

Patent No. 8,214,873
Petition For *Inter Partes* Review

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Yamaha Corporation of America
Petitioner

v.

Black Hills Media, LLC
Patent Owner

Patent No. 8,214,873 (Claims 4, 5, 33 and 34)

Issue Date: July 3, 2012

Title: METHOD, SYSTEM, AND COMPUTER-READABLE MEDIUM FOR
EMPLOYING A FIRST DEVICE TO DIRECT A NETWORKED AUDIO
DEVICE TO RENDER A PLAYLIST

Inter Partes Review No. _____

DECLARATION OF V. MICHAEL BOVE, JR.

I, V. Michael Bove, Jr., make this declaration in connection with the proceeding identified above.

I. INTRODUCTION

1. I have been retained by counsel for Yamaha Corporation of America (“Yamaha”) as a technical expert in connection with the proceeding identified above. I submit this declaration in support of Yamaha’s Petition for *Inter Partes* Review of United States Patent No. 8,214,873 (“the '873 patent”).

2. I previously submitted a declaration in support of Yamaha’s September 19, 2013 Petition for *Inter Partes* Review of the '873 patent. I understand that Yamaha’s first Petition for *Inter Partes* Review was granted in a March 20, 2014 Decision as to challenged claims 1, 2, 4-13, 15-31, 33-42 and 44-46, but was denied as to challenged claims 4, 5, 33 and 34. I further understand that *inter partes* review of claims 1, 2, 6-13, 15-31, 35-42 and 44-46 of the '873 patent is currently ongoing in Case IPR2013-00598, but that Yamaha’s April 3, 2014 Request for Rehearing as to the denial of review of claims 4, 5, 33 and 34 was denied in an April 18, 2014 Decision.

3. This declaration is submitted in support of Yamaha’s second petition with respect to the '873 patent, which seeks *inter partes* review of dependent claims 4, 5, 33 and 34, which were the only challenged claims of the '873 patent for which review was denied in IPR2013-00598.

4. I am being paid at an hourly rate for my work on this matter. I have no personal or financial stake or interest in the outcome of the present proceeding.

II. QUALIFICATIONS

5. I am employed as a Principal Research Scientist at the Massachusetts Institute of Technology, where I am also currently head of the Object-Based Media group at the Media Laboratory, co-director of the Center for Future Storytelling, and co-director of the consumer electronics working group CE2.0. I was also co-founder of and technical advisor to WatchPoint Media, Inc., an interactive television products and services company with offices in Lexington, Massachusetts and London, England, which is now part of Ericsson. I also until recently served as technical advisor to One Laptop Per Child, creators of an inexpensive laptop computer for children in developing nations.

6. I hold an S.B. in Electrical Engineering, an S.M. in Visual Studies, and a Ph.D. in Media Technology, all from the Massachusetts Institute of Technology. I have authored over ninety journal and conference papers on distributed media, interactive media, and digital media. I have supervised over fifty graduate theses, and since 1990 have taught a graduate subject at MIT called Signals, Systems and Information for Media Technology. I am a Fellow of the Society of Photo-Instrumentation Engineers, a member of the Board of Editors of the Journal of the Society of Motion Picture and Television Engineers, and a

member of a number of other professional organizations including the Optical Society of America, the Association for Computing Machinery, and the Institute of Electrical and Electronic Engineers. I am a named inventor on seventeen U.S. patents. I served as General Chair of the 1996 ACM Multimedia Conference and of the 2006 IEEE Consumer Communications and Networking Conference (CCNC'06). Attached as Appendix A is a copy of my curriculum vitae.

III. MATERIALS CONSIDERED

7. In preparing this declaration, I have reviewed, among other things, the following materials: (a) the '873 patent and its prosecution history; (b) U.S. Patent Application Publication US2002/0087996 A1 (“Bi”); (c) U.S. Patent No. 6,622,018 (“Erekson”); (d) U.S. Patent Application Publication US2001/0044321 (“Ausems”); (e) U.S. Patent Application Publication US2003/0080874 (“Yumoto”); (f) U.S. Patent Application Publication US2002/0173339 (“Safadi”); (g) U.S. Patent No. 6,502,194 (“Berman”); and (h) Yamaha’s second Petition for *Inter Partes* Review of the '873 patent to which my present declaration relates.

8. In preparing this declaration, I have also reviewed the following filings from pending IPR2013-00598: (i) Yamaha’s September 19, 2013 Petition for *Inter Partes* Review of the '873 patent, including accompanying Bove Declaration (Ex. 1002); (j) the Patent Owner’s December 26, 2013 Preliminary Response; (k) the March 20, 2014 Decision instituting *inter partes* review of the

'873 patent; (l) Yamaha's April 3, 2014 Request for Rehearing, and (m) the April 18, 2014 Decision denying rehearing with respect to claims 4, 5, 33 and 34 of the '873 patent.

IV. DEFINITIONS AND STANDARDS

9. I have been informed and understand that claims are construed from the perspective of one of ordinary skill in the art at the time of the claimed invention, and that during *inter partes* review, claims are to be given their broadest reasonable construction consistent with the specification.

10. I have also been informed and understand that the subject matter of a patent claim is obvious if the differences between the subject matter of the claim and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. I have also been informed that the framework for determining obviousness involves considering the following factors: (i) the scope and content of the prior art; (ii) the differences between the prior art and the claimed subject matter; (iii) the level of ordinary skill in the art; and (iv) any objective evidence of non-obviousness. I understand that the claimed subject matter would have been obvious to one of ordinary skill in the art if, for example, it results from the combination of known elements according to known methods to yield predictable results, the simple substitution of one known element

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