

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZYNGA, INC.

Petitioner

V.

PERSONALIZED MEDIA COMMUNICATIONS LLC

Patent Owner

Case No. IPR2013-00171

U.S. Patent No. 7,734,251

**PRELIMINARY PATENT OWNER RESPONSE TO
PETITION FOR INTER PARTES REVIEW
PURSUANT TO 37 C.F.R. 42**

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I. INTRODUCTION

Patent Owner, Personalized Media Communications LLC (“PMC”) submits the following preliminary response to the petition filed by Zynga, Inc. (“Petitioner”) on February 27, 2013 requesting *inter partes* review of claims 17-19, 22-24 and 28 of U.S. Patent No. 7,734,251 (the “’251 Patent”) (Zynga Ex. 1001) (the “petition”). Petitioner has failed to establish that there is a reasonable likelihood it will prevail as to at least one claim. Accordingly, PMC respectfully requests that the Patent Trial and Appeal Board (the “Board”) decline to institute *inter partes* review of the ‘251 Patent pursuant to 37 C.F.R. § 42.108(b).

A. Personalized Media Communication LLC and the Zynga Litigation

PMC is the owner of a fundamental intellectual property portfolio developed over thirty years by inventor and founder John C. Harvey. During the last two years, fifty-eight (58) new patents from this portfolio have issued, including the ‘251 Patent. These patents cover numerous aspects related to the use of control and information signals in electronic media content to generate output for display. The inventions covered by these patents have a wide range of application across many fields and can be delivered via the Internet, cellular wireless, cable/satellite, and other networks and on any number of platforms including personal computers, televisions and other electronic-media delivery systems. The PMC inventions

enable publishers, advertisers, social networks, businesses and consumers to enjoy the benefit of new media content in a variety of ways and have been licensed to a wide range of technology companies including Sony Corporation, Motorola Mobility and Cisco Systems.

On February 13, 2012, PMC filed a patent infringement suit in the United States District Court for the Eastern District of Texas against Zynga, Inc., a developer and provider of social computer games, for the infringement of four PMC patents, United States Patent Nos. 7,797,717; 7,908,638; 7,734,251; and 7,860,131, generally relating to the use of control and information signals in electronic media content to generate output for display that is personalized or customized and relevant to users. Zynga has filed a petition for *inter partes* review for each of these patents.

B. Overview of the '251 Patent

The claims of the '251 Patent are directed to a method for receiving and processing remotely originated and local user specific data for use with a video apparatus. The claims relate to multiple embodiments in the specification. In one example described in the '251 Patent and described in U.S. Patent 4,694,490 to which the '251 Patent claims priority, a multimedia presentation apparatus is disclosed as providing a combined medium presentation to users at receiver

stations. U.S. Patent 4,694,490 (the “490 Patent”) at Abstract; Col. 18, ll. 44-49 (‘490 Patent attached hereto as Exhibit A). The subscriber station can be programmed to store information related to a user’s stock portfolio and to receive updates about these particular stocks and the industries they are in. *Id.* at Col. 18, ll. 44-49.

In one particular embodiment, a receiver station containing a microcomputer 205 is disclosed to receive and process a plurality of signals related to a “Wall Street Week” television program. *Id.* at Col. 19, ll. 5-29. In one portion of the program, the “Wall Street Week” presentation includes general graphics regarding overall market performance, *e.g.*, the performance of the Dow Jones Industrial Average, that are combined with locally generated images regarding the performance of the specific user's portfolio. *Id.* at Col. 19, l. 53 – Col. 20, l. 7.

In particular, the specification describes that the receiver station receives, detects, and passes signals found in an information transmission to a processor of the receiver station. *Id.* at Col. 19, l. 42 – Col. 20, l. 11. In one embodiment, the receiver station can organize received signals into organized signals that can be further processed to control or affect operations at the receiver station. *Id.* at Col. 6, ll. 43-61; Col. 7, ll. 36-64. In addition to receiving data that serves as a basis for displaying the video presentation, the receiver station receives audio which describes the information that is being displayed as part of the “Wall Street Week”

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