

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HYUNDAI MOTOR AMERICA,  
Petitioner,

v.

STRATOSAUDIO, INC.,  
Patent Owner.

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IPR2021-01267  
Patent 8,166,081 B2

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

TROCK, *Administrative Patent Judge.*

JUDGMENT  
Final Written Decision  
Determining All Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

## I. INTRODUCTION

We have authority to hear this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision issues pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed herein, we determine that Petitioner, Hyundai Motor America, has shown by a preponderance of the evidence that claims 9–11, 15, and 23 (the “challenged claims”) of U.S. Patent No. 8,166,081 B2 (Ex. 1001, “the ’081 Patent”) are unpatentable. *See* 35 U.S.C. § 316(e) (2018); 37 C.F.R. § 42.1(d) (2019).

### A. Procedural History

The Petition (Paper 2, “Pet.”) requested *inter partes* review of the challenged claims of the ’081 Patent. Patent Owner, StratosAudio, Inc., filed a Preliminary Response. Paper 8. Based upon the record at that time, we instituted *inter partes* review on all challenged claims on the grounds presented in the Petition. Paper 9 (“Institution Decision” or “Dec.”).

After institution, Patent Owner filed a Response (Paper 17, “PO Resp.”), Petitioner filed a Reply (Paper 20, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 25, “PO Sur-reply”).

With our authorization, Patent Owner filed a Supplemental Brief (Paper 31, “PO Supp. Br.”) and Petitioner filed a Responsive Supplemental Brief (Paper 33, “Pet. Supp. Br.”) to address certain claim interpretation issues.

On October 24, 2022, an oral hearing was held. A transcript of the hearing is made part of the record. *See* Paper 38.

### B. Related Matters

The parties identify the following as related matters: *StratosAudio Inc. v. Hyundai Motor America*, No. 6:20-cv-01125-ADA (W.D. Tex.); *StratosAudio, Inc. v. Volkswagen Group of America, Inc.*, No. 6:20-cv-1131

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(W.D. Tex.); *StratosAudio, Inc. v. Mazda Motor of America, Inc.*, No. 6:20-cv-01126 (W.D. Tex.); *StratosAudio, Inc. v. Subaru of America, Inc.*, No. 6:20-cv-01128 (W.D. Tex.); and *StratosAudio, Inc. v. Volvo Cars of North America, LLC*, No. 6:20-cv-01129 (W.D. Tex.). Pet. 2–3; Paper 5, 1.

The parties also indicate that the '081 Patent is the subject of an *inter partes* proceeding, *Volkswagen Group of America, Inc. v. StratosAudio, Inc.*, IPR2021-00721 (PTAB Apr. 16, 2021) (“the '721 IPR”). Pet. 3; Paper 5, 1.

### C. *The '081 Patent*

The '081 Patent relates to media advertising and associating an advertising media signal with another media signal. Ex. 1001, 1:18–20. The '081 Patent explains that it is generally desirable to associate products with specific characteristics, and such associations may increase the chance that a potential customer will decide to purchase a product when the product is associated with a favorable characteristic. *Id.* at 1:22–30. In view of this, the '081 Patent states that an advertisement may be more effective if it is associated with an image of a celebrity or another media element that exhibits favorable characteristics. *Id.* at 1:30–34.

The '081 Patent describes a media enhancement system that is configured to associate a secondary media signal (e.g., an advertisement) to a primary media signal (e.g., a radio broadcast). *Id.* at 3:8–12. The '081 Patent explains that the secondary media signal may be based on the content of the primary media, user characteristics (e.g., demographic and/or geographic information), and/or third party preferences (e.g., the goals of advertisers). *Id.* at 3:17–21.

The '081 Patent discloses one example in which a radio station transmits a song in a first media signal that is received by a user enabled-device (e.g., a cellular phone with a radio). *Id.* at 3:27–30. A media

association system analyzes the song to determine what media elements can be associated with the song, and the media association system provides a second media signal (e.g., an advertisement) to the user enabled-device. *Id.* at 3:30–36. While the user enabled-device is playing the song, the user enabled-device displays the media content in the second media signal (e.g., a still or moving picture of the advertised product). *Id.* at 3:37–40. The '081 Patent discloses another embodiment in which a user enabled-device is playing a song from a first media signal, media content from a second media signal (e.g., a still or moving picture with selectable audio of an advertised product) is displayed by the user enabled-device, and the audio track for the first media signal is paused upon selection of the second media signal audio. *Id.* at 3:41–47.

Figure 1A of the '081 Patent is reproduced below.

