

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

CHESTNUT HILL SOUND INC.,  
Patent Owner

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Case IPR2016-00794  
Patent 8,090,309

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**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

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### EXHIBIT LIST

- APPLE-1001 U.S. Patent No. 8,090,309 to Krampf et al. (“the ’309 Patent”)
- APPLE-1002 Prosecution History of the ’309 Patent (“the Prosecution History”)
- APPLE-1003 Declaration of Professor Ray Mercer (“Mercer”)
- APPLE-1004 Curriculum Vitae of Professor Ray Mercer
- APPLE-1005 US Publication No. 2005/0132405 (“AbiEzzi”)
- APPLE-1006 US Patent No. 6,563,769 (“Van Der Meulen” or “VDM”)
- APPLE-1007 US Patent No. 8,156,528 (“Baumgartner”)
- APPLE-1008 US Patent No. 6,728,729 (“Jawa”)
- APPLE-1009 US Publication No. 2003/0236906 (“Klemets”)
- APPLE-1010 US Publication No. 2002/0129693 (“Wilks”)
- APPLE-1011 US Patent No. 8,577,205 (“Barton”)
- APPLE-1012 US Patent No. 7,542,814 (“Barr”)
- APPLE-1013 US Publication No. 2002/0093593 (“Perkes”)
- APPLE-1014 US Patent No. 5,666,422 (“Harrison”)
- APPLE-1015 US Patent No. 6,897,905 (“Kaminosono”)
- APPLE-1016 US Publication No. 2002/0080166 (“Sweatt”)
- APPLE-1017 IPR2015-01465, Paper 39 (PTAB January 10, 2017)

## I. Introduction

In its Patent Owner Response ("POR"), Patent Owner touts the subject matter in its '309 patent as "allowing a user to select and play co-housed or directly connected media and ... allowing a user to select and play remote media." POR, 7. But, it makes no assertions of novelty or inventiveness in playing co-housed or directly connected media or in operating as a remote controller for selecting and playing remote media. In essence, Patent Owner claims it revolutionized the audio world by placing a local media player and a remote media player in the same device. *But see KSR v. Teleflex*, 127 S. Ct. 1727, 1740 (2007). However, as explained in the Petition and undisputed by Patent Owner, numerous devices integrating different types of media players, including local and remote media players, existed at the time of the '309 patent and are described in the Petition. *See, e.g.*, Petition, 10-11 (citing Klemets, Abstract; Barton, Abstract, 2:21-36; Baumgartner, 6:1-3 and 20-22 and FIG. 19).

In fact, the '309 patent failed to claim this supposedly revolutionary new kind of media player, but instead claimed a method of retrieving media metadata from a remote source; one that is agnostic to details of the hardware and rendered obvious by the combination of AbiEzzi and Baumgartner. Despite Patent Owner's lofty claims that the '309 patent "changed the way users interacted with their multimedia content," it only argues that a single element of the independent claims

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