UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

WEST VIEW RESEARCH, LLC,
Patent Owner.
_____

Case IPR2016-00125
Patent 8,290,778 B2
_____

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

EASTHOM, *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 filed a Petition (Paper 2, "Pet.") requesting an *inter partes* review of claims 1, 3, 5, 8, 9, 22, 27, 28, and 30 of U.S. Patent No. 8,290,778 B2 (Ex. 1001, "the '778 patent"). Pet. 2. Patent Owner did not file a Preliminary Response. We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted "unless . . . the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

Upon consideration of the Petition, we determine that the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of claims 1, 3, 5, 8, 9, 22, 27, 28, and 30 of the '778 patent ("the challenged claims").

A. Related Matters

According to the parties, the '778 patent is involved in the following district court cases: *West View Research, LLC v. Audi AG,* No. 3:14-cv-02668-BAS-JLB (S.D. Cal.); *West View Research, LLC v. Bayerische Motoren Werke, AG*, No. 3:14-cv-02670-CAB-WVG (S.D. Cal.); *West View Research, LLC v. Hyundai Motor Co.*, *Ltd.*, 3:14-CV-02675-CAB-WVG (S.D. Cal.); *West View Research*, *LLC v. Nissan Motor Co.*, 3:14-cv-02677-CAB-WVG (S.D. Cal.); and *West View Research, LLC v. Tesla Motors*, Inc., 3:14-CV-02679-CAB-WVG (S.D. Cal.). *See* Pet. 1, Paper 4, 2.

Petitioner filed other petitions challenging the patentability of certain subsets of claims in the following patents owned by Patent Owner: (1) U.S.

Patent No. 8,719,037 B2 (Case IPR2016-00123); (2) U.S. Patent No. 8,706,504 B2 (Case IPR2016-00124); (3) U.S. Patent No. 8,682,673 B2 (Case IPR2016-00137); (4) U.S. Patent No. 8,719,038 B1 (Case IPR2016-00146); (5) U.S. Patent No. 8,296,146 B2 (Case IPR2016-00156); (6) U.S. Patent No. 8,781,839 B1 (Case IPR2016-00177); and (7) U.S. Patent No. 8,065,156 B2 (Case IPR2015-01941). *See* Pet. 1–2.

B. The '778 Patent

The '778 patent generally relates to personnel transport apparatuses, such as trams, shuttles, or moving walkways, and, in particular, to elevators that incorporate various information technologies. Ex. 1001, 2:2–23, 6:12–21. The '778 patent also applies to stationary devices, such as kiosks. *Id.* at 6:17–18. According to the '778 patent, one problem related to these apparatuses involves determining the location of a person, firm, or store within a building or structure. *Id.* at 2:24–37. For instance, conventional building directories often do not provide precise location information other than a floor or suite number. *Id.* The '778 patent describes recent advances in data networking, displays, personal electronics, and speech recognition and compression algorithms and corresponding processing, as enhancing the ability to address the aforementioned problem. *Id.* at 3:31–35.

The '778 patent describes using these recent advances to create a useful apparatus for locating an organization or entity disposed within a building or structure. *Id.* at 4:1–12. Figure 1 of the '778 patent, reproduced below, illustrates a block diagram of one embodiment of an information and control system that is used within an elevator car. *Id.* at 5:12–14, 6:23–24.
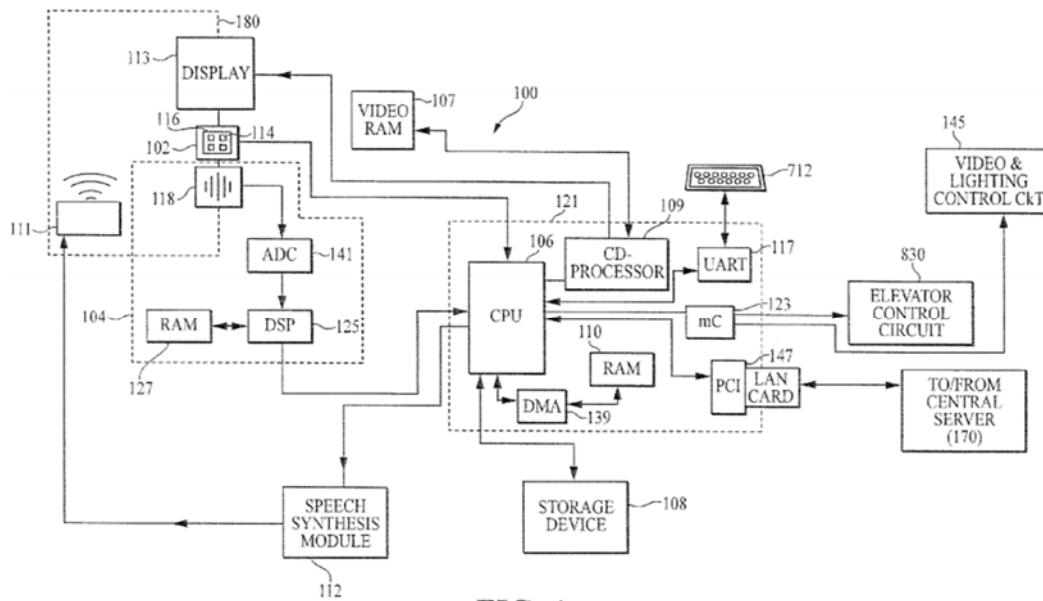
FIG. 1

As shown in Figure 1, system 100 includes 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, display device 113, and remote central server 170 interfacing a device such as a local area network ("LAN") network interface card. *Id.* at 6:23–47; 8:35–47. 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 random access memory ("RAM") module 127. *Id.* at 6:45–50; Fig. 1.

Input device 102 can be a touch sensitive keypad with a display screen. *Id*. at 6:36–44. Input device 102 also can include a variety of different functional keys that allow the user to initiate queries of databases either manually by a keypad, display device, or audibly through a speech recognition module. *Id.*

Microphone 118 generates signals that ADC 141 digitizes, which, in turn, DSP 125 processes using the SR algorithm to produce digital representations of the user's speech. *Id*. at 7:9–13. DSP 125 uses a speech library or dictionary stored within SR RAM module 127 to match phenome strings resulting from linear predictive coding analysis with known words. *Id.* at 7:13–16. After a match, 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 7:16–19.

C. Illustrative Claim

Of the challenged claims, claims 1, 27, 28, and 30 are independent. Illustrative claim 1 follows:

1. Computerized apparatus comprising:

a wireless interface;

data processing apparatus;

a touch-screen input and display device;

a speech recognition apparatus in data communication with the data processing apparatus; and

a storage apparatus in data communication with the data processing apparatus, said storage apparatus comprising at least one computer program, said at least one program being configured to:

receive a digitized speech input via the speech recognition apparatus, the input relating to an organization or entity which a user wishes to locate;

based at least in part on the input, cause identification of a location associated with the organization or entity; and

provide a graphical or visual representation of the location on the touch screen input and display device in

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