

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of:

Trial Number: To Be Assigned

U.S. Patent No. 8,559,635

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Inventor(s): John Christopher Harvey, James
William Cuddihy

Assignee: Personalized Media Communications

Title: Signal Processing Apparatus and Methods Panel: To Be Assigned

Mail Stop *Inter Partes* Review

Commissions for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,559,635
UNDER 35 U.S.C. § 311 AND 37 C.F.R. § 42.100**

TABLE OF CONTENTS

I.	IDENTIFICATION OF CHALLENGE – 37 C.F.R. § 42.104(b).....	1
A.	37 C.F.R. § 42.104(b)(1): Claims for Which IPR Is Requested	1
B.	37 C.F.R. § 42.104(b)(2): The Specific Art and Statutory Ground(s) on Which the Challenge Is Based.....	1
C.	37 C.F.R. § 42.104(b)(3): Claim Construction	2
	(1) “decrypting”-related terms (all Challenged Claims)	3
	(2) “processor” (Claims 18, 21, 33)	4
	(3) “encrypted digital information transmission ... unaccompanied by any non-digital information transmission” (Claims 18, 20, 32, 33)	5
D.	37 C.F.R. § 42.104(b)(4): How the Claims are Unpatentable	6
E.	37 C.F.R. § 42.104(b)(5): Evidence Supporting Challenge.....	7
II.	THERE IS A REASONABLE LIKELIHOOD THAT THE CLAIMS OF THE ’635 PATENT ARE UNPATENTABLE	7
A.	Description of the Alleged Invention of the ’635 Patent	7
B.	Summary of the Prosecution History of the ’635 Patent	9
C.	Summary of Grounds of Unpatentability	9
D.	Claim-By-Claim Explanation of Grounds of Unpatentability	10
	Claims 1-4, 7, 13, 18, 20-21, 28-30, and 32-33 Are Invalid Based on Guillou	11
	(1) Claim 2 Is Anticipated By Guillou	11
	(2) Claim 4 Is Obvious Over Guillou.....	16
	(3) Claim 7 Is Anticipated By Guillou	16
	(4) Claim 1 is Anticipated by Guillou.....	17

(5)	Claim 21 Is Anticipated By Guillou	18
(6)	Claim 28 Is Obvious Over Guillou	20
(7)	Claim 29 Is Anticipated By Guillou	21
(8)	Claim 30 Is Obvious Over Guillou	22
(9)	Claim 13 Is Obvious Over Guillou	22
(10)	Claim 18 Is Obvious Over Guillou	26
(11)	Claim 33 Is Obvious Over Guillou	30
(12)	Claim 20 Is Obvious Over Guillou	33
(13)	Claim 32 Is Obvious Over Guillou	34
(14)	Claim 3 Is Anticipated By Guillou	36
Claims 1-4, 7, 18, 20-21, 28-30, and 33 Are Invalid Based on Aminetzah		40
(1)	Claim 2 Is Obvious Over Aminetzah in View of Bitzer	40
(2)	Claim 4 Is Obvious Over Aminetzah in View of Bitzer	45
(3)	Claim 7 Is Obvious Over Aminetzah in View of Bitzer	45
(4)	Claim 1 Is Obvious Over Aminetzah in View of Bitzer	45
(5)	Claim 21 Is Obvious Over Aminetzah	47
(6)	Claim 28 Is Obvious Over Aminetzah	49
(7)	Claim 29 Is Obvious Over Aminetzah	49
(8)	Claim 30 Is Obvious Over Aminetzah	49
(9)	Claim 18 Is Obvious in Over Aminetzah in View of Bitzer	50

(10)	Claim 33 Is Obvious in Over Aminetzah in View of Bitzer	52
(11)	Claim 20 Is Obvious in Over Aminetzah in View of Bitzer	54
(12)	Claim 3 Is Obvious Over Aminetzah	55
III.	MANDATORY NOTICES – 37 C.F.R. § 42.8(A)(1) AND (B)	59
A.	37 C.F.R. § 42.8(b)(1): Real Party-In-Interest	59
B.	37 C.F.R. § 42.8(b)(2): Related Matters	59
C.	37 C.F.R. § 42.8(b)(3): Lead and Back-Up Counsel	60
D.	37 C.F.R. § 42.8(b)(4): Service Information.....	60
IV.	PAYMENT OF FEES – 37 C.F.R. § 42.103.....	60
V.	GROUND FOR STANDING – 37 C.F.R. § 42.104(a)	60

Apple Inc. (“Apple”) requests *inter partes* review (“IPR”) of Claims 1-4, 7, 13, 18, 20, 21, 28-30, 32, and 33 (“the Challenged Claims”) of U.S. Patent No. 8,559,635 (“the ’635 patent”) (Ex. 1003).

In 1981, the named inventors of the ’635 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. 1004. In 1987, PMC then 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. 1003. 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. 1005; Ex. 1032. The ’635 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 ’635 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 listed below. In the district court (and during prosecution), PMC has asserted the Challenged Claims are entitled to the Nov. 3, 1981 priority date. Ex. 1019 at 6.



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