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

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

PATENT OWNER SUR-REPLY

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CASES

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Playtex Prods., Inc. v. Procter & Gamble Co., 400 F.3d 901 (Fed. Cir. 2005)	4, 8, 20, 21
PSN Illinois, LLC v. Ivoclar Vivadent, Inc., 525 F.3d 1159 (Fed. Cir. 2008)	8
ScentAir Techs., LLC v. Prolitec, Inc., IPR2021-00012, Paper 22 (PTAB Apr. 22, 2022)	

UPDATED TABLE OF EXHIBITS

Exhibit	Description
2001	Defendants' Disclosure of Invalidity Contentions Cover Pleading in Parallel W.D. Litigations (July 8, 2021)
2002	Third Proposed Amended Joint Scheduling Order of Parallel W.D. Tex. Litigations (September 15, 2021)
2003	E-mail from W.D. Tex. Court Clerk Denying Request to Stay Pending Motion to Dismiss for Improper Venue (May 17, 2021)
2004	Transcript of hearing in <i>ParkerVision v. Intel Corp.</i> , 6:20-cv-00108 (W.D. Tex. September 2, 2020) (J. Albright))
2005	Interview with Judge Albright on Patent Litigation and Seventh Amendment, <i>IAM</i> (Apr. 7, 2020)
2006	Minute Entry regarding <i>Markman</i> Hearing, <i>StratosAudio</i> , <i>Inc. v.</i> <i>Hyundai Motor America</i> , 6:20-cv-01125 (W.D. Tex. September 28, 2021)
2007	Order Denying Hyundai's Motion to Dismiss, <i>StratosAudio, Inc. v.</i> <i>Hyundai Motor America</i> , 6:20-cv-01125 (W.D. Tex. September 17, 2021) (J. Albright))
2008	StratosAudio, Inc.'s Preliminary Infringement Contentions, StratosAudio, Inc. v. Hyundai Motor America, 6:20-cv-01125 (W.D. Tex. May 13, 2021)
2009	StratosAudio, Inc.'s Supplemental Preliminary Infringement Contentions, <i>StratosAudio, Inc. v. Hyundai Motor America</i> , 6:20-cv- 01125 (W.D. Tex. September 27, 2021)

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