

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY COMPUTER ENTERTAINMENT AMERICA LLC and  
GAMELOFT, S.A.,  
Petitioners,

v.

ROTHSCHILD DIGITAL MEDIA INNOVATIONS, LLC,  
Patent Owner.

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Case IPR2015-01364  
Patent 6,101,534

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Before KALYAN K. DESHPANDE, MICHAEL J. FITZPATRICK, and  
SHEILA F. McSHANE, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a)*

## I. INTRODUCTION

Co-Petitioner Sony Entertainment America LLC (“Sony”), filed a Petition to institute an *inter partes* review of claims 1, 6–9, and 21–24 of U.S. Patent No. 6,101,534, as amended by U.S. Patent Reexamination Certificate 6,101,534 C1, (Ex. 1001, “the ’534 patent”) pursuant to 35 U.S.C. § 311(a). Paper 3 (“Pet.”). Patent Owner, Rothschild Digital Media Innovations, LLC, filed a Preliminary Response pursuant to 35 U.S.C. § 313. Paper 7 (“Prelim. Resp.”). In a December 15, 2015, Decision, we granted the Petition, instituting trial on all claims on the following grounds:

claims 1, 6–9, 21, 23, and 24 being unpatentable under 35 U.S.C. § 103(a)<sup>1</sup> as obvious over Mages (Ex. 1005)<sup>2</sup> and Batchelor (Ex. 1004)<sup>3</sup>; and

claim 22 being unpatentable under 35 U.S.C. § 103(a) as obvious over Mages, Batchelor, and Hughes (Ex. 1008).<sup>4</sup>

Paper 8 (“Inst. Dec.”).

After institution, Patent Owner filed a Patent Owner Response (Paper 15, “PO Resp.”) to which Sony filed a Reply (Paper 17, “Reply”). On June 22, 2016, we joined Gameloft, S.A. (“Gameloft”), as an additional petitioner

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<sup>1</sup> The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, took effect on March 18, 2013. Because the application from which the ’534 patent issued was filed before that date, our citations to 35 U.S.C. § 103(a) are to its pre-AIA version.

<sup>2</sup> U.S. Patent No. 5,892,825, filed Nov. 25, 1996, issued Apr. 6, 1999.

<sup>3</sup> U.S. Patent No. 5,724,103, filed Nov. 13, 1995, issued Mar. 3, 1998.

<sup>4</sup> U.S. Patent No. 5,736,977, filed Apr. 26, 1995, issued Apr. 7, 1998.

pursuant to 35 U.S.C. § 315(c). Paper 20. Gameloft has not sought to present its own arguments or evidence in this proceeding and is represented here by the same counsel as Sony. *See* Ex. 3001, 8; *see also* Paper 21 (Sony’s and Gameloft’s joint request for oral argument). We refer to Sony and Gameloft collectively as “Petitioner.”

A hearing for oral arguments was held on August 18, 2016, and a transcript of the hearing is included in the record. Paper 23 (“Tr.”).

As discussed below, Petitioner has shown by a preponderance of the evidence that all of the challenged claims are unpatentable.

#### A. The ’534 Patent

The ’534 patent relates to an interactive remote computer interface system. Ex. 1001, 1:6–7.<sup>5</sup> In general, it describes a system in which local data and remote data are combined for local use. *Id.* at Abstract. The use of local data stored on, for example, a CD-ROM reduces the amount of data required to be downloaded in order to render a desired display of data, while the use of remote data allows for providing updated data from a centralized source. *Id.* at 6:41–46, 7:4–8.

The system includes a remote server, a local processor, and a data storage assembly associated with the local processor. Ex. 1001, 5:20–42. The remote server includes primary site data and at least one primary site address that includes at least a portion of the primary site data. *Id.* at 5:20–

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<sup>5</sup> Our citations to the ’534 patent as issued are to “Ex. 1001,” whereas our citations to U.S. Patent Reexamination Certificate 6,101,534 C1 are to “Ex. 1001, C1.”

25. The data storage assembly may be a hard drive but is preferably a compact, portable, and interchangeable computer readable medium such as a CD-ROM. *Id.* at 5:40–45. The data storage assembly includes auxiliary site data associated with the primary site data and is encoded with a plurality of remotely accessible auxiliary site addresses, each of which includes select portions of auxiliary site data. *Id.* at 5:46–53.

Petitioner fairly describes operation of an embodiment of the '534 patent as follows:

a user at a local computer, having access to a CD-ROM or the like that has been previously distributed and stored at a local computer, is able to go online to access primary site information (e.g., through a website). *See, e.g.*, [Ex. 1001] at Col. 13:43–14:32. When the interaction calls for interactive video, downloading is not necessary because the system accesses the CD-ROM, and initiates utilization of auxiliary data stored thereon. *See id.* The auxiliary data is stored at specific auxiliary site addresses on the CD-ROM so that the data is readily accessible. *See id.*

Pet. 4. Additionally, it is clear from the specification that one focus of the '534 patent is application of the invention to a real estate context. Ex. 1001, 7:30–35 (“the present invention is directed towards a system for the display of a three dimensional space, generally 10, and preferably, a real state display system 10 structured to provide for the remote exhibition of real estate space”). But the challenged claims, discussed below, are not limited to such an application.

## B. The Challenged Claims

Petitioner challenges claims 1, 6–9, and 21–24. Pet. 2–3. Claims 1,

23, and 24 are independent, and the remaining challenged claims (claims 6–9, 21, and 22) ultimately depend from claim 1. Claim 1 is illustrative and reproduced below.

1. An interactive, remote, computer interface system comprising:

a remote server assembly, said remote server assembly including a quantity of primary site data;

said remote server assembly including at least one primary site address, said primary site address including at least a portion of said primary site data and being distinct so as to identify a location thereof on a computer network;

a local processor assembly;

said local processor assembly being coupled in data transmitting and receiving communication with said remote server assembly;

said local processor assembly being structured to access said primary site address so as to achieve said data transmitting and receiving communication with said remote server assembly;

at least one data storage assembly associated with said local processor assembly and structured to contain a quantity of auxiliary site data thereon, said auxiliary site data being associated with said primary site data;

said data storage assembly including a compact, portable and interchangeable computer readable medium;

said compact, portable and interchangeable computer readable medium including a plurality of remotely accessible, auxiliary site addresses encoded therein, each of said remotely accessible, auxiliary site addresses including select portions of said quantity of auxiliary site data; and

said remotely accessible, auxiliary site addresses being structured to be remotely accessed by said remote server assembly so as to initiate utilization of said select portions of

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