

Appendix A

Supplemental Disclosures Regarding § 103 Combinations And Motivations To Combine References

1. Use Of Two Identical Earphones

To the extent that a reference discloses a single wireless earphone, or discloses a system of wireless earphones, but does not disclose that both have the same form factor; or, to the extent that a reference discloses a system of wireless earphones, and one of which includes a transceiver, processor, antenna, speaker or transducer, microphone, and battery, but does not disclose explicitly that both include all such elements, it would have been obvious to a person of ordinary skill in the art to utilize a system of two earphones, identical in form factor, and each including a transceiver, processor, antenna, speaker or transducer, and microphone. As set forth below, multiple references taught (and multiple products available for sale and in public use comprised) a system of two wireless earphones identical in form factor and in internal components. A person of skill would have been motivated to apply this teaching in references that did not already embody it, because a person of skill would have recognized the advantages in a two-earphones system, including the ability to listen to music in stereo. A person of skill would further have known that a system in which both earphones used the same form factor and included the same essential components would have avoided the need to design and manufacture different earphones configurations within a single product, and would have allowed a user who forgets or misplaces either of the set of earphones to use the remaining earphone as a fully functional unit. A person of skill would have also found it obvious to try including the same

components in a second earphone that are already disclosed as included in a first earphone in a two-earphone system, and would have considered such an approach to be a natural starting point of their design in view of the disclosures already provided.

Recognizing these advantages, a person of ordinary skill would have been motivated to combine the reference in question with the below references, which teach of earphone systems including two earphones of an identical form factor, or two earphones that each include a transceiver, processor, antenna, speaker or transducer, microphone, and battery include:

- **Rosener (U.S. Patent Publication No. 2008/0076489)**

Each of the first and second wireless earphones 502, 504 comprises a housing containing a speaker, an RF receiver or transceiver and a battery. The speaker may comprise, for example, a magnetic element attached to a voice-coil-actuated diaphragm, an electrostatically charged diaphragm, a balanced armature driver, or a combination of one or more of these transducer elements. As explained in detail below, the receiver or transceiver of each of the first and second earphones 502, 504 is operable to communicate with one or more external data or audio data devices (e.g., a cellular telephone, PDA, MP3 player, CD player, radio, personal computer, game console, etc.) over one or more wireless links. Each of the first and second earphones 502, 504 may be in the form of an earbud designed to fit into the concha of the pinna of the user's ear; a canalphone, which can be fitted within the ear canal of the user's ear; an over-the-ear circum-aural type headphone; or any other suitable configuration that may be attached to, worn on, or fitted within the user's ear. Each of the first and second earphone 502, 504 may further include a clip, earloop, or other suitable securing mechanism to help maintain the earphone 502 or 504 on the ear of the user. Either or both of the first and second earphones 502, 504 may further be coupled to a second data or audio data source such as, for example, a sensor or a microphone for capturing sound waves generated by the user's 500 voice.

[0030.]

- **Chiloyan (U.S. Patent Publication No. 2007/0147629)**

Phone 901 may include an antenna 902 for a wireless communication link between the phone 901 and a headset 903 during monaural use, and which may communicate with a second headset 904 for binaural use. Second headset may be the earpiece described above, or it may be a separate, duplicate version of earpiece 903. Headsets 903, 904 may each wirelessly communicate with phone 901 to obtain necessary data and signals for separate audio channels. . . . When two headsets 903, 904 are used in a telephone call, the microphones on each headset

may be used as dual directional microphones, to help reduce noise encountered in a telephone call.

[0038, 0039; *see* FIGS. 9, 11.]

2. Elongated Body Portion

To the extent that a reference discloses a wireless earphone system, but does not disclose that the earphones may be implemented in a form factor that includes an elongated portion extending downwards when the earphone is worn, the implementation of the disclosed earphones in such a form factor would have been obvious to a person of ordinary skill in the art. A person of skill would have known that many different commercially available earphone systems utilized an elongated form factor, including earphones or headpieces to allow users to wirelessly participate in telephone calls or video conferences, or to speak over a radio link. A person of skill would have recognized advantages in using such a form factor in a system of earphones that were designed to allow the wearer to listen to music from a digital audio player. For instance, a person of skill would have recognized that the elongated form factor allowed for an easier and more effective layout of the relevant electrical components, including by providing a larger space in which to locate a power source, such as a battery, and by providing an elongated axis for an antenna to extend along, thus improving the performance of the antenna. Further still, if the reference disclosed that the earphones included a microphone, as was known to be advantageous to allow the earphones to be used with a cellular phone to place voice calls, and to allow the earphones to transmit voice commands, the person of skill would have understood that the elongated portion allowed for an advantageous placement of the microphone by allowing it to be placed in front of the ear and oriented towards the user's mouth. A person of skill would have also recognized that the elongated form factor would make it easier for a user to insert and remove the earphones or headpieces by providing her with an element that could be readily

grasped. A person of skill would have also considered it obvious to try an elongated body portion because it was one of a finite number of possible configurations already known in the art.

