

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC

Patent Owner

Case No.: IPR2016-00753

Patent No.: 7,752,649

For: Signal Processing Apparatus and Methods

**PATENT OWNER PERSONALIZED
MEDIA COMMUNICATIONS' RESPONSE
TO PETITION FOR INTER PARTES REVIEW**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. '649 PATENT.....	2
III. LEVEL OF ORDINARY SKILL IN THE ART	5
IV. CLAIM CONSTRUCTION	6
A. Television	7
B. Video	8
C. Digital Television Signals	9
D. Digital Video Signals	12
E. Processor / Control Processor	14
F. Stored Function Invoking Data	17
V. APPLICABLE LEGAL STANDARDS.....	18
VI. CAMPBELL IN VIEW OF THE PURPORTED KNOWLEDGE OF A POSITA DOES NOT DISCLOSE OR SUGGEST EACH AND EVERY ELEMENT OF THE CHALLENGED CLAIMS	20
A. Campbell	20
B. Claim 62 Is Patentable Over Campbell Because Campbell Does Not Process “Digital Video Signals Simultaneously At Two Or More Of Said Plurality Of Processors”	23
C. Each Challenged Claim Is Patentable Over Campbell Because Campbell Does Not Process “Digital Television Signals” Or “Digital Video Signals” Simultaneously At Two Or More Processors	25
D. Claims 39, 62, And 67 Are Each Patentable Over Campbell Because Campbell Does Not Disclose Or Suggest Receiving “Digital Television Signals” Or “Digital Video Signals”	27
E. Each Challenged Claim Is Patentable Over Campbell Because Campbell Does Not Disclose Or Suggest Providing “Digital Television Signals” Or “Digital Video Signals” To One Or More Processors	30

F.	Each Challenged Claim Is Patentable Over Campbell Because Campbell Does Not Disclose Or Suggest Processing Signals At A “Plurality Of Processors”	31
G.	Claims 39, 54, And 62 Are Each Patentable Over Campbell Because Campbell Does Not Disclose Or Suggest Using “Stored Function Invoking Data” In A Comparison.....	34
H.	Claim 54 Is Patentable Over Campbell Because Campbell Does Not Disclose Or Suggest “Receiving An Information Transmission” Or “Receiving A Control Signal”	36
VII.	CAMPBELL IN VIEW OF WIDERGREN DOES NOT RENDER THE CHALLENGED CLAIMS OBVIOUS.....	38
A.	Widergren	38
B.	Widergren Does Not Cure Campbell’s Deficiencies	38
C.	A POSITA Would Be Led Away From Combining Widergren With Campbell	41
D.	No Motivation Exists To Combine Widergren With Campbell; Doing So Yields Unpredictable Results.....	41
VIII.	MUSTAFA IN VIEW OF THE PURPORTED KNOWLEDGE OF A POSITA DOES NOT DISCLOSE OR SUGGEST EACH AND EVERY ELEMENT OF THE CHALLENGED CLAIMS	42
A.	Mustafa	42
B.	Claim 62 Is Patentable Over Mustafa Because Mustafa Does Not Process “Digital Video Signals Simultaneously At Two Or More Of Said Plurality Of Processors”	45
C.	Each Challenged Claim Is Patentable Over Mustafa Because Mustafa Does Not Disclose Or Suggest Displaying Television Programming Or Displaying Video	47
D.	Claims 39 And 67 Are Each Patentable Over Mustafa Because Mustafa Does Not Disclose Or Suggest Receiving “Digital Television Signals”	48
E.	Each Challenged Claim Is Patentable Over Mustafa Because Mustafa Does Not Disclose Or Suggest Processing Signals At A “Plurality Of Processors”	50

F.	Claims 39, 62, And 67 Are Each Patentable Over Mustafa Because Mustafa Does Not Disclose Or Suggest The Respective Claim Limitations That Involve The Use Of A Control Processor	53
G.	Claims 39, 54, And 62 Are Each Patentable Over Mustafa Because Mustafa Does Not Disclose Or Suggest Using “Stored Function Invoking Data” In A Comparison	55
H.	Claim 54 Is Patentable Over Mustafa Because Mustafa Does Not Disclose Or Suggest “Receiving An Information Transmission” Or “Receiving A Control Signal”	57
IX.	MUSTAFA IN VIEW OF IJIMA DOES NOT RENDER THE CHALLENGED CLAIMS OBVIOUS	59
A.	Iijima.....	59
B.	Iijima Does Not Cure Mustafa’s Deficiencies	60
C.	Combining Iijima With Mustafa Renders Mustafa Inoperable For Its Intended Purpose	62
D.	No Motivation Exists To Combine Iijima With Mustafa; Doing So Yields Unpredictable Results.....	64
X.	SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS	65
XI.	CONCLUSION.....	66

TABLE OF AUTHORITIES

Cases

Bicon, Inc. v. Straumann Co.,
441 F.3d 945 (Fed. Cir. 2006)6

Cat Tec LLC v. Tubemaster, Inc.,
528 F.3d 871 (Fed. Cir. 2008)6

Ex Parte Burgess,
No. 2008-2820, 2009 WL 291172 (B.P.A.I. Feb 06, 2009).....18

Graham v. John Deere Co.,
383 U.S. 1, 15-17 (1966)18

In re Gordon,
733 F.2d 900 (Fed. Cir. 1984)63

In re Grasselli,
713 F.2d 731 (Fed. Cir. 1983)41

In re Lowry,
32 F.3d 1579 (Fed. Cir. 1994)18

In re Robertson,
169 F.3d 743 (Fed. Cir. 1999) 36, 57

KSR Int’l Co. v. Teleflex Inc.,
550 U.S. 398 (2007)..... 18, 19

Microsoft, Corp. v. Proxycorr, Inc.,
789 F.3d 1292 (Fed. Cir. 2015)6

Omega Engineering, Inc. v. Raytek Corp.,
334 F.3d 1314 (Fed. Cir. 2003)10

St. Jude Med., Inc. v. Access Closure, Inc.,
729 F.3d 1369 (Fed. Cir. 2013)19

Star Scientific, Inc. v. R.J. Reynolds Tobacco Co.,
655 F.3d 1364 (Fed. Cir. 2011)20

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.