 10-7. Ex. 1333 ¶¶49-60.
[1.F] (7) a memory system, located within the enclosure; and	**Hu discloses this element:** "cellular telephone 26 may include an internal phonebook 27, containing phone numbers ... *stored by the user in the cellular telephone memory....*" Ex. 1303 at [0029]. *See also id.* at [0009], [0030], [0031], [0037]. Ex. 1333 ¶¶61-62.
[1.G] a collection of instructions stored in the memory system, the collection of instructions operable when executed to communicate a collection of information about media content available from the wireless telephone device to a recipient device such that the recipient device can use the collection of information to generate a graphical menu	**Hu discloses this element:** "The *visual display may be used to present menu navigation choices* … to the user, where navigation is performed using the touchpad…. [T]he visual display can also function as *a media viewer to display media content stored in the cellular telephone*…." Ex. 1303 at [0009]. "[T]he operation functionality of the touchpad can be user-configurable.... *[P]eople who are generally familiar with an interface of a particular media player can select to cause the touchpad to mimic the interface of that media player*" *Id.* at [0024]. "The selection table 66 is used to provide *a list of items that the user can select from during the entertainment selection process. The play table 64 provides a list of media selections or songs to play..... The play table provides instructions that are ultimately used to control which media content items (e.g., songs) are requested for playback by the media player (iPod).*" *Id.* at [0039]. "When the media player is first plugged in… *an initializing routine executes to cause the song database 62 to be populated with data reflecting the contents of the media player.... Next, the controller logic module can send a control command to the media player requesting a data dump of the player's playlist information, including artist, album, song, genre and other metadata used for content selection. If available, the data that is pumped can include the media player's internal content reference identifiers for accessing the content described by the metadata. The controller logic module 58 routes this information to the selection server 60, which loads it into the song database 62.*" *Id.* at [0040]. "*[I]t is presently preferred to*

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
comprising a selectable menu item associated with the available media content,	*initiate a data dump to obtain a mirror of the metadata on the portable media player*" *Id.* at [0041]. "*The operations described above for interacting with a media player can be extended to interaction with a cellular telephone*" *Id.* at [0046]. "[*T*]*he cell phone can have a media player function, and can even store video media that can be selected and played using a console display or heads up display of the vehicle.*" *Id.* at [0060]. *See also id.* at [0023], [0055], [0058]-[0059], Figs. 1, 5, 7-9. Ex. 1333 ¶¶63-71.
[1.H] to utilize the wireless communication module to stream a signal representing at least a portion of a song to the recipient device using a given asynchronous wireless channel of a localized communications signaling network,	**Hu in view of Ahn discloses this element.** Hu discloses: "*a wireless communication module 25 is coupled to the control module 21 and provides wireless communication with cellular phone….Bluetooth communication is employed.*" Ex. 1303 at [0028]. "*The wireless communication module can also support … data transmission…for audio/video playback of media content stored in the cellular telephone.*" *Id.* at [0030]. "[E]mbodiments can include … *ultimately receiving selected media content from the player for delivery to the user over a multimedia system of the vehicle.*" *Id.* at [0041]. "[T]he system can be used to allow users to *browse content available for streaming over a communications channel… The operations described above for interacting with a media player can be extended to interaction with a cellular telephone by wired or wireless connection, such as by Bluetooth.*" *Id.* at [0045]-[0046]; *see also id.* at [0060], Fig. 3. Ahn discloses: "*The Bluetooth call path includes an asynchronous call path for transmitting data*" Ex. 1305 at [0034]. "The music-data-providing server 10 may transmit *streaming music data* … according to the user's selection. *The streaming music data may be reproduced when the corresponding data are not completely received….*" *Id.* at [0036]-[0037]. "The music-data-providing server 10 wirelessly transmits the selected music file data to the user's mobile station 30 … and *the mobile station 30 receives the music file data from the music-data-providing server 10 and transmits them to the car kit 40 in step S150.*" *Id.* at [0054]. *See also id.* at [0024], [0029], [0033], [0050], [0058], Figs. 3A, 3B. Ex. 1333 ¶¶72-79.
[1.I] to recognize receipt of an incoming telephone call, and to alter an outputting of the signal in connection with recognizing receipt of the incoming telephone call.	**Hu in view of the knowledge of a POSITA, or alternatively, Hu in view of Ahn discloses this element.** Hu discloses: "[P]hone call operations can include: … (d) *mute/un-mute audio system automatically depending on the cell phone status*" Ex. 1303 at [0049]. Ahn discloses: "*When a third person calls the user's mobile station 30 while the user is listening to music selected through the car kit 40 … the controller 420 temporarily or completely stops the present music reproducing operation*" Ex. 1305 at [0060]. *See also id.* at [0061]-[0066]. Ex. 1333 ¶¶80-85.

