

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioners

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC

Patent Owner

Case No.: IPR2016-00754

Patent No.: 8,559,635

For: Signal Processing Apparatus and Methods

DECLARATION OF ALFRED WEAVER, PH.D.

PURSUANT TO 37 C.F.R. § 1.68

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. Qualifications & Engagement.....	1
II. Materials Reviewed and Relied upon	5
III. Summary of Conclusions	6
IV. Legal Standards	8
A. Anticipation	8
B. Obviousness.....	8
C. Claim Construction	11
D. Persons of Ordinary Skill in the Art.....	11
V. Background Technology of the '635 Patent	11
VI. Claim Construction	18
A. Decryption terms	18
B. “Encrypted Video”	35
C. “processor”	39
D. “executable instructions”	45
VII. Aminetzah Does not Render Claims 3, 21, and 28-30 Unpatentable for Obviousness.....	48
A. Aminetzah Fails to Teach or Suggest Decryption of Programming (Independent Claims 21 and Dependent Claims 28, 29, and 30).....	52
B. Aminetzah Fails To Teach or Suggest “Receiving A Transmission Comprising Encrypted Materials” (Independent Claim 21).....	54

C.	Aminetzah Fails To Teach Or Suggest “Decrypting Under First Processor Control” and “Decrypting Under Second Processor Control a Second Portion” (Independent Claim 21)	59
D.	Aminetzah Fails To Teach or Suggest the Receiver Station Receiving a Signal Necessary for Decryption and a Transmission from Different Sources (Dependent Claim 29)	61
E.	Aminetzah Fails To Teach or Suggest “Contacting A Remote Transmitter Station to Receive One of Said Transmission And Said Signal Necessary for Decryption” (Dependent Claim 30).....	63
VIII.	Aminetzah, in view of Bitzer, DOES not Render Claim 4 Unpatentable for Obviousness.....	66
A.	A Person of Ordinary Skill in the Art would not have Found it Obvious to Combine Aminetzah with Bitzer	66
B.	Aminetzah, in view of Bitzer, Fails to Teach or Suggest Receiving Encrypted Video in an Information Transmission.....	77
IX.	Guillou Does not Anticipate Claims 7, 21 and 29	79
A.	Guillou Fails To Expressly or Inherently Disclose the Subscriber Station “Detect[ing], in a Transmission Channel Including Said Programming, A Second Control Signal Portion Used To Decrypt the First Control Signal Portion” (Claim 7)	82
B.	Guillou Fails To Expressly or Inherently Disclose “Decrypting Under First Processor Control” and “Decrypting Under Second Processor Control” (Independent Claim 21, Dependent Claim 29).....	83
X.	Guillou Does not Render claims 4, 13, 28, and 30 Unpatentable for obviousness	89
A.	Guillou Fails to Teach or Suggest Receiving Programming that Includes Encrypted Video (Dependent Claim 4)	89
B.	Guillou Fails To Teach or Suggest “decrypting a second of said plurality of signals on the basis of said changed decryption technique, wherein said decrypted second of said plurality of	

	signals is embedded with executable instructions” and “controlling Said Controllable Device On The Basis Of Said Embedded Executable Instructions” (Independent Claim 13).....	93
C.	Guillou Fails to Teach or Suggest Receiving and Decrypting Encrypted Materials that Includes a Portion of a Television Program (Dependent Claim 28)	98
D.	Guillou Fails To Teach or Suggest “Contacting A Remote Transmitter Station to Receive One of Said Transmission And Said Signal Necessary for Decryption” (Dependent Claim 30).....	101
XI.	Secondary Considerations Confirm The Non-Obviousness Of The Inventions	103
XII.	Conclusion	103

I, Dr. Alfred C. Weaver, do hereby declare:

1. I am making this declaration at the request of Patent Owner Personalized Media Communications, LLC (“PMC”) in the matter of the Inter Partes Review No. IPR2016-00754 of U.S. Patent No. 8,559,635 (“’635 Patent”).

I. QUALIFICATIONS & ENGAGEMENT

2. In terms of my background and experiences that qualify me as an expert in this case, I earned a Ph.D. in Computer Science in 1976 from the University of Illinois. I also obtained a Master of Science Degree in Computer Science from the University of Illinois in 1973 and a Bachelor of Science Degree in Engineering Science from the University of Tennessee in 1971.

3. I have authored or co-authored 16 books or book chapters in the computer science field and have authored or co-authored over 170 refereed journal and conference papers on various topics related to computer science, computer systems, computer networks, search agents, databases, the Internet and e-commerce, among other topics.

4. I am a member of the editorial board of the IEEE *Computer* magazine.

5. I have presented papers at numerous conferences and have served as Program Chair or Technical Program Chair of a number of conferences around the world. For example, I was the Keynote Speaker at the International Workshop on Privacy, Security, and Trust for Mobile Devices (MobiPST’11), in Maui, Hawaii,

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.