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Paper 8
Date: May 13, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

WEST VIEW RESEARCH, LLC,
Patent Owner.

Case IPR2016-00123
Patent 8,719,037 B2

Before KARL D. EASTHOM, MICHAEL R. ZECHER, and JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Volkswagen Group of America, Inc., filed a Petition requesting an *inter partes* review of claims 1, 22, 37, 42, 48, 71–73, 75, and 77 of U.S. Patent No. 8,719,037 B2 (Ex. 1001, "the '037 patent"). Paper 2 ("Pet."). Patent Owner, West View Research, LLC, filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 6 ("Prelim. Resp."). The Preliminary Response provided notice of statutory disclaimer of claims 1, 37, 48, and 71–73. Prelim. Resp. 21; Ex. 2007. "No *inter partes* review will be instituted based on disclaimed claims." 37 C.F.R. § 42.107(e). Claims 22, 42, 75, and 77 ("the challenged claims"), therefore, are the only claims that require our consideration. Prelim. Resp. 21.

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314; 37 C.F.R. § 42.4(a). Upon consideration of the Petition and the Preliminary Response, and for the reasons explained below, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail as to challenged claims 22, 42, 75, and 77. *See* 35 U.S.C. § 314(a). Accordingly, we institute an *inter partes* review of these challenged claims.

A. Related Matters

The '037 patent is involved in, or may be affected by, the following district court cases: (1) *West View Research, LLC v. Audi AG*, No. 3:14-cv-02668-BAS-JLB (S.D. Cal.); (2) *West View Research, LLC v. Bayerische Motoren Werk AG*, No. 3:14-cv-02670 (S.D. Cal.); (3) *West View Research, LLC v. Hyundai Motor Co.*, No. 3:14-cv-02675 (S.D. Cal.); (4) *West View Research, LLC v. Nissan Motor Co.*, No. 3:14-cv-02677 (S.D. Cal.); and

(5) *West View Research, LLC v. Tesla Motor, Inc.*, No. 3:14-cv-02679 (S.D. Cal.). Pet. 1; Paper 4, 2.

In addition, Volkswagen filed other petitions challenging the patentability of certain subsets of claims in the following patents owned by Patent Owner: (1) U.S. Patent No. 8,065,156 B2 (Case IPR2015-01941); (2) U.S. Patent No. 8,706,504 B2 (Case IPR2016-00124); (3) U.S. Patent No. 8,290,778 B2 (Case IPR2016-00125); (4) U.S. Patent No. 8,682,673 B2 (Case IPR2016-00137); (5) U.S. Patent No. 8,719,038 B1 (Case IPR2016-00146); (6) U.S. Patent No. 8,296,146 B2 (Case IPR2016-00156); and (7) U.S. Patent No. 8,781,839 B1 (Case IPR2016-00177). Pet. 2.

B. The Asserted Grounds

Petitioner identifies the following as asserted grounds of unpatentability:

References	Basis	Challenged Claims
Ito (Ex. 1003)[1] and Lind (Ex. 1004)[2]	§ 103(a)[3]	22, 42, and 77
Ito, Lind, and Hsieh (Ex. 1006)[4]	§ 103(a)	75

[1] U.S. Patent No. 6,249,740, issued June 19, 2001, filed Jan. 21, 1999.
[2] R. Lind et al., *The Network Vehicle—A Glimpse Into the Future of Mobile Multi-Media*, 17th DASC, The AIAA/IEEE/SAE Digital Avionics Systems Conference, Proc., Vol. II, IEEE Pub. 0-7803-5086-3/98, Oct. 31–Nov. 7, 1998.
[3] The relevant sections of the Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112–29, took effect on March 16, 2013. Because the application from which the '037 patent issued was filed before that date, our citations to Title 35 are to its pre-AIA version.
[4] U.S. Patent No. 5,574,443, issued Nov. 12, 1996, filed June 22, 1994.

