

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,¹

Petitioner,

v.

AFFINITY LABS OF TEXAS, LLC,
Patent Owner.

Case IPR2014-01181²
Patent 8,532,641 B2

Before KEVIN F. TURNER, LYNNE E. PETTIGREW, and
JON B. TORNQUIST, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318 and 37 C.F.R. § 42.73

¹ On January 1, 2015, Samsung Telecommunications America, LLC, an originally-named Petitioner in this case, was merged into Samsung Electronics America, Inc. *See* IPR2014-01181, Paper 9.

² On March 24, 2015, we consolidated IPR2014-01182 and IPR2014-01184 with IPR2014-01181. IPR2014-01181, Paper 15, 2.

I. INTRODUCTION

A. Background

Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. (collectively “Petitioner”) filed Petitions in IPR2014-01181 (Paper 4, “-01181 Pet.”), IPR2014-01182 (Paper 4, “-01182 Pet.”), and IPR2014-01184 (Paper 4, “-01184 Pet.”) requesting *inter partes* review of claims 1–3 and 5–14 of U.S. Patent No. 8,352,641 B2 (Ex. 1001, “the ’641 patent”). Affinity Labs of Texas, LLC (“Patent Owner”) filed Preliminary Responses to the Petitions.

Pursuant to 35 U.S.C. § 314(a), we instituted *inter partes* review in each of IPR2014-01181 (Paper 10, “-01181 Dec. on Inst.”), IPR2014-01182 (Paper 10, “-01182 Dec. on Inst.”), and IPR2014-01184 (Paper 10, “-01184 Dec. on Inst.”) and subsequently consolidated IPR2014-01182 and IPR2014-01184 with IPR2014-01181. IPR2014-01181, Paper 15, 2. Patent Owner filed a consolidated Patent Owner Response (Paper 20, “PO Resp.”) to the Petitions and Petitioner filed a Reply (Paper 23, “Reply”).³ Patent Owner also filed a paper identifying arguments and evidence in Petitioner’s Reply that it contends were improper (Paper 26), to which Petitioner filed a response (Paper 29).

In support of their respective positions, Petitioner submitted four declarations from Dr. Schuyler Quackenbush, Exs. 1023, 1123, 1223, 1025, and Patent Owner filed a declaration from Dr. Marilyn Wolf, Ex. 2005.

An oral hearing was held on October 28, 2015, and a transcript of the oral hearing is included in the record. Paper 35 (“Tr.”).

³ All subsequent citations to papers or exhibits refer to those in IPR2014-01181, unless otherwise noted.

We have jurisdiction under 35 U.S.C. § 6(c), and this Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73, where we find claims 1–3 and 5–14 of the '641 patent to be unpatentable.

B. The '641 Patent

The '641 patent is directed to a system and method for communicating selected information to an electronic device. Ex. 1001, 1:21–23, 2:15–21. In the disclosed embodiments, a radio listener may create a personalized playlist and “listen to this playlist in a wireless atmosphere while enjoying CD quality sound.” *Id.* at 2:18–21. The audio information transmitted to a user may include “songs, on-line radio stations, on-line broadcasts, streaming audio, or other selectable information.” *Id.* at 3:67–4:1.

Electronic devices contemplated for use in the disclosed system include “a network radio, a modular device, an audio system, a personal digital assistant (PDA), a cellular phone, or other electronic devices operable to receive information wirelessly communicated” by a communications engine. *Id.* at 5:36–41. Wireless communication from the communications engine may be by various means, including cellular communications, AM or FM signals, or “high speed, low-power microwave wireless link[s],” such as a “Bluetooth link.” *Id.* at 2:33–43, 5:61–6:24.

According to the '641 patent, “conventional” wireless systems communicate across a channel in “an asynchronous manner.” *Id.* at 6:34–39. In addition to this conventional asynchronous method, the '641 patent also “advantageously allows for signals to be transmitted to an electronic device in a less than asynchronous manner.” *Id.* at 6:40–42.

In one embodiment, the electronic device is operable to communicate the received audio information to a different audio system, such as an audio radio receiver, using “a localized communications-signaling network.” *Id.* at 9:44–56, 10:26–35, 12:29–35. The electronic device may utilize a physical interface having two conductive paths, the first path for communicating information and the second path for providing power to the device. *Id.* at 18:40–53.

C. Illustrative Claims

1. A music enabled communication system, comprising: a wireless telephone device, the device having (1) a display at least partially defining a front surface of the device, (2) a housing component at least partially defining a back surface of the device, (3) an enclosure located between the front surface and the back surface, (4) a wireless communication module located within the enclosure, (5) a rechargeable power supply located within the enclosure, (6) a physical interface having a first and a second conductive path, the physical interface operable to communicate data via the first conductive path and to receive a recharging power for the rechargeable power supply via the second conductive path, and (7) a memory system, located within the enclosure; and

a collection of instructions stored in the memory system, the collection of instructions operable when executed to communicate a collection of information about media content available from the wireless telephone device to a recipient device such that the recipient device can use the collection of information to generate a graphical menu comprising a selectable menu item associated with the available media content, to utilize the wireless communication module to stream a signal representing at least a portion of a song to the recipient device using a given asynchronous wireless channel of a localized communications signaling network, to recognize receipt of an incoming telephone call, and to alter an outputting of the signal

in connection with recognizing receipt of the incoming telephone call.

Ex. 1001, 19:29–57.

8. A system for wirelessly communicating musical content, comprising:

a portable electronic device having a processor operable to play an audio file that represents a song;

a memory communicatively coupled to the processor and configured to store a plurality of audio files; and

a wireless communication module communicatively coupled to the processor and operable to communicate a streaming audio signal that represents a playing of the song to a recipient device via a localized communications signaling network in response to a selection of a selectable menu item presented on a recipient device display, wherein the wireless communication module is compliant with a Bluetooth standard, further wherein the wireless communication module is configured to communicate at least a portion of the streaming audio signal to the recipient device using an asynchronous channel.

Id. at 20:28–45.

11. The system of claim 8, wherein the wireless communication module is operable to communicate the streaming audio signal at a communication rate that provides for a CD quality listening experience.

Id. at 20:64–67.

D. The Evidence of Record

Petitioner relies upon the following references:

Reference	Patent/Publication	Date	Exhibit(s)
Ito	US 6,990,334 B1	Jan. 24, 2006	1003 ⁴

⁴ Exhibits with 10XX, 11XX, and 12XX prefixes were filed in IPR2014-01181, -01182, and -01184, respectively. Exhibits with 20XX, 21XX, and 22XX prefixes were filed in IPR2014-01181, -01182, and -01184, respectively.

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.