To the extent that the preamble is considered a limitation of Claim 1, Hu discloses this element as shown in the chart above.

With respect to Element [1.B], a POSITA would have understood that the cell phone in Hu necessarily, and thus inherently, includes housing and an enclosure. Ex. 1333 ¶40. Cell phones necessarily include housing that encases the inner components of the device in an enclosure to allow for practical use of the device and to protect the inner components from damage. *Id.* To the extent it is argued that further disclosure is required, these elements were well-known in the art prior to January 16, 2008 (*see, e.g.*, Ex. 1307; Ex. 1308; Ex. 1308B at Fig. 1-2; Ex. 1330 at 1-2, 11-12; Ex. 1331), and it would have been obvious based on the knowledge of a POSITA to include these elements in Hu's phone to advantageously protect the inner components of the device. Ex. 1333 ¶41. Further, it would have been clear to a POSITA that such a combination would work and provide the expected functionality. *Id.*. To the extent it is argued that further disclosure is required, Nokia discloses Element [1.B]. A POSITA would have been motivated and found it obvious and straightforward to use a housing and enclosure, as disclosed in Nokia, in implementing Hu's cell phone. *See* § VI.C.5.

With respect to Element [1.C.], a POSITA would have known that a cell phone with wireless communication capability as disclosed in Hu necessarily, and thus inherently, includes the wireless communication module with the enclosure. Ex. 1333 ¶45. To the extent it is argued that further disclosure is required, including a wireless communication module in an enclosure of a cell phone was well known in the art (*see,*

e.g., Ex. 1330 at 1, 2, 11, 25), and it would have been obvious to a POSITA to do so in implementing Hu's cell phone. Ex. 1333 ¶45.

With respect to Element [1.D], it was well-known prior to January 16, 2008 to a POSITA to use a rechargeable battery in a cell phone. *E.g.*, Ex. 1307; Ex. 1308; Ex. 1308B at 2-5; Ex. 1330 at 13-14; Ex. 1331; Ex. 1333 ¶46. Thus, it would have been obvious to a POSITA to use a rechargeable battery in Hu's phone to advantageously eliminate the need to periodically replace ordinary (*i.e.*, non-rechargeable) batteries, and it would have been clear to a POSITA that such a combination would work and provide the expected functionality. Ex. 1333 ¶46. To the extent it is argued that further disclosure is required, Nokia discloses Element [1.D]. A POSITA would have been motivated and found it obvious and straightforward to use the rechargeable battery taught by Nokia in implementing Hu's phone. *See* § VI.C.5.

With respect to Element [1.E], a POSITA would have understood that a cell phone that uses a docking station to transfer data, necessarily, and thus inherently, includes a physical interface. Ex. 1333 ¶51. Moreover, it was well-known to a POSITA for a cell phone, such as that disclosed in Hu, to include a physical interface to communicate data and receive a recharging power (*e.g.*, cell phones available on the market, such as the Nokia 9000 (available at least as of 1997) and the Moto RAZR v3i (available at least as of 2005) included a physical interface for communicating data and recharging). *E.g.*, Ex. 1307; Ex. 1308; Ex. 1308B at 2-4, Figs. 2-6, 2-8; Ex. 1330 at 13, 34-35; Ex. 1331; *see also* Ex. 1327 at 6:66-7:12, Fig. 18; Ex. 1329 at 1:65-2:4; Ex. 1333

¶52. In addition, USB was well-known prior to January 16, 2008 and provided an interface to communicate data via a first conductive path and receive a recharging power via a second conductive path. *E.g.*, Ex. 1310, Ex. 1310A; Ex. 1315 at 13-14, 19-20; Ex. 1327 at 6:66-7:12, Fig. 18; Ex. 1329 at 1:65-2:4; Ex. 1330 at 13, 34-35; Ex. 1331; Ex. 1333 ¶52. Further, as taught by Bork (Ex. 1327), implementing a USB port on a cell phone to provide data communication with a PC and recharging capability from a PC is advantageous in that it provides savings in the "cost of acquiring [an] additional power cable and travel space," by eliminating the need for an additional cable, eliminates the need for "two dedicated power sources," and provides the ability to recharge a portable device from a second device when no other power source is available. Ex. 1327 at 2:54-63; Ex. 1333 ¶52. Further, the use of a single cable is more convenient than using multiple separate cables, and using a single physical interface for both data communication and recharging eliminates the need to have two separate ports, which is simpler from a design standpoint. Ex. 1333 ¶52. In view of the foregoing, a POSITA would have been motivated to and would have found it obvious to include a physical interface such as a USB port in Hu's phone to allow for data communication and recharging. *Id.* It would have been routine for a POSITA to use such a physical interface in implementing Hu's cell phone, and it would have been clear to a POSITA that such a combination would work and provide the expected functionality. *Id.* To the extent it is argued that further disclosure is required, Hu in view of Nokia discloses Element [1.E]. A POSITA would have been motivated and

found it obvious and straightforward to provide the physical interface in Hu's cell phone with the additional ability to recharge as taught by Nokia. *See* § VI.C.5.