Recognizing these, and other, advantages, a person of skill would have been motivated to combine the reference in question with one or more of the following, each of which teach earphones with an elongated form factor:

- **Rosener (U.S. Patent Publication No. 2008/0076489)**

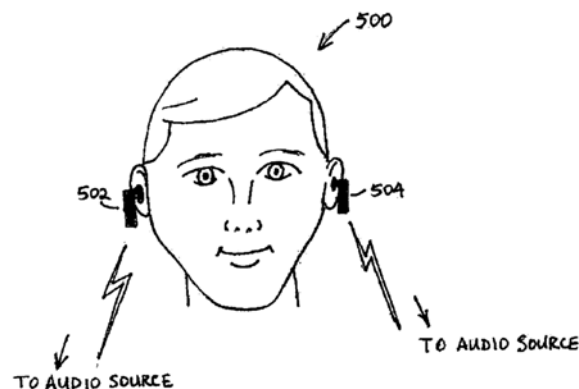
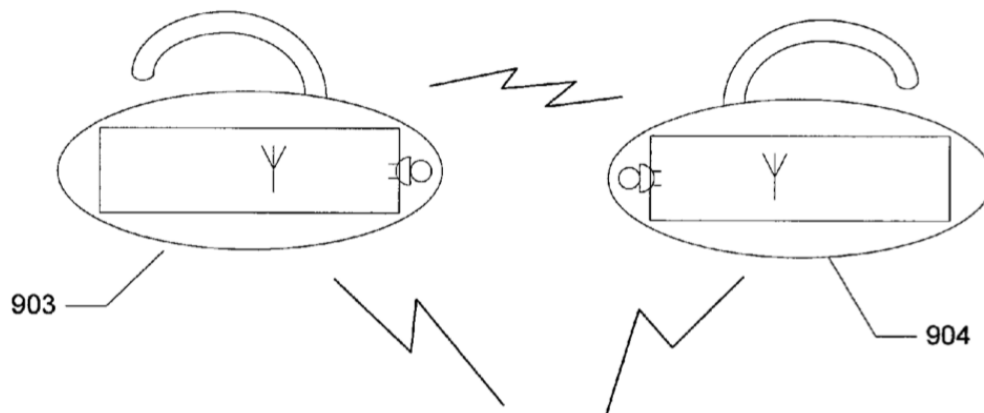


FIGURE 5

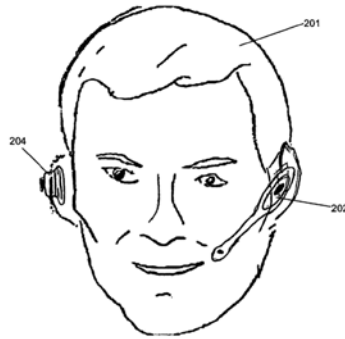
[FIG. 5.]

- **Chiloyan (U.S. Patent Publication No. 2007/0147629)**



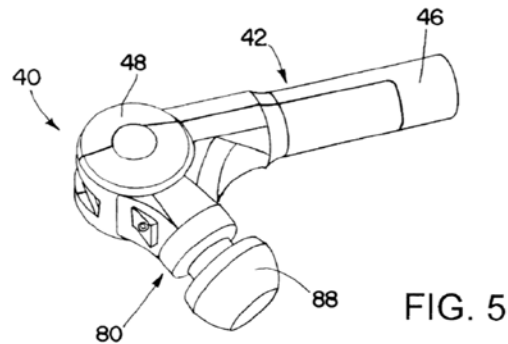
[FIG. 9.]

- **Huddart (U.S. Patent Publication No. 2008/0076489)**



[FIG. 6.]

- **Hupkes (U.S. Patent Publication No. 2008/0279409)**



[FIG. 5.]

3. Ear Canal Portion

To the extent that a reference discloses a wireless earphone system, in which a speaker is placed in proximity to a user's ear, but does not disclose that the earphones may include a portion that is inserted into the user's ear canal, including such an element in the earphone system would have been obvious to a person of ordinary skill in the art. A person of skill would have known that, as taught by multiple references and evidenced by commercially-available products, earphones typically utilized one of a small number of form factors, including over-ear, next-to-ear, and in-ear, the latter of which was known to extend into the user's ear canal. A person of skill would have known that the next-to-ear and in-ear form factors could be chosen

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.