

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner

v.

STRATOSAUDIO, INC.,
Patent Owner

IPR2021-00721
U.S. Patent No. 8,166,081

**DECLARATION OF DR. TIM A. WILLIAMS IN SUPPORT OF
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	CLAIM CONSTRUCTION	3
A.	The Additional Limitations Added to the Claims	4
B.	“First Receiver Module” and “Second Receiver Module”	6
1.	Dr. Moon Provides an Interpretation But Does Not Provide a Claim Construction	7
2.	The ’081 Patent’s Specification Explains that “Modules” Are Not Necessarily Separate Physical Components	8
3.	The Claimed “Output System” Does Not Limit the Claimed First and Second Receiver Modules.....	15
III.	THE GROUNDS PRESENTED IN MY PREVIOUS DECLARATION DISCLOSE ALL OF THE ELEMENTS OF THE CHALLENGED CLAIMS.	20
A.	Ground 1: Mackintosh.....	20
1.	Mackintosh Discloses the Claimed “Second Receiver Module”	20
2.	Mackintosh Discloses the Claimed “Output System”	26
3.	Mackintosh Discloses “Data Enabling the Identification of a Specific Instance of the First Media Content.....	30
4.	Mackintosh Discloses Claim 10.....	34
B.	Ground 3: DeWeese	36
1.	DeWeese Discloses “Data Enabling the Identification of a Specific Instance of the First Media Content”	36
2.	DeWeese Discloses the Claimed “Second Receiver Module”.	39
3.	DeWeese Discloses the Claimed “Output System”	41
4.	DeWeese Discloses the Claimed “Second Media Content Received Discretely From the First Media Content”	43
5.	DeWeese Discloses Claim 10	45
IV.	CONCLUSION	47

Declaration of Dr. Tim A. Williams
U.S. Patent No. 8,166,081

I, Dr. Tim A. Williams, declare as follows:

I. INTRODUCTION

1. I am the same Dr. Tim A. Williams who submitted a prior declaration (EX1003) in this matter, which I understand was filed on April 16, 2021. I have been retained on behalf of Volkswagen Group of America, Inc. for the above-captioned *inter partes* review proceeding.

2. I understand that the Patent Owner has submitted a response in this case. I also understand that the Patent Owner's expert witness, Dr. Todd K. Moon, has submitted a declaration in support of the Patent Owner's Response. I have been asked to provide my technical review, analysis, and insight regarding both the Patent Owner's Response and Dr. Moon's declaration in support thereof.

3. My background and qualifications were provided in paragraphs 5-14 of my previous declaration, and my CV was provided as an appendix to EX1003. My statements in paragraphs 15-16 of my prior declaration regarding my review of U.S. Patent No. 8,166,081 ("081 patent") and related materials remain unchanged, as do my understandings of the relevant legal principles stated in paragraphs 17-25.

4. Since my prior declaration, I have reviewed and considered the following additional materials:

Paper	Description
16	Decision Granting Institution
27	Patent Owner's Response

Declaration of Dr. Tim A. Williams
U.S. Patent No. 8,166,081

Exhibit	Description
1015	Deposition Transcript of Todd K. Moon, taken March 24, 2022.
1017	U.S. Patent Publication No. 2002/0183059 to Noreen <i>et al.</i> (“Noreen”)
1018	U.S. Patent No. 6,349,329 to Brandt <i>et al.</i> (“Brandt”)
1019	U.S. Patent Publication No. 2003/0001965 to Cao <i>et al.</i> (“Cao”)
2019	Declaration of Dr. Todd Moon dated January 14, 2022
2020	Deposition Transcript of Dr. Tim A. Williams dated January 6, 2022
2021	U.S. Patent 8,875,188 B2 issued October 28, 2014

5. I have also considered all other materials cited herein. My work on this case is being billed at my normal hourly rate, with reimbursement for actual expenses. My compensation is not contingent upon the outcome of this *inter partes* review proceeding.

6. In preparing this declaration, I have reviewed and am familiar with all the references cited herein. I have reviewed and am familiar with the '081 patent and its prosecution history. I confirm that to the best of my knowledge the accompanying exhibits are true and accurate copies of what they purport to be, and that an expert in the field would reasonably rely on them to formulate opinions such as those set forth in this declaration.

7. In his declaration, Dr. Moon makes several statements regarding the '081 patent, the prior art references, and the relevant technology at issue in this proceeding, which I believe to be inaccurate and misleading. My responses to these statements are detailed below.

8. Regardless of whether I use “I” or “POSA” during my technical analysis below, all of my statements and opinions are always to be understood to be based on how a POSA would have understood or read a document at the time of the alleged invention.

II. CLAIM CONSTRUCTION

9. I first turn to the area of claim construction. In my opening declaration, submitted in support of the Petition for *inter partes* review directed to the '081 patent, I set forth my understanding of claim construction—namely that, during an *inter partes* review, claims are to be construed in light of the specification as would be read by a person of ordinary skill in the relevant art at the time the application was filed, and that claim terms are given their ordinary and customary meaning as would be understood by a person of ordinary skill in the relevant art in the context of the entire disclosure.

10. Throughout this declaration, I will address the opinions presented by Dr. Moon in his declaration, but my analysis applies equally to the Patent Owner Response (POR). Upon reviewing Dr. Moon’s declaration, Dr. Moon appears to add additional limitations to several of the claim elements. I believe, however, that Dr. Moon proposes claim interpretations that violate certain well-established claim construction principles by improperly interpreting the scope of several claim limitations of the '081 patent. I address these claim terms below.

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