

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

LG ELECTRONICS, INC., L ELECTRONICS U.S.A., INC., and LG  
ELECTRONICS MOBILECOMM U.S.A., INC.,  
Petitioner,

v.

BLACK HILLS MEDIA, LLC  
Patent Owner.

IPR2015-00339  
Patent No. 8,214,873

---

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,214,873  
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.*

**TABLE OF CONTENTS**

- I. Mandatory Notices (37 C.F.R. § 42.8(A)(1)) ..... 1
  - A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))..... 1
  - B. Related Matters (37 C.F.R. § 42.8(b)(2))..... 1
  - C. Lead and Backup Counsel (37 C.F.R. § 42.8(b)(3)) ..... 3
  - D. Service Information (37 C.F.R. § 42.8(b)(4))..... 3
- II. Fees (37 C.F.R. § 42.103)..... 3
- III. Requirements for Inter Partes Review Under 37 C.F.R. § 42.104..... 3
  - A. Grounds for Standing (37 C.F.R. § 42.104(a)) ..... 4
  - B. Citation of Prior Art..... 4
  - C. Claims and Statutory Grounds (37 C.F.R. §§ 42.104(b)(1) & (b)(2))..... 4
  - D. Claim Construction (37 C.F.R. § 42.104(b)(3)) ..... 5
  - E. Person of Ordinary Skill in the Art..... 6
  - F. Unpatentability of the Construed Claims (37 C.F.R. § 42.104(b)(4))..... 7
  - G. Supporting Evidence (37 C.F.R. § 42.104(b)(5))..... 7
- IV. Summary of the ‘873 PATENT’ ..... 7
  - A. Overview of the ‘873 Patent ..... 7
  - B. Prosecution History Summary of the ‘873 Patent ..... 8
- V. There is a Reasonable Likelihood that Petitioner Will Prevail With Respect to at Least One Claim of the ‘873 PATENT’ ..... 11
  - A. Prior Art ..... 11
    - 1. U.S. Patent No. 7,454,511 to Weast (Ex. 1004) ..... 11
    - 2. U.S. Patent No. 7,668,939 to Encarnacion (Ex. 1005)..... 14

B. Ground I: Combination of the Weast and Encarnacion Patents  
Renders Obvious Claims 1-2, 5-8,15-19, 22-23, 25-27, 30-31, 34-  
37, and 44-46 Under 35 U.S.C. § 103 ..... 17

C. Conclusion ..... 59

## LIST OF EXHIBITS

Exhibit	Description
Ex. 1001	U.S. Patent No. 8,214,873
Ex. 1002	File History for U.S. Patent No. 8,214,873
Ex. 1003	File History for U.S. Patent No. 8,028,323
Ex. 1004	U.S. Patent No. 7,454,511 to Weast
Ex. 1005	U.S. Patent No. 7,668,939 to Encarnacion <i>et al.</i>
Ex. 1006	U.S. Patent Application Publication No. 2005/0262204 to Szeto <i>et al.</i>
Ex. 1007	U.S. Patent Application Publication No. 2003/0225834 to Lee <i>et al.</i>
Ex. 1008	Declaration of Kevin Almeroth, Ph.D.
Ex. 1009	<i>Curriculum vitae</i> of Kevin Almeroth, Ph.D.
Ex. 1010	Miller <i>et al.</i> , "Home Networking with Universal Plug and Play" (IEEE, Dec. 2001)
Ex. 1011	Michael Jeronimo & Jack Weast, UPnP Design By Example, Intel Press (Apr. 2003)
Ex. 1012	UPnP AV Architecture:1 For Universal Plug and Play Version 1.0, Status: Approved Design Document, Date: June 25, 2002
Ex. 1013	"TV Meets the Web" (Financial Times, Sept. 10, 2002)
Ex. 1014	"Intel Pushes Plug and Play Into Homes" (Extremetech.com, Sept. 10, 2002)
Ex. 1015	"Mediabolic Incorporates Support for UPnP Technology into the Mediabolic ONE Platform" (Business Wire, Jan. 6, 2003)
Ex. 1016	"Oregon Networks Demonstrates UPnP" (PR Newswire, Feb. 18, 2003)
Ex. 1017	UPnP Content Directory:1 Service Directory Template Version 1.01 For UPnP™ Version 1.0, Status: Standardized DCP, Date: June 25, 2002

LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc. (collectively “LG” or “petitioner”) submit this petition for *inter partes* review (“IPR”) of U.S. Patent No. 8,214,873 concurrently with a motion for joinder 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b). Petitioner requests institution of IPR and party joinder with the pending instituted IPR titled, *Samsung Electronics Co., Ltd. v. Black Hills Media, LLC*, IPR2014-00723 (“the Samsung IPR”).

**I. MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1))**

**A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))**

The real parties in interest for this Petition for IPR are LG Electronics, Inc., LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A. Inc.

**B. Related Matters (37 C.F.R. § 42.8(b)(2))**

Black Hills Media, LLC (“Black Hills”) asserted the ’593 Patent against LG and others in *Certain Media Devices, including Televisions, Blu-Ray Disc Players, Home Theater Systems, Tablets and Mobile Phones, Components Thereof and Associated Software*, Inv. No. 337-TA-882 (U.S.I.T.C., filed May 13, 2013) (“the ITC Investigation”) and *Black Hills Media, LLC v. LG Electronics, Inc.*, 1:13-cv-00803 (filed May 6, 2013) (“the district court litigation”). The ’873 patent was challenged by Samsung in IPR2014-00723, as noted above. It was also challenged in *Yamaha Corp. of Am. v. Black Hills Media LLC*, IPR2013-00598 (Sept. 19, 2013) and *Yamaha Corp. of Am. v. Black Hills Media LLC*, IPR2014-00766 (May 16, 2014). The ’873 Patent has been asserted in the following litigations:

# 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.