UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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TOYOTA MOTOR CORPORATION,
Petitioner

v.

BLITZSAFE TEXAS, LLC,
Patent Owner.

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Case IPR2016-00419
Patent 8,155,342 B2

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Before JAMESON LEE, THOMAS L. GIANNETTI, and HUNG H. BUI,
Administrative Patent Judges.

BUI, *Administrative Patent Judge.*

DECISION
On Request for Rehearing
37 C.F.R. § 42.71

INTRODUCTION

Toyota Motor Corporation ("Petitioner") filed a Request for Rehearing pursuant to 37 C.F.R. § 42.71(c)-(d) of the Board's Decision (Paper 13, "Dec.") declining to institute trial in this proceeding. Paper 14 ("Req. Reh'g."). The Rehearing Request seeks rehearing of the Board's Decision with respect to 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 ('342 patent) based on prior art, U.S. Patent No. 8,909,094 B2 issued to Ohmura in combination with other prior art references. *See* Req. Reh'g 1.

In particular, Petitioner argues the Board: (1) "misapprehended or overlooked the cited portions of Ohmura that disclose the 'audio generated by the portable device' claim feature" and (2) "misapprehended or overlooked the cited portions of Ohmura that disclose the functions of the construed 'integration subsystem.'" *Id.* at 6–13.

We have reviewed Petitioner's request for rehearing and carefully considered Petitioner's arguments. However, we are not persuaded that the Board misapprehended or overlooked Petitioner's arguments presented with respect to the patentability 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 the '342 patent.

DISCUSSION

First, Petitioner asserts the Board erred because we "misapprehended or overlooked the cited portions of Ohmura that disclose the 'audio generated by the portable device' claim feature." *Id.* at 6. According to Petitioner, Ohmura discloses a number of different embodiments for

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connecting car audio/video system 100 and portable devices 200a or 200b,

including what Petitioner characterizes as:

> (1)   "a **file transfer** configuration" as summarized in paragraph 27 and further described in paragraphs 121–124 of Ohmura, whereby portable device 200a or 200b "transfers its music data to car audio/video system 100 *for storage therein* and *later* reproduction" and

> (2)   "a **streaming audio** configuration" as summarized in paragraph 28 and further described in paragraphs 201–206 of Ohmura, whereby portable device 200a or 200b "streams its music data to car audio/video system 100 for *immediate* decoding and output *without storing therein*."

Id. at 6–9 (emphasis in original).

Petitioner argues the Board erred in finding that Ohmura does not disclose "audio generated by the portable device" because "Petitioner's Petition relied on the later *streaming audio* embodiment" of Ohmura, whereas Patent Owner's Preliminary Response (Paper 9) and the Board's Decision are predicated on the former "*file transfer* embodiment" of Ohmura. *Id*. at 7–8 (citing Decision at 27–28). Petitioner also asserts the Board overlooked Ohmura's streaming audio embodiment cited in paragraph 205 of Ohmura "in which the car audio/video system (1) *does not store*, but (2) *immediately* processes and outputs received music data" and Dr. Thomas Matheson's Declaration. *Id*. at 9 (citing Pet. 30 and Matheson's Declaration, ¶¶ 50–52).

We disagree with Petitioner's characterization. At the outset, we note Ohmura does not describe what Petitioner characterizes as: (1) "a file

transfer configuration" embodiment in paragraph 27 and (2) a "streaming audio configuration" embodiment in paragraph 28. *Id*. at 6. Instead, Ohmura's paragraph 27 summarizes Ohmura's main invention, shown in Figure 2, in which music data ("music file") generated from portable device 200a or 200b is received at car audio/video system 100, and is then stored in an information storage unit (i.e., internal memory) of car audio/video system 100 at step S17, shown in Figure 4. Ex. 1102, ¶¶ 27, 121. Afterwards, music data is reproduced or outputted as audio, via speakers 20 of car audio/video system 100, at step S20. *Id*. at ¶¶ 122–124.

Ohmura's paragraph 28 provides a summary of what Ohmura describes as "a first modification" of car audio/video system 100, as further described in paragraphs 200–206. The purpose of Ohmura's modification is twofold: (1) to reduce the size of an information storage unit (i.e., internal memory) of car audio/video system 100, and (2) to eliminate the need to store and then erase music data in the information storage unit of car audio/video system 100. *Id*. at ¶ 206. According to Ohmura's "modification," only title data (part of music data) is stored in the information storage unit of car audio/video system 100 in advance. *Id*. at ¶ 204. Such title data can then be displayed, via display 103 of car audio/video system 100, for user selection. *Id*. When title data (title name) is selected by a user, music data corresponding to the title name is generated from portable device 200a or 200b and is then transmitted to car audio/video system 100 where car audio/video system 100 can "immediately perform[] predetermined processing such as decoding without storing it in the information storage unit" in order to reproduce or output as audio, via

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speakers 20 of car audio/video system 100. *Id*. at ¶ 205. In other words, music data generated from portable device 200a or 200b is received at car audio/video system 100, and is then decoded on the fly, without first storing in the information storage unit of car audio/video system 100. Once decoded, music data is reproduced or outputted as audio, via speakers 20 of car audio/video system 100. *Id*.

In both embodiments described in paragraphs 27 and 28 of Ohmura, music data is generated from portable device 200a or 200b, and is then received at car audio/video system 100 where the music data can be processed and reproduced as audio, via speakers 20 of car audio/video system 100. The only difference between the two embodiments of Ohmura is that in one embodiment, music data is stored upon receipt but is decoded on the fly, while in the other embodiment, the music data is first stored before being decoded and processed into audio by car audio/video system 100. *Id*. at ¶¶ 27–28.

In contrast, all challenged claims of the '342 patent require (1) "the portable device" to play (i.e., decode) an audio file, and (2) "the integration subsystem" to receive "audio generated by the portable device." As explained in the Decision, we referred to the requirement that audio generated by the portable device as the result of playing the audio file as "the audio generated by the portable device" limitation, which was consistent with Dr. Thomas Matheson's Declaration at ¶¶ 50–53. Decision 23; *see also* Matheson's Declaration (Ex. 1120 ¶¶ 50–53).

As explained in the Decision, Ohmura's CPU 101 of car audio/video system 100 (which Petitioner equates to the claimed "integration

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