

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY COMPUTER ENTERTAINMENT AMERICA LLC
Petitioner

v.

ROTHSCHILD DIGITAL MEDIA INNOVATIONS, LLC
Patent Owner

Case No. IPR2015-01364
Patent 6,101,534

PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. 6,101,534

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I. INTRODUCTION

Petitioner Sony Computer Entertainment America LLC (“SCEA” or “Petitioner”) requests *Inter Partes* Review (“IPR”) of claims 1, 6-9, and 21-24 (the “Challenged Claims”) of U.S. Patent No. 6,101,534 (the “’534 Patent”), filed on September 3, 1997, and issued on August 8, 2000 to Leigh M. Rothschild (“Applicant”). **Exhibit 1001**, ‘534 Patent.

II. REQUIREMENTS FOR *INTER PARTES* REVIEW UNDER 37 C.F.R. § 42.104

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Petitioner certifies that the ’534 Patent is available for IPR and that the Petitioner is not barred or estopped from requesting IPR to challenge the claims of the ’534 Patent. Specifically, Petitioner states: (1) Petitioner is not the owner of the ’534 Patent; (2) Petitioner has not filed a civil action challenging the validity of any claim of the ’534 Patent; (3) this Petition is filed less than one year after Petitioner was served with a complaint alleging infringement of the ’534 Patent; and (4) this Petition is filed more than nine months after the ’534 Patent issued and the ’534 Patent was not the subject of a post-grant review.

B. Identification of Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested

In view of the prior art, evidence, and claims charts discussed in this Petition, claims 1, 6-9, and 21-24 of the ’534 Patent are unpatentable and should be cancelled. 37 C.F.R. § 42.104(b)(1). Based on the prior art references identified

below, IPR of the Challenged Claims should be instituted. 37 C.F.R. § 42.104(b)(2). The proposed statutory rejections for claims 1, 6-9, and 21-24 of the '534 Patent are as follows:

- Claims **1, 6-9, 21, 23, and 24** are **obvious** under § 103(a) by U.S. Patent No. 5,892,825 to Mages et al., which was filed on November 25, 1996 (“Mages”) in view of U.S. Patent No. 5,724,103 to Batchelor, which was filed on November 13, 1995 (“Batchelor”). Batchelor qualifies as prior art with regard to the ‘534 Patent under § 102(e) (**Exhibit No. 1004**). Mages is a continuation-in-part of U.S Application No. 645,022, which was filed on May 15, 1996, and Mages qualifies as prior art with regard to the ‘534 Patent under § 102(e) (**Exhibit No. 1005**).
- Claims **1, 6-9, 21, 23, and 24** are **obvious** under § 103(a) by Mages in view of a printed publication entitled “Introduction: VEMMI, an European and International Standard for Multimedia On-line Services,” which is dated September 12, 1996 (“VEMMI”), and qualifies as prior art with regard to the ‘534 Patent under § 102(a) (**Exhibit No. 1006**).
- Claims **1, 6-8, and 23** are **obvious** under § 103(a) by Batchelor in view of U.S. Patent No. 5,861,881 to Freeman et al., which was filed on February 8, 1996 (“Freeman”), and qualifies as prior art with regard to the ‘534 Patent under § 102(e) (**Exhibit No. 1007**).

- Claim **22** is obvious under § 103(a) by Mages in view of Batchelor in further view of U.S. Patent No. 5,736,977 to Hughes, which was filed on April 26, 1995 (“Hughes”), and qualifies as prior art with regard to the ‘534 Patent under § 102(e) (**Exhibit No. 1008**).

Section V identifies where each element of the Challenged Claims is found in the prior art. 37 C.F.R. § 42.104(b)(4). The exhibit numbers of the supporting evidence relied upon to support the challenges are provided above and the relevance of the evidence to the challenges raised is provided in Section V. 37 C.F.R. § 42.104(b)(5). **Exhibits 1001-1003 and 1009-1013** are also attached.

III. SUMMARY OF THE ‘534 PATENT

A. Description of the Alleged Invention of the ‘534 Patent

The ‘534 Patent describes a computer interface system for real estate viewing that includes a remote server, a local processor, and a data storage assembly that has a compact, portable, and interchangeable computer readable medium such as a CD-ROM. *See Ex. 1001, ‘534 Patent* at Abstract. In the background of the invention, the specification describes purported problems with existing real estate viewing video systems, and sets out to disclose a real estate display system that would provide a highly interactive walk-through viewing experience. *See id.* at Col. 1:4–3:50. One problem noted in the ‘534 Patent is that online technology is encumbered by slow download speeds, especially when

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