With respect to Element [1.G], a POSITA would have understood that communicating a collection of information about media to a recipient device to generate a menu comprising a selectable menu item necessarily, and thus inherently, requires execution of a collection of instructions stored in memory. Ex. 1333 ¶71.

With respect to Element [1.H], a POSITA would have found it obvious and straightforward to implement Ahn's teaching of streaming music data over an asynchronous channel in Hu's system. *See* § VI.C.5. A POSITA would have understood that streaming a signal to the recipient device using an asynchronous wireless channel of a local network necessarily, and thus inherently, requires execution of a collection of instructions stored in memory. Ex. 1333 ¶79.

With respect to Element [1.I], Hu discloses a cell phone that can alter an outputting of the signal in connection with the cell phone status. A POSITA would have known that monitoring "cell phone status," as disclosed in Hu, could include recognizing receipt of an incoming phone call. Ex. 1333 ¶82. Thus, it would have been obvious to a POSITA to provide Hu's phone with the ability to mute the audio when recognizing receipt of an incoming call. *Id.* To the extent it is argued that further disclosure is required, Ahn discloses Element [1.I]. A POSITA would have found it obvious and straightforward to implement Ahn's teaching of temporarily stopping music reproduction when recognizing receipt of a call in Hu's system. *See* § VI.C.5. A

POSITA would have understood that recognizing receipt of a call and altering an output of a signal upon recognizing receipt of the call necessarily, and thus, inherently, requires execution of a collection of instructions stored in memory. Ex. 1333 ¶85.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
2. The system of claim 1, wherein the wireless communication module is compliant with a Bluetooth standard.	**As discussed above, Hu in view of Ahn & the knowledge of POSITA, Hu in view of Ahn & Nokia, or alternatively, Hu in view of Ahn, Nokia & the knowledge of a POSITA, discloses claim 1. Hu discloses this element:** "*The operations described above for interacting with a media player can be extended to interaction with a cellular telephone by* wired or *wireless connection, such as by Bluetooth*." Ex. 1303 at [0046]. *See also* Ex. 1303 at [0005], [0028], [0030], [0049], [0060]. Ex. 1333 ¶¶86-87.

With respect to Claim 2, to the extent it is argued that further disclosure is required, a POSITA would have understood that the "Bluetooth" connection referenced in Hu necessarily, and thus inherently, requires a wireless communication module that is compliant with a Bluetooth standard. Ex. 1333 ¶87.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
3. The system of claim 2, further comprising	**As discussed above, Hu in view of Ahn & the knowledge of POSITA, Hu in view of Ahn & Nokia, or alternatively, Hu in view of Ahn, Nokia & the knowledge of a POSITA, discloses claim 2.**
[3.A] an email client operable to communicate with an email server,	**Hu, or alternatively, Hu in view of the knowledge of a POSITA, discloses this element:** "*Internet connection operations can include:* (a) *view incoming email*; (b) *compose and send email by browsing and searching inbox emails*" Ex. 1303 at [0049]; *see also id.* at [0046]; Ex. 1333 ¶¶88-91.
[3.B] a voicemail client operable to communicate with a voice mail server,	**Hu, or alternatively, Hu in view of the knowledge of a POSITA, discloses this element:** "primary operations of such a system are to perform … incoming call receiving (e.g., *connect, direct to voice mail)*" Ex. 1303 at [0047]. Ex. 1333 ¶¶92-94.
[3.C] and a browser operable	**Hu alone, or alternatively, Nokia, discloses this element.** Hu discloses: "Internet connection operations can include: …

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
to communicate with an Internet server.	(e) *surf the Internet*…." Ex. 1303 at [0049]. Nokia discloses: "The downloaded WWW page is loaded *in the WWW browser*." Ex. 1308B at 7-13; *see also id.* at 7-11–7-15, 11-2. Ex. 1333 ¶¶95-98.

With respect to Element [3.A.], a POSITA would have known that a system that allows a user to view incoming email, and compose and send emails, necessarily, and thus inherently, includes an email client operable to communicate with an email server. Ex. 1333 ¶90. To the extent it is argued that further disclosure is required, an email client operable to communicate with an email server was well known in the art (*see, e.g.*, Ex. 1308B at 7-5 through 7-10), and it would have been obvious to a POSITA to include this element in implementing Hu's cell phone to perform the email functions described in Hu. Ex. 1333 ¶91.

