

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

**PETITIONER VOLKSWAGEN GROUP OF AMERICA, INC.'S REPLY TO
PATENT OWNER'S RESPONSE**

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PETITIONER'S UPDATED EXHIBIT LIST

<i>Exhibit No.</i>	<i>Description</i>
1001	U.S. Patent No. 8,166,081 to Christensen et al. (“’081 Patent”)
1002	File History of U.S. Patent No. 8,166,081 (“Prosecution History”)
1003	Declaration of Dr. Tim Williams
1004	U.S. Patent No. 6,349,329 to Mackintosh <i>et al.</i> (“Mackintosh”)
1005	U.S. Patent Publication No. 2005/0262542 to DeWeese <i>et al.</i> (“DeWeese”)
1006	IP Address: Your Internet Identity, R. Smith (Mar. 29, 1997)
1007	TCP/IP Illustrated Vol. 1, W.R. Stevens (1994)
1008	Data-Over-Cable Service Interface Specifications, DOCSIS 1.1, Radio Frequency Interface Specification, September 7, 2005 (“DOCSIS Standard”)
1009	<i>Sand Revolution II, LLC v. Continental Intermodal Grp. – Trucking LLC</i> , IPR2019-01393, Patent Owner’s Supplemental Brief
1010	[Proposed] Second Amended Joint Scheduling Order
1011	Volkswagen’s Motion to Dismiss, or Transfer, for Improper Venue
1012	September 3, 2021 Email Stipulation re IPR Grounds
1013	Declaration of Mark Hannemann in Support of Petitioner Volkswagen Group of America, Inc.’s Motion for Unopposed Admission <i>Pro Hac Vice</i> , filed December 23, 2021.
1014	Declaration of Thomas R. Makin in Support of Petitioner Volkswagen Group of America, Inc.’s Motion for Unopposed Admission <i>Pro Hac Vice</i> , filed December 23, 2021.
1015	Deposition Transcript of Todd K. Moon, taken March 24, 2022.
1016	Declaration of Dr. Tim Williams in Support of Petitioner’s Reply to Patent Owner’s Response (“Williams Reply Decl.”).
1017	U.S. Patent Publication No. 2002/0183059 to Noreen <i>et al.</i> (“Noreen”)
1018	U.S. Patent No. 6,701,355 to Brandt <i>et al.</i> (“Brandt”)
1019	U.S. Patent Publication No. 2003/0001965 to Cao <i>et al.</i> (“Cao”)

I. INTRODUCTION

The Board should find all of the challenged claims of the '081 patent unpatentable. In its POR, Patent Owner (“PO”) has incorrectly premised nearly the entirety of its arguments on faulty claim interpretations that import numerous limitations into the claims. This has resulted in an incomplete and incorrect analysis of the Petition’s grounds of unpatentability.

The majority of PO’s arguments are premised on an erroneous claim interpretation for the “first receiver module” and “second receiver module,” which the Board has already rejected. POR, 12-15; DI, 43. Specifically, PO reiterates the arguments presented in the POPR that the first and second receiver modules must be “separate and distinct” devices. POR, 12-15; POPR, 23-25; DI, 43. Yet, PO’s arguments, as the Board correctly noted in its Institution Decision, are flawed for numerous reasons.

First, PO fails to provide an actual claim construction for either the “first receiver module” or “second receiver module.” Instead, PO merely alleges that “the Board should understand *first receiver module* and *second receiver module* as two separate and distinct receiver modules.” POR, 12.¹ This, however, is not a

¹ PO elsewhere alleges that the first and second receiver modules only require “two distinct receiver modules.” POR, 15. PO has offered no explanation for what the

proposed claim construction as many potential interpretations for the first receiver module and second receiver module could satisfy this requirement. Additionally, PO's non-construction also lacks specificity as there is no indication of what it means for these two modules to be "distinct"—e.g., separation of physical components within a single device, physically separate devices, logical separation, etc. PO's fails to provide such specificity for one simple reason—such an interpretation is not supported by the specification.

Moreover, not only does the specification not support PO's interpretation of the "first receiver module" and "second receiver module," such an interpretation would actually read out preferred embodiments in the specification. EX1001, 6:47-7:8 (broadly defining "module" to include "logical modules that may be combined with other modules or divided into sub-modules despite their physical organization); EX1015, 27:4-16, 93:17-25, 95:1-18. The Board should therefore re-apply the findings from the Institution Decision and reject PO's attempts to improperly narrow the claims.

PO then argues that Mackintosh and DeWeese do not disclose the "second receiver module" under its erroneous interpretation. POR, 25-29, 39-41. This is not

difference is between receiver modules that are "separate and distinct" versus just "distinct."

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