

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY CORPORATION and BLACKBERRY LIMITED¹
Petitioners

v.

MOBILEMEDIA IDEAS LLC
Patent Owner

Case IPR2013-00016
Patent 6,441,828

Before KEVIN F. TURNER, JONI Y. CHANG, and
KALYAN K. DESHPANDE, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

¹ The Board terminated Petitioners' involvement without terminating the proceeding under 35 U.S.C. § 317(a). Paper 31.

INTRODUCTION

On October 12, 2012, BlackBerry Corporation and BlackBerry Limited² (collectively “BlackBerry”) filed a petition, requesting an *inter partes* review of claims 6, 7, 15, 17, and 18 of U.S. Patent No. 6,441,828 (“the ’828 patent”). Paper 1 (“Pet.”). The patent owner, MobileMedia Ideas LLC (“MobileMedia”), waived the patent owner preliminary response. Paper 15. Upon review of the petition, the Board determined that the information presented in the petition demonstrated that there was a reasonable likelihood that BlackBerry would prevail with respect to at least one challenged claim. Pursuant to 35 U.S.C. § 314, the Board issued a Decision on Institution on March 18, 2013. Paper 16 (“Dec.”).

After institution, MobileMedia did not file a patent owner response pertaining to the patentability of claims 6, 7, 15, 17, and 18. Rather, MobileMedia filed a motion to amend claims, which included cancelling claims 6, 7, 15, 17, and 18, and proposing substitute claims 19-23. Paper 21 (“Mot.”). During a conference call on October 16, 2013, MobileMedia conceded that it had cancelled original challenged claims 6, 7, 15, 17, and 18 of the ’828 patent. Paper 28. Therefore, claims 6, 7, 15, 17, and 18 of the ’828 patent are *cancelled*.

As to proposed substitute claims 19-23, BlackBerry filed an opposition to MobileMedia’s motion to amend claims, and MobileMedia

² Real parties-in-interest Research In Motion Corporation and Research In Motion Limited have changed their names to “BlackBerry Corporation” and “BlackBerry Limited,” respectively (collectively, “BlackBerry”). Paper 22.

filed a reply to BlackBerry's opposition. Paper 23 ("Opp."); Paper 24 ("PO Reply"). No oral hearing was held. Paper 28. After the parties filed all of their substantive papers, the parties filed a joint motion to terminate the instant proceeding. Papers 28, 30; Ex. 2013. In light of the advanced stage of the instant proceeding, the Board *granted-in-part* the motion to terminate. Paper 31. Consequently, the proceeding has been *terminated with respect to Blackberry*, but it is *not terminated with respect to MobileMedia*. *Id.*

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is entered pursuant to 35 U.S.C. § 318(a).

Claims 6, 7, 15, 17, and 18 of the '828 patent are *cancelled*.

MobileMedia's motion to amend is *denied*.

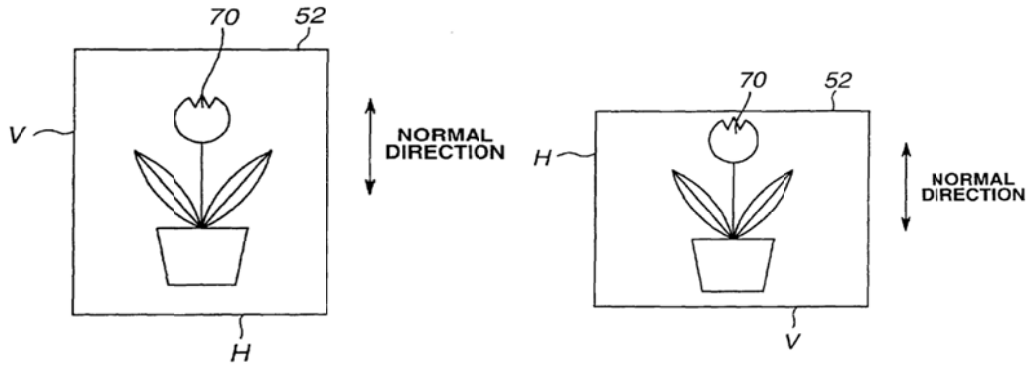
A. Related Proceedings

Blackberry identifies the following related proceedings: *MobileMedia Ideas LLC v. Apple, Inc.*, 10-cv-00258 (D. Del.); *MobileMedia Ideas LLC v. Research In Motion Ltd.*, 11-cv-02353 (N.D. Tex); and *Sandisk Corp. v. MobileMedia Ideas LLC*, 11-cv-00597 (N.D. Cal.). Pet. 1.

