UNITED STATES PATENT AND TRADEMARK OFFICE
_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD
_____

TOYOTA MOTOR CORPORATION
Petitioner
v.

BLITZSAFE TEXAS, LLC
Patent Owner

Patent No. 8,155,342
Issue Date: April 10, 2012
Title: MULTIMEDIA DEVICE INTEGRATION SYSTEM
_____

BLITZSAFE TEXAS, LLC'S MOTION FOR OBSERVATIONS ON CROSS EXAMINATION OF TOYOTA'S REPLY WITNESS DR. MATHESON

Case No. IPR2016-00418
_____

EXHIBIT LIST

Exhibit #	Exhibit Name
2001	Declaration of Richard Stern, Ph.D.
2002	Curriculum Vitae of Dr. Richard Stern, Ph.D.
2003	U.S. Patent Application No. 11/071,667 Publication
2004	Declaration of Ira Marlowe
2005	Exhibit M1 to Declaration of Ira Marlowe
2006	Exhibit M2 to Declaration of Ira Marlowe
2007	Exhibit M3 to Declaration of Ira Marlowe
2008	Exhibit M4 to Declaration of Ira Marlowe
2009	Exhibit M5 to Declaration of Ira Marlowe
2010	Exhibit M6 to Declaration of Ira Marlowe
2011	Exhibit M7 to Declaration of Ira Marlowe
2012	U.S. Patent Application No. 11/071,667 (File History application)
2013	1/16/17 Deposition Transcript of Dr. Thomas G. Matheson, Ph.D.

I. INTRODUCTION

Pursuant to the Scheduling Order (Paper No. 14) and the Stipulation to Adjust Schedule (Paper No. 26), Patent Owner Blitzsafe Texas, LLC ("Patent Owner") respectfully submits observations on the January 16, 2017 cross-examination of Petitioner Toyota Motor Corporation's ("Petitioner") reply witness, Thomas G. Matheson, Ph.D.

II. OBSERVATIONS ON CROSS-EXAMINATION OF THOMAS G. MATHESON, PH.D.

Exhibit 2013 is a copy of the cross-examination transcript of Dr. Thomas G. Matheson, Ph.D. Exhibits 1002, 1003, 1009, 1016, 1023, and 1027 were referenced during the cross examination of Dr. Matheson on his Declaration (Exhibit 1027) filed in support of Petitioner's Reply.

A. Observations Relevant to The Failure of Clayton to Disclose The "Audio Generated By The Portable Device" Limitation

Observation #A.1.

In Exhibit 2013 , on page 18, line 13, through page 20, line 20, and on page 24, lines 5 through 15, Dr. Matheson referred to Exhibit 1002 and testified that "content," according to Clayton, can include MP3 files, video files, and textual play lists, each of which can be either encoded or unencoded. He further testified that the situation where a cellular telephone is sending an encoded MP3 file and an unencoded textual playlist is consistent with the disclosure of "encoded and

unencoded" in paragraph 55 of Clayton. This testimony is relevant to Paper No. 24, Section II.a, Pages 3-4, and Exhibit 1027 at ¶¶ 3-5, because it contradicts and undermines the credibility of his opinions regarding whether "unencoded is synonymous with decoded" (Ex. 1027 at ¶5) and whether "a person having ordinary skill in the art would understand that the portable device must necessarily decode the MP3 file." (Paper No. 24 at 4.)

Observation #A.2.

In Exhibit 2013 , on page 38, line 6, through page 39, line 2; page 41, lines 5-10; and page 43, line 19, through page 44, line 4, Dr. Matheson referred to Exhibit 1002 and first testified that his understanding of the Clayton reference was that "target device" of Clayton is "something that can transmit audio" but then agreed that he was mistaken and that the car audio system is a "target device" and that it receives audio. This testimony is relevant to Paper No. 24, Section II.a, Pages 3-4, and Exhibit 1027 at ¶¶ 3-5, because it contradicts and undermines the credibility of his opinions regarding the bases for his interpretation of the Clayton reference. (Paper No. 24 at 4.)

Observation #A.3.

In Exhibit 2013 , on page 53, lines 4 through 9, Dr. Matheson admitted that the cellular telephone of Clayton does not necessarily include an MP3 player. This testimony is relevant to Paper No. 24, Section II.a, Pages 3-4, and Exhibit 1027 at

¶¶ 3-5, because it contradicts and undermines the credibility of his opinions regarding whether "unencoded is synonymous with decoded" (Ex. 1027 at ¶5) and whether "a person having ordinary skill in the art would understand that the portable device must necessarily decode the MP3 file." (Paper No. 24 at 4).

Observation #A.4.

In Exhibit 2013 , on page 66, lines 17 through 21, Dr. Matheson referred to Exhibit 1023, the A2DP 1.0 specification, and admitted that if the portable device is aware that an MP3 codec is present in the sink device ("SNK"), then an MP3 file may be transmitted by the portable device without transcoding the MP3 file into SBC. This testimony is relevant to Paper No. 24, Section II.a, Pages 3-4, and Exhibit 1027 at ¶¶ 3-5, because it contradicts and undermines the credibility of his support for the statement that "a person having ordinary skill in the art would understand that the portable device must necessarily decode the MP3 file." (Paper No. 24 at 4).

Observation #A.5.

In Exhibit 2013 , on page 68, line 6, through page 70, line 7, and on page 72, lines 5 through 25, Dr. Matheson referred to Exhibit 1003, the "Clayton Provisional," and admitted that well known codec decoders such as "MP3" would be used in Bluetooth transmissions. Dr. Matheson further admitted that, "in the context of A2DP, if you had an MP3 file and the ability to transfer that MP3 file

DOCKET ALARM

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.