IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of U.S. Patent No. 7,734,251

Trial No.: IPR2013-00171

Issued: June 8, 2010

Filed: June 6, 1995

Inventors: John Christopher Harvey, *et al.*

Assignee: Personalized Media Communications, LLC

Title: SIGNAL PROCESSING APPARATUS AND METHODS

REBUTTAL DECLARATION OF CHARLES J. NEUHAUSER, Ph.D. UNDER 37 C.F.R.§ 1.68

I, Dr. Charles J. Neuhauser, do hereby declare:

1.   I am making this rebuttal declaration at the request of Zynga, Inc. in the matter of the *Inter Partes* Review of U.S. Patent No. 7,734,251 ("the '251 Patent.")

2.   I am being compensated for my work in this matter at my standard hourly rate of $375 for consulting services. My compensation in no way depends on the outcome of this proceeding.

3.   I previously submitted a declaration in support of the Petition for *Inter Partes* Review filed by Zynga, Inc. on February 27, 2013. (Exhibit 1011, referred to herein as "Neuhauser I")

4.   This declaration is in rebuttal to the Patent Owner Response (Paper No. 14) (referred to herein as "PMC Resp.") and the Declaration of Samuel H.

Russ, Ph.D. (Exhibit 2015) (referred to herein as "Russ Decl.") both filed on October 25, 2013.

5.   For ease of reference the rebuttal arguments below will generally be presented in the same order as the Petitioner's Reply to Patent Owner's Response.

I.   Claims 18, 19, 22-24 and 28 are Anticipated by Bakula

A.   Bakula Discloses Outputting a Video Presentation to a User That Includes Firstly, a Video Image and, Secondly, a Coordinated Display

6.   With respect to the sixth claim element PMC and Dr. Russ assert that Bakula does not disclose "outputting" a "video presentation comprising, firstly, a video image and, secondly, a coordinated display." [PMC Resp., pp. 7-13; Russ Decl., ¶¶66-74] The argument put forward by PMC and Dr. Russ is that the terms "firstly" and "secondly" are not merely enumerations of items that are displayed, but rather identify two activities that must occur in sequence. That is, PMC's position is that "firstly" and "secondly" identify sub-steps of the sixth step of claim 18. Under their interpretation the display of the "video image" must appear first by itself, and then the "coordinated display" appears.

7.   One of ordinary skill in the art would understand that there is another interpretation, namely, that "firstly" and "secondly" are simply enumerating portions of the presentation to be output. This is the interpretation that I believe one of ordinary skill in the art would come to based on the plain language of the

claim. At the very least the sixth step of claim 18 is ambiguous, and thus the broadest reasonable interpretation must allow for both possibilities.

8. Further, even assuming PMC's overly-narrow interpretation, the "outputting" claim limitation is still disclosed by Bakula. Bakula discloses a dual screen mode in which a news story to be edited can be displayed alongside another related news story. [*See,* Bakula 8:4-34.] The disclosure of Bakula therefore supports the following sequence of operations, as acknowledged by Dr. Russ during deposition. [*See,* Exhibit 1019, pp. 429-433.] First, operating in single screen mode a user may select a news story for editing. This news story is "user specific subscriber datum," which upon selection is stored in the receiver station. [Bakula 5:14-27] The user may then make a modification to the news story. For example, the user might correct a typo or add a line to the story. [Bakula 4:10-13] At any point the user may save the news story to memory. [Bakula 4:13-19] These actions satisfy the first through fifth steps of claim 18.

9. Now the user switches to dual screen mode and loads a related news story into the left hand side of the display. This related news story is the "video image" required by the sixth step of claim 18. Next the user may load the previously modified news story into the right hand side of Bakula's dual screen mode. [Bakula 1:50-61] This completes the sixth step of claim 18 because these actions presented, "firstly", a "video image" (*i.e.,* the related story) and,

"secondly", a "coordinated display" consisting of the "video image" and the "generated image." Thus, even under PMC's narrow interpretation of "firstly" and "secondly" (*i.e.*, that they express a temporal relationship) the system of Bakula meets the limitations of claim 18.

B. Bakula Discloses Outputting a Coordinated Display

10. PMC and Dr. Russ argue that the display of a first news story and a second modified news story simultaneously on the screen of Bakula is not a "coordinated display." [*See* PMC Resp., pp, 15-16] PMC's argument is that the display of the two news stories is not coordinated because there is no "computer-controlled coordination" between the images. However, this is not required by either the plain language of the claim or by the Board's claim interpretation.

11. It is my understanding that the Institution Decision adopted a previous claim interpretation by the BPAI, concluding that a coordinated display is "*a display where the images used in the display are displayed based on a defined relationship between the content of the images.*" [Institution Decision, p. 7] One of ordinary skill in the art would understand that Bakula meets this requirement because it explicitly states that a terminal user may display two stories related to the same subject and modify one based on the other. [Bakula 1:50-61] Thus the display of Bakula provides a "coordinated display" according to the broadest reasonable interpretation.

C. Bakula Discloses Receiving an Information Transmission at a Receiver Station That Includes First and Second Discrete Signals

12. With respect to the step of "receiving" (first step), PMC and Dr. Russ argue that a signal received from the keyboard in the terminal of Bakula does not meet this limitation. [PMC Resp., pp, 16-18; Russ Decl., ¶¶54-61] Their argument is that an "information transmission" cannot be received at a "receiver station" unless it originates from a "transmitter station" that is external to the receiver station. I disagree. This is not the broadest reasonable interpretation of the claim. Rather, PMC is attempting to limit the claim to certain preferred embodiments.

13. Claim 1 of the '251 patent does not place any restrictions on how a "receiver station" must obtain an "information transmission." There is no reason why this "information transmission" could not be received from some other part of the "receiver station" or from some source external to the "receiver station." Figure 5 of Bakula discloses keyboard signals on lines KB0-7 and Strobe 1&2 that are received by the KB Latch & Ctrl block. [*See*, Bakula, Fig. 5] This is enough to satisfy the "receiving" limitation of claim 18 under the broadest reasonable interpretation.

14. Furthermore, PMC's overly narrow interpretation would exclude many of the preferred embodiments described in the '251 patent in which a subscriber specific datum is entered from a keyboard or a floppy disk. [*See e.g.,*

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