B. The '828 Patent

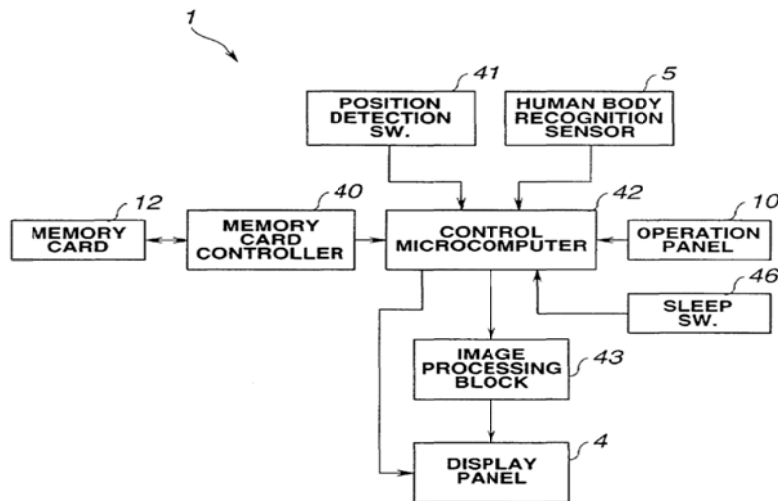
The '828 patent relates to an apparatus (e.g., an electronic picture frame) for displaying a digital image in a normal direction regardless of whether the apparatus is placed with the shorter or longer side down. Ex. 1001, 1:6-8, 1:65-67.

Figures 16A and 16B of the '828 patent are reproduced below:



Figures 16A and 16B show the direction of the displayed image.

Figure 6 of the '828 patent, reproduced below, depicts a schematic block diagram of an image display apparatus:



As shown in Figure 6 of the '828 patent, image display apparatus 1 has memory card 12, memory card controller 40, control microcomputer 42, image processing block 43, and display panel 4 (e.g., a liquid crystal display (LCD)). *Id.* at 3:38-41; 5:48-59. To display an image recorded in memory card 12, control microcomputer 42 reads the compressed image data from

memory card 12 via memory card controller 40 and stores them into a built-in dynamic random-access memory (DRAM). *Id.* at 5:51-59. The compressed image data are decompressed in image processing block 43, and then the decompressed image data are stored back into the DRAM. *Id.* The image data in the DRAM are processed by image processing block 43 for display on the display panel 4. *Id.*

DISCUSSION

An *inter partes* review is more adjudicatory than examinational in nature. *See Abbott Labs. v. Cordis Corp.*, 710 F.3d 1318, 1326 (Fed. Cir. 2013). A motion to amend claims in an *inter partes* review is not, itself, an amendment. As the moving party, MobileMedia bears the burden of proof to establish that it is entitled to the relief requested. 37 C.F.R. § 42.20(c). In sum, MobileMedia's proposed substitute claims are not entered automatically, but only upon MobileMedia having demonstrated the patentability of the substitute claims.

In support of its motion, MobileMedia proffers a declaration of Dr. Vijay K. Madiseti. Ex. 2001. We have reviewed MobileMedia's motion and supporting evidence. For the reasons stated below, MobileMedia's motion to amend claims is *denied*. The substitute claims will not be incorporated into the '828 patent.

In its motion to amend claims, MobileMedia proposes substitute claims 19-23. Mot. 3. Substitute claim 19 is an independent claim, and substitute claims 20-23 depend from substitute claim 19. Mot. 4-7.

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