Trials@uspto.gov
Tel: 571-272-7822

Paper 9
Entered: July 25, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZYNGA INC.
Petitioner

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC
Patent Owner

Case IPR2013-00171 (SCM)
Patent 7,734,251 B1

Before SALLY C. MEDLEY, KARL D. EASTHOM, and JONI Y. CHANG, *Administrative Patent Judges.*

EASTHOM, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Zynga Inc. ("Zynga") filed a petition requesting an *inter partes* review of claims 17-19, 22-24, and 28 of U.S. Patent 7,774,251. (Paper 2, "Pet.") In response, Personalized Media Communications, LLC ("PMC") filed a patent owner preliminary response. (Paper 8, "Prelim. Resp.") We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a):

> THRESHOLD – The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Pursuant to the defined threshold under 35 U.S.C. § 314(a), the Board institutes an *inter partes* review of claims 17-19, 22-24, and 28 of the '251 patent.

A. Related Proceedings

The '251 patent and three other related patents are the subject of four *inter partes* review filings before the Patent Trial and Appeal Board, and District Court litigation in which PMC alleges infringement against Zynga. (*See* Prelim. Resp. 2; Pet. 1 (citing *Personalized Media Communications, LLC v. Zynga Inc*. Civil Action No. 2:12-cv -68-JRG (E.D. Tex. Feb. 13, 2012).)

B. The '251 Patent

The '251 patent describes a modified television receiver station which includes a microcomputer which combines specific television viewer information and general mass media television broadcasting information into personalized media for the television viewer. (*See* Ex. 1001, Abstract, Fig. 1.) PMC describes the '251 patent claims as "directed to a method for receiving and processing

remotely originated and local user specific data for use with a video apparatus." (Prelim. Resp. 2.)

Figure 1 from the '251 patent, below, depicts a block diagram of a receiver station. (Ex. 1001, col. 9, ll. 23-24.)

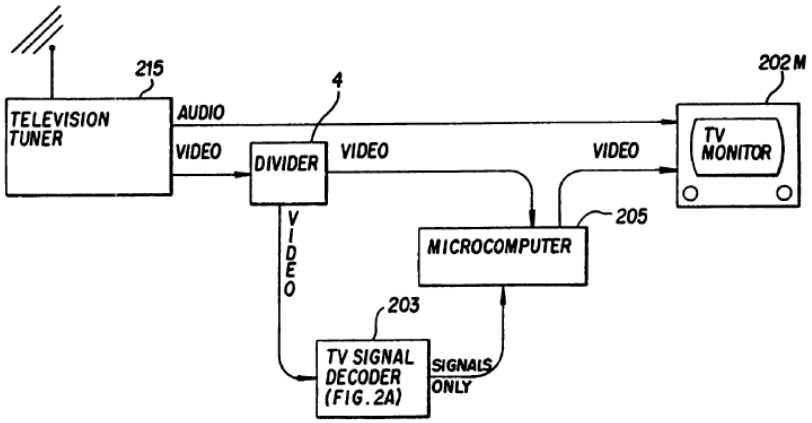

FIG. 1

As background, PMC and Zynga, through its expert declarant Dr. Charles Neuhauser (Neuhauser Decl., Ex. 1011), each similarly describe a disclosed receiver station embodiment in the '251 patent which involves a television program called "Wall Street Week" or "Wall Street Week in Review." (*See* Prelim. Resp. 3; Ex. 1011, ¶¶ 37-40.) According to PMC, "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." (Prelim. Resp. 3 (citing '251 patent at col. 19, l. 53 to col. 20, l. 7).) Dr. Neuhauser further explains that "user-specific information (i.e. the type and quantity of stock holdings) has been previously stored in the user's microcomputer 205 (*see supra* Fig. 1). Thus, each viewer's microcomputer 205 contains individual portfolio information." (Ex. 1011, ¶ 39.) According to Dr. Neuhauser,

as a final step, the disclosed broadcast station sends an embedded signal to cause the microprocessor to overlay a graphic image showing the user's individual stock performance with a graphic showing the Dow Jones Industrial average or general market performance. (*See* Ex. 1011, ¶ 40 (citing Ex. 1001 at cols. 13-14).)

C. Exemplary Claims

Challenged claims 17 and 18 follow:

> 17. A method for receiving and processing remotely originated and user specific data for use with a video apparatus, said video apparatus having an audio receiver and a video output device for displaying a video presentation comprising a locally generated image and an image received from a remote video source, said method comprising the steps of:
>
> receiving said user specific data at said video apparatus, said user specific data being specific to a user of said video apparatus;
>
> contacting a remote data source after said step of receiving said user specific data;
>
> receiving from said remote data source based on said step of contacting said remotely originated data to serve as a basis for displaying said video presentation;
>
> executing processor instructions to process said remotely originated data and said user specific data at said video apparatus in order to generate said locally generated image, said locally generated image including at least some information content that does not include any information from said remote video source and said remote data source;
>
> receiving, at said audio receiver, audio which describes information displayed in said video presentation;
>
> simultaneously displaying said locally generated image and said

image received from said remote video source at said video output device, wherein said at least some information content of said locally generated image is displayed; and

outputting said audio at said video apparatus before ceasing to display said locally generated video image.

18. A method of outputting a video presentation at a receiver station, said method comprising the steps of: receiving at least one information transmission at said receiver station, said at least one information transmission including a first discrete signal and a second discrete signal;

detecting said first discrete signal and said second discrete signal in said at least one information transmission; passing said detected at least one first discrete signal and said second discrete signal to at least one processor;

organizing information included in said at least one first discrete signal with information included in said second discrete signal to provide an organized signal at said receiver station;

generating an image in response to said organized signal by processing at least one user specific subscriber datum, said at least one user specific subscriber datum being stored at said receiver station prior to said step of organizing and based on information supplied by a user of said receiver station, said generated image including at least some information content that does not include any information from said discrete signals; and

outputting said video presentation to said user, said video presentation comprising, firstly, a video image and, secondly, a coordinated display using said generated image and said video image, wherein said at least some information content of said generated image is displayed.

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