

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC

Patent Owner

Case: IPR2016-00753

Patent No. 7,752,649

**PATENT OWNER'S CONTINGENT MOTION TO AMEND THE CLAIMS
UNDER 37 C.F.R. § 42.121(c)**

TABLE OF CONTENTS

I. STATEMENT OF RELIEF REQUESTED	1
II. INTRODUCTION	1
III. LISTING OF AMENDMENTS	8
IV. SUPPORT FOR THE SUBSTITUTE CLAIMS	9
V. CLAIM CONSTRUCTION	11
A. “information particular to a subscriber at said [] receiver and originated at said [] receiver”	11
VI. THE SUBSITUTE CLAIMS ARE PATENTABLE UNDER 35 U.S.C. §101 12	
A. The Substitute Claims Are Statutory	12
VII. THE SUBSTITUTE CLAIMS ARE NOT ANTICIPATED BY THE PRIOR ART	15
VIII. THE SUBSTITUTE CLAIMS ARE NOT OBVIOUS OVER THE PRIOR ART	15
A. The Prior Art Does Not Disclose “at least one of said plurality of processors is a central processing unit that operates according to operating system instructions stored in reprogrammable nonvolatile memory at said [] receiver, said operating system instructions are reprogrammable by a remote station” accompanied by at least one other element of the claims.....	16
B. The Prior Art Does Not Disclose “reprogrammable nonvolatile memory storing digital data comprising information particular to a subscriber at said [] receiver and originated at said [] receiver” accompanied by at least one other element of the claims.	22
C. The Prior Art Does Not Disclose “cadence information enables distinguishing individual messages and comprises at least one of a header, length token, and end-of-file signal” accompanied by at least one other element of the claims.....	23
D. The Invention Would Not Have Been Obvious.....	24
IX. PATENT OWNER IS NOT AWARE OF OTHER MATERIAL PRIOR ART.	25
X. CONCLUSION	25

PATENT OWNER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Samuel H. Russ, Ph.D. in Support of Patent Owner Personalized Media Communications' Preliminary Response to Petition for <i>Inter Partes</i> Review (June 22, 2016)
2002	<i>Curriculum Vitae</i> of Dr. Samuel H. Russ
2003	D.A. Howell, <i>Digital Television, A Primer on Digital Television</i> , Journal of the SMPTE, Vol. 84, July 1975, pp. 538-541.
2004	Final Written Decision of the Patent Trial and Appeal Board in Case No. IPR2014-01532
2005	H. Kaneko <i>et al.</i> , <i>Digital Television Transmission Using Bandwidth Compression Techniques</i> , IEEE Communications Magazine, Vol. 18, No. 4, July 1980, pp. 14-22.
2006	E. Mechler, <i>Information Rates in Remoted Radar Systems</i> , IRE Transactions on Communications Systems, Vol. CS-4, No. 2, May 1956, pp. 120-128.
2007	U.S. Patent No. 3,795,763
2008	J. Free, <i>High-resolution TV—here come wide-screen crystal-clear pictures</i> , Popular Science, November 1981, pp. 108-110.
2009	J.H. Stott, <i>Design Technique for Multiplexing Asynchronous Digital Video and Audio Signals</i> , IEEE Transactions on Communications, Vol. COM-26, No. 5, May 1978, pp. 601-610.
2010	T. Koga <i>et al.</i> , <i>Statistical Performance Analysis of an Interframe Encoder for Broadcast Television Signals</i> , IEEE Transactions on Communications, Vol. COM-29, No. 12, December 1981, pp. 1868-1876.
2011	F.A. Kamangar <i>et al.</i> , <i>Interfield Hybrid Coding of Component Color Television Signals</i> , IEEE Transactions on Communications, Vol. COM-29, No. 12, December 1981, pp. 1740-1753.
2012	A.N. Netravali <i>et al.</i> , <i>Motion-Compensated Television Coding: Part I</i> , The Bell System Technical Journal, Vol. 58, No. 3, March 1979, pp. 631-670.
2013	A.N. Netravali <i>et al.</i> , <i>Motion-Compensated Transform Coding</i> , The Bell System Technical Journal, Vol. 58, No. 7, September 1979, pp. 1703-1718.
2014	Webster's Ninth New Collegiate Dictionary, 1988, p. 1213.
2015	Declaration of Samuel H. Russ, Ph.D. in Support of Patent

