

U.S.I.T.C. Inv. No. 337-TA-882

U.S. Patent No. 8,050,652

**METHOD AND DEVICE FOR AN INTERNET RADIO CAPABLE OF OBTAINING PLAYBACK
FROM A CONTENT SERVER**

SAMSUNG INFRINGEMENT OF

CLAIMS 1, 3, 4, 6, 7, 10, 11, 13, 42, 44, 45, 47, 48, 49, 50, 51

Samsung Infringement Claim Charts For 8,050,652

The claim charts below refer to two categories of accused devices:

“Mobile Devices” refers to accused mobile phones and tablets. Evidence relating to a Samsung Galaxy S herein as representative of the Mobile Devices. The full list of accused mobile devices known at this time is included within the Parties’ Joint Statement Regarding Identification Of Accused Products, filed September 20, 2013.

“Player Devices” refers to accused televisions, blu-ray players and home theater systems. Evidence relating to a Samsung UN55F8000BF television is used herein as representative of the Player Devices. The full list of accused devices known at this time is included within the Parties’ Joint Statement Regarding Identification Of Accused Products, filed September 20, 2013.

In the claim charts, the following Samsung Mobile Devices and Player Devices with the following applications and functionalities are accused of infringement:

<u>Playlist Applications and Functionalities</u>	<u>Accused Samsung Devices</u>
“Pandora” refers to Pandora and Pandora One	Mobile Devices and Player Devices
Spotify	Mobile Devices and Player Devices
Google Play Music	Mobile Devices and Player Devices
“Samsung Music Hub” refers to Samsung Music Hub, Samsung Music, and Samsung Music+	Mobile Devices and Player Devices
“DLNA” refers to Samsung Link, Allshare Play, AllShare, and Nearby Devices	Mobile Devices and Player Devices
Amazon Cloud/MP3 Player	Player Devices
iHeartRadio	Mobile Devices and Player Devices

<u>Internet Radio Broadcast Applications and Functionalities</u>	<u>Accused Samsung Devices</u>
<u>vTuner</u>	Mobile Devices and Player Devices

TuneIn	Mobile Devices and
nTouch Radio	Mobile Devices
iHeartRadio	Mobile Devices
Web Browser for receipt of internet radio broadcasts from, for example, Shoutcast	Mobile Devices and

Discovery is ongoing and Complainant reserves the right to accuse any other infringing functionalities discovered.

The accused devices literally infringe the asserted claims. However, to the extent any limitation is not literally met, the doctrine of equivalents applies. BHM contends that a person of ordinary skill in the art, at the time the accused devices were made, would find no difference between any specific claim limitation and the corresponding element or feature in the accused system. A claim limitation is not literally infringed, to be insubstantial or that the alternate implementation(s) employed (1) perform the same function and (2) work in substantially the same way (3) to achieve substantially the same result as the required limitation at issue.

Samsung contributorily infringes and/or induces infringement of the method claims below in conjunction with at least importation, marketing, promotion, profiting, collaboration, testing, servicing and sale of the Samsung Mobile Devices, as well as through actions of its agents and partners. Samsung directly and/or indirectly infringes the system claims. In addition, Samsung directly infringes the method claims.

These infringement contention claim charts incorporate by reference the claim charts submitted with the complaint. The charts provided with Complainant's prior interrogatory response. In addition to the charts' description of the manner in which Samsung's accused devices infringe, additional infringement evidence has been produced in the form of photographs and Wireshark packet-sniffing trace evidence.²

¹ For example, if Samsung Player Devices with Samsung Music Hub are imported into the United States, such devices also infringe the same reasons set forth herein with respect to the Samsung Mobile Devices with Samsung Music Hub. In addition, if Samsung Mobile Devices include Slacker, which has both playlist and internet radio broadcast modes of operation, or Rhapsody, such devices also infringe the asserted claims.

² A table correlating photographic and Wireshark packet trace evidence to the relevant accused devices and functionalities is included as an exhibit to this complaint.

Black Hills' identification of infringing applications and functionalities is based on information received to date. Investigation are ongoing, including source code review that may be relevant to BHM's infringement contentions expected to release additional devices, applications and/or functionalities prior to the hearing in this matter. In addition, Black Hills in this investigation have failed to timely produce discovery, with major portions of its document productions, including depositions, occurring just weeks before the close of fact discovery. Complainant thus reserves all rights to supplement, correct and/or clarify its contentions at the time and in the manner allowed under the Commission Rules and the Administrative Law Judge. In addition, by identifying particular infringing applications and functionalities here, Black Hills does not intend to exclude any hardware, software, applications or other functionalities that may be implicated by the identified applications and functionalities (e.g., portions of the device's operating system, communication systems, stock media player,

8,050,652 Claim Language	Samsung Devices
<p>1. An electronic device comprising: a) a network interface enabling the electronic device to receive an Internet radio broadcast and being further adapted to communicatively couple the electronic device to a central system;</p>	<p>The Samsung Mobile Devices include playlist applications and functions including Samsung Music Hub, Pandora, Google Play Music, Spotify, DLNA, and Amazon Cloud/MP3 Player, along with internet radio broadcast applications and functionalities including TuneIn, nTouch Radio, iHeartRadio, and a web browser for receipt of internet radio broadcasts from, for example, www.shoutcast.com.</p> <p>The Samsung Player Devices include playlist applications and functions including Pandora, Spotify, DLNA, and Amazon Cloud/MP3 Player, along with internet radio broadcast applications and functionalities including vTuner, TuneIn, and nTouch Radio, for receipt of internet radio broadcasts from, for example, www.shoutcast.com.</p> <p>The Samsung Mobile Devices and Player Devices are electronic devices comprising a network interface enabling the electronic device to receive an Internet radio broadcast and being further adapted to communicatively couple the electronic device to a central system.</p>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.