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
Issued: Apr. 10, 2012
Filed: Jun. 27, 2006

Inventor: Ira Marlowe
Title: MULTIMEDIA DEVICE INTEGRATION SYSTEM

Inter Partes Review No.: IPR2016-00418

REPLY DECLARATION OF THOMAS G. MATHESON, Ph.D. IN SUPPORT OF *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,155,342

I, Thomas G. Matheson, declare as follows:

1.   I previously provided a declaration in support of Toyota Motor Corporation's ("Toyota") petition in IPR2016-00418 challenging the validity of claims 49-57, 62-64, 66, 68, 70, 71, 73-80, 94, 95, 97, 99-103, 106, 109-111, 113, 115, and 120 of U.S. Patent No. 8,155,342 (Ex. 1001, "the '342 Patent"). (Ex. 1016, "Matheson Decl.").

2.   I have reviewed the Patent Owner's Response (Paper 20) and related exhibits, as well as the deposition transcript of the named inventor of the '342 Patent, Ira Marlowe (Ex. 1026). I have also reviewed the papers and exhibits in related IPR2016-00419 and related IPR2016-01476. Nothing expressed in these documents changes my opinion that claims 49-57, 62-64, 66, 68, 70, 71, 73-80, 94, 95, 97, 99-103, 106, 109-111, 113, 115, and 120 of the '342 Patent are rendered obvious by the instituted grounds in view of Ex. 1002 (Clayton) .

I.   CLAYTON DISCLOSES "AUDIO GENERATED BY THE PORTABLE DEVICE OVER SAID WIRELESS COMMUNICATION LINK"

3.   Blitzsafe argues that Clayton does not disclose "audio generated by the portable device" because "Clayton does not teach or disclose decoding audio on a portable device for subsequent wireless transfer to a car audio video system as required by the claims." Paper 20 at 2. In support of this argument, Blitzsafe's expert, Dr. Richard Stern, contends that paragraph [0055] of Clayton does not

disclose a transmission of decoded audio from the portable device. Ex. 2001 (Declaration of Dr. Richard Stern) at 73. I disagree.

4. Paragraph [0055] of Clayton explicitly states that the content transmitted by the portable device may be encoded or unencoded. Ex. 1002 at ¶[0055]. A person having ordinary skill in the art (PHOSITA) would understand that when unencoded content is transmitted, there would be no needed audio decoding at the car stereo end, which would simply have to perform an analog-to-digital decoding prior to output. A PHOSITA would also understand that unencoded is synonymous with decoded (i.e., an unencoded audio signal or content is synonymous with a decoded audio signal or content), and would generally refer to pulse-code modulation (PCM) data (such as in a .WAV file) or its equivalent. From the perspective of the claimed integration subsystem, an unencoded audio signal received over a wireless communication link is entirely indistinguishable from a decoded audio signal received over the wireless communication link. The two are the same. That is, an unencoded audio signal, like a decoded audio signal, corresponds to rendered, uncompressed audio, as explained by Dr. Stern. Ex. 2001 at 27-31 and 82.

5. Moreover, the audio content transmitted by the portable device according to Clayton may be audio from MP3 files, e.g., received from a content providing server. Ex. 1002 at ¶¶[0014, [0018], [0036], [0045], [0050]. If

unencoded audio content is wirelessly transmitted, and that content originates from

an MP3 file as the patent says it may, then a PHOSITA would understand that the

portable device must first decode the MP3 file before wirelessly transmitting it.

Unencoding or decoding MP3 files into audio is a normal function of MP3 players.

If it weren't, then the MP3 player would be unable to play the MP3.

6.   Dr. Stern also contends that Clayton's disclosure of A2DP in

paragraph [0063] confirms that "content is decoded (i.e., converted from data such

as MP3 into 'generated' audio) only in the… 'wireless adapter 173,' and, therefore,

not in the portable device." I disagree. A PHOSITA would understand that, where

source audio is encoded in a compression format that is not mandatory in the

A2DP protocol, the source device (i.e., the portable device) is required to have a

decoder in order to ensure interoperability with a sink device (i.e., the integration

subsystem). This is clearly set forth in the A2DP protocol, as was explained to

Blitzsafe in the related IPR2016-01476:

4.2.4   Codec Interoperability Requirements

When the **SRC** wishes to send an audio data whose codec format is not supported
by the **SNK**, the data shall be transcoded into SBC. Therefore, the following
requirements are applied to the **SRC** when it supports *Non-Mandatory* codecs.

-      Transcoding to SBC is only required for any **SRC** input whose format is not
       supported by the **SNK**

For example, when the **SRC** accepts pre-encoded audio data in the *Non-Mandatory*
codec format, the **SRC** shall have a decoder of this *Non-Mandatory* codec as well as
a SBC encoder for transcoding.

A2DP 1.0 Protocol (Ex. 1023) at 19 (cited by Petition (Paper 1) of IPR2016-01476 (Ex. 1022) at 70)

7.   In other words, the portable device disclosed in paragraph [0063] of Clayton has to have a decoder for A2DP wireless streaming. For example, if the portable device wishes to send MP3 audio data to a sink device that does not support MP3, then it must include an MP3 decoder to decode the MP3 audio to an unencoded format before reencoding it for transmission in a default format. *Id.* A PHOSITA would understand that to comply with A2DP, such a decoder would be present in the portable device.

II.   THE CLAYTON PROVISIONAL SUPPORTS CLAYTON'S DISCLOSURE

8.   I disagree with Dr. Stern's contention that the Clayton provisional application (Ex. 1003) does not support a teaching of "audio generated by the portable device." Ex. 2001 at 76. FIG. 5 of the Clayton provisional application provides support for at least claim 15 of Clayton. Ex. 1003 at FIG. 5. Additionally, the Clayton provisional application discloses use of A2DP to stream audio from a portable device to a car stereo wireless adapter. *See, e.g. id.* at p. 148

9.   The Clayton provisional application also discloses transmission of audio in a .WAV format. Ex. 1003 at 171, 526, 546, 602, and 605. A PHOSITA would understand that a format of .WAV data is a digitally-encoded waveform, such as pulse-code modulation data or its equivalent. I agree with Dr. Stern that

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