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Paper 9
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JOHNSON SAFETY, INC.,
Petitioner,

v.

VOXX INTERNATIONAL CORPORATION,
Patent Owner.

Case IPR2016-01070
Patent 7,245,274 B2

Before BRYAN F. MOORE, DANIEL N. FISHMAN, and JOHN F. HORVATH, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Johnson Safety, Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claim claims 1, 5–7, 9, and 11 of U.S. Patent No. 7,245,274 B2 (Ex. 1001, "the '274 Patent") pursuant to 35 U.S.C. §§ 311–319. Voxx International Corporation ("Patent Owner") filed a Preliminary Response to the Petition. (Paper 5, "Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314(a). Section 314(a) provides that an *inter partes* review may not be instituted "unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." After considering the Petition, the Preliminary Response, and associated evidence, we conclude that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing unpatentability of claims 1, 5–7, 9, and 11.

A. Related Proceedings

The parties state that the '274 patent has been asserted in *Johnson Safety, Inc. v. Voxx International Corporation et al.*, No 5:14-CV-2591-ODW-DTB (C.D. Cal.). Pet. 1; Paper 4, 2. Petitioner has also filed a petition for *inter partes* review challenging claims 1, 2, 4, 10, 11, 12, 14, 18, 20, 26, 30, 32, 38, 39, and 42 of U.S. Patent No. 7,839,355 B2, IPR2016-01074.

B. The '274 Patent

The '274 Patent is directed to a "headrest mountable video system" and was filed on May 15, 2003. The '274 Patent describes a video system capable of playing various types of digital media, coupled to a headrest of a

vehicle, with the video system allowing for a screen to pivot away from a base unit. *See* Ex. 1001, 3:3–5, 3:15–20, 3:28–34.

C. Challenged Claims

Independent claim 1 is exemplary of the challenged claims and is reproduced below (Ex. 1001, 6:5–13):

> 1. A video system comprising:
>
> a base unit coupled to an internal headrest support structure; and
>
> a door pivotally connected to the base unit by a hinge, the door comprising a display and a media player comprising at least one of a DVD player, an MPEG player or a video game player.

D. Asserted Grounds of Unpatentability

The information presented in the Petition sets forth proposed grounds of unpatentability for the claims of the '274 patent as follows (Pet. 17, 37, 48):

Reference[s]	Basis	Claims
Chang[1] and Mathias[2]	35 U.S.C. § 103	1, 5–7, and 9
Chang, Jost[3], and Mathias	35 U.S.C. § 103	1, 5–7, and 9
Chang and Tseng[4]	35 U.S.C. § 103	11
Swaim[5] and Compaq Manual[6]	35 U.S.C. § 103	1, 5–7, and 9

II. ANALYSIS

A. Claim Interpretation

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S.Ct. 2131, 2144–46 (2016) (upholding the use of the broadest reasonable interpretation standard as the claim interpretation standard to be applied in inter partes reviews). Under this standard, we

[1] U.S. Patent No. 6,871,356, October 28, 2002, Ex. 1007.
[2] Patent No. WO 00/38951, December 28, 1998, Ex. 1008.
[3] U.S. Patent No. 6,883,870, March 20, 2002, Ex. 1016.
[4] U.S. Patent Application Publication No. 2004/0130616 A1, January 3, 2003, Ex. 1006.
[5] U.S. Patent No 6,685,016, December 1, 2001, Ex. 1011.
[6] Compaq, Hardware Guide, Compaq Tablet PC TC1000 Series, document part no. 280133-001 (Nov. 2002), Ex. 1012.

interpret claim terms using "the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification." *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). We presume that claim terms have their ordinary and customary meaning. *See Trivascular, Inc. v. Samuels*, 812 F.3d 1056, 1062 (Fed. Cir. 2016) ("Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification and prosecution history."); *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007) ("The ordinary and customary meaning is the meaning that the term would have to a person of ordinary skill in the art in question." (internal citation and quotation marks omitted)). A patentee, however, may rebut this presumption by acting as his or her own lexicographer, providing a definition of the term in the specification with "reasonable clarity, deliberateness, and precision." *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Only those terms that are in controversy need to be construed, and only to the extent necessary to resolve the controversy. *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

1. coupled

Claim 1 requires "a base unit coupled to an internal headrest support structure." Petitioner proposes that the term "coupled" should be given its broadest reasonable construction as "connected" in its plain and ordinary sense. Pet. 9. Petitioner states that the specification of the '274 Patent

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