With respect to Element [3.B.], a POSITA would have known that a system that can direct an incoming call to voice mail as disclosed in Hu necessarily, and thus inherently, includes a voicemail client operable to communicate with a voice mail server. Ex. 1333 ¶93. To the extent it is argued that further disclosure is required, a voicemail client operable to communicate with a voice mail server was well known in the art (*see, e.g.*, Ex. 1308B at 4-4, 13-3, 13-9), and it would have been obvious to a POSITA to include this element in implementing Hu's cell phone perform the voice mail functions described in Hu. Ex. 1333 ¶94.

With respect to Element [3.C.], a POSITA would have known that a cell phone capable of Internet surfing, as taught by Hu, necessarily, and thus inherently, requires

a browser operable to communicate with an Internet server. Ex. 1333 ¶95. To the extent it is argued that further disclosure is required, Nokia discloses Element [3.C.]. A POSITA would have been motivated and found it obvious and straightforward to use the Internet browser taught by Nokia in implementing Hu's phone. *See* § VI.C.5.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
5. The system of claim 2, wherein the collection of instructions comprises a set of hands-free telephone instructions operable when executed to allow the wireless telephone device to operate in a hands-free mode when the wireless telephone device is wirelessly coupled with a wireless component of an automobile.	**As discussed above, Hu in view of Ahn & the knowledge of POSITA, Hu in view of Ahn & Nokia, or alternatively, Hu in view of Ahn, Nokia & the knowledge of a POSITA, discloses claim 2. Hu discloses this element:** "The operations described above…can be *extended to interaction with a cellular telephone by … wireless connection, such as by Bluetooth…. [A]ny cellular telephone that is compatible with hands free operation can be dialed remotely using a touchpad.*" Ex. 1303 at [0046]. *See also* Ex. 1303 at [0004], [0005], [0014], [0027], [0031], [0038], [0046], [0048], [0050], Fig. 3. Ex. 1333 ¶¶99-100.

With respect to Claim 5, a POSITA would understand that the hands-free mode in Hu necessarily, and thus inherently, discloses the use of instructions that are operable when executed to allow the wireless telephone device to operate in the hands-free mode. Ex. 1333 ¶100.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
6. The system of claim 1, wherein	**As discussed above, Hu in view of Ahn & the knowledge of POSITA, Hu in view of Ahn & Nokia, or alternatively, Hu in view of Ahn, Nokia & the knowledge of a POSITA, discloses claim 1.**
[6.A] the display makes up more than half of the	**Nokia discloses this element:** "The … *large display* make[s] using the applications easy." Ex. 1308B at 1-2.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
front surface and	 Figure 1-2: Communicator interface *Id.* at Fig. 1-2. *See also id.* at 1-1, 1-2. Ex. 1333 ¶¶101-102.
[6.B] the wireless telephone device is operable to receive a collection of data representing a media at a hybrid of wireless communication rates that includes at least one faster rate and one slower rate.	**Hu in view of Galensky, or alternatively, Hu in view of Ahn & Galensky discloses this element.** Hu discloses: "*[C]ell phone operations can include… Internet connection operations…. Internet connection operations* can include: … *download music.*" Ex. 1303 at [0049]; *see also id.* at [0060], Cl. 22, 25; Ex. 1304 at 67-68. Ahn discloses: "The mobile station comprises: *a wireless transmitting and receiving unit for receiving the music data from the music-data-providing server through radio links to the mobile communication system.*" Ex. 1305 at [0014]; *see also id.* at [0054]-[0056], [0058], Figs. 1, 3A. Galensky discloses: "One way of accomplishing this is *to preferably transmit data at the highest data rate possible over the wireless network 40…. Once an acceptable buffer is created … the microprocessor 82 will instruct the transceiver 94 to signal the wireless network 40 to decrease the data transmission rate to the minimum rate necessary for adequate transmission*…." Ex. 1309 at 6:2-18. *See also id.* at Abstract, 2:29-47, 3:38-51, 5:66-6:2, 6:18-27. Ex. 1333 ¶¶103-108.

With respect to Element [6.A], a POSITA would have been motivated and found it obvious and straightforward to include a display that makes up more than half of the front surface as taught by Nokia, in implementing Hu's phone. *See* § VI.C.5.

