#### UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_

BEFORE THE PATENT TRIAL AND APPEAL BOARD

\_\_\_\_\_

SAMSUNG ELECTRONICS CO., LTD and SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners

v.

AFFINITY LABS OF TEXAS, LLC
Patent Owner

\_\_\_\_\_

Case IPR2014-01181\*
Patent 8,532,641 B2

\_\_\_\_\_

Before the Honorable KEVIN F. TURNER, LYNNE E. PETTIGREW, and JON B. TORNQUIST, *Administrative Patent Judges*.

## PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

\*Case Nos. IPR2014-01182 and IPR2014-01184 have been consolidated with the instant proceeding. *See* IPR2014-01181, Paper 15; IPR2014-01182, Paper 15; and IPR2014-01184, Paper 15. In view of this consolidation, Petitioners submit this single brief in reply to the Patent Owner's Response filed in IPR2014-01181, Paper 20.



## TABLE OF CONTENTS

LIST	OF EX	KHIBITS	vii		
GLOS	SSARY	Y OF ABBREVIATIONS	ΧV		
I.	CLAIM CONSTRUCTION				
	A.	"Wireless telephone device" (Claims 1, 5-7, 9, 12)	1		
	B.	"Stream a signal" (Claim 1) /"streaming audio signal" (Claim 8)			
	C.	"A signal representing at least a portion of a song" (Claim 1)  /"signal that represents a playing of the song" (Claim 8)	4		
	D.	"Portable electronic device" (Claim 8)	5		
	E.	"Communication rate that provides for a CD quality listening experience" (Claim 11)	6		
	F.	"While" (Claim 13)	9		
II.	ABECASSIS IN VIEW OF CHENNAKESHU, HERROD, AND/OR GALENSKY RENDER OBVIOUS CLAIMS 1-3 AND 5-14				
	A.	Abecassis in view of the knowledge of a POSA, or, Abecassis in view of Herrod, discloses a "rechargeable power supply" (Claims 1.D, 9.C)	10		
	B.	Abecassis in view of the knowledge of a POSA, or, Abecassis in view of Herrod discloses a "physical interface" (Claims 1.E, 9.D)	11		
	C.	Abecassis discloses "a collection of instructions" and "a selection of a selectable menu item" (Claims 1.G, 8.C)	13		
	D.	Abecassis in view of Chennakeshu, or, Abecassis in view of Chennakeshu and the knowledge of a POSA, discloses streaming an audio signal using an asynchronous channel (Claims 1.H, 8.E)	16		
	E.	Abecassis in view of Chennakeshu discloses Bluetooth (Claims 2, 8.D)	17		
	F.	Abecassis, or, Abecassis in view of Chennakeshu disclose operating in a hands-free mode (Claim 5)	22		
	G.	Abecassis in view of Herrod discloses "a display that is more than half of the front surface" (Claim 6)	23		



U.S.	Patent	No. 8,	,532,641 B2 110797-0	004-655				
	H.		cassis discloses "a memoryconfigured to store a ality of audio files" (Claim 8)	24				
	I.		cassis, or, Abecassis in view of Chennakeshu discloses vid[ing] a CD quality listening experience" (Claim 11)	25				
	J.	discl	cassis in view of the knowledge of a POSA, or, Herrod oses an internal battery and means for recharging (Claim	28				
III.	ITO IN VIEW OF HAARTSEN, NOKIA, RYDBECK, AND/OR GALENSKY RENDER OBVIOUS CLAIMS 8 AND 11-14							
	A.	a "po	to in view of Nokia, or Ito in view of Rydbeck discloses ortable electronic device having a processor operable to an audio file that represents a song" (Claim 8.A)	29				
	B.		iscloses "a selection of a selectable menu item" im 8.C)	32				
	C.		n view of Haartsen discloses "a wireless communication ule compliant with a Bluetooth standard" (Claim 8.D)	32				
	D.		or, Ito in view of Haartsen discloses "provid[ing] a CD ty listening experience" (Claim 11)	35				
	E.	Ito in view of Galensky discloses changing communication rates based upon an amount of data in a buffer memory (Claim 12.C)						
	F.		n view of knowledge of POSA, or Nokia discloses an nal battery and means for recharging (Claim 14)	39				
IV.	OHMURA IN VIEW OF AHN AND/OR NOKIA RENDER OBVIOUS CLAIMS 8, 11, 13 AND 1441							
	A.	The p	priority date of the '641 patent is Nov. 9, 2012	41				
		1.	The Examiner did not decide the priority date during prosecution of the '641 patent	41				
		2.	PO has failed to establish that the earlier applications disclose the subject matter of '641 claims 8, 11, 13 and 14	42				
		3.	PTO decisions demonstrate that Applicants were not in possession of the claimed invention by March 28, 2000	44				



U.S. Pa	ntent No. 8,532,641 B2	110797-0004-655
F	3. A POSA would have been motivated to combine 0 with Ahn	
(	C. Ohmura, or, Ohmura in view of the knowledge of discloses "provid[ing] for a CD quality listening ex (Claim 11)	xperience"
Ι	O. Ohmura, or, Ohmura in view of Ahn, discloses communicating a signal representing the media "wreceiving media (Claim 13)	
F	E. Ohmura in view of the knowledge of a POSA, or, discloses an internal battery and means for recharg 14)	ging (Claim
	PO'S CONSTITUTIONAL CHALLENGE SHOULD BI	



### TABLE OF AUTHORITIES

CASES	Page(s)
Ariad Pharms., Inc. v. Eli Lilly & Co., 598 F.3d 1336 (Fed. Cir. 2010)	42
Comtech EF Data Corp. v. Radyne Corp., No. CV-06-1132-PHXMHM, 2007 WL 5041159 (D. Ariz. Oct. 12, 2007), adopted in relevant part, No. CV06-1132-PHX-MHM, 2008 WL 906532 (D. Ariz. Mar. 31, 2008)	28
Cooper v. Lee, 1:14-cv-00672 (E. D. Va. Feb. 18, 2015)	53
Ex Parte Almberg, No. 2010-005008, 2012 WL 1067617 (BPAI Mar. 23, 2012)	23
Ex Parte Matsunaga, No. 2009-014954, 2012 WL 260128 (BPAI Jan. 25, 2012)	23
Hyatt v. Boone, 146 F.3d 1348 (Fed. Cir. 1998)	45
In re Affinity Labs of Texas, LLC, 550 Fed. Appx. 884 (Fed. Cir. Jan. 9, 2014)	5, 46
In re Antor Media Corp., 689 F.3d 1282 (Fed. Cir. 2012)	24
In re Baxter Int'l, Inc., 698 F.3d 1349 (Fed. Cir. 2012)	44
In re Cuozzo, No. 2014-1301, 2015 U.S. App. LEXIS 11714 (Fed. Cir. July 8, 2015	)6
In re Magna Elecs., Inc., No. 2014-1798, 2015 WL 2110525 (Fed. Cir. May 7, 2015)	.22, 40, 48
In re NTP, 654 F.3d 1268 (Fed. Cir. 2011)	41, 43



# DOCKET

## 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.

