

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 IPR2016-00177
Patent 8,781,839

PATENT OWNER'S RESPONSE

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	Introduction	1
II.	Overview of the '839 Patent	2
III.	Patent Owner's Response to Petitioner's Statement of Facts	18
	A. Petitioner's Characterization of the Invention.....	18
IV.	Argument.....	19
	A. Petitioner Has Failed to Provide Claim Constructions for Several Key Terms, and Has Not Met Its <i>Prima Facie</i> Burden of Obviousness.....	20
	B. Petitioner Has Failed to Provide A Structural Analysis for the Independent Claims under 35 U.S.C. § 112, ¶ 6, and Hence Has Not Met Its Burden of <i>Prima Facie</i> Obviousness.	32
	C. Petitioner Has Assumed "Broadest Reasonable" Claim Constructions for Several Key Terms that are Unreasonable, and Has Not Met Its Burden of <i>Prima Facie</i> Obviousness.....	38
	D. Petitioner's Proposed Combination of the References Fail to Teach Each and Every Element of Independent Claims 1 and 35	44
	E. Petitioner's Proposed Reasons for Combining the Teachings of the References Rely on Impermissible Hindsight, Hence Petitioner's Obviousness Analysis is Defective.	53
V.	Conclusion.....	60

EXHIBIT LIST

- | | |
|--------------|--|
| Exhibit 2001 | Ulrich Hackenberg's biographical information |
| Exhibit 2002 | Hackenberg explains VW's new infotainment architecture |
| Exhibit 2003 | U.S. Patent No. 5,539,775 to Tuttle et al. |
| Exhibit 2004 | U.S. Patent No. 5,629,981 to Nerlikar |
| Exhibit 2005 | U.S. Patent No. 8,311,834 to Gazdzinski |
| Exhibit 2006 | U.S. Patent No. 8,301,456 to Gazdzinski |
| Exhibit 2007 | <i>IEEE 802.11</i> from Wikipedia website |
| Exhibit 2008 | <i>GPRS & EDGE</i> from 3GPP website |
| Exhibit 2009 | <i>Mobile broadband</i> from Wikipedia website |

TABLE OF AUTHORITIES

CASES

<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	2, 49, 53
<i>Blackberry Corp. v. MobileMedia Ideas, LLC</i> , IPR2013-00036, Paper 65 (Mar. 7, 2014)	20, 33
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>)	20-21
<i>Power Integrations v. Fairchild Semiconductor</i> , 711 F.3d 1348 (Fed. Cir. 2013)	21
<i>In re Am. Acad. of Sci. Tech. Ctr.</i> , 367 F.3d 1359 (Fed. Cir. 2004)	21
<i>In re Gorman</i> , 933 F.2d 982 (Fed. Cir. 1991)	22
<i>Pride Solutions, LLC v. Not Dead Yet Manufacturing, Inc.</i> , IPR2013-00627, Paper 14 (Mar. 17, 2014)	33, 37
<i>In re Donaldson Co.</i> , 16 F.3d 1189 (Fed. Cir. 1994) (<i>en banc</i>)	33
<i>Fresenius USA, Inc. v. Baxter Int'l, Inc.</i> , 582 F.3d 1288 (Fed. Cir. 2009)	33
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	33, 49, 53
<i>Graham v. John Deere Co.</i> , 383 U.S. 1, 148 USPQ 459 (1966)	34
<i>Ball Aerosol v. Ltd. Brands</i> , 555 F.3d 984, 89 USPQ2d 1870 (Fed. Cir. 2009)	34
<i>Williamson v. Citrix Online, LLC</i> , 792 F.3d 1339, 115 USPQ2d 1105 (Fed. Cir. 2015) (<i>en banc</i>)	35
<i>Watts v. XL Systems, Inc.</i> , 232 F.3d 877 (Fed. Cir. 2000)	35
<i>Personalized Media Communications, LLC v. International Trade Commission</i> , 161 F. 3d 696 (Fed. Cir. 1998)	35
<i>Ericsson Inc. et al. v. Intellectual Ventures II LLC</i> , IPR2014-01170, Paper 9 (Feb. 17, 2015)	35

Case IPR2016-00177
Patent 8,781,839

<i>TriMed, Inc. v. Stryker Corp.</i> , 514 F.3d 1256 (Fed. Cir. 2008).....	37
<i>Lighting World, Inc. v. Birchwood Lighting, Inc.</i> , 382 F.3d 1354 (Fed. Cir. 2004)	37
<i>Retractable Technologies v. Becton, Dickinson and Company</i> , 653 F.3d 1296 (Fed. Cir. 2011)	40
<i>W.L. Gore & Assoc., Inc. v. Garlock, Inc.</i> , 721 F.2d 1540 (Fed. Cir. 1983).....	53
<i>In re Grasselli</i> , 713 F.2d 731, 743 (Fed. Cir. 1983)	53
<i>In re Gordon</i> , 733 F.2d 900 (Fed. Cir. 1984)	53
<i>In re McLaughlin</i> , 443 F.2d 1392 (CCPA 1971).....	59
<i>Grain Processing Corp. v. American Maize-Prods. Co.</i> , 840 F.2d 902 (Fed. Cir. 1988)	59
<i>In re Dembiczak</i> , 175 F.3d 994 (Fed. Cir. 1999)	59
<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012)	59

STATUTES

35 U.S.C. § 112, ¶ 6	32
35 U.S.C. § 314(a)	19-20

RULES AND REGULATIONS

37 C.F.R. § 42.104(b)(3).....	
37 C.F.R. § 42.108(c).....	20
Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756 (Aug. 14, 2012).....	20, 38
MPEP § 2103(I)(C).....	32
MPEP § 2111	21, 38
MPEP § 2181	34

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.