

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYUNDAI MOTOR AMERICA,
Petitioner

v.

STRATOSAUDIO INC.,
Patent Owner.

IPR2021-01267
U.S. Patent No. 8,166,081

**REPLY DECLARATION OF DR. KEVIN C. ALMEROOTH
IN SUPPORT OF PETITION FOR *INTER PARTES*
REVIEW OF U.S. PATENT NO. 8,166,081**

- I. INTRODUCTION 1
- II. DR. MOON’S ARGUMENTS AGAINST GROUNDS 1-3 FAIL.....2
 - A. Independent Claim 9 is rendered obvious by Noreen alone (Ground 1) or Noreen in view of Crosby (Ground 2).3
 - 1. Element 9[a]: a first receiver module configured to receive at least a first media content and data enabling the identification of a specific instance of the first media content from a first broadcast medium;3
 - 2. Element 9[b]: a second receiver module configured to receive at least a second media content and uniquely identifying data specific to at least the second media content, the second media content received discretely from the first media content; 11
 - 3. Element 9[c]: an output system configured to present concurrently the first media content and the second media content on an output of the first receiver module or the second receiver module;..... 17
 - 4. Element 9[e]: a transmitting module configured to transmit a response message having at least the uniquely identifying data specific to the second media content to a computer server.20
 - 5. Elements 9[pre] and 9[d]22
 - B. Dependent Claim 15 is rendered obvious by Noreen alone (Ground 1).22
 - C. Dependent Claim 23 is rendered obvious by Noreen alone (Ground 1) or Noreen and Crosby (Ground 2) and Dependent Claims 10-11 are rendered obvious by Noreen-Crosby and Ellis-2002 (Ex-1007) (Ground 3).25
- III. DR. MOON’S ARGUMENTS AGAINST GROUNDS 4-5 FAIL.....25
 - A. Independent Claim 9 is rendered obvious by Ellis-2005 alone (Ground 4) or Ellis-2005 in view of Crosby (Ground 5).25
 - 1. Element 9[a]: a first receiver module configured to

receive at least a first media content and data enabling
the identification of a specific instance of the first media
content from a first broadcast medium25

2. Elements 9[pre] and 9[b]-9[e].....29

B. Dependent Claims 10-11 and 23 are rendered obvious by Ellis-
2005 alone (Ground 4) or Ellis-2005 in view of Crosby
(Ground 5).29

C. Dependent Claim 15 is rendered obvious by Ellis-2005 alone
(Ground 4).30

IV. CONCLUSION.....32

I. INTRODUCTION

1. I, Dr. Kevin C. Almeroth, declare as follows:

2. I am the same Dr. Kevin C. Almeroth that submitted a Declaration in this proceeding (Ex-1002). I submit this Reply Declaration on behalf of Hyundai Motor America (“Hyundai” or “Petitioner”) in response to the Declaration of Dr. Todd K. Moon (Ex-2016) (“Moon Decl.”) on behalf of Patent Owner StratosAudio, Inc. (“StratosAudio” or “Patent Owner”).

3. In preparation for this Reply Declaration, I have considered the materials discussed in my Declaration (Ex-1002) and this Reply Declaration, including, for example, U.S. Patent No. 8,166,081 (“the ’081 Patent”) (Ex-1001), the references cited by the ’081 Patent, the prosecution history of the ’081 Patent, various background articles and materials referenced in my Declaration (Ex-1002) and in this Reply Declaration, the prior art references identified in my Declaration (Ex-1002) and in this Reply Declaration, the Declaration of Dr. Todd K. Moon (Ex-2016) including the references cited therein, and the transcript of the Deposition of Todd K. Moon, Ph.D. (Ex-1029). In addition, my opinions are further based on my education, training, experience, and knowledge in the relevant field.

4. I am being compensated at my ordinary and customary consulting rate for my work, which is \$750 per hour. My compensation is in no way contingent on

the nature of my findings, the presentation of my findings in testimony, or the outcome of this or any other proceeding. I have no other financial interest in this proceeding.

5. I reiterate the Background and Qualifications, Relevant Legal Standards, Level of Ordinary Skill in the Art, and Technological Background sections of my Declaration (Ex-1002), as if fully set forth herein. Ex-1002 ¶¶5-29, 31-42, 44-51.

6. For the following reasons, it remains my opinion that: (1) Claims 9, 15, and 23 of the '081 Patent are rendered obvious by U.S. Patent No. 5,303,393 (“Noreen”) alone and/or Noreen in view of U.S. Patent No. 6,628,928 (“Crosby”) (Grounds 1 and 2, respectively); (2) Claims 10 and 11 the '081 Patent are rendered obvious by Noreen in view of Crosby and WO Publication No. 2002/067447 (“Ellis-2002”) (Ground 3); and (3) Claims 9-11, 15, and 23 the '081 Patent are rendered obvious by U.S. Patent Publication No. 2005/0227611 (“Ellis-2005”) alone or Ellis-2005 in view of Crosby (Grounds 4 and 5, respectively).

II. DR. MOON’S ARGUMENTS AGAINST GROUNDS 1-3 FAIL

7. Dr. Moon argues against Grounds 1-3 by alleging shortcomings in Noreen alone and/or the Noreen-Crosby combination for Elements 9[a]-9[c], and 9[e] as well as Claim 15, and provides no specific arguments against Elements

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.