

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLKSWAGEN GROUP OF AMERICA, INC.,  
SUBARU OF AMERICA, INC., and  
VOLVO CAR USA, LLC,  
Petitioner,

v.

STRATOSAUDIO, INC.,  
Patent Owner.

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IPR2021-00721  
Patent 8,166,081 B2

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Record of Oral Hearing  
Held: July 22, 2022

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Before JUSTIN T. ARBES, HYUN J. JUNG, and KEVIN C. TROCK,  
*Administrative Patent Judges.*

IPR2021-00721  
Patent 8,166,081 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Friday, July 22, 2022, commencing at 3:16 p.m. EDT, at the U.S. Patent and Trademark Office, Madison Building-East Wing, 600 Dulany Street, 9th Floor, Alexandria, Virginia 22313.

PROCEEDINGS

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JUDGE ARBES: Good afternoon. This is the second oral hearing of the day, Case IPR2021-00721 involving Patent 8,166,081.

Can counsel again please state your names for the Record?

MR. RICHARDSON: Ryan Richardson, from Sterne Kessler Goldstein & Fox, on behalf of Petitioner, Volkswagen Group of America. And also with me is Tim Tang and Michael Specht, from the same law firm.

JUDGE ARBES: Patent Owner?

MR. LAMBERSON: Jonathan Lamberson, from the law firm of White & Case, for Patent Owner, StratosAudio. And with me today is Hallie Kiernan and John Scheibeler, from the same firm.

JUDGE ARBES: Per the Trial Hearing Order, the parties will each have 60 minutes of total time to present arguments. Again, we'll follow the same order and procedures.

Any questions from the parties before we begin?

MR. RICHARDSON: No, Your Honor.

JUDGE ARBES: Counsel for Petitioner, you may proceed. And would you like to reserve time for rebuttal?

MR. RICHARDSON: 20 minutes again, Your Honor. Thank you.

1           Good afternoon, Your Honors. As just mentioned,  
2 this portion of today, we're going to be discussing the  
3 '081 Patent, which again is assigned to StratosAudio. In  
4 this particular instance, the '081 Patent is a  
5 continuation of the '405 Patent that we discussed for the  
6 last couple hours today. So the concepts that we  
7 introduced in the previous proceeding are the same  
8 concepts that are introduced here. Namely, both patents  
9 are directed towards a media enhancement system configured  
10 to associate a secondary media signal to a primary media  
11 signal.

12           And the key difference here between the  
13 challenged claims of the '081 Patent and the claims of the  
14 '405 Patent that we previously discussed is that the '081  
15 Patent claims a system and the '405 Patent claims a  
16 method.

17           With the claims here being directed to a system,  
18 the claims now include a couple additional elements that  
19 are going to be the focus of the majority of today's  
20 presentation. Those elements are a first and a second  
21 receiver module. They're configured to receive the first  
22 and second media. And an output to output that media.

23           As we'll discuss here today, a majority of Patent  
24 Owner's arguments in this proceeding are based on what we  
25 believe to be faulty claim constructions for these two  
26 system limitations. Patent Owner's proposed construction

1 are not only unsupported by the specification of '081  
2 patent, but are, in fact, directly contradicted. They are  
3 directly contradicted by definitions provided for these  
4 terms in the patent.

5       Specifically, it's Patent Owner's position that  
6 the first and second receiver modules must be separate and  
7 distinct, and that the output system must include a  
8 different output on each of the separate and distinct  
9 modules. So Petitioner strongly disagrees and disputes  
10 Patent Owner's constructions, but there's two important  
11 things to keep in mind as we go through today's  
12 presentation. First is that Patent Owner never once in  
13 any of its papers to date disputes Petitioner's prior --  
14 whether Petitioner's prior art references disclosed those  
15 two modules and the output system when the plain and  
16 ordinary meaning of those terms is applied, as Petitioners  
17 have alleged and have set forth in their papers.

18       Number 2 is that Petitioner's prior art  
19 references nonetheless disclose both of those  
20 constructions for the term, module and output system. So  
21 they disclosed it under the plain and ordinary meaning,  
22 and also under the more narrow construction being offered  
23 by Patent Owner.

24       So Patent Owner's claim construction arguments,  
25 which again is going to be the foundation for the majority  
26 of today's discussion, is not only incorrect but they

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