

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROADSIGN INTERNATIONAL, LLC,
Petitioner,

v.

T-REX PROPERTY AB,
Patent Owner.

Case CBM2017-00008
Patent 6,430,603 B2

Before BRIAN J. McNAMARA, BARBARA A. BENOIT, and
KERRY BEGLEY, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

DECISION

Denying Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

I. INTRODUCTION

This is a preliminary proceeding to decide whether, under section 18 of the Leahy-Smith America Invents Act, Pub. L. No. 112–29, 125 Stat. 284, 331 (2011) (“AIA”), a covered business method patent review of U.S. Patent No. 6,430,603 B2 (Ex. 1001, “the ’603 patent” or “the challenged patent”), should be instituted under 35 U.S.C. § 324(a).¹ A covered business method patent review may not be instituted “unless . . . the information presented in the petition . . . , if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” 35 U.S.C. § 324(a); *see* 37 C.F.R. § 42.208.

Broadsign International, LLC filed a Petition requesting covered business method patent review of claims 1, 11–13, 42, 43, and 48–74 of the challenged patent. Paper 2 (“Pet.”). Patent Owner filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

For the reasons that follow, we do not institute a covered business method patent review.

A. *Related Matters*

As required by 37 C.F.R. § 42.8(b)(2), each party identifies various judicial or administrative matters that would affect or be

¹ *GTNX, Inc. v. INTTRA, Inc.*, 789 F.3d 1309, 1310 (Fed. Cir. 2015) (describing transitional program for review of covered business method patents under 35 U.S.C. §§ 321–329, pursuant to the AIA, as subject to “the standards and procedures of[] a post-grant review under . . . 35 U.S.C. §§ 321–329,” absent exceptions not applicable here).

affected by a decision in this proceeding. Pet. 1–7; Paper 4, 2–6 (Patent Owner’s Mandatory Notices).

B. The ’603 Patent

The ’603 patent is titled “System for Direct Placement of Commercial Advertising, Public Service Announcements, and Other Content on Electronic Billboard Displays” and describes ways to display content on electronic displays. Ex. 1001, [54], 2:50–53.

1. Written Description

The challenged patent describes a system “for direct placement of commercial advertisements, public service announcements and other content on electronic displays.” *Id.* at 2:50–53, Fig. 1. According to the challenged patent, the electronic displays “are located in high traffic areas in various geographic locations,” such as “areas of high vehicular traffic, and also at indoor and outdoor locations of high pedestrian traffic, as well as in movie theaters, restaurants, sports arenas.” *Id.* at 2:54–60. “In preferred embodiments, each display is a large (for example, 23 feet by 33½ feet), high resolution, full color display that provides brilliant light emission from a flat panel screen.” *Id.* at 2:62–65.

2. Illustrative Claims

Claims 13 and 48 are independent and illustrate the challenged subject matter.

13. A system for presenting video or still-image content at selected times and locations on a networked connection of multiple electronic displays, said system comprising:

a network interconnecting a plurality of electronic displays provided at various geographic locations;

means for scheduling the presentation of video or still-image content at selected time slots on selected electronic displays of said network and receiving said video or still-image content from a content provider;

transmission means in communication with said receiving means for communicating scheduled content to respective server devices associated with corresponding selected electronic displays of said network, each said associated device initiating display of said video or still-image content at selected times on a corresponding selected electronic display of said network.

Id. at 8:47–62.

48. A method for presenting video or still-image content at selected times and locations on a networked connection of multiple electronic displays, said method comprising:

a) providing a network interconnecting a plurality of electronic displays at various geographic locations;

b) enabling a content provider to schedule presentation of video or still-image content at selected time slots on selected electronic displays of said network and receiving said video or still-image content from a content provider;

c) providing a plurality of server devices, each server device associated with a corresponding electronic display;

d) communicating received video or still-image content to the associated server devices of corresponding selected electronic displays of said network; and,

e) said server device initiating display of said video or still-image content at selected times on an associated electronic display of said network.

Id. at 11:34–53.

C. Asserted Grounds of Unpatentability

Petitioner contends that claims 1, 11–13, 42, 43, and 48–74 are unpatentable under 35 U.S.C. § 101 as being directed to an abstract idea and claim 13 also is unpatentable under 35 U.S.C. § 112, ¶ 2 as indefinite. Pet. 36–81, 86–87.

II. DISCUSSION

A. Claim Construction

In a covered business method patent review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.200(b); *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1328 (Fed. Cir. 2015) (affirming use of the broadest reasonable construction standard in a covered business method patent review); *cf. Cuozzo Speed Techs. LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016) (upholding the use of the broadest reasonable interpretation standard in an *inter partes* review). 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. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). To rebut this presumption by acting as a lexicographer, the patentee must give the term a particular meaning in the specification with “reasonable clarity, deliberateness, and precision.” *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). In addition, the broadest reasonable construction of a claim term cannot be so broad that the construction is unreasonable under general claim

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