

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BMW OF NORTH AMERICA, LLC,
Petitioner

v.

BLITZSAFE TEXAS, LLC
Patent Owner

Case IPR2018-00927
Patent 8,155,342

Before JAMES T. MOORE, THOMAS L. GIANNETTI, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

I. INTRODUCTION

A. *Background*

BMW of North America (“Petitioner” or “BMW”) filed a Petition requesting *inter partes* review of claims 49–64, 66, 68–88, 94–97, 99–111, 113, 115, 116, 119, and 120 (the “challenged claims”) of U.S. Patent No. 8,155,342 (Ex. 1001, the “’342 patent”). Paper 2 (“Pet.”). Blitzsafe Texas, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

We have authority under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition and the Preliminary Response shows that “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314; *see also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”).

For the reasons that follow, we do not institute an *inter partes* review of any of the challenged claims of the ’342 patent.

B. *Related Proceedings*

The parties identify the following matters related to the ’342 patent:

1. The ’342 patent is the subject of a petition for *inter partes* review in IPR2018-00926, which was filed on April 24, 2018.
2. The ’342 patent was the subject of the following petitions for *inter partes* review that were denied institution: IPR2016-00118, IPR2016-00419, IPR2016-01473, IPR2016-01476, and IPR2018-00090.
3. The ’342 patent was the subject of the following *inter partes* reviews that were terminated prior to a final written decision: IPR2016-

IPR2018-00927
Patent 8,155,342

00418, IPR2016-01533, IPR2016-01557, IPR2016-01560, IPR2016-01445, and IPR2016-01449. Pet. 73–74; Paper 5, 2; Prelim. Resp. 5–7.

The '342 patent has also been involved in numerous civil actions for infringement. *See* Pet. 73–74; Paper 5, 1–2.

In addition to the matters identified by the parties, a further petition for *inter partes* review of the '342 patent was filed by Daimler AG on June 6, 2018. IPR2018-01209, Paper 2. A decision on that petition is pending. Further, on August 10, 2018, the Board denied a petition for *inter partes* review of the '342 patent filed by Jaguar Land Rover North America. IPR2018-00544, Paper 8.

C. The '342 Patent

The '342 patent is titled “Multimedia Device Integration System.” Ex. 1001, (54). The patent describes and claims inventions relating to integrating a wireless portable device into a car stereo system. Ex. 1001, 8:38–46.

D. Illustrative Claim

Of the challenged claims, claims 49, 73, 97, and 120 are independent. Claim 49, reproduced below, is illustrative:

49. A multimedia device integration system, comprising:
an integration subsystem in communication with a car audio/video system; and

a first wireless interface in communication with said integration subsystem, said first wireless interface establishing a wireless communication link with a second wireless interface in communication with a portable device external to the car audio/video system,

wherein said integration subsystem obtains, using said wireless communication link, information about an audio file

stored on the portable device, transmits the information to the car audio/video system for subsequent display of the information on a display of the car audio/video system, instructs the portable device to play the audio file in response to a user selecting the audio file using controls of the car audio/video system, and receives audio generated by the portable device over said wireless communication link for playing on the car audio/video system.

Ex. 1001, 42:29–47.

E. References

Petitioner relies upon the following references:

1. Michmerhuizen et al., U.S. Patent No. 7,870,142 B2, filed Sept. 8, 2006, issued Jan. 11, 2011 (Ex. 1002, “Michmerhuizen”);

2. *ID3v2 Made Easy* (available at www.id3.org/easy.html, print date May 12, 2003) and *1999 ID3v2 – Informal Standard* (available at www.id3.org/id3v2.3.0.html, print date May 12, 2003) (Ex. 1004, collectively “ID3v2”);

3. U.S. Patent Application Publication No. 2003/0215102, published Nov. 20, 2003 (Ex. 1005, “Marlowe”).

Pet. 15–22. Petitioner also relies upon the Declaration of James T. Geier, dated April 25, 2018 (Ex. 1015, “Geier Decl.”).

F. Asserted Grounds of Unpatentability

Petitioner challenges the patentability of the challenged claims of the ’342 patent based on the following grounds. Pet. 15.

References	Basis	Claims Challenged
Michmerhuizen and Marlowe	§ 103	49–64, 66, 69–88, 94–97, 99–111, 113, 116, 119, and 120.
Michmerhuizen, Marlowe, and ID3v2	§ 103	66, 68, 94, and 115

II. DISCUSSION

A. *The Previous Petitions*

Prior to this case and IPR2018-00926, twelve petitions for *inter partes* review of the '342 patent have been filed, including one by Petitioner BMW. Prelim. Resp. 5. So far, none has been successful in cancelling any claims.

One of those petitions was IPR2018-00090 (“IPR090”). That petition was filed by a number of auto companies including BMW. The IPR090 petition was based on the petition in IPR2016-00918, an *inter partes* review that was terminated after final hearing when the parties reached a settlement. The IPR090 petition states: “[t]his Petition, and the references and grounds included in it, are substantively identical to those included” in the petition in IPR2016-00418, filed by Toyota and terminated March 10, 2017 due to a settlement after oral argument. IPR090, Paper 1, 1 (emphasis omitted); Prelim. Resp. 6.

On April 20, 2018, the Board denied institution in IPR090. IPR090, Paper 15, 18–19. The Petition in this case was filed by BMW five days later, on April 25, 2018. Paper 2, 77. The petition in IPR2018-00926 was filed a day earlier, on April 24, 2018.

B. *Discretion under 35 U.S.C. § 314(a)*

Patent Owner contends that we should exercise our discretion to deny institution of this Petition under 35 U.S.C. § 314(a). Prelim. Resp. 49–54. Patent Owner argues that “[a]fter eleven previous petitions have resulted in zero claims cancelled or amended, and a twelfth petition that is pending the Board’s institution decision, institution of this thirteenth petition, along with

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.