Stratosaudio, Inc. v. Hyundai Motor America

2024 | Cited 0 times | Federal Circuit | October 28, 2024

Case: 23-1719 Document: 50 Page: 1 Filed: 10/28/2024

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit _____

STRATOSAUDIO, INC., Appellant

v.

HYUNDAI MOTOR AMERICA, Appellee _____

2023-1719 _____

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2021- 01267.

STRATOSAUDIO, INC., Appellant

v.

VOLKSWAGEN GROUP OF AMERICA, INC., Appellee _____

2023-1721 _____

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Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2021- 00721. _____

Decided: October 28, 2024 _____

ROBERT GREENSPOON, Dunlap Bennett & Ludwig PLLC, Chicago, IL, argued for appellant. Also represented by WILLIAM W. FLACHSBART; DAVID E. BOUNDY, Potomac Law Group PLLC, Newton, MA.

WILLIAM FINK, O'Melveny & Myers LLP, Washington, DC, argued for appellee Hyundai Motor America. Also represented by COKE MORGAN STEWART; BENJAMIN HABER, CLARENCE ROWLAND, NICHOLAS WHILT, RYAN KEN YAGURA, Los Angeles, CA; CAITLIN P. HOGAN, New York, NY; CAMERON WILLIAM WESTIN, Newport Beach, CA.

RICHARD CRUDO, Sterne Kessler Goldstein & Fox PLLC, Washington, DC, argued for appellee Volkswagen Group of America, Inc. Also represented by RYAN CHARLES RICHARDSON, MICHAEL D. SPECHT, DANIEL YONAN. _____

Before PROST, TARANTO, and STARK, Circuit Judges. PROST, Circuit Judge. StratosAudio, Inc. ("StratosAudio") appeals two final written decisions of the Patent Trial and Appeal Board ("Board") in inter partes reviews ("IPR") determining that all challenged claims of U.S. Patent No. 8,166,081 ("the '081 patent") are unpatentable. We affirm one appeal, No. 23-1719, and dismiss the other as moot, No. 23-1721.

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BACKGROUND Hyundai Motor America ("Hyundai") petitioned for IPR of claims 9–11, 15, and 23 of the '081 patent (IPR2021- 01267), and Volkswagen Group of America, Inc. ("Volkswagen"), with others, petitioned for IPR of claims 9– 11 and 23 (IPR2021-00721). The '081 patent relates to "systems and methods for associating an advertising media signal with another media signal." '081 patent col. 1 ll. 18– 20. In IPR2021-01267, the Board determined that the challenged claims 9–11, 15, and 23 of the '081 patent are unpatentable as obvious over Ellis1 and Crosby.2 Hyundai Motor Am. v. StratosAudio, Inc., No. IPR2021-01267, 2023 WL 358829 (P.T.A.B. Jan. 23, 2023). In IPR2021-00721, the Board determined that DeWeese3 anticipates claims 9– 11 and 23 of the '081 patent. Volkswagen Grp. of Am., Inc. v. StratosAudio, Inc., No. IPR2021-00721, 2023 WL 1073951 (P.T.A.B. Jan. 24, 2023). StratosAudio timely appealed, and we have jurisdiction under 28 U.S.C. § 1295 (a)(4)(A). DISCUSSION StratosAudio's arguments on appeal challenge the Board's obviousness determinations in IPR2021-01267 and anticipation determinations in IPR2021-00721. "Anticipation under 35 U.S.C. § 102 is a question of fact, while obviousness under § 103 is a question of law based on underlying findings of fact. We review the Board's

1 U.S. Patent App. Pub. No. 2005/0227611 ("Ellis"). J.A. 1304–33. 2 U.S. Patent No. 6,628,928 ("Crosby"). J.A. 1177– 97. 3 U.S. Patent App. Pub. No. 2005/0262542 ("DeWeese"). J.A. 3795–3843.

factual findings for substantial evidence and its legal conclusions without deference." Kennametal, Inc. v. Ingersoll Cutting Tool Co., 780 F.3d 1376 , 1381 (Fed. Cir. 2015) (cleaned up). We reject StratosAudio's arguments as to IPR2021- 01267. Substantial evidence supports the Board's findings, and based on those findings, the Board did not err in concluding that claims 9–11, 15, and 23 of the '081 patent are unpatentable as obvious. Based on our affirmance of the Board's conclusion that claims 9–11 and 23 are unpatentable in IPR2021-01267, we dismiss StratosAudio's appeal to IPR2021-00721 as moot. CONCLUSION We have considered StratosAudio's remaining arguments and find them unpersuasive. For the foregoing reasons, we affirm the Board's determination that claims 9–11, 15, and 23 of the '081 patent are unpatentable in appeal No. 23-1719, and we dismiss appeal No. 23-1721 as moot. AFFIRMED-IN-PART, DISMISSED-IN-PART COSTS No costs.