	Owner Personalized Media Communications' Response to Petition for <i>Inter Partes</i> Review (December 16, 2016)
2016	"Memorandum Opinion and Order," <i>Personalized Media Communications, LLC v. Apple, Inc.</i> , Case No. 2:15-CV-01366-JRG-RSP (E.D. Tex., Oct. 25, 2016).
2017	Webster's Ninth New Collegiate Dictionary, 1988, p. 1314.
2018	E.S. Busby, Jr., <i>Principles of Digital Television Simplified</i> , Journal of the SMPTE, Vol. 84, July 1975, pp. 542-545.
2019	G.D. Heynes, <i>Digital Television, A Glossary and Bibliography</i> , SMPTE Journal, Vol. 86, January 1977, pp. 6-9.
2020	J. Free, <i>Digital hi-fi and TV</i> , Popular Science, March 1978, pp. 50-60.
2021	<i>Tutorial 734, Video Basics</i> , Maxim Integrated, May 8, 2002, pp. 1-12, available at https://www.maximintegrated.com/en/app-notes/index.mvp/id/734 (accessed December 13, 2016)
2022	U.S. Patent No. 4,003,020
2023	U.S. Patent No. 4,027,331
2024	U.S. Patent No. 4,280,147
2025	U.S. Patent No. 4,381,519
2026	Declaration of Thomas J. Scott, Jr., Esq. Supporting the Patentability of U.S. Patent Nos. 7,752,649; 8,559,635; and 8,191,091 (December 16, 2016)
2027	Intentionally Left Blank
2028	Intentionally Left Blank
2029	Intentionally Left Blank
2030	Intentionally Left Blank
2031	Intentionally Left Blank
2032	Intentionally Left Blank
2033	Intentionally Left Blank
2034	Intentionally Left Blank
2035	Intentionally Left Blank
2036	Intentionally Left Blank
2037	Intentionally Left Blank
2038	Intentionally Left Blank
2039	Intentionally Left Blank
2040	Intentionally Left Blank
2041	Intentionally Left Blank
2042	Intentionally Left Blank
2043	Intentionally Left Blank

2044	Intentionally Left Blank
2045	Intentionally Left Blank
2046	Intentionally Left Blank
2047	Wang, et al., <i>Exploring Legal Patent Citations for Patent Valuation</i> , Proceedings of the 23rd ACM International Conference on Conference on Information and Knowledge Management, 2014, pp. 1379-1388
2048	Cox, <i>Using Citation Analysis to Value Patents</i> , January 2016, Financier Worldwide
2049	<i>Ocean Tomo Patent Quality Inventor Study</i> , OCEAN TOMO, Apr. 2011
2050	Patent Application Ser. No. 08/449,097
2051	U.S. Patent 4,965,825
2052	U.S. Patent 4,233,628 (“Ciciora”)
2053	CBS Rulemaking Petition to FCC (“CBS”) (1980)
2054	Blatt et al., “The Promise of Teletext for Hearing-Impaired Audiences,” <i>IEEE Transactions on Consumer Electronics</i> , Vol. CE-26:717-722 (November 1980) (“Blatt”)
2055	U.K. Patent 1,370,535 (“Millar”)
2056	U.S. Patent 4,306,250 (“Summers”)
2057	Chambers, “Enhanced UK Teletext Moves Towards Still Pictures,” BBC Research Department Report BBC RD 1980/4, June 1980, reprinted in <i>IEEE Transactions on Consumer Electronics</i> , Vol. CE-26: 527-554 (August 1980)
2058	U.S. Patent 4,538,174 (“Gargini”)
2059	Crowther, “Teletext and Viewdata Systems and Their Possible Extension To Europe and USA,” <i>IEEE Transactions on Consumer Electronics</i> , Vol. CE-25:288-294 (July 1979)
2060	Gunn & Harper, “A Public Broadcaster’s View of Teletext in the United States,” March 26-28, 1980 Conference, London
2061	Hedger et al., “Telesoftware – Value Added Teletext,” <i>IEEE Transactions on Consumer Electronics</i> , Vol. CE-26:555-567 (August 1980) (“Hedger”)
2062	<i>Viewdata and Videotext 1980-81: A Worldwide Report</i> , Transcript of Viewdata ’80 Conference, London, March 26-28, 1980
2063	Ciciora et al, “An Introduction To Teletext and Viewdata With Comments on Compatibility,” <i>IEEE Transactions on Consumer Electronics</i> , Vol. CE-25:235-245 (“Ciciora article”)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.