With respect to Element [6.B], a POSITA would have understood that the Internet connection operation of downloading music, necessarily, and thus inherently, uses the cellular modem of the cell phone. Ex. 1333 ¶103. A POSITA would have understood that because Bluetooth communicates over a local area network, the only means to access the Internet to receive media in the embodiment disclosed in Hu is over the wide area network cellular modem of the cell phone. *Id.* To the extent it is

argued that further disclosure is required, a POSITA would have been motivated and found it obvious and straightforward to use Ahn's teaching of wirelessly receiving media content through a mobile communication network in implementing Hu's cell phone. *See* § VI.C.5. In addition, a POSITA would have been motivated and found it obvious and straightforward to use Galensky's teaching of receiving data through a wireless telecommunications network at a hybrid of wireless communication rates in implementing Hu's cell phone. *See* § VI.C.5.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
7. The system of claim 1,	**As discussed above, Hu in view of Ahn & the knowledge of POSITA, Hu in view of Ahn & Nokia, or alternatively, Hu in view of Ahn, Nokia & the knowledge of a POSITA, discloses claim 1.**
[7.A] further comprising a buffer memory located within the enclosure,	**Galensky discloses this element**: "data is stored in the *buffer* …." Ex. 1309 at 2:29-37. *See also id.* at Abstract, 2:29-47, 5:66-6:27; Ex. 1303 at [0049], [0060]; Ex. 1333 ¶¶109-111.
[7.B] wherein the wireless telephone device is operable to receive media content as a series of component parts, further wherein the wireless telephone device is operable to receive a component part of the media content at a wireless communication rate and a different component part of the media content at a different wireless	**Hu in view of Galensky, or alternatively, Hu in view of Ahn & Galensky discloses this element. As discussed above with respect to Element [6.B], Hu, or alternatively Hu in view of Ahn discloses a wireless telephone device operable to receive media content.** Galensky discloses: "*Successive blocks of data from the desired multimedia file are streamed over the wireless telecommunications network … the wireless device receives the blocks of data over the wireless telecommunications network at a first transmission rate until a minimum threshold level of data is stored in the buffer and at a second transmission rate after the minimum threshold level of data is stored in the buffer, the first transmission rate being higher than the second transmission rate when at least the minimum threshold level of data is stored in the buffer. A microprocessor in the wireless device monitors the size of the buffer to ensure that the data contained in the buffer does not fall below the minimum threshold level prior to receiving all of the blocks of data associated with the streamed*

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
communication rate, wherein the wireless telephone device is operable to cause a change in communication rates at which a given component part is received based at least partially upon an amount of data located in the buffer memory.	*multimedia file. If the size of the buffer falls beneath the minimum threshold level, the microprocessor signals the wireless telecommunications network to increase the rate that data is transmitted to the device over the wireless telecommunications network until the data contained in the buffer reaches or exceeds the minimum threshold level.*" Ex. 1309 at 2:21-47. "*The wireless network is preferably a high bandwidth network … such as a wideband … ('CDMA') platform. Other known wireless platforms, such as the … ('UMTS'), …('LMDS'), … ('GSM') and even satellite-based systems (e.g., the Teledesic network),* may be utilized…." *Id.* at 3:38-51. *See also id.* at Abstract, 5:66-6:27. Ex. 1333 ¶¶112-117.

With respect to Element [7.A], a POSITA would have been motivated and found it obvious and straightforward to include a buffer memory as taught in Galensky in implementing Hu's cell phone. *See* § VI.C.5.

With respect to Element [7.B], to the extent it is argued that further disclosure is required, a POSITA would have been motivated and found it obvious and straightforward to use Ahn's teaching of wirelessly receiving media through a mobile communication network in implementing Hu's phone. *See* § VI.C.5. In addition, a POSITA would have been motivated and found it obvious and straightforward to use Galensky's teaching of receiving media content at different communication rates as a series of component parts through a wireless telecommunications network, where a change in communication rates is based on an amount of data located in the buffer memory, in implementing Hu's cell phone. *See* § VI.C.5.

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
8. A system for	**Hu discloses this element:** "The *wireless communication*

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
wirelessly communicating musical content, comprising:	*module* can… support…*audio/video playback of media content stored in the cellular telephone*." *Id.* at [0030]. *See also* Ex. 1303 at [0028], [0045], [0049]. Ex. 1333 ¶¶118-119.
[8.A] a portable electronic device having a processor operable to play an audio file that represents a song;	**Hu, or alternatively, Hu in view of the knowledge of a POSITA, discloses this element:** "play table 64 provides a *list of media selections or songs to play*." Ex. 1303 at [0039]. "*[M]ultimedia operations can include: (a) control mp3 player on cell phone*" *Id.* at [0049]. "[T]he *cell phone can have a media player function*" *Id.* at [0060]. *See also id.* at [0030], [0031], [0040]; Ex. 1333 ¶¶120-123.
[8.B] a memory communicatively coupled to the processor and configured to store a plurality of audio files; and	**Hu, or alternatively, Hu in view of the knowledge of a POSITA, discloses this element:** "The wireless communication module can … support … *audio/video playback of media content stored in the cellular telephone*." Ex. 1303 at [0030]. "*[T]he cellular telephone and the media play can store media content that may be played back* using the vehicle audio system." *Id.* at [0031]; *see also id.* at [0049], [0060]. Ex. 1333 ¶¶124-127.
[8.C] a wireless communication module communicatively coupled to the processor and operable to communicate a streaming audio signal that represents a playing of the song to a recipient device via a localized communications signaling network in response to a selection of a selectable menu item presented on a recipient device display,	**As discussed above, Hu discloses this element. *See supra* discussion of Elements [1.C], [1.G], & [1.H], in this Section; Ex. 1333 ¶128.**
[8.D] wherein the wireless communication module is compliant with a Bluetooth standard,	**As discussed above, Hu discloses this element. *See supra* discussion of claim 2, in this Section; Ex. 1333 ¶129.**
[8.E] further wherein the wireless communication module is configured to communicate at least a portion of the streaming audio signal to the recipient device using an asynchronous channel.	**As discussed above, Hu in view of Ahn discloses this element. *See supra* discussion of claim [1.H], in this Section; Ex. 1333 ¶130.**

