

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner,

v.

DIGITAL STREAM IP, LLC,  
Patent Owner.

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Case IPR2016-01749  
Patent 6,757,913 B2

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Before MICHAEL J. FITZPATRICK, STACEY G. WHITE, and  
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

Unified Patents Inc. (“Petitioner”) filed a Petition (Paper 3, “Pet.”) requesting *inter partes* review of claims 1–4, 6–13, 20, and 22 of U.S. Patent No. 6,757,913 B2 (Ex. 1001, “the ’913 patent”). Digital Stream IP, LLC (“Patent Owner”) did not file a Preliminary Response. We have jurisdiction under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), 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.” For the reasons that follow, we institute an *inter partes* review as to all challenged claims of the ’913 patent.

## I. BACKGROUND

### A. *Related Proceedings*

The parties identify the following federal district court cases involving the ’913 patent: (1) *Digital Stream IP LLC v. Nissan North America, Inc.*, No. 2:16-cv-00698 (E.D. Tex.); (2) *Digital Stream IP LLC v. General Motors LLC*, No. 2:16-cv-00204 (E.D. Tex.); (3) *Digital Stream IP LLC v. Mercedes-Benz USA, LLC*, No. 2:16-cv-00981 (E.D. Tex.); and (4) *Digital Stream IP LLC v. BMW of North America, LLC*, No. 2:16-cv-00982 (E.D. Tex.). Pet. 1; Paper 5, 2.

### B. *The ’913 patent*

The ’913 patent describes a system for local wireless transmission and reception of digital audio and program information. Ex. 1001, at [54], 4:67–5:1. Figure 1, which is reproduced below, illustrates such a system.

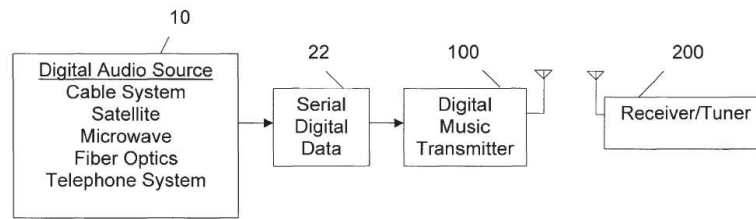


Fig. 1

In particular, Figure 1 is a schematic representation of a transmitter and receiver/tuner system. *Id.* at 3:48–50. Digital data distribution system 10 outputs to transmitter 100 serial digital data stream 22, which contains a plurality of digital audio and program information signals. *Id.* at 4:16–20, 5:1–5. The digital audio signal may represent music, while the program information signal may represent information about the composer, the track title, the artist, and the associated album. *Id.* at 2:60, 8:9–12. Transmitter 100 converts the digital audio and program information signals into digital RF carrier frequencies and broadcasts them to multiple devices, including receiver/tuner 200. *Id.* at 5:5–12.

An example of a receiver/tuner is shown in Figure 3, which is reproduced below.

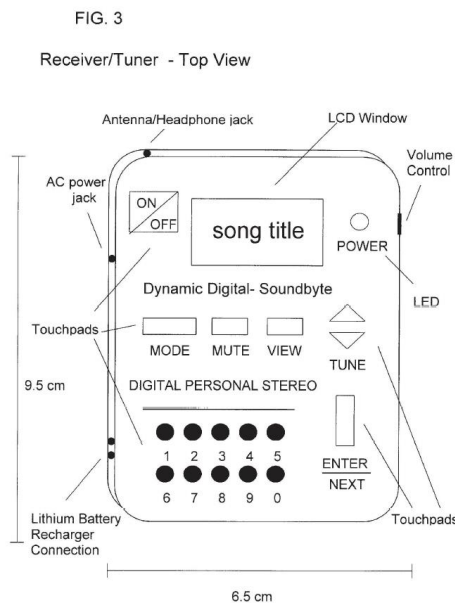


Figure 3 is a top plan view of a receiver/tuner. *Id.* at 3:54–56. A user can press the number keys to select one of the digital audio and program information channels transmitted by transmitter 100. *Id.* at 7:29–33. Once the user makes a selection, the receiver/tuner electronically outputs the selected audio and displays the corresponding program information for the selected audio track. *Id.* at 5:13–15.

### *C. Illustrative Claim*

Petitioner challenges claims 1–4, 6–13, 20, and 22 of the '913 patent. Claims 1 and 20 are independent. Claim 1 is illustrative of the claims under challenge:

1. A wireless digital audio transceiver for receiving a locally broadcast digital audio signal wherein the digital audio signal comprises a plurality of carrier waves to carry digital audio data and audio program information, the transceiver comprising:
  - a user interface to enable a user to select digital audio data from a plurality of digital audio data within the digital audio signal;
  - a tuner operably coupled to the user interface to tune to a frequency associated with a carrier wave containing the selected digital audio data;
  - a demodulator coupled to the tuner to extract the selected digital audio data and the audio program information from the carrier wave; and
  - a digital to analog converter to convert the selected digital audio data into an analog signal and to send the analog signal to an output for playback to the user.

*D. Asserted Grounds of Unpatentability*

Petitioner challenges claims 1–4, 6–13, 20, and 22 of the '913 patent on the following grounds. Pet. 3, 10–67.

References	Basis	Claims Challenged
Schotz <sup>1</sup> and Rovira <sup>2</sup>	§ 103	1–3, 6–13, 20, and 22
Kostreski <sup>3</sup> and Streck <sup>4</sup>	§ 103	1, 2, 4, 6, 7, 9, and 10

As additional support, Petitioner proffers the Declaration of Daniel J. Stark (Ex. 1006). *See id.*

*E. Claim Interpretation*

We construe claims in an unexpired patent by applying the broadest reasonable interpretation in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) (upholding the use of the broadest reasonable interpretation standard). Under this standard, claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner provides a proposed interpretation of the claim term “transceiver.” Pet. 10. For purposes of this Decision, we conclude that no term requires express interpretation at this time to resolve any controversy in this proceeding.

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<sup>1</sup> Schotz, U.S. Patent No. 5,491,839, issued Feb. 13, 1996 (Ex. 1002).

<sup>2</sup> Rovira, U.S. Patent No. 5,406,558, issued Apr. 11, 1995 (Ex. 1003).

<sup>3</sup> Kostreski, U.S. Patent No. 5,651,010, issued July 22, 1997 (Ex. 1004).

<sup>4</sup> Streck, U.S. Patent No. 5,101,499, issued Mar. 31, 1992 (Ex. 1005).

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