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 IPR2016-00146
Patent 8,719,038 B1

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Before KARL D. EASTHOM, MICHAEL R. ZECHER, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Volkswagen Group of America, Inc. ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting an *inter partes* review of claims 1, 4, 5, 12, 16, 22, 54, and 66 of U.S. Patent No. 8,719,038 B1 ("the '038 patent," Ex. 1001).   Pet. 2. West View Research, LLC ("Patent Owner") filed a Preliminary Response (Paper 6, "Prelim. Resp."). Patent Owner also filed a Statutory Disclaimer disclaiming claims 1, 4, 16, and 22 of the '038 patent. Prelim. Resp. 21; Ex. 2007.   "No *inter partes* review will be instituted based on disclaimed claims." 37 C.F.R. § 42.107(e). Claims 5, 12, 54, and 66, therefore, are the only claims that require our consideration. Prelim. Resp. 21.

Under 35 U.S.C. § 314(a), 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." Upon consideration of the Petition and the Preliminary Response, we determine that the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 5, 12, 54, and 66 of the '038 patent ("the challenged claims").

A. Related Matters

According to the parties, the '038 patent is involved in the following cases pending in the U.S. District Court for the Southern District of California: *West View Research, LLC v. Audi AG,* No. 3:14-cv-02668-BAS-JLB; *West View Research, LLC v. Bayerische Motoren Werke, AG*, No. 3:14-cv-02670-CAB-WVG; *West View Research, LLC v. Hyundai Motor Co.*, *Ltd.*, 3:14-CV-02675-CAB-WVG; *West View Research, LLC v. Nissan*

Motor Co., 3:14-cv-02677-CAB-WVG; and *West View Research, LLC v. Tesla Motors*, Inc., 3:14-CV-02679-CAB-WVG. *See* Pet. 1, Paper 4, 2.

Petitioner filed other petitions challenging the patentability of a certain subset 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. 8,290,778 B2 (Case IPR2016-00125); (4) U.S. Patent No. 8,682,673 B2 (Case IPR2016-00137); (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 '038 Patent

The '038 patent is titled "Computerized Information and Display Apparatus," and issued May 6, 2014. Ex. 1001, at [54], [45]. The '038 patent generally relates to personnel transport apparatuses, such as trams, shuttles, or moving walkways, and, in particular, to elevators that incorporate various information technologies. *Id.* at 2:25–28, 8:59–9:3. According to the '038 patent, one problem related to these apparatuses involves determining the location of a person, firm, or store within a building or structure. *Id.* at 2:52–65. 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.* The '038 patent describes recent advances in data networking, display devices, personal electronics, and speech recognition and compression algorithms and corresponding processing, as enhancing the ability to address this problem. *Id.* at 3:55–62.

The '038 patent describes using these recent advances to create an apparatus for locating an organization or entity disposed within a building or structure. *Id*. at 4:10–33. Figure 1 of the '038 patent, reproduced below, illustrates a block diagram of one embodiment of an information and control system within, for example, an elevator car. *Id*. at 5:60–63, 7:4–5.
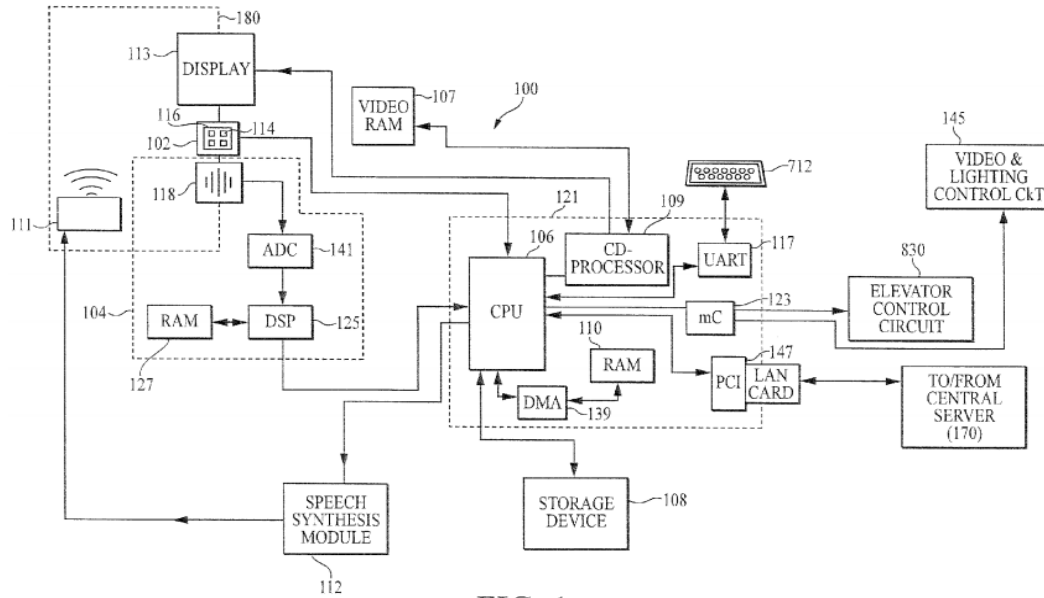

FIG. 1

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, and display device 113. *Id.* at 7:6–25. SR module 104 includes microphone 118, analog-to-digital converter ("ADC") 141, and known algorithms run on digital signal processor ("DSP") 125 having an associated random access memory ("RAM") 127. *Id.* at 7:7–31.

Input device 102 can be a touch sensitive keypad with a display screen. *Id.* at 7:17–25. Input device 102 includes 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 the 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 7:24–56. DSP 125 uses the speech library or dictionary stored within RAM 127 to match phenome strings resulting from linear predictive coding analysis with known words. *Id.* at 7:26–65. After 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 7:64–67. If the system provides more than one match or the first match displayed is not the desired query, the user may add additional query information to narrow the search. *See id.* at 9:64–10:67. If no match is found, the system may announce a confidence rating using "confidence rating calculation algorithms [that] are well understood." *Id.* at 10:59–67.

C. Illustrative Claim

Of the challenged claims remaining to be considered, claims 54 and 66 are independent. Claim 5 and 12 directly or indirectly dependent from claim 1, which, as we explained above, was disclaimed by Patent Owner. Illustrative claim 54 follows:

> 54.   Smart computerized apparatus capable of interactive information exchange with a human user, the apparatus comprising:
>
>   a microphone;

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