To the extent that the preamble is considered a limitation of Claim 8, Hu discloses this element as shown in the chart above.

With respect to Element [8.A], a POSITA would understand that a cell phone with a "media player function" and an "mp3 player on the cell phone" necessarily,

and thus inherently, discloses a processor operable to play an audio file that represents a song. Ex. 1333 ¶122. To the extent it is argued that further disclosure is required, a processor operable to play an audio file that represents a song was well known in the art (*see, e.g.*, Ex. 1332 at 1:67-2:14, 4:7-12), and it would have been obvious to a POSITA to include this element in implementing Hu's cell phone to perform the media player functions described in Hu. Ex. 1333 ¶123.

With respect to Element [8.B] a POSITA would understand that a cell phone with a media player function for playing media content stored on the phone necessarily, and thus inherently, discloses a memory communicatively coupled to the processor and configured to store a plurality of audio files. Ex. 1333 ¶126. To the extent it is argued that further disclosure is required, this element was well known in the art (*E.g.*, Ex. 1332 at 1:67-2:14, 3:41-48, 4:7-12, 4:25-28), and it would have been obvious to a POSITA to include this element in implementing Hu's cell phone to perform the media storing and playing functions described in Hu. Ex. 1333 ¶127.

<table>
<tr><th>'641 Claims</th><th>U.S. Pat. Pub. No. US 2006/0262103 ("Hu")</th></tr>
<tr><td>9. [Preamble] The system of claim 8, wherein</td><td>As discussed above, Hu in view of Ahn, or alternatively, Hu in view of Ahn & the knowledge of a POSITA, discloses claim 8.</td></tr>
<tr><td>[9.A] the portable electronic device is operable as a wireless telephone device and has</td><td>As discussed above, Hu discloses this element. See supra discussion of claim [1.A], in this Section; Ex. 1333 ¶131.</td></tr>
<tr><td>[9.B] (1) a display at least partially defining a front surface of the device, (2) a housing component at least partially defining a back surface of the device, (3) an enclosure located between the front</td><td>As discussed above, Hu alone, Hu in view of the knowledge of a POSITA, or alternatively, Hu in view of Nokia, discloses this element. See supra discussion of claim [1.B], in this</td></tr>
</table>

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
surface and the back surface,	**Section; Ex. 1333 ¶132.**
[9.C] (4) a rechargeable power supply located within the enclosure, and	**As discussed above, Hu in view of the knowledge of a POSITA, or alternatively, Nokia, discloses this element. *See supra* discussion of claim [1.D], in this Section; Ex. 1333 ¶133.**
[9.D] (5) a non-circular physical interface having a first and a second conductive path, the non-circular physical interface operable to communicate data via the first conductive path and to receive a recharging power for the rechargeable power supply via the second conductive path.	**As discussed above, Hu in view of the knowledge of a POSITA, or alternatively, Hu in view of Nokia discloses this element. *See supra* discussion of claim [1.E], in this Section; Ex. 1333 ¶¶52, 55, 134.**

With respect to Element [9.D], both USB and Nokia teach a physical interface that is non-circular. *See e.g.,* Ex. 1308B at 2-4; Ex. 13010A; Ex. 1333 ¶¶52, 55, 134.

