UNITED STATES PATENT AND TRADEMARK OFFICE ————— BEFORE THE PATENT TRIAL AND APPEAL BOARD ———— Zynga Inc.

Zynga Inc. Petitioner

v.

Personalized Media Communications, LLC
Patent Owner

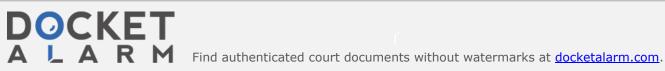
Case IPR2013-00171 U.S. Patent No. 7,734,251

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE



Table of Contents

			Page
I.	Intro	duction	1
II.	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	2
	B.	Bakula Discloses Outputting a Coordinated Display	3
	C.	Bakula Discloses Receiving an Information Transmission at a Receiver Station That Includes First and Second Discrete Signals	4
	D.	Bakula Discloses Organizing a First Discrete Signal and a Second Discrete Signal into an Organized Signal	5
III.	Claims 18, 19 and 22-24 Are Anticipated by Hedges		6
	A.	Hedges Discloses Outputting a Video Presentation to a User That Includes Firstly, a Video Image and, Secondly, a Coordinated Display	6
	B.	Hedges Discloses Outputting a Coordinated Display	7
	C.	Hedges Discloses Receiving an Information Transmission at a Receiver Station with First and Second Discrete Signals	8
	D.	Hedges Discloses Organizing Information Included in a First Discrete Signal with Information Included in a Second Discrete Signal to Provide an Organized Signal	8
	E.	Hedges Discloses Generating an Image by Processing Previously Stored User Specific Data in Response to an Organized Signal	9
	F.	Hedges Discloses "Contacting a Remote Station to Obtain At Leas One User Specific Subscriber Datum" (Claim 23)	
IV.	Claims 18, 19, 22-24 and 28 are Obvious over Hedges in View of Frohbach 11		
V.	Claim 17 is Obvious Over Hedges in View of Yamamoto		



	A.	The Combination of Hedges and Yamamoto Discloses Simultaneously Displaying a Locally Generated Image and an Image Received from a Remote Video Source at a Video Output Device	11
	B.	The Combination of Hedges and Yamamoto Discloses Processing Both Remotely Originated Data and Previously Stored User Specific Data to Generate a Locally Generated Image	12
VI.	Claim 17 is Obvious Over Yamamoto in View of Bakula		13
VII.	PMC's Alleged Secondary Considerations of Non-Obviousness		
VIII.	Conclusion		15



I. Introduction

Petitioner requests cancellation of claims 17-19, 22-24, and 28 of U.S. Patent No. 7,734,251 ("the '251 patent") as unpatentable under 35 U.S.C. §§ 102 and 103. In initiating the trial, the Board correctly found that, unless rebutted by the Patent Owner, Personalized Media Communications, LLC ("PMC"), these claims of the '251 patent are unpatentable over the applied references. In response, PMC filed a Patent Owner Response but did not seek to amend the claims of the '251 patent.

Throughout the Patent Owner Response, PMC repeatedly argues for overly narrow claim constructions that are inconsistent with the broadest reasonable interpretation standard to be applied in this *inter partes* review proceeding. In effect, PMC asks the Board to treat the claims as if they had been amended without PMC having done so itself. But if PMC had wanted the claims to be construed more narrowly, then it should have taken the opportunity afforded by this Office proceeding and filed a motion to amend to restrict their scope. As explained by the Federal Circuit, a patent owner's ability to amend claims to avoid prior art – which exists in these proceedings – distinguishes Office proceedings from district court proceedings and justifies the broadest reasonable interpretation standard.

The Board should reject PMC's requests to improperly import limitations into the claims via its proposed overly-narrow claim constructions. Accordingly, because PMC has failed to distinguish the claims, as written, from the cited prior art, the Board's



institution decision was correct, and claims 17-19, 22-24, and 28 of the '251 patent should be found unpatentable.

II. 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

In Bakula, a dual screen mode is used to simultaneously output a news story being edited by a user (*i.e.*, a generated image) and a second news story (*i.e.*, a video image). (Petition at pp. 47-54.) The display of both stories provides a coordinated display, such that Bakula's dual screen mode discloses the outputting step of claim 18.

PMC argues that the sequence of a video image followed by a coordinated display is not disclosed in Bakula and that Bakula therefore does not disclose the "outputting" step of claim 18. (Response at pp. 7-15.) Specifically, PMC argues that the limitation "requires a temporal sequence of displays where <u>first</u>, a video image is displayed; and <u>subsequent in time to the display of the video image</u>, a coordinated display is presented that includes the video image and [generated image]." (*Id.* at p. 7.)

But PMC's argument – that the only reasonable interpretation of this claim element requires a temporal sequence – is without merit. The meaning of claim 18 is ambiguous. Contrary to PMC's argument, the terms "firstly" and "secondly" in the context of claim 18 are not explicitly temporal in character. Petitioner's interpretation of the terms "firstly" and "secondly" as meaning "a first portion of a display" and a "second portion of the display" is equally valid. Such ambiguity in the claim should



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

