

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

WEST VIEW RESEARCH, LLC,
Patent Owner.

Case IPR2016-00177
Patent 8,781,839 B1

Before KARL D. EASTHOM, MICHAEL R. ZECHER, and
JASON J. CHUNG, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION

Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Volkswagen Group of America, Incorporated (“Volkswagen”), filed a Petition requesting an *inter partes* review of claims 1, 10, 11, 16, 22, 23, 29, and 35 of U.S. Patent No. 8,781,839 B1 (Ex. 1001, “the ’839 patent”). Paper 2 (“Pet.”). Patent Owner, West View Research, Limited Liability Corporation (“West View”), filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Taking into account the arguments presented in West View’s Preliminary Response, we conclude that the information presented in the Petition establishes that there is a reasonable likelihood that Volkswagen would prevail in challenging claims 1, 10, 11, 16, 22, 23, 29, and 35 of the ’839 patent as unpatentable under 35 U.S.C. § 103(a). Pursuant to § 314, we hereby institute an *inter partes* review as to these claims of the ’839 patent.

A. Related Matters

The ’839 patent is involved in, or may be affected by, the following district court cases: (1) *West View Research, LLC v. Audi AG*, No. 3:14-cv-02668-BAS-JLB (S.D. Cal.); (2) *West View Research, LLC v. Bayerische Motoren Werk AG*, No. 3:14-cv-02670 (S.D. Cal.); (3) *West View Research, LLC v. Hyundai Motor Co.*, No. 3:14-cv-02675 (S.D. Cal.); (4) *West View Research, LLC v. Nissan Motor Co.*, No. 3:14-cv-02677 (S.D. Cal.); and (5)

West View Research, LLC v. Tesla Motor, Inc., No. 3:14-cv-02679 (S.D. Cal.). Pet. 1; Paper 4, 2.

In addition to this Petition, Volkswagen filed other petitions challenging the patentability of certain subsets of claims in the following patents owned by West View: (1) U.S. Patent No. 8,065,156 B2 (Case IPR2015-01941); (2) U.S. Patent No. 8,719,037 B2 (Case IPR2016-00123); (3) U.S. Patent No. 8,706,504 B2 (Case IPR2016-00124); (4) U.S. Patent No. 8,290,778 B2 (Case IPR2016-00125); (5) U.S. Patent No. 8,682,673 B2 (Case IPR2016-00137); (6) U.S. Patent No. 8,719,038 B1 (Case IPR2016-00146); and (7) U.S. Patent No. 8,296,146 B2 (Case IPR2016-00156). Pet. 1–2.

B. The '839 Patent

The '839 patent, titled “Computerized Information and Display Apparatus,” issued July 15, 2014, from U.S. Patent Application No. 13/746,266, filed on January 21, 2013. Ex. 1001, at [54], [45], [21], [22]. The '839 patent has an extensive chain of continuations and at least one divisional that ultimately claims the benefit of U.S. Patent Application No. 09/330,101, filed on June 10, 1999—now U.S. Patent No. 6,615,175 B1. *Id.* at [60], 1:4–27.

The '839 patent generally relates to a personnel transport apparatus and, in particular, to elevators or other types of personnel transport devices that incorporate various information technologies. Ex. 1001, 2:32–35, 6:61–67. According to the '839 patent, one problem associated with using these devices relates to determining the location of a person, firm, or store within a building or structure. *Id.* at 2:59–60. For instance, conventional building

and display device 113. Ex. 1001, 7:7–15. SR module 104 further includes microphone 118, analog-to-digital converter (“ADC”) 141, and an algorithm run on digital signal processor (“DSP”) 125 having an associated SR module random access memory (“RAM”) 127. *Id.* at 7:27–32.

The ’839 patent discloses that microphone 118 generates signals that are digitized by ADC 141, which, in turn, are processed using the SR algorithm and DSP 125 to produce digital representations of the user’s speech. Ex. 1001, 7:59–63. DSP 125 uses a speech library or dictionary stored within SR module RAM 127 to match phenome strings resulting from linear predictive coding analysis with known words. *Id.* at 7:63–66. Once a match is identified, central processor 106 and micro-controller 123 implement the desired functionality, such as retrieving one or more data files from non-volatile storage device 108 for display on display device 113. *Id.* at 7:66–8:2, Fig. 2.

C. Illustrative Claim

Of the challenged claims, claim 1 and 35 are independent. Independent claim 1 is directed to a computerized apparatus useful for locating an organization or entity, the organization or entity being disposed within a building or structure. Independent claim 35 is directed to a computerized apparatus. Claims 10, 11, 16, 22, 23, and 29 directly or indirectly depend from independent claim 1. Independent claim 1 is illustrative of the challenged claims and is reproduced below:

1. Computerized apparatus useful for locating an organization or entity, the organization or entity being disposed within a building or structure, the apparatus comprising:
 - a wireless interface;
 - data processing apparatus;

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