UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner

v.

STRATOSAUDIO, INC.,
Patent Owner

IPR2021-00716
U.S. Patent No. 8,688,028

DECLARATION OF DR. JOHN C. HART, Ph.D.

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1. Takahisa does not disclose "[a] method for correlating media content identifying data with at least one broadcast segment received by the communication device"– Element 11[Pre] 44

2. Takahisa does not disclose "each identifying data aggregate associated with . . . the at least one broadcast segment" - Element 11[d] 46

B. Takahisa does not anticipate claims 14, 15, and 18 50

C. Claim 16 is independently patentable over Takahisa 51

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1. Mackintosh does not disclose "[a] method for correlating media content identifying data with at least one broadcast segment received by the communication device" – Element 11[Pre] 54

2. Mackintosh does not teach or suggest "each identifying data aggregate associated with . . . the at least one broadcast segment" - Element 11[d] 55

a. No disclosure of this element in Mackintosh 55

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b. No motivation to modify Mackintosh to meet this element 58

B. Mackintosh does not render obvious claims 14, 15, and 18 63

C. Claim 16 is independently patentable over Mackintosh 64

1. Mackintosh does not disclose "wherein the data stream further comprises data that enables a unique identification of the at least one broadcast segment" 64

a. Mackintosh's "cut code" and "event code" do not uniquely identify a *broadcast segment* 64

b. Mackintosh's "cut code" and "event code" are not sent in the same data stream as media content identifying data 69

2. A POSITA would not be motivated to modify Mackintosh to derive "wherein the data stream further comprises data that enables a unique identification of the at least one broadcast segment" of Claim 16 72

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I. INTRODUCTION

1. I, John C. Hart, Ph.D., have been retained by Patent Owner StratosAudio, Inc. ("Patent Owner") as an independent expert witness in the above referenced *inter partes* review ("IPR") of United States Patent No. 8,688,028 ("the '028 patent") (EX1001). I understand that Volkswagen Group of America, Inc. ("Petitioner") has petitioned for *inter partes* review of the '028 patent and requests that the United States Patent and Trademark Office ("PTO") cancel as unpatentable certain claims of the '028 patent.

2. This declaration sets forth my analyses and opinions based on the materials I have considered thus far and the bases for my opinions. I understand that this declaration will be used in the above mentioned IPR2021-00716.

A. Background and Qualifications

3. My qualifications are set forth in my curriculum vitae, a copy of which is attached as Appendix A hereto. As set forth in my curriculum vitae, I have a B.S. degree in Computer Science, as well as both an M.S. and Ph.D. degree in Electrical Engineering and Computer Sciences. I am a tenured Professor of Computer Science in the Department of Computer Science at the University of Illinois at Urbana-Champaign, one of the top five CS departments in the nation according to US News and World Report. As an educator for the past three decades, I have taught courses

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