

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
and
LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC., and LG
ELECTRONICS MOBILECOMM U.S.A., INC.
Petitioner,

v.

BLACK HILLS MEDIA, LLC,
Patent Owner.

Case IPR2014-00717
Case IPR2015-00335
Patent 6,108,686

Before BRIAN J. McNAMARA, DAVID C. McKONE,
and FRANCES L. IPPOLITO, *Administrative Patent Judges*.

McKONE, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

Samsung Electronics Co., Ltd. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 1, 2, 20, 23, 29, and 30 of U.S. Patent No. 6,108,686 (Ex. 1001, “the ’686 patent”). Pet. 4. Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC, are identified as real parties-in-interest. Pet. 1. Black Hills Media, LLC (“Patent Owner”) filed a Preliminary Response (Paper 9¹, “Prelim. Resp.”). Pursuant to 35 U.S.C. § 314(a), in our Decision to Institute, we instituted this proceeding as to all of the challenged claims of the ’686 patent. Paper 18 (“Dec.”), 15.

After Samsung Electronics Co., Ltd., filed its Petition, LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc., filed a petition (Case IPR2015-00335, Paper 2) and a motion to join the ’335 proceeding to this proceeding (Case IPR2015-00335, Paper 3). We granted the motion for joinder, instituting the ’335 proceeding on grounds identical to those in this proceeding. Paper 32. We refer to the petitioners in the joined proceeding collectively as “Petitioner.”

After the Decision to Institute, Patent Owner filed a Patent Owner Response (Paper 36, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner Response (Paper 39, “Reply”). An oral hearing was held on July 28, 2015. Paper 49 (“Tr.”).

Petitioner relies on the testimony of Kevin C. Almeroth, Ph.D. (Ex. 1005, “Almeroth Decl.”; Ex. 1017, “2nd Almeroth Decl.”) in support of

¹ Unless otherwise noted, paper numbers refer to papers filed in IPR2014-00717.

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its contentions.² Patent Owner relies on the testimony of William O. Putnam (Ex. 2013, “Putnam Decl.”) in support of its contentions.

We have jurisdiction under 35 U.S.C. § 6(c). This Decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the challenged claims. Based on the record before us, Petitioner has demonstrated, by a preponderance of the evidence, that all of the challenged claims are unpatentable.

B. Related Matters

The ’686 patent has been asserted against multiple defendants in *Black Hills Media, LLC v. Samsung Electronics Co., Ltd.*, No. 2-13-cv-00379 (E.D. Tex.). Pet. 1; Paper 5, 2.

The ’686 patent is also at issue in *Black Hills Media, LLC v. Yamaha Corporation of America*, No. 2:14-cv-00101 (C.D. Cal.); *Black Hills Media, LLC v. Sonos, Inc.*, No. 2:14-cv-00486 (C.D. Cal.); and *Black Hills Media, LLC v. Pioneer Electronics Inc.*, No. 2:14-cv-00471 (C.D. Cal.). Paper 5, 2.

² Patent Owner argues that we should disregard Dr. Almeroth’s testimony because he did not provide a claim limitation-by-claim limitation analysis. PO Resp. 39–41. Although an expert witness is permitted to testify regarding the ultimate issue in a case, Fed. R. Evid. 704(a), we are aware of no requirement that he provide a claim-by-claim analysis. Consistent with our rules, we assign Dr. Almeroth’s testimony appropriate weight in consideration of the underlying facts and data on which it is based. *See* 37 C.F.R. § 42.65(a).

C. References Relied Upon

Petitioner relies upon the following prior art references:

Reilly et al., US 5,740,549, issued Apr. 14, 1998, filed June 12, 1995 (Ex. 1003, “Reilly”)

Jiri Weiss, *New Places to Go Online*, Vol. 14, No. 8, TECHNOLOGY & LEARNING 109–15 (May/June 1994) (Ex. 1004, “Technology & Learning”)

D. The Asserted Grounds

We instituted this proceeding based on the following specific grounds (Dec. 15):

Reference(s)	Basis	Claims Challenged
Reilly	§ 102(e)	1, 2, 20, 23, 29, and 30
Reilly and Technology & Learning	§ 103(a)	1, 2, 20, 23, 29, and 30

E. The '686 Patent

The '686 patent is directed to techniques for retrieving information about a specific subject from remote databases. Ex. 1001, Abstract. At the time of the invention, high speed data connections were excessively expensive for many consumers, making it difficult to obtain information over the Internet and World Wide Web quickly. *Id.* at 1:12–39. The invention of the '686 patent uses a search agent to retrieve information relating to a single, predefined subject, stores that information in a local database, and allows a user to access the locally stored information. *Id.* at 2:8–23. Examples of subjects on which a user can seek information include news, cooking, weather, and sports. *Id.* at 3:40–43. The '686 patent terms

such a system a subject-specific information retrieval and viewing system (“SIRViS”). *Id.* at Abstract.

A SIRViS includes a graphical user interface (“GUI”) in cooperation with a search agent. *Id.* at 5:21–22. The GUI includes a control panel component and a content viewer component. *Id.* at 5:22–24. Figure 4 of the ’686 patent, reproduced below, illustrates an example of a SIRViS:

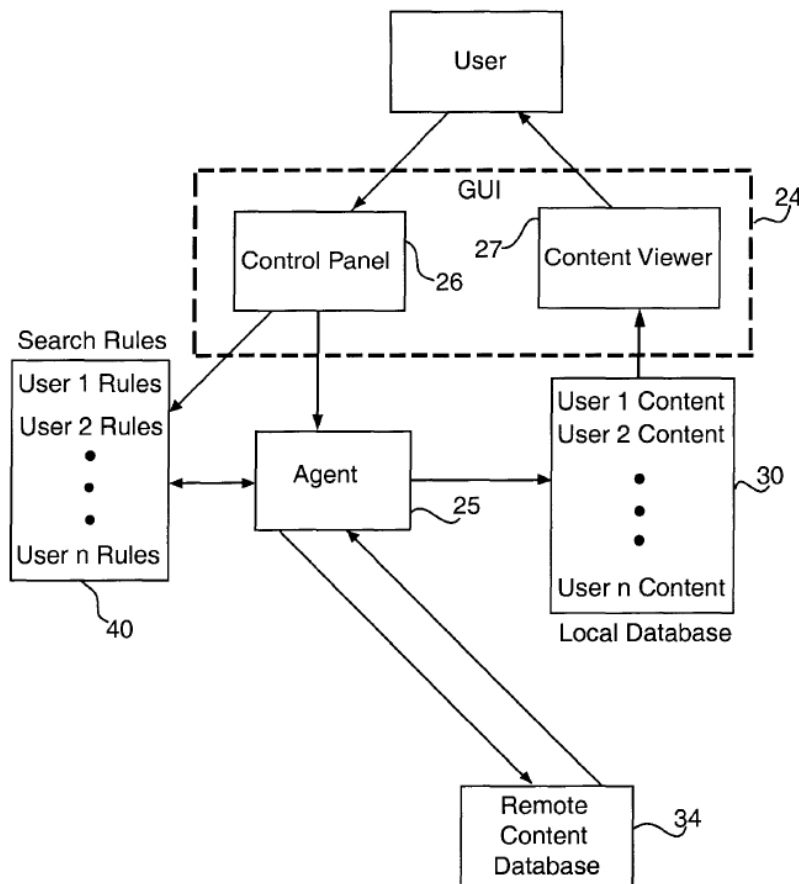


FIG. 4

Figure 4 is a block diagram illustrating the functions of a SIRViS. *Id.* at 2:40–41.

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