'641 Claims	U.S. Pat. Pub. No. US 2006/0262103 ("Hu")
10. The system of claim 9, wherein the portable electronic device comprises a software application, further wherein the portable electronic device is configured to accept an upgrade for the software application that is communicated to the portable electronic device via a software upgrading wireless communication.	**As discussed above, Hu in view of Ahn & the knowledge of a POSITA, Hu in view of Ahn & Nokia, or alternatively, Hu in view of Ahn, Nokia & the knowledge of a POSITA, discloses claim 9. Hu in view of Nokia discloses this element.** Hu discloses: "*Internet connection* operations include ... *(d) composing a document using document composing software on the cellular telephone; (e) surfing the Internet, reading news, downloading music, receiving dynamic, topically focused messages and viewing the messages; or (f) playing online games.*" Ex. 1303 at Cl. 25; *see also id.* at [0049]; Ex. 1304 at 68. Nokia discloses: "*The Nokia 9000i Communicator employs the digital data transmission capabilities of the GSM network … to establish connections with remote computers. Wireless data connections can be made from most locations where your mobile phone operates.*" Ex. 1308B at 16-3. "Downloading add-on software *The WWW application can be used to install software applications on your communicator. ¿ Go to the WWW site where the add-on software package exists. ¡ Select the hypertext link that points to the add-on software package. ¬ Press Retrieve to download the package.* After the software package has been successfully downloaded, the software installation view opens…." *Id.* at 7-15. *See also id.* at 10-6, 10-11, 11-1. Ex. 1333 ¶¶135-138.

With respect to Claim 10, a POSITA would have been motivated and found it obvious and straightforward to use Nokia's teaching of wirelessly upgrading a software application in implementing Hu's cell phone. *See* § VI.C.5.

'641 Claims	**U.S. Pat. Pub. No. US 2006/0262103 ("Hu")**
12. The system of claim 8, wherein	**As discussed above, Hu in view of Ahn, or alternatively, Hu in view of Ahn & the knowledge of a POSITA, discloses claim 8.**
[12.A] the portable electronic device is operable as a wireless telephone device and has	**As discussed above, Hu discloses this element. *See supra* discussion of claim [1.A], in this Section; Ex. 1333 ¶139.**
[12.B] (1) a display at least partially defining a front surface of the device, (2) a housing component at least partially defining a back surface of the device, (3) an enclosure located between the front surface and the back surface,	**As discussed above, Hu alone, Hu in view of the knowledge of a POSITA, or alternatively, Hu in view of Nokia, discloses this element. *See supra* discussion of claim [1.B], in this Section; Ex. 1333 ¶140.**
[12.C] (4) a wide area wireless communication module operable to receive a collection of data representing a media at a hybrid of wireless communication rates that includes at least a first rate and a second rate, and (5) a buffer memory, wherein a change in communication rates is at least partially based upon an amount of data located in the buffer memory.	**As discussed above, Hu in view of Galensky, or alternatively, Hu in view of Ahn & Galensky, discloses this element. *See supra* discussion of claim [7.A] and [7.B], in this Section; Ex. 1333 ¶141-142.**

With respect to Claim Element [12.C], the wireless networks taught by Galensky (*e.g.*, CDMA, UTMS, GSM, satellite - *see, e.g.*, Ex. 1309 at 3:38-51) and Ahn (*e.g.*, Ex. 1305 at [0014], [0054], Figs. 1, 3A) are wide area networks. A POSITA would have understood that a cell phone using those networks necessarily, and thus inherently, includes a wide area wireless communication module. Ex. 1333 ¶142.

VII. CONCLUSION

Petitioners respectfully submit that, for the reasons set forth above, there is at minimum a reasonable likelihood that Petitioners will prevail on at least one claim of the Challenged Claims. Petitioners respectfully request that this Petition be granted and '641 claims 1-3, 5-7, 9-10 and 12 be found unpatentable and canceled. If there are any questions, counsel for Petitioners may be contacted at the phone numbers listed below. As identified in the Certificate of Service and in accordance with §§ 1.33(c), 42.105, and 42.100, a copy of the present Request, in its entirety, is being served on Patent Owner at the correspondence address of record for the subject patent as reflected in the PTO's publicly-available records as designated in the PAIR system. Please charge our credit card covering any fee set in § 42.15(a) for this Petition. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this proceeding by this firm) to our Deposit Account 06-1075, under Order No. 110797-0004-658. Please direct all correspondence in this matter to the undersigned.

Respectfully submitted, February 27, 2015

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent No.: 8,532,641	§	Attorney Docket No.: 110797-0004-658
Inventors: Russell W. White, Kevin R. Imes	§	Customer No. 28120
Formerly Application No.: 13/673,391	§	Petitioners: Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.
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Former Group Art Unit: 2646	§	
Former Examiner: Erika Washington	§	
	§	
	§	

For: SYSTEM AND METHOD FOR MANAGING MEDIA

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CERTIFICATE OF SERVICE

It is certified that copies of the following documents have been served in their entirety on the patent owner as provided in 37 C.F.R. § 42.105:

Petition for *Inter Partes* Review of United States Pat. No. 8,532,641

Exhibit	Description
Ex. 1301	U.S. Patent No. 8,532,641 ("the '641 patent")
Ex. 1302	U.S. Patent No. 8,532,641 File History
Ex. 1303	U.S. Patent Publication No. 2006/0262103 ("Hu")
Ex. 1304	U.S. Patent App. No. 11/438,016 File History filed by Hu *et al.*
Ex. 1305	U.S. Patent Publication No. 2004/0214525 ("Ahn")

