

# PATENT OWNER'S PRESENTATION

*VOLKSWAGEN GROUP OF AMERICA, INC. ET AL.*

*V.*

*STRATOSAUDIO, INC.*

*IPR2021-00721*

UNITED STATES PATENT TRIAL AND APPEAL BOARD  
JULY 22, 2022

# Insufficient Evidence as to Obviousness

## Mackintosh (Ground 2)

We agree with Patent Owner. Petitioner's obviousness analysis is deficient in that it does not provide an adequate articulation of the necessary factual analysis set forth in *Graham*. For example, the Petition's obviousness analysis does not articulate what differences exist between the claimed subject matter and Mackintosh's teachings, which of Mackintosh's embodiments would need to be combined in order to meet the claim limitations, how Mackintosh's embodiments would have been combined, and why such a combination would have been desirable to one of skill in the art at the time of the claimed invention.

On this record, and where Petitioner's obviousness ground is premised on unspecified modifications or combinations based on Mackintosh, we do not find that the Petition has demonstrated a reasonable likelihood of prevailing in its challenge to claims 9–11 and 23 under 35 U.S.C. § 103(a) as obvious over Mackintosh.<sup>8</sup>

IPR2021-00721, Paper 16 (Institution Decision), at 47-8.

## Insufficient Evidence as to Obviousness

### DeWeese (Ground 4)

We agree with Patent Owner that the Petition fails to make an adequate showing under *Graham* with respect to DeWeese for the same reasons we discussed above with respect to Mackintosh. See Section

On this record, and where Petitioner's obviousness ground is based on unspecified modifications or combinations based on DeWeese, we find that the Petition has demonstrated a reasonable likelihood of success in its challenge to claims 9–11 and 23 under 35 U.S.C. § 103(a) as to DeWeese.<sup>9</sup>

## Petitioner's Remaining Grounds

Ground	Prior Art	Basis	Claim
1	U.S. Pat. No. 6,349,329 ("Mackintosh")	Anticipation only	9-11,
3	U.S. Pat. App. 2005/0262542 ("DeWeese")	Anticipation only	9-11,

Paper 1 (Petition)

### Disputes:

- Claim Construction
  - First/Second Receiver Module
- Output of the first receiver module or the second receiver module
- Data enabling identification of a specific instance
- Claim 10

# Claim Construction

IPR2021-00721, Paper 27 (Patent Owner's Response ("POR")) at 12-16; Paper 36 (Patent Owner's Sur-Re

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