

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYUNDAI MOTOR AMERICA,
Petitioner,

v.

STRATOSAUDIO, INC.,
Patent Owner.

IPR2021-01267
Patent 8,166,081 B2

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

TROCK, *Administrative Patent Judge.*

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Hyundai Motor America (“Petitioner”) filed a Petition (Paper 2, “Pet.” or “Petition”) to institute an *inter partes* review of claims 9–11, 15, and 23 of U.S. Patent No. 8,166,081 B2 (Ex. 1001, “the ’081 Patent”).

StratosAudio, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

An *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Upon consideration of the entirety of the current record, we determine that Petitioner has shown a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, we institute an *inter partes* review.

A. *Real Parties in Interest*

Petitioner identifies Hyundai Motor America and Hyundai Motor Company as the real parties-in-interest. Pet. 2. Patent Owner identifies itself, StratosAudio, Inc., as the only real party in interest. Paper 5, 1.

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 (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.

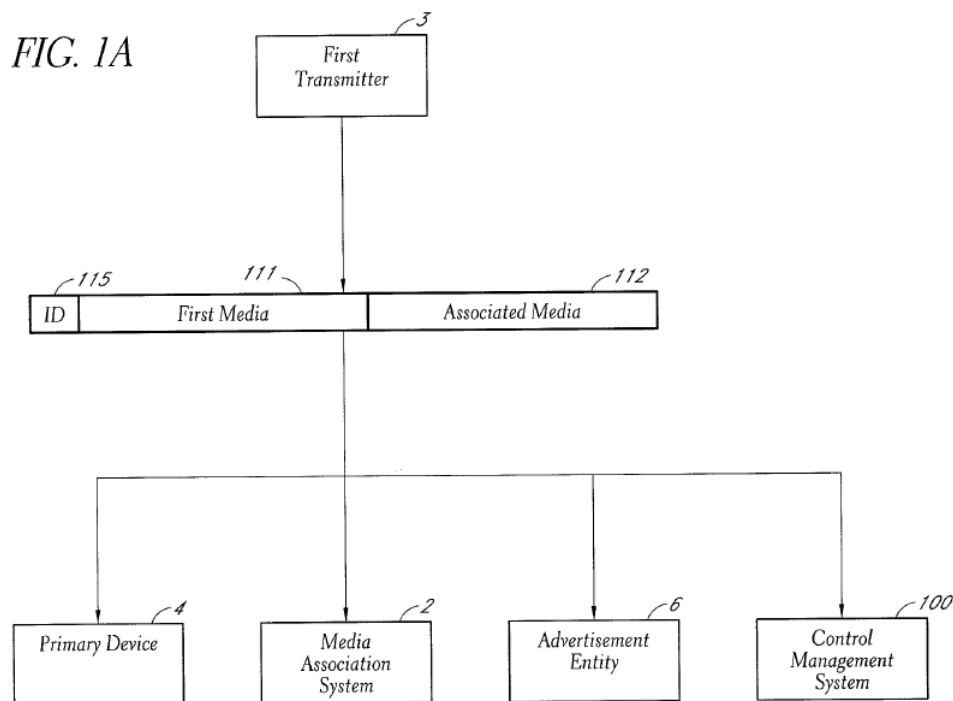
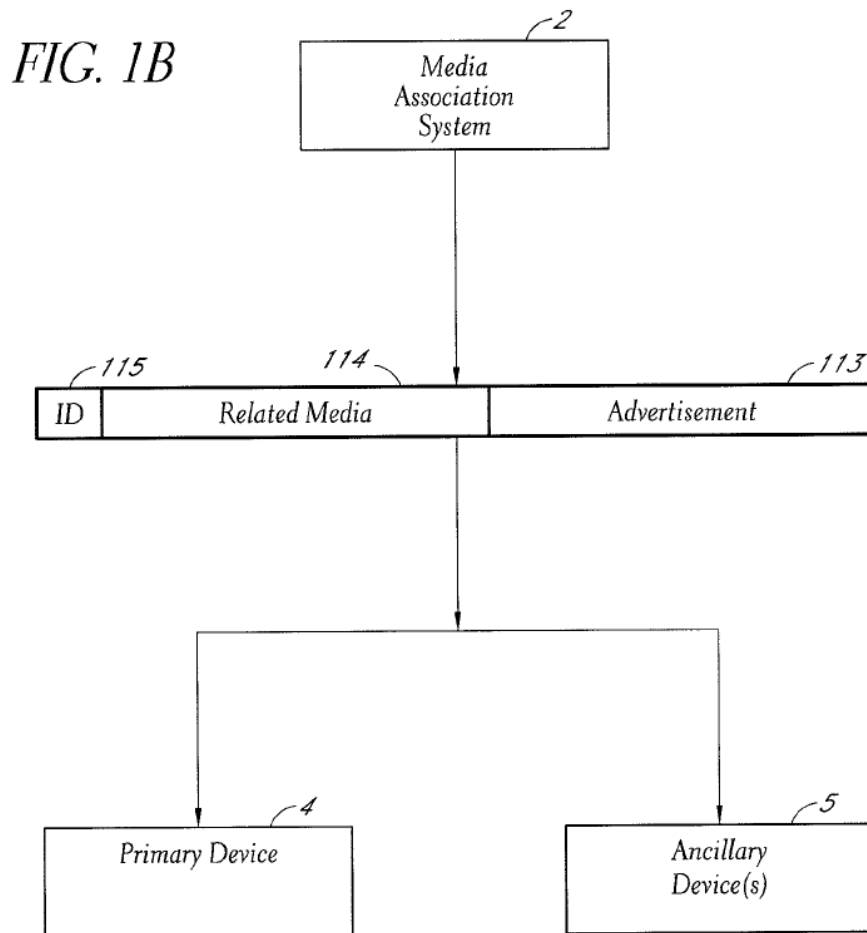


Figure 1A, above, is a block diagram that depicts signals and identifiers correlated and transmitted between elements of a media enhancement system. *Id.* at 2:41–43. The system can include first transmitter 3, control management system 100, media association system 2, primary device 4, and advertisement 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 of first media signal 111, to primary device 4 and/or ancillary device 5 through an Internet connection. *Id.* at 9:34–37, 9:39–48. Advertisement entity 6 can send advertisement signal 113 to media association system 2 so advertisement signal 113 is provided to primary device 4 upon the latter

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