

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of:

Trial Number: To Be Assigned

U.S. Patent No. 7,752,649

Filed: May 24, 1995

Issued: July 6, 2010

Inventor(s): John Christopher Harvey, James
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Assignee: Personalized Media
Communications, LLC

Title: Signal processing apparatus and methods Panel: To Be Assigned

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**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 7,752,649
UNDER 35 U.S.C. § 311 AND 37 C.F.R. § 42.100**

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Apple Inc. (“Apple”) requests IPR of Claims 39, 54, 62, and 67 (“the Challenged Claims”) of U.S. Patent No. 7,752,649 (“the ’649 patent”) (Ex. 1002).

In 1981, the named inventors of the ’649 patent filed U.S. Patent Appl. No. 06/317,510, which issued as U.S. Patent No. 4,694,490 (“the ’490 patent”) to Personalized Media Communications, LLC (“PMC”). Ex. 1007. In 1987, PMC filed a continuation-in-part of that application, which discarded the original 22-column specification filed in 1981 and substituted a new specification that spanned over 300 columns. Ex. 1002. In the months leading up to June 8, 1995, PMC filed 328 continuations from that 1987 application, having tens of thousands of claims and deluging the Patent Office with thousands of prior art references. Ex. 1009 at 2; Ex. 1017; Ex. 1002 at 1-31; Ex. 1011 at 10. The ’649 patent is one of the patents that issued from that flurry of activity.

I. IDENTIFICATION OF CHALLENGE – 37 C.F.R. § 42.104(B)

A. 37 C.F.R. § 42.104(b)(1): Claims for Which IPR Is Requested

Apple requests IPR of the Challenged Claims of the ’649 patent.

B. 37 C.F.R. § 42.104(b)(2): The Specific Art and Statutory Ground(s) on Which the Challenge Is Based

IPR of the Challenged Claims is requested in view of the prior art below. PMC asserts that the Challenged Claims are entitled to the Sept. 11, 1987 priority date. Ex. 1019 at 6. For the purposes of this IPR only, Apple assumes the Sept. 11, 1987 priority date.

- U.S. Patent No. 4,789,895 to Mustafa, *et al.* (“Mustafa”) (Ex. 1003), filed April 30, 1987, and prior art under 35 U.S.C. § 102(e).¹
- U.S. Patent No. 4,215,369 to Iijima (“Iijima”) (Ex. 1004), issued July 29, 1980, and prior art under 35 U.S.C. § 102(b).
- U.S. patent No. 4,536,791 to Campbell, *et al.* (“Campbell”) (Ex. 1005), issued Aug. 20, 1985, and prior art under 35 U.S.C. § 102(b).
- U.S. Patent No. 4,302,775 to Widergren, *et al.* (“Widergren”) (Ex. 1006), issued Nov. 24, 1981, and prior art under 35 U.S.C. § 102(b).

Apple requests IPR of the Challenged Claims on the following grounds:

Ground	Proposed Statutory Rejections for the '581 Patent
1	Mustafa renders obvious Claims 39, 54, 62, and 67 under § 103.
2	Mustafa, in view of Iijima, renders obvious Claims 39, 54, 62, and 67 under § 103.
3	Campbell renders obvious Claims 39, 54, 62, and 67 under § 103.
4	Campbell, in view of Widergren, renders obvious Claims 39, 54, 62, and 67 under § 103.

C. 37 C.F.R. § 42.104(b)(3): Claim Construction

A claim in an IPR is given its broadest reasonable interpretation (“BRI”) in light of the specification. 37 C.F.R. § 42.100(b).

(1) “digital television signals” (claims 39, 54, and 67)

Apple submits, for purposes of this IPR only, that the BRI of “digital

¹ Cites to 35 U.S.C. §§ 102/103 are to the pre-AIA versions applicable here.

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