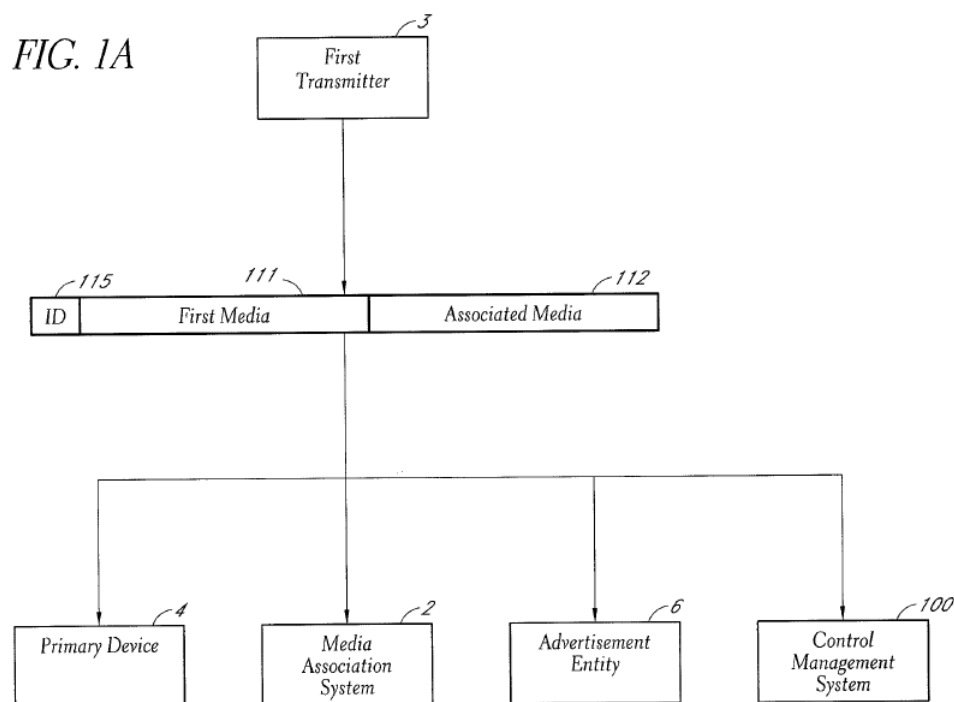
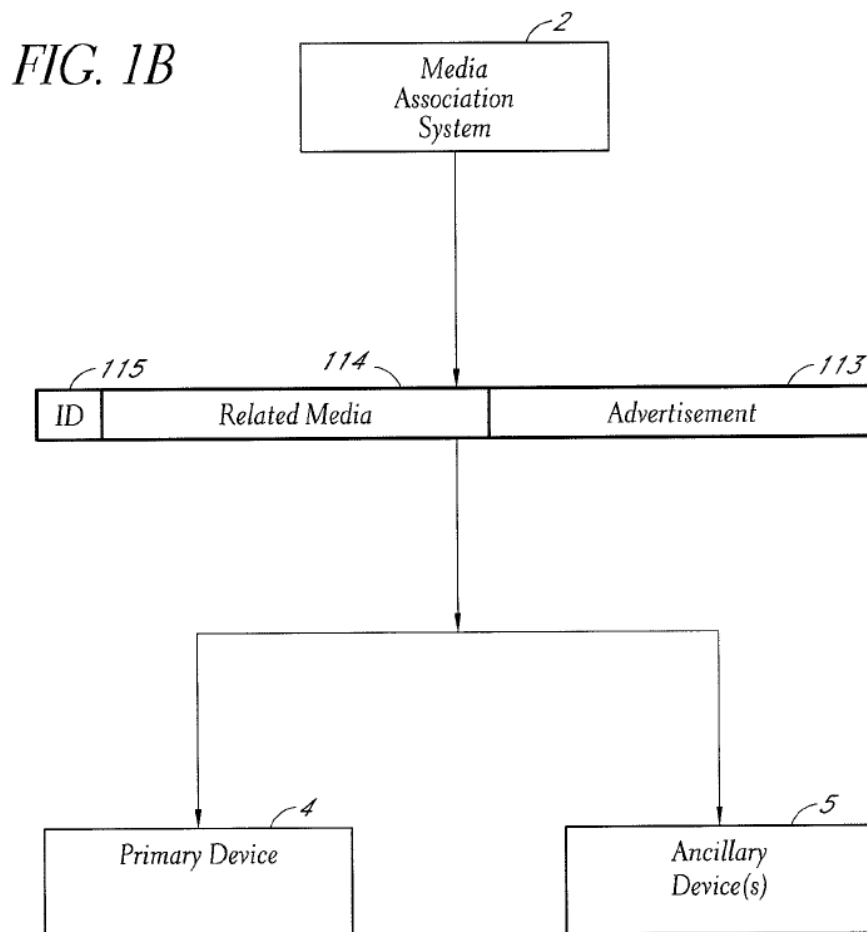


Figure 1A, above, is a block diagram that depicts signals and identifiers correlated and transmitted between elements of a media

enhancement system. *Id.* at 2:41–43. The system can include first transmitter 3, control management system 100, media association system 2, primary device 4, and advertisement entity 6. *Id.* at 8:11–16. First transmitter 3 can be broadcast content from a radio station, from over the internet, through a cable line, or satellite, and/or through other communication methods. *Id.* at 8:17–24. For instance, first transmitter 3 can send first media signal 111 that is received by primary device 4. *Id.* at 8:41–43.

Figure 1B of the '081 Patent is reproduced below.



According to the '081 Patent, Figure 1B, above, is a block diagram illustrating that media association system 2 can send or transmit secondary or related media signal 114, using information regarding the media content

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