

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BLITZSAFE TEXAS, LLC,

Plaintiff,

v.

HONDA MOTOR CO., LTD., ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§
§

Case No. 2:15-CV-1274-JRG-RSP

(LEAD CASE)

JURY TRIAL DEMANDED

PLAINTIFF BLITZSAFE TEXAS LLC'S OPENING CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

	<u>Page No(s).</u>
I. CLAIM CONSTRUCTION STANDARD OF REVIEW	1
A. Governing Law.	1
B. Level of Ordinary Skill in the Art.....	1
II. PATENT BACKGROUND AND TECHNOLOGY	2
A. Overview of the '786 Patent	2
B. Overview of the '342 Patent	2
III. AGREED UPON CONSTRUCTIONS	3
IV. DISPUTED TERMS.....	6
A. Claims Terms for which Blitzsafe Proposes Constructions.....	6
i. “interface”	6
ii. “integration subsystem”	9
1. “Integration Subsystem” Does Not Invoke 35 U.S.C. 112(6) Because the Claims Recite Sufficient Structure	12
2. Even if “Integration Subsystem” Were to Invoke 35 U.S.C. 112(6) the Term is Not Invalid Under 35 U.S.C. 112(2)	13
iii. “external”	16
iv. “generated . . . for playing on the car audio/video system”	17
B. Claim Phrases That Need Not Be Construed but Are Proposed for Construction By Defendants.....	19
i. “format incompatible with the [after-market audio device, portable device, video device, portable audio device, MP3 player]”	19
ii. “format incompatible with the car stereo” / “format incompatible with the car audio/video system”	20
iii. “device presence signal”	21
iv. “pre-programmed”	22
v. “portable”	22
vi. “car stereo”	24
vii. “car audio/video system”	25
viii. “video information”	25
ix. “connector electrically connectable to” / “electrical connector” / “connectable”	26
x. “maintaining . . . in a state responsive” / “maintain . . . in a state responsive”	27
V. CONCLUSION.....	28

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Apple Inc. v. Motorola, Inc.</i> , 757 F.3d 1286 (Fed. Cir. 2014) (overruled on other grounds)	14
<i>Aristocrat Techs. Aus. Pty Ltd. v. Int’l Game Tech.</i> , 521 F.3d 1328 (Fed. Cir. 2008).....	14
<i>Lochner Techs., LLC v. Hewlett-Packard Co.</i> , 2010, 4179200, 2010 WL 417200(E.D. Tex. Oct. 20, 2010)	12
<i>Marlowe Patent Hldgs. LLC v. Ford Motor Co.</i> , No. 3:11-cv-07044-PGS-DEA, Dkt. 109 (D.N.J. Jan. 20, 2015) (Ex. A).....	7, 9, 10
<i>In re Papst Licensing Digital Camera Patent Litig.</i> , 778 F.3d 1255	8, 19, 21, 27
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (en banc).....	19, 21
<i>Seoul Semiconductor Co. Ltd. v. Nichia Corp.</i> , 596 F. Supp. 2d 1005 (E.D. Tex. 2009).....	1
<i>Unified Patents, Inc. v. Blitzsafe Texas, LLC</i> , IPR2016-00118, Patent Owner's Preliminary Response, Paper 11 (PTAB February 5, 2016).....	13
<i>Unified Patents, Inc. v. Blitzsafe Texas, LLC</i> , Paper 19 (PTAB April 27, 2016)	12
<i>Williamson v. Citrix Online, LLC</i> , 792 F.3d 1339 (Fed. Cir. 2015).....	12
Statutes	
35 U.S.C. § 112	9, 11
35 U.S.C. § 112(2).....	13
35 U.S.C. § 112(6).....	11, 12, 13
Other Authorities	
37 C.F.R. § 42.100(b)	18

Pursuant to P.R. 4-5(a) and the Court’s January 8, 2016, Docket Control Order (Dkt. 56), Plaintiff Blitzsafe Texas, LLC (“Blitzsafe”) hereby submits its Opening Claim Construction Brief. The asserted patents in the above-captioned matter are U.S. Patent Nos. 7,489,786 (the “’786 Patent”) and 8,155,342 (the “’342 Patent”) (together, the “asserted patents”). The inventor of the ’786 Patent and the ’342 Patent is Ira Marlowe.

I. CLAIM CONSTRUCTION STANDARD OF REVIEW

A. Governing Law.

The governing legal standards relating to claim construction are described, for example, in the Court’s opinion in *Seoul Semiconductor Co. Ltd. v. Nichia Corp.*, 596 F. Supp. 2d 1005 (E.D. Tex. 2009), and are hereby incorporated by reference.

B. Level of Ordinary Skill in the Art

The “Field of Disclosure” is described generally as “an audio device integration system” in the ’786 Patent and the ’342 Patent. The detailed descriptions of the inventions and the claims of the asserted patents draw on a combination of skills. Blitzsafe submits that a person of ordinary skill in the art covered by the patents in suit would have a 4-year degree in Electrical Engineering (EE) or Computer Science (with course work in, or a working understanding of, EE), and at least 2 years’ experience designing or analyzing electronic devices with interfaces, including integration of components for such devices and experience with media communication in the context of automotive applications. Extensive experience and technical training may substitute for educational requirements, while advanced education might substitute for experience.

II. PATENT BACKGROUND AND TECHNOLOGY

A. Overview of the '786 Patent

The '786 Patent issued on Feb. 10, 2009, from Application No. 10/316,961 (the "'961 Application"), filed on December 11, 2002. The '786 Patent pertains to an audio device integration system that enables after-market audio products which are not specifically designed for use in an automobile, such as CD players, CD changers, MP3 players, satellite receivers, digital audio broadcast receivers, and auxiliary input sources to be connected to, operated with, and be controlled from, an existing stereo system in an automobile. The interface allows vehicle users to seamlessly integrate one or more portable electronic devices with an automobile stereo system such that the user can access, manage, and communicate audio and video content using the automobile's controls, and to enjoy audio and video generated by the external device via the car stereo's speakers and display. The '786 Patent provides the convenience of integrating an array of audio devices into one centrally-controlled system, saving users the distraction and annoyance of toggling between the controls of incompatible components.

B. Overview of the '342 Patent

The '342 Patent was issued from a continuation-in-part application claiming priority to the '961 Application. *See* '342 Patent, "Related U.S. Application Data." The '342 Patent relates to a multimedia device integration system that allows a plurality of portable electronic devices to be wirelessly integrated into an existing car stereo system via an integration subsystem while allowing information to be displayed on, and control to be provided from, the car stereo. *See*, the '342 Patent, at 2:44–54, 33:43–46; Abstract. The integration subsystem can be positioned in communication with the portable device or in communication with the car audio/video system, allowing data and control signals to be exchanged between the portable device and the car

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.