

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD;
SAMSUNG ELECTRONICS AMERICA, INC.;
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC;
Petitioner,

v.

AFFINITY LABS OF TEXAS, LLC,
Patent Owner.

Case IPR2014-01182
Patent 8,532,641 B2

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

TORNQUIST, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC, (collectively, “Petitioner”) filed a Corrected Petition (Paper 4, “Pet.”) requesting institution of *inter partes* review of claims 1–3 and 5–14 of U.S. Patent No. 8,532,641 B2 (“the ’641 patent”). Affinity Labs of Texas, LLC (“Patent Owner”) timely filed a Preliminary Response (Paper 8, “Prelim. Resp.”) to the Petition.

We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons given below, on this record we find that Petitioner has established a reasonable likelihood of prevailing with respect to claims 1–3 and 5–14 of the ’641 patent. Pursuant to 35 U.S.C. § 314, we authorize an *inter partes* review to be instituted as to these claims on the grounds set forth below.

A. *Related Proceedings*

Petitioner represents that the ’641 patent is being asserted in *Affinity Labs of Texas, LLC v. Samsung Electronics Co., Ltd.*, 3:14-cv-3030 (N.D. Cal.) and *Affinity Labs of Texas, LLC v. Blackberry*, 5:14-cv-3031 (N.D. Cal.). Pet. 4. The ’641 patent is also the subject of co-pending IPR petitions IPR2014-01181 and IPR2014-01184. Paper 7, 1; Pet. 5.

B. *The ’641 Patent*

The ’641 patent is directed to a system and method for communicating selected information to an electronic device. Ex. 1101,

1:21–23, 2:15–21. In the disclosed embodiments, a radio listener may create a personalized playlist and “listen to this playlist in a wireless atmosphere while enjoying CD quality sound.” *Id.* at 2:18–21. The audio information transmitted to a user may include “streaming audio.” *Id.* at 3:67–4:1.

Electronic devices contemplated for use in the disclosed system include “a network radio, a modular device, an audio system, a personal digital assistant (PDA), a cellular phone, or other electronic devices operable to receive information wirelessly communicated” by a communications engine. *Id.* at 5:36–41. Wireless communication may be accomplished using various means, including cellular communications, AM or FM signals, and “high speed, low-power microwave wireless links,” such as a “Bluetooth link.” *Id.* at 2:33–43, 5:61–6:24.

According to the ’641 patent, “conventional” wireless systems communicate information across a channel in “an asynchronous manner.” *Id.* 6:34–39. In addition to this conventional asynchronous method, the ’641 patent also “advantageously allows for signals to be transmitted to an electronic device in a less than asynchronous manner.” *Id.* at 6:40–42.

In one embodiment, the electronic device is operable to communicate received audio information to a different audio system, such as an audio radio receiver, using “a localized communications-signaling network.” *Id.* at 9:44–56, 10:26–35, 12:29–35. The electronic device may also communicate with the audio system using a physical interface having at least two conductive paths, the first path for communicating information and the second path for providing power to the electronic device. *Id.* at 18:31–39.

C. Illustrative Claims

Claims 1–3 and 5–14 are at issue in this proceeding. Claims 1 and 8 are independent. Claims 2, 3, and 5–7 depend, directly or indirectly, from claim 1 and claims 9–14 depend, directly or indirectly, from claim 8.

Independent claims 1 and 8 are illustrative of the challenged claims and are reproduced below:

1. A music enabled communication system, comprising: a wireless telephone device, the device having (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, (4) a wireless communication module located within the enclosure, (5) a rechargeable power supply located within the enclosure, (6) a physical interface having a first and a second conductive path, the 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, and (7) a memory system, located within the enclosure; and

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 comprising a selectable menu item associated with the available media content, 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, 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.

Ex. 1101, 19:29–57.

8. A system for wirelessly communicating musical content, comprising:

a portable electronic device having a processor operable to play an audio file that represents a song;

a memory communicatively coupled to the processor and configured to store a plurality of audio files; and

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, wherein the wireless communication module is compliant with a Bluetooth standard, 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.

Id. at 20:28–45.

D. The Relied Upon Prior Art

Petitioner relies upon the flowing prior art references, as well as the Declaration of Dr. Schuyler Quackenbush, Ph.D., dated July 23, 2014 (Ex. 1123):

Reference	Publication	Date	Exhibit
Abecassis	US 6,192,340 B1	Feb. 20, 2001	1103
Lau	US 6,772,212 B1	Aug. 3, 2004	1104
Chennakeshu	US 6,542,758 B1	Apr. 1, 2003	1105
Herrod	US 6,405,049 B2	June. 11, 2002	1106
Galensky	US 6,845,398 B1	Jan. 18, 2005	1107
Treyz	US 6,526,335 B1	Feb. 25, 2003	1109
Gladwin	US 6,879,865 B1	Apr. 12, 2005	1110

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