

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

BENHOV GMBH, LLC,
Patent Owner.

Case IPR2017-00930
Patent 8,170,884 B2

Before BARBARA A. PARVIS, DANIEL N. FISHMAN, and
CHARLES J. BOUDREAU, Administrative Patent Judges.

FISHMAN, Administrative Patent Judge.

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

I. INTRODUCTION

K/S HIMPP (“Petitioner”), filed a Petition (Paper 2, “Pet.”) for *inter partes* review of claims 1–17 of U.S. Patent No. 8,170,884 B2 (“the ’884 patent”) (Ex. 1001) pursuant to 35 U.S.C. §§ 311–319. Benhov GmbH, LLC (“Patent Owner”) filed a Patent Owner Preliminary Response (Paper 6, “Prelim. Resp.”). We have authority to determine whether to institute a trial under 35 U.S.C. § 314, which provides that an *inter partes* review may be instituted only if “the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

Petitioner challenges the patentability of claims 1–17 of the ’884 patent under 35 U.S.C. § 103. We are persuaded there is a reasonable likelihood that Petitioner would prevail in showing that claims 9–13 and 17 are unpatentable. Pursuant to 35 U.S.C. § 314, we institute an *inter partes* review as to claims 9–13 and 17 of the ’884 patent.

A. *The ’884 Patent*

According to the ’884 patent, high-end audio systems include multi-channel amplifiers coupled with multi-speaker systems. Ex. 1001, 1:38–39. Such systems typically include a “center” channel and allow some limited capability to adjust the volume of the center channel independent of other channels. *Id.* at 1:40–43. Further according to the ’884 patent, many movies use the center channel for dialog (voice audio signals) and use the other channels for other sound effects. *Id.* at 1:43–44. The adjustment capability of high-end systems, though limited, allows a user to adjust the voice/dialog volume independent of the other audio (i.e., remaining audio

signals) to make the dialog more intelligible relative to other, remaining audio such as loud sound effects. *Id.* at 1:45–47.

The '884 patent discloses the high cost of such high-end systems renders such adjustment features inaccessible to many people. *Id.* at 1:49–57. Further, the '884 patent discloses that an adjustment suitable for one listener could be unsuitable for other listeners in the same room. *Id.* at 1:58–64. The '884 patent additionally discloses that a static adjustment of the center (dialog/voice) channel that is suitable for one portion of a movie may be unsuitable for a different portion of the movie. *Id.* at 1:65–2:5.

The '884 patent purports to resolve these problems by providing a voice to remaining audio (“VRA”) adjustment capability in a personal listening device (“PLD”) for each of multiple users that permits each user to independently adjust the voice audio signal independent of adjustments to the remaining audio signals. *See id.* at 2:64–3:4. According to the '884 patent, the invention discloses a system that allows each individual PLD user to adjust a received voice audio signal relative to received remaining audio signals. *Id.* at 8:27–43. Figures 1 and 2, reproduced below, depict an environment in which the invention is applied.

