

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC

Patent Owner

Case: IPR2016-00754

Patent No. 8,559,635

**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	9
IV. SUPPORT FOR THE SUBSTITUTE CLAIMS	9
V. CLAIM CONSTRUCTION	13
A. “a digital information transmission unaccompanied by any non-digital information transmission.”.....	13
B. “a unique digital code capable of identifying a signal processing apparatus”.....	13
C. “a unique digital code identifying a source of said programming”	14
VI. THE SUBSTITUTE CLAIMS ARE PATENTABLE UNDER 35 U.S.C. §101	14
A. The Substitute Claims Are Statutory.....	14
VII. THE SUBSTITUTE CLAIMS ARE NOT ANTICIPATED BY THE PRIOR ART	17
VIII. THE SUBSTITUTE CLAIMS ARE NOT ANTICIPATED BY THE PRIOR ART	18
IX. THE SUBSTITUTE CLAIMS ARE NOT OBVIOUS OVER THE PRIOR ART	18
A. The Prior Art Does Not Disclose “encrypted video and encrypted audio, wherein said subscriber station comprises memory in which a first unique digital code capable of identifying a signal processing apparatus is stored, said signal processing apparatus at least in part controlled by operating instructions that are capable of being revised, wherein said programming further comprises a second unique digital code identifying a source of said programming, said second unique digital code is stored at said subscriber station, and wherein said subscriber station is capable of communicating said second unique digital code to a remote site through a digital information transmission unaccompanied by any non-digital information transmission.” accompanied by at least one other element of the claims.	19
B. The Prior Art Does Not Disclose “wherein said subscriber station stores data including information particular to a customer and stores data identifying a source of said programming” accompanied by at least one other element of the claims.	20

C. The Prior Art Does Not Disclose “controlling said controllable device on the basis of said embedded executable instructions of said passed decrypted second of said plurality of signals, wherein said receiver station comprises memory in which a first unique digital code capable of identifying a signal processing apparatus is stored, said signal processing apparatus at least in part controlled by operating instructions that are capable of being revised, wherein said at least one information transmission further comprises unique digital codes identifying a data unit and a source of said data unit, said unique digital codes are stored at said receiver station, and wherein said receiver station is capable of initiating a transmission of digital data to a remote station unaccompanied by any non-digital information transmission, said digital data indicative of successful operation of said decrypting and comprising at least in part said unique digital codes.” accompanied by at least one other element of the claims.21

D. The Prior Art Does Not Disclose “wherein said receiver station comprises memory in which a first unique digital code capable of identifying said first processor is stored, said first processor at least in part controlled by operating instructions that are capable of being revised, wherein said transmission further comprises unique digital codes identifying a data unit and a source of said data unit, said unique digital codes are stored at said receiver station, and wherein said receiver station is capable of initiating communication of digital data with a remote station using a digital information transmission unaccompanied by any non-digital information transmission, said digital data comprising at least in part said unique digital codes.” accompanied by at least one other element of the claims.22

E. The Prior Art Does Not Disclose “contacting a remote transmitter station to receive one of said transmission and said signal necessary for decryption using a digital information transmission unaccompanied by any non-digital information transmission, wherein said receiver station is capable of generating a query to retrieve data using a digital information transmission unaccompanied by any non-digital information transmission.” accompanied by at least one other element of the claims.23

F. The Invention Would Not Have Been Obvious.24

X. PATENT OWNER IS NOT AWARE OF OTHER MATERIAL PRIOR ART.25

XI. CONCLUSION25

LIST OF EXHIBITS

Ex. No.	Description
2001.	Declaration of Alfred Weaver, Ph.D. Pursuant to 37 C.F.R. § 1.68
2002.	Curriculum Vitae of Alfred Weaver
2003.	<i>Ex. Parte Personalized Media Commc'ns, LLC</i> , No. 2009-6825, 2010 WL 200346 (B.P.A.I. Jan. 19, 2010)
2004.	Excerpt of Special Master's Report and Recommendation, <i>Personalized Media Commc'ns, LLC v. Scientific-Atlanta, Inc. et al.</i> , No. 1:02-CV-824 (N.D. Ga. Mar. 1 2005)
2005.	<i>Ex Parte Personalized Media Commc'ns</i> , No. 2008-4228, 2008 WL 5373184 (B.P.A.I. Dec. 19, 2008)
2006.	Examiner's Answer in Reexamination Control Nos. 90/006,563 and 90/006,698 (Sep. 24, 2008)
2007.	Anthony Wechselberger, Encryption: A Cable TV Primer (Oak Communications Inc. 1983)
2008.	Transcript of Deposition of Mr. Wechselberger, Amazon, Inc. v. Personalized Media Commc'ns, LLC, IPR2014-01532 (June 9, 2015)
2009.	Appeal Brief (Reexam No. 90/006,536 of U.S. Patent No. 4,965,825)
2010.	Order dated May 15, 2003, from Judge Gregory Sleet in <i>Personalized Media Commc'ns, LLC v. DirecTV, et al.</i> (D. Del. C.A. No. 00-1020)
2011.	Expert Declaration Of Anthony J. Wechselberger dated September 16, 2002 in <i>Broadcast Innovation, LLC v. Echostar Communications Corp</i> (D. CO: 01-WY-2201 AJ)
2012.	Excerpt of IEEE Standard Dictionary of Electrical and Electronics Terms (1984) (Definition of "execution (software)")
2013.	J. Free, <i>High-resolution TV—here come wide-screen crystal-clear</i>

	<i>pictures</i> , Popular Science, November 1981, pp. 108-110.
2014.	Claim Construction Order, <i>Personalized Media Commc'ns v. Zynga, Inc.</i> , No. 2:12-CV-68-JRG-RSP (August 28, 2013)
2015.	Final Decision, <i>Amazon, Inc. v. Personalized Media Commc'ns LLC</i> , IPR2014-01532, Paper 57 (March 29, 2016)
2016.	Prosecution History of U.S. Patent Appl. No. 08/449,431
2017.	<i>Computer Security and The Data Encryption Standard</i> , National Bureau of Standards, U.S. Department of Commerce, NBS Publ. 500-27 (1978)
2018.	Excerpt of Joint Claim Construction Chart, <i>Personalized Media Commc'ns, LLC v. Apple, Inc.</i> 2:15-cv-01366-JRG-RSP, Dkt. No. 172-2 (June 16, 2016)
2019.	Declaration of Alfred Weaver in support of Patent Owner's Non-Preliminary Response
2020.	Declaration of Thomas Scott in support of Patent Owner's Non-Preliminary Response
2021.	U.S. Patent No. 4,390,898 to Bond
2022.	Bronwyn H. Hall, Adam Jaffe, and Manuel Trajtenberg, <i>Market Value and Patent Citations</i> , 36 RAND J. ECON. 16, 29-30 (2005)
2023.	Christopher A. Cotropia, Mark Lemley, and Bhaven Sampat, <i>Do Applicant Patent Citations Matter?</i> 31 n. 13 (April 24, 2012) (Stanford Law and Economics Olin Working Paper No. 401)
2024.	<i>Patent portfolio management and patent evaluation – FAQ</i> , European Patent Office (2011)
2025.	Claim Construction Order, <i>Personalized Media Commc'ns, LLC v. Apple, Inc.</i> 2:15-cv-01366-JRG-RSP, Dkt. No. 246 (October 25, 2016)
2026.	U.S. Patent No. 8,752,088
2027.	Joint Claim Construction Chart, <i>Personalized Media Commc'ns</i> ,

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