Exhibit	Description
Ex. 1306	International Publication No. WO 02/096137 filed by Ahn *et al.*
Ex. 1307	Declaration of Harri Valio
Ex. 1308	Declaration of Jari Toivanen
Ex. 1308A	Exhibit A to the Declaration of Jari Toivanen - User's Manual for the Nokia 9000 Communicator, dated 1995, published by Nokia Mobile Phones.
Ex. 1308B	Exhibit B to the Declaration of Jari Toivanen - Owner's Manual for the Nokia 9000i Communicator ("Nokia"), dated 1995-1997, published by Nokia Mobile Phones Ltd.
Ex. 1309	U.S. Patent No. 6,845,398 ("Galensky")
Ex. 1310	Declaration of Paul E. Berg
Ex. 1310A	Exhibit A to the Declaration of Paul E. Berg - Universal Serial Bus Specification, Revision 1.1, September 23, 1998, Compaq Computer Corporation, Intel Corporation, Microsoft Corporation, and NEC Corporation.
Ex. 1311	U.S. Patent No. 7,953,390 File History
Ex. 1312	May 20, 2014 Decision on Institution of *Inter Partes* Review in IPR2014-00209 (*Inter Partes* Review of U.S. Patent No. 7,953,390)
Ex. 1313	May 20, 2014 Decision on Institution of *Inter Partes* Review in IPR2014-00212 (*Inter Partes* Review of U.S. Patent No. 7,953,390)
Ex. 1314	June 12, 2014 Action Closing Prosecution in Reexamination Control Nos. 95/001,262 and 90/011,254 (*Inter Partes* and *Ex Parte* Reexaminations of U.S. Patent No. 7,187,947)
Ex. 1315	June 30, 2014 Patent Trial and Appeal Board Decision, Appeal No. 2014-002024 and August 18, 2011 Action Closing Prosecution in Reexamination Control No. 95/001,281 (*Inter Partes* Reexamination of U.S. Patent No. 7,634,228)
Ex. 1316	Specification of the Bluetooth System v1.0 B, Vols. 1 & 2, 1999, Telefonaktiebolaget LM Ericsson, International Business Machines Corporation, Intel Corporation, Nokia Corporation, Toshiba Corporation.
Ex. 1317	February 12, 2013 Decision on Institution of Covered Business Method Review in CBM2012-00003

Exhibit	Description
Ex. 1318	U.S. Patent No. 7,187,947 File History
Ex. 1319	U.S. Patent No. 7,324,833 File History
Ex. 1320	U.S. Patent No. 7,778,595 File History
Ex. 1321	Control No. 95/001,263 Reexamination History from December 6, 2011 until April 11, 2014 (*Inter Partes* Reexamination of U.S. Patent No. 7,486,926)
Ex. 1322	IBM Dictionary of Computing, Edited by George McDaniel, McGraw-Hill, Inc., 1994
Ex. 1323	January 30, 2015 Decision on Institution of *Inter Partes* Review in IPR2014-01184 (*Inter Partes* Review of U.S. Patent No. 8,532,641)
Ex. 1324	January 30, 2015 Decision on Institution of *Inter Partes* Review in IPR2014-01181 (*Inter Partes* Review of U.S. Patent No. 8,532,641)
Ex. 1325	January 30, 2015 Decision on Institution of *Inter Partes* Review in IPR2014-01182 (*Inter Partes* Review of U.S. Patent No. 8,532,641)
Ex. 1326	Nokia CARK60 Installation Guide, dated August 1996
Ex. 1327	U.S. Patent No. 6,633,932 ("Bork")
Ex. 1328	Nokia 9000i and 9000il Product Information, available at http://tech-insider.org/mobile/research/1997/0910-b.html, dated 1998
Ex. 1329	U.S. Patent No. 6,211,649 ("Matsuda")
Ex. 1330	Motomanual RAZR V3i GSM, Motorola, Inc., 2006
Ex. 1331	Archived web page of http://www.gsmarena.com/motorola_razr_v3i-1352.php accessed on February 24, 2015 through the December 20, 2005 archive of http://web.archive.org, specifically, https://web.archive.org/web/20051220091300/http://www.gsmarena.com/motorola_razr_v3i-1352.php
Ex. 1332	U.S. Patent No. 7,123,936 ("Rydbeck")
Ex. 1333	Declaration of Dr. Schuyler Quackenbush
Ex. 1334	Declaration of Hayan Yoon in Support of Petition for *Inter Partes* Review of U.S. Patent No. 8,532,641

The copy has been served on February 27, 2015 by causing the aforementioned

document to be deposited in the United States Postal Service as Express Mail postage

(EF 070 058 206 US) pre-paid in an envelope addressed to:

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