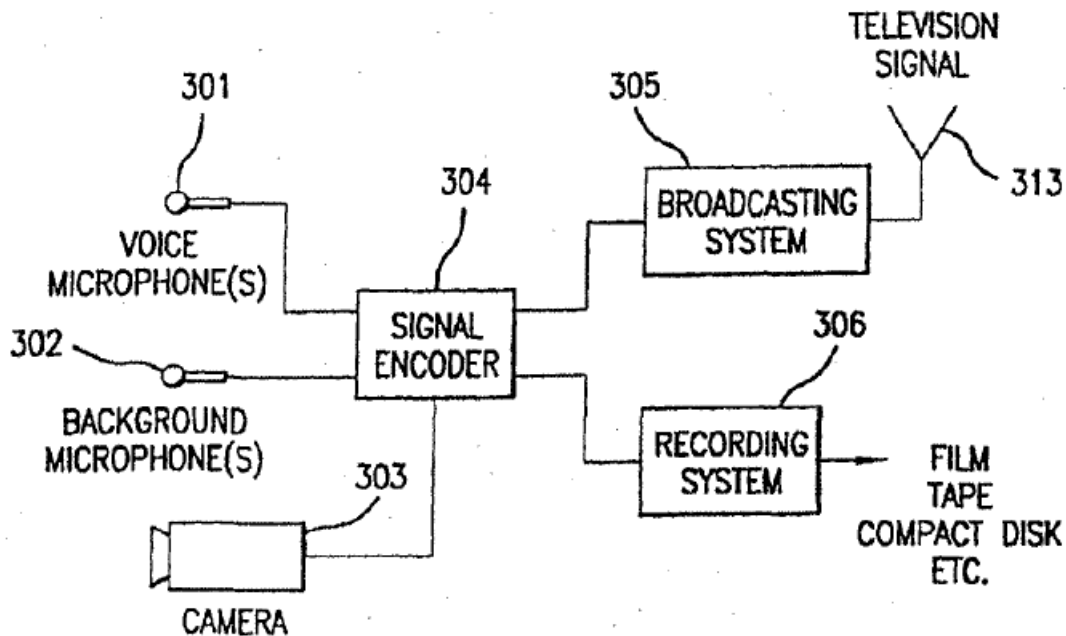


FIG. 1

Figure 1, above, depicts an exemplary system for generating the encoded audio signals comprising at least a voice audio signal and remaining audio signals. *See id.* at 6:65–7:3. Signal encoder 304 receives an audio input signal from microphone 301 (“voice signal”), receives background audio signals from microphone(s) 302 (“remaining audio”), and receives a video signal from camera 303. *Id.* at 7:4–34. The encoded voice audio, background audio, and video signals are broadcast through broadcasting system 305 and antenna 313 and/or recorded by recording system 306 on a storage medium for later playback by a listener. *Id.* at 7:35–42.

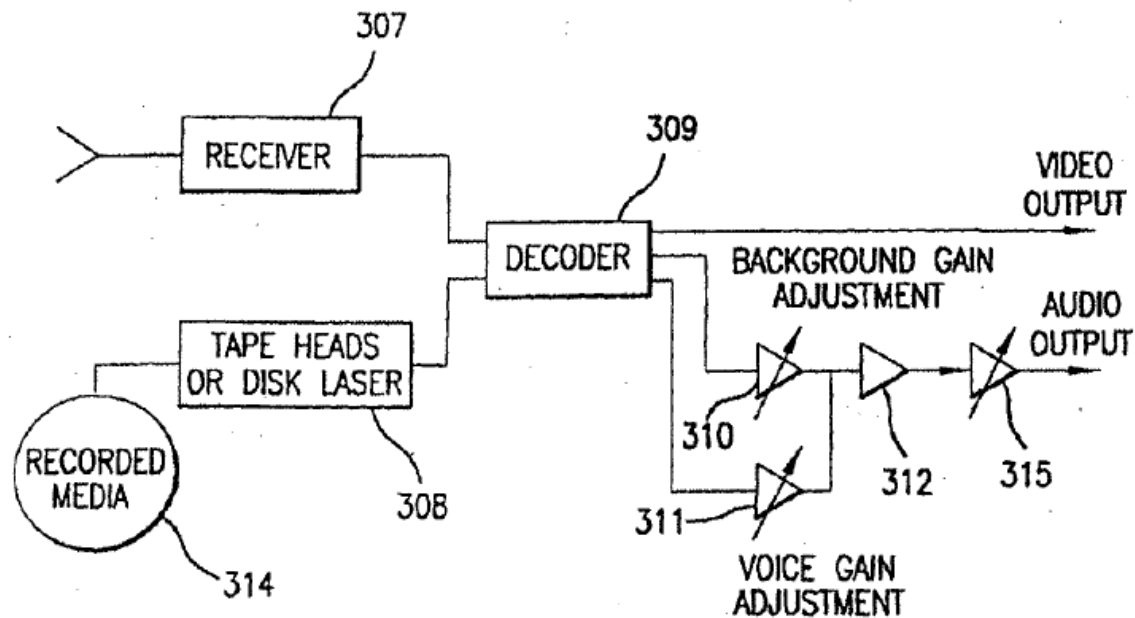


FIG. 2

Figure 2, above, depicts a device for playback (PLD) of the encoded audio and video signals received from broadcast via receiver 307 and/or retrieved from storage media 314 by tape heads or disk laser 308. *Id.* at 7:43–49. The received/retrieved encoded signals are applied to decoder 309 to decode the video, voice audio, and background audio signals. *Id.* a 50–54. The decoded background audio signal is applied to variable gain amplifier 310 that selectively adjusts the gain (i.e., amplitude/volume) of the decoded background audio signal. *Id.* at 7:50–59. In like manner, the decoded voice audio signal is applied to variable gain amplifier 311 that adjusts the gain of the decoded voice audio signal independent of any adjustments by amplifier 310. *Id.*

The two adjusted signals are summed by a unity gain summing amplifier 132 [sic 312] to produce the final audio output. Alternatively, the two adjusted signals are summed by unity gain summing amplifier 312 and further adjusted by variable gain amplifier 315 to produce the final audio output.

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