UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC,

Patent Owner.

Inter Partes Review Nos. IPR2016-00754 IPR2016-01520 U.S. Patent No. 8,559,635 B1

PATENT OWNER'S RESPONSE BRIEF ON REMAND FROM THE FEDERAL CIRCUIT



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I.	The Federal Circuit's construction of "encryption" and "decryption" in <i>PMC '091</i> applies equally to the '635 patent, which requires upholding the validity of at least claim 3		
	6	In light of <i>PMC '091</i> , the Board should construe 'encrypt" and "decrypt" as limited to a digital-only process.	3
		Petitioner does not dispute that, under a construction of 'decrypt" as limited to digital processes, claim 3 is valid	8
II.	for stat	deral Circuit's holding that the Board failed to account ements made during prosecution requires revisiting other tive claim constructions.	9
	8	Under a proper construction of "executable instructions" and "changing a decryption technique," claim 13 is patentable over Guillou and Chandra.	9
	1	1. The prosecution history makes clear that "executable instructions" must control the operation of a device, not consist merely of data processed by the device.	10
	2	2. The prosecution history makes clear that changing a decryption key is not changing a "decryption technique"	12

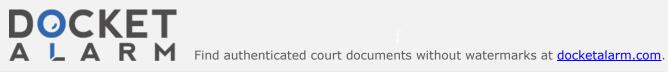


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	B. Under a proper construction of "encrypted video," clain 4 is patentable over Guillou, Seth-Smith, Aminetzah, an Bitzer.		patentable over Guillou, Seth-Smith, Aminetzah, and
		1.	Statements made in prosecution show that "video," in the context of this patent, does not include the teletext disclosed in Guillou
		2.	Seth-Smith, Aminetzah, and Bitzer do not disclose "encrypted" video under a proper claim construction
	C.		er a proper construction of "processor," claims 21 28-30 are patentable over Guillou and Aminetzah17
III.	Under a proper construction of "unaccompanied by any non-digital information transmission," the patent has 1981 priority, making claims 18, 20, and 32 patentable over Chandra and claim 33 patentable over Chandra and Nachbar.		ormation transmission," the patent has 1981 priority, aims 18, 20, and 32 patentable over Chandra and

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Cases	
Personalized Media Commc'ns, LLC v. Apple Inc., 2021 WL 2697846 (E.D. Tex. Mar. 14, 2021)	20, 21, 22, 23
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Teva Pharm. USA, Inc. v. Sandoz, Inc., 789 F.3d 1335 (Fed. Cir. 2015)	12



GLOSSARY

'490 patent	U.S. Patent No. 4,694,490
'635 patent	U.S. Patent No. 8,559,635
'091 patent	U.S. Patent No. 8,191,091
'304 patent	U.S. Patent No. 7,801,304, reissued as U.S. Patent No. RE47,642
FWD-754	IPR2016-00754 Final Written Decision, Paper 41, for U.S. Patent No. 8,559,635
FWD-1520	IPR2016-01520 Final Written Decision, Paper 38, for U.S. Patent No. 8,559,635
'263 application	Prosecution History of U.S. Patent Application No. 08/449,263, for U.S. Patent No. 7,801,304, reissued as U.S. Patent No. RE47,642
Davidson	U.S. Patent No. Re. 31,735 to Davidson
Guillou	U.S. Patent No. 4,337,483 to Guillou
PMC '091	Personalized Media Communications, LLC v. Apple Inc., 952 F.3d 1336 (Fed. Cir. 2020)
PMC EDTX	Personalized Media Commc'ns, LLC v. Apple Inc., No. 15-cv-1366, 2021, Document 553, WL 2697846 (E.D. Tex. Mar. 14, 2021),
PMC	Patent Owner, Personalized Media Communications, LLC



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