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.: IPR2016-00755
Patent No.: 8,191,091

For: Signal Processing Apparatus and Methods

DECLARATION OF ALFRED C. WEAVER, PH.D., IN SUPPORT OF PATENT OWNER'S RESPONSE

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.	Priority Date	8
В.	Anticipation	8
C.	Obviousness	9
D.	Claim Construction	11
E.	Persons of Ordinary Skill in the Art	11
V.	Background Technology of the '091 Patent	12
VI.	Claim Construction	14
A.	"an encrypted digital information transmission including encrypted information	" 14
В.	"decrypting" / "encrypted"	22
C.	"locate" / "locating"	42
D.	"designated"	43
E.	"processor"	44
F.	"processor instructions"	46
VII.	Priority Date	47
VIII.	Gilhousen (Ground A)	83
A.	Gilhousen does not qualify as prior art and is cumulative.	83
B. rec	Gilhousen fails to disclose "receiving an encrypted digital information transmistited in claims 13 and 20	
C. a fî	Gilhousen fails to disclose "determining a fashion in which said receiver station irst decryption key" or "locating said first decryption key" as recited in claim	
D. cla 23.	Gilhousen fails to disclose "decrypting said encrypted information" as recited ims 13 and 20 or "decrypt a video portion of said programming" as recited in claims 93	
E.	Gilhousen fails to disclose "passing said instruct-to-enable signal to a processor" seited in claim 13.	
F.	Gilhousen fails to disclose "a first instruct-to-enable signal including first process	



	able signal including second processor instructions" and "executing said second procestructions" as recited in claim 20.	
IX.	Mason (Ground B)	100
A.	Mason does not qualify as prior art and is cumulative	100
B. red	Mason fails to disclose "receiving an encrypted digital information transmission" eited in claims 13 and 20	
C. 13	Mason fails to disclose "decrypting said encrypted information" as recited in c and 20 or "decrypt a video portion of said programming" as recited in claims 15 and 2 104	
D. fir	Mason fails to disclose "determining a fashion in which said receiver station local st decryption key" or "locating said first decryption key" as recited in claim 13.	
E. cla	Mason fails to disclose "passing said instruct-to-enable signal to a processor" as recaim 13.	
en	Mason fails to disclose "a first instruct-to-enable signal including first processor structions" and "executing said first processor instructions" or "a second instruct-to able signal including second processor instructions" and "executing said second procestructions" as recited in claim 20.	ssor
X.	Frezza (Ground C)	110
A.	Frezza does not qualify as prior art and is cumulative.	110
B. inf	Frezza fails to disclose "receiving an information transmission including encrypte formation" or "decrypting said encrypted information" as recited in claim 26	
C.	Frezza fails to disclose "detecting the presence of an instruct-to-enable signal" as cited in claim 26.	113
D. de	Frezza fails to disclose "automatically tuning said receiver station to a channel signated by said instruct-to-enable signal" as recited in claim 26	115
XI.	Gilhousen in view of Block (Ground D).	116
A.	The Gilhousen-Block combination does not qualify as prior art and is cumulative.	116
B. de	Block does not teach or suggest "storing information evidencing said step of crypting."	
C.	It would not be obvious to combine Gilhousen with Block	121
XII.	Mason in view of Block (Ground E)	125
A.	The Mason-Block combination does not qualify as prior art and is cumulative	125
B. de	Block does not teach or suggest "storing information evidencing said step of crypting."	125
C.	It would not be obvious to combine Mason with Block.	
XIII.		
A	The Frezza-Block combination does not qualify as prior art and is cumulative	



В.	Block does not teach or suggest "storing information evidencing said step of	
de	ecrypting."	129
C.	It would not be obvious to combine Frezza with Block.	129
XIV	SECONDARY CONSIDERATION CONFIRM NON-OBVIOUSNESS OF THE	
INV	ENTIONS.	131
XV	CONCLUSION	132



I, Alfred C. Weaver, Ph.D., declare as follows:

1. I am making this declaration on behalf of Patent Owner Personalized Media Communications, LLC (hereinafter, "Patent Owner" or "PMC") in support of Patent Owner's Response to the Petition for *Inter Partes* Review of U.S. Patent No. 8,191,091 ("the '091 Patent") filed by Petitioner Apple Inc. ("Petitioner").

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. My fields of experience include computer science, computer systems, computer network architecture, and Internet and electronic commerce, among others.
- 4. I am currently a Professor of Computer Science and Associate Chair of the Department of Computer Science at the University of Virginia ("UVa"). I have been employed at UVa continuously since 1977. I have taught more than 25 different courses at UVa, including electronic commerce, operating systems, computer networks, and various programming courses. Moreover, I have been the graduate advisor for 69 Ph.D. and master's students, all in Computer Science.



DOCKET

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.

