

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUBARU OF AMERICA, INC., MAZDA MOTOR OF AMERICA, INC.,
VOLVO CARS OF NORTH AMERICA, LLC; MITSUBISHI ELECTRIC
CORPORATION; MITSUBISHI MOTORS CORPORATION; DAIMLER AG;
BMW OF NORTH AMERICA, LLC

Petitioners

v.

BLITZSAFE TEXAS, LLC

Patent Owner

Patent No. 8,155,342
Issue Date: April 10, 2012
Title: MULTIMEDIA DEVICE INTEGRATION SYSTEM

PATENT OWNER'S PRELIMINARY RESPONSE

Case No. IPR2018-00090

TABLE OF CONTENTS

| | <u>Page No(s).</u> |
|--|---------------------------|
| I. INTRODUCTION | 1 |
| II. THE BOARD SHOULD INVOKE ITS DISCRETION TO DENY INSTITUTION UNDER 35 U.S.C. § 314(A) AND 37 C.F.R. § 42.108(A) | 6 |
| III. THE CURRENT PETITION FAILS TO COMPLY WITH 37 C.F.R. § 42.104(B)(3) AND (B)(4) BECAUSE ITS INCONSISTENT CLAIM CONSTRUCTION POSITIONS FAIL TO PUT THE BOARD ON NOTICE OF HOW THE CHALLENGED CLAIMS ARE TO BE CONSTRUED AND FAILS TO APPLY THE PROFFERED CLAIM CONSTRUCTIONS | 12 |
| IV. SUMMARY OF THE ALLEGED PRIOR ART AND THE PRIOR DECISIONS REGARDING THE '342 PATENT | 17 |
| A. The Clayton Reference | 17 |
| B. The Decisions Denying Institution of IPR2016-00419 and Rehearing of that Decision | 22 |
| V. CLAIM CONSTRUCTION | 23 |
| VI. THE CLAYTON REFERENCE DOES NOT TEACH OR DISCLOSE THE “AUDIO GENERATED BY THE PORTABLE DEVICE” LIMITATION | 24 |
| A. The Clayton Provisional Application Does Not Support the Teaching or Disclosure of the “Audio Generated by the Portable Device” Limitation..... | 32 |
| VII. CONCLUSION | 35 |

TABLE OF AUTHORITIES

| | Page(s) |
|---|----------------|
| Federal Cases | |
| <i>Apple, Inc. v. Immersion Corp.</i> , IPR2017-01310 (P.T.A.B. Nov. 2, 2017) | 10 |
| <i>Carefusion Corp. v. Baxter Int’l, Inc.</i> , IPR2016-01456 (P.T.A.B. Feb. 6, 2017) | 13 |
| <i>General Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha</i> , IPR2016-01357 (P.T.A.B. Sept. 6, 2017) | 7 |
| <i>Intelligent Bio-Syst., Inc. v. Illumina Cambridge Ltd.</i> , IPR2013-00324 (P.T.A.B. Nov. 21, 2013) | 7 |
| <i>Netapp, Inc. v. Realtime Data LLC</i> , IPR2017-01195 (P.T.A.B. Oct. 12, 2017) | 7, 9, 18 |
| <i>Samsung Electronics Co., Ltd. v. Elm 3DS Innovations, LLC</i> , IPR2017-01305 (P.T.A.B. Oct. 17, 2017) | 9 |
| <i>Toyota Motor Company v. Blitzsafe Texas, LLC</i> , IPR2016-00419 (P.T.A.B. Aug. 31, 2016) | 22, 23, 25 |
| <i>Toyota Motor Corp. v. Blitzsafe Texas LLC</i> , IPR2016-00422 (P.T.A.B. July 6, 2016) | 13 |
| Federal Statutes | |
| 35 U.S.C. § 314(a) | 4, 7 |
| 35 U.S.C. § 316(a)(11) | 8 |
| Other Authorities | |
| 37 C.F.R. § 42.104(b)(3) | <i>passim</i> |
| 37 C.F.R. § 42.104(b)(4) | 4, 16 |
| 37 C.F.R. § 42.108(a) | 4, 6 |

IPR2018-00090
PATENT NO. 8,155,342

...

EXHIBIT LIST

| Exhibit # | Exhibit Name |
|------------------|---|
| 2001 | Declaration of Richard Stern, Ph.D. |
| 2002 | E-mail from M. Satchwell to Board dated October 20, 2017. |

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.