C. The ’037 Patent

The ’037 patent, titled “Transport Apparatus with Computerized Information and Display Apparatus,” issued May 6, 2014, from U.S. Patent Application No. 13/737,853, filed on January 9, 2013. Ex. 1001 at [21], [22], [45], [54]. The ’037 patent has an extensive chain of continuations and at least one divisional that ultimately claims the benefit of U.S. Patent Application No. 09/330,101, filed on June 10, 1999—now U.S. Patent No. 6,615,175 B1. *Id.* at [60], 1:5–2:24.

The ’037 patent generally relates to a personnel transport apparatus and, in particular, to elevators or other types of personnel transport devices that incorporate various information technologies. Ex. 1001, 2:29–36, 6:44–65. According to the ’037 patent, one problem associated with using these devices relates to determining the location of a person, firm, or store within a building when unfamiliar. *Id.* at 2:56–57. For instance, conventional building directories require a user to locate manually or visually the name of the desired person, firm, or store, and often do not provide precise location information other than a floor or suite number. *Id.* at 2:58–64. The ’037 patent discloses that recent advancements in data networking, thin or flat panel displays, personal electronics, and speech recognition/compression algorithms and corresponding processing have enhanced the ability of a user to address the aforementioned problem. *Id.* at 3:63–67.

Figure 1 of the ’037 patent, reproduced below, illustrates a block diagram of one embodiment of an information and control system that is used, e.g., within an elevator car. *Id.* at 5:34–36, 6:44–65.

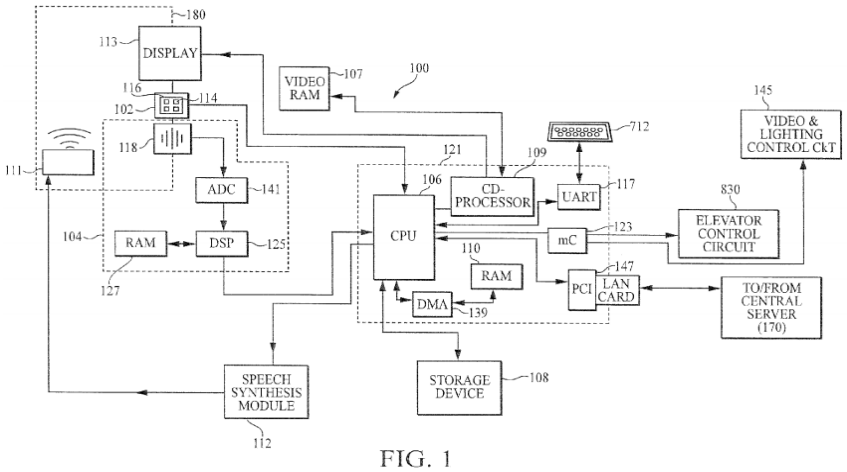

FIG. 1

As shown in Figure 1, system 100 includes, among other things, input device 102, speech recognition ("SR") module 104, central processor 106, non-volatile storage device 108 containing a database, audio amplifier and speaker module 111, speech synthesis module 112, micro-controller 123, and display device 113. Ex. 1001, 6:44–65. SR module 104 further includes microphone 118, analog-to-digital converter ("ADC") 141, and an algorithm run on digital signal processor ("DSP") 125 having an associated SR module random access memory ("RAM") 127. *Id.* at 6:66–7:12.

The '037 patent discloses that microphone 118 generates signals that are digitized by ADC 141, which, in turn, are processed using the SR algorithm and DSP 125 to produce digital representations of the user's speech. Ex. 1001, 7:30–34. DSP 125 uses a speech library or dictionary stored within SR module RAM 127 to match phenome strings resulting from linear predictive coding analysis with known words. *Id.* at 7:34–37. Once a match is identified, central processor 106 and micro-controller 123 implement the desired functionality, such as retrieving one or more data files from non-volatile storage device 108 for display on display device 113. *Id.* at 7:37–40.

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