UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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AMAZON.COM, INC. and AMAZON WEB SERVICES, LLC,
Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC,
Patent Owner.
_____

Case IPR2014-01533
Patent 7,805,749

_____

Before KARL D. EASTHOM, TRENTON A. WARD, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. Background

Amazon.Com, Inc. and Amazon Web Services, LLC ("Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 2, 3, 9–13, 18, 24, 49, 52, and 53 of U.S. Patent No. 7,805,749 (Ex. 1001, "the '749 patent"). Personalized Media Communications, LLC ("Patent Owner") filed a Preliminary Response (Paper 6, "Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

Upon consideration of the Petition and Patent Owner's Preliminary Response and the associated evidence, we conclude Petitioner has established a reasonable likelihood it would prevail with respect to at least one of the challenged claims. Accordingly, for the reasons that follow, we institute an *inter partes* review.

B. Related Proceedings

Petitioner informs us that the '749 patent is the subject of a lawsuit: *Personalized Media Commc'ns, LLC v. Amazon.com, Inc.*, No. 1:13-cv-1608-RGA (D. Del. filed Sept. 23, 2013). Pet. 1. Petitioner also informs us that six patents related to the '749 patent are the subject of concurrently-filed petitions for *inter partes* review. *Id.*; *see* IPR2014-01527, IPR2014-01528, IPR2014-01530, IPR2014-01531, IPR2014-01532, and IPR2014-01534.

C. The '749 Patent

The '749 patent discloses a system for using embedded signals to deliver personalized program content to a subscriber station. Ex. 1001, 7:47–48; 15:14–46. One embodiment of the disclosed system is illustrated in Figure 7, and is reproduced below.
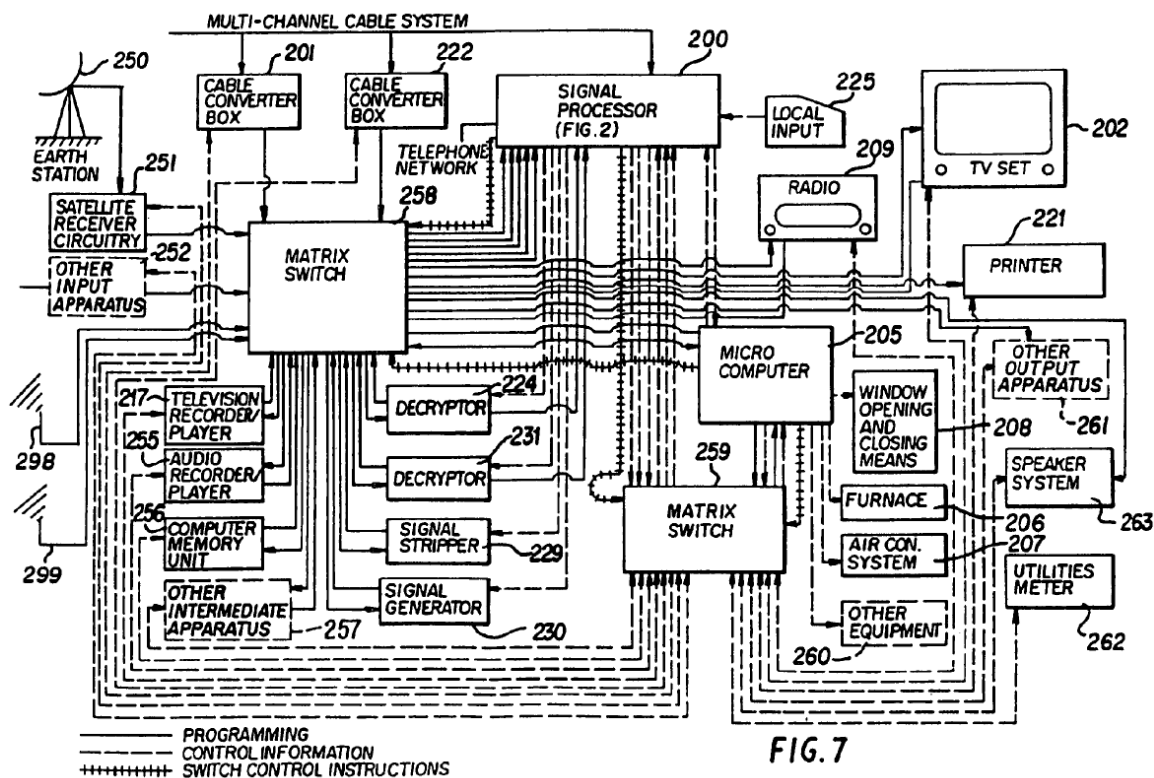

