# UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE PATENT TRIAL AND APPEAL BOARD

### HYUNDAI MOTOR AMERICA, Petitioner

v.

STRATOSAUDIO INC., Patent Owner.

DECLARATION OF DR. KEVIN C. ALMEROTH IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,688,028



### **TABLE OF CONTENTS**

I.	INTRODUCTION			
II.	BACKGROUND AND QUALIFICATIONS			
III.	INFORMATION CONSIDERED			
IV.	RELEVANT LEGAL STANDARDS			
	A.	Claim Interpretation	14	
	B.	Perspective of One of Ordinary Skill in the Art	15	
	C.	Obviousness	15	
V.	LEV	EL OF ORDINARY SKILL IN THE ART	18	
VI.	SUMMARY OF MY OPINIONS			
VII.	TECHNOLOGICAL BACKGROUND2			
VIII.	THE '028 PATENT AND ITS FILE HISTORY2			
IX.	OVERVIEW OF THE APPLIED PRIOR ART REFERENCES			
	A.	Curtin (Ex-1010)	27	
	B.	Crosby (Ex-1006)	29	
	C.	Alwadish (Ex-1011)	31	
	D.	Koerber (Ex-1012)	33	
X.	DETAILED EXPLANATION OF THE UNPATENTABILITY GROUNDS			
	A.	Grounds 1 and 2: Claims 11 and 13-20 are rendered obvious by Curtin (Ex-1010) alone or by Curtin in view of Crosby (Ex-1006);	35	



## Declaration of Dr. Kevin C. Almeroth U.S. Patent No. 8,688,028

		1.	A POSITA would have been motivated to combine the teachings of Curtin and Crosby, and would have had a reasonable expectation of success in doing so	35
		2.	Independent Claim 11	37
		3.	Dependent Claims 13-20	47
	В.		and 3: Claims 11, 14-15, and 18 are rendered obvious by adish (Ex-1011);	55
		1.	Independent Claim 11	55
		2.	Dependent Claims 14, 15, and 18	63
	C.	Grounds 4 and 5: Claims 12 and 16 are rendered obvious by Alwadish alone or by Alwadish (Ex-1011) in view of Koerber (Ex-1012);		
		1.	A POSITA would have been motivated to combine the teachings of Alwadish and Koerber and would have a reasonable expectation of success in doing so	67
		2.	Dependent Claims 12 and 16	70
XI.	CON	ICLUS	SION	74



### **LIST OF EXHIBITS**<sup>1</sup>

Ex-1001	U.S. Patent No. 8,688,028
Ex-1002	Declaration of Dr. Kevin Almeroth
Ex-1003	Curriculum Vitae of Dr. Kevin Almeroth
Ex-1004	Prosecution History of U.S. Patent No. 8,688,028
Ex-1005	[INTENTIONALLY LEFT BLANK]
Ex-1006	U.S. Patent No. 6,628,928, Filed on December 10, 1999 ("Crosby)
Ex-1007	[INTENTIONALLY LEFT BLANK]
Ex-1008	[INTENTIONALLY LEFT BLANK]
Ex-1009	Email from Albright Clerk, dated May 4, 2021
Ex-1010	U.S. Patent No. 6,925,489, filed on November 22, 1999 ("Curtin")
Ex-1011	U.S. Patent No. 5,063,610, issued on November 5, 1991 ("Alwadish")
Ex-1012	European Patent No. 0 647 377, published on April 12, 1995 ("Koerber")
Ex-1013	[INTENTIONALLY LEFT BLANK]
Ex-1014	[INTENTIONALLY LEFT BLANK]
Ex-1015	[INTENTIONALLY LEFT BLANK]
Ex-1016	[INTENTIONALLY LEFT BLANK]
Ex-1017	[INTENTIONALLY LEFT BLANK]
Ex-1018	[INTENTIONALLY LEFT BLANK]

<sup>&</sup>lt;sup>1</sup> Four-digit pin citations that begin with "0" are to the page stamps added by Hyundai in the bottom right corner of the exhibits. All other pin citations are to original page, column, paragraph, and/or line numbers.



# Declaration of Dr. Kevin C. Almeroth U.S. Patent No. 8,688,028

Ex-1019	[INTENTIONALLY LEFT BLANK]
Ex-1020	Plaintiff's Preliminary Infringement Contentions, dated May 13, 2021, including Claim Chart for '028 Patent ("Infringement Contentions")
Ex-1021	Petitioner's Stipulation Letter to Patent Owner, dated July 22, 2021
Ex-1022	U.S. Patent No. 5,948,061 A, issued Sept. 7, 1999 ("Merriman")
Ex-1023	U.S. Patent No. 5,778,181 A, issued July 7, 1998 ("Hidary")
Ex-1024	U.S. Patent Application Ser. No. 09/953,335

# DOCKET

# 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.