FIG. 7

Figure 7 shows that TV set 202, printer 221, and local input device 225 are connected to a system that includes micro-computer 205 and signal processor 200. *Id.* at 242:31–59. The '749 patent describes personalized content being delivered to a subscriber substation by transmission of a message, which can be encrypted and decrypted. *Id.* at 246:26–29. The content is decrypted using a decryptor that is provided with the personalized content-containing message. *Id.* at 15:21–27. Personalized content can be

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sent to and coordinated through computers, television, and printers. *Id.* at
241:57–60.

Another embodiment of the '749 patent describes a subscriber
watching a television program called "Exotic Meals of India." *Id.* at
241:50–246:58. According to the '749 patent, mid-way through the program
"Exotic Meals of India," subscribers are offered a print out of the recipe and
shopping list of the meal that is being prepared on the show. Subscribers are
prompted to enter a code, TV567#, into a local input device. *Id.* at 242:63–
749:23. A receiver station receives the code, and accesses preprogrammed
information (including "particular program unit information and TV567#
information") that is stored in a buffer at microcomputer 205. *Id.* at 241:61–
65; 749:24–56; Figs. 7, 7F. One minute later, the program originating studio
embeds a second signal that includes "unit code identification information
that identifies the programming of the information segment of said message"
and a computer program for generating a user-specific recipe. *Id.* at 243:60–
244:3. Receipt of this second signal causes the receiver stations where the
TV567# code was entered to execute the program (instructions) to generate a
user-specific recipe. *Id.* at 244:4–59. The '749 patent states that the
information of the second message, *i.e.*, the message containing the
instructions for generating the recipe and shopping list, "can be encrypted
and caused to be decrypted in any of the methods described above—for
example, in the method of the first message of example #4." *Id.* at 246:26–
29.

Example #4 of the '749 patent specifically provides a process for
decrypting a message in which a receiver station selects a "program unit

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identification code," selects preprogrammed key information, decrypts a message using a key, and stores the program unit information and decryption key information in a "meter record" at a recorder. *Id.* at 102:25–117:2. The information in the record is transferred to a remote billing station via a telephone connection. *Id.* at 48:45–60.

D. Illustrative Claim

As noted above, Petitioner challenges claims 2, 3, 9–13, 18, 24, 49, 52, and 53 of the '749 patent, of which claims 2, 18, and 49 are the only independent claims. Claim 2 is illustrative of the challenged claims and is reproduced below:

> 2. A method for mass medium programming promotion and delivery for use with an interactive video viewing apparatus comprising the steps of:
>
> receiving a first portion of said mass medium programming in a first programming signal, said first portion of mass medium programming including a video image that promotes a second portion of said mass medium programming;
>
> displaying said video image, said interactive video viewing apparatus having an input device to receive input from a subscriber;
>
> prompting said subscriber for a reply, during said step of displaying said video image, as to whether said subscriber wants said second portion of said mass medium programming promoted in said step of displaying of said video image, said interactive video viewing apparatus having a transmitter for communicating said reply to a remote site;
>
> receiving said reply from said subscriber at said input device in response to said step of prompting said subscriber, said interactive video viewing apparatus having a processor for processing said reply;
>
> processing said reply and selecting at least one of a code and a datum designating said second portion of said mass medium

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