

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROADSIGN INTERNATIONAL, LLC,
Petitioner,

v.

T-REX PROPERTY AB,
Patent Owner.

Case IPR2016-01869
Patent RE39,470 E

Before BRIAN J. McNAMARA, BARBARA A. BENOIT, and
KERRY BEGLEY, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

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

I. INTRODUCTION

Broadsign International, LLC filed a Petition for *inter partes* review of claims 1–3, 5–9, 12–14, 17–21, and 24–26 of U.S. Patent No. RE39,470 E (Ex. 1001, “the ’470 patent” or “the challenged patent”). Paper 2 (“Pet.”). Patent Owner filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see* 37 C.F.R. § 42.108.

Upon consideration of the Petition and the Preliminary Response, we conclude the information presented does not show there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of the challenged claims. Accordingly, for the reasons that follow, we deny institution of an *inter partes* review.

A. *Related Matters*

As required by 37 C.F.R. § 42.8(b)(2), each party identifies various judicial or administrative matters that would affect or be affected by a decision in this proceeding. Pet. 1–7; Paper 6, 2–6 (Patent Owner’s Mandatory Notices).

B. *The ’470 Patent*

The ’470 patent is a reissue of U.S. Patent No. 6,005,534. Ex. 1001, [64]. The challenged patent is titled “Digital Information System” and describes ways to control and coordinate projectors for displaying information. *Id.* at [54], 1:14–18.

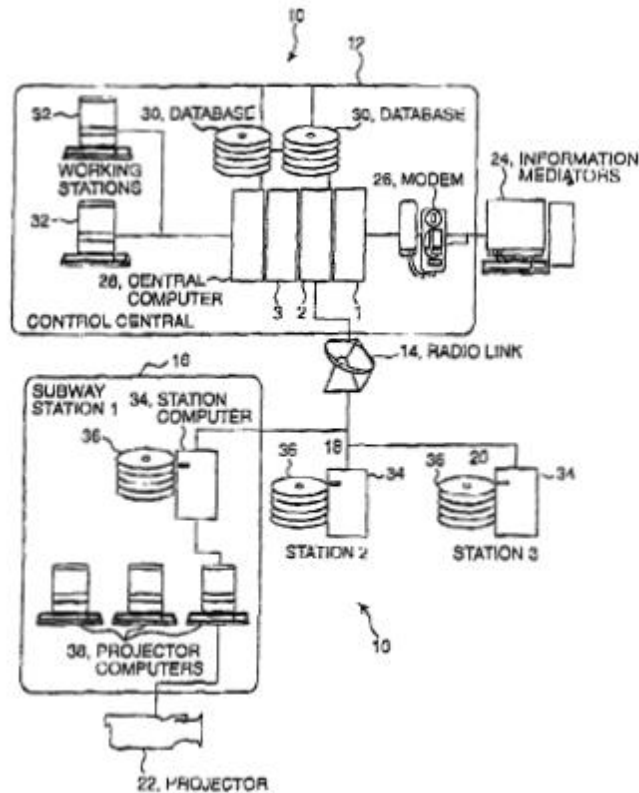
1. The Written Description

The patent identifies needs to “enable information to be updated dynamically for display in real time” and to “enable external mediators to update information for display in a central control system” to control and coordinate projectors for displaying information.” *Id.* at 1:53–60. The ’470 patent explains that it uses the term “external mediators”¹ to refer to advertising agencies and others who wish to display information for commercial reasons or to the general public. *Id.* at 5:18–23. The patent indicates the disclosed system may be used to display information at subway or railway stations, or airports. *Id.* at 2:21–27.

In addition, the patent contrasts conventional display systems on which the displayed information becomes static to its system that enables updating and changing the display information quickly. *Id.* at 2:24–36. According to the patent, static displays of conventional systems are disliked by travelers, “who often wait for long periods in waiting halls or stand[ing] on platforms.” *Id.* at 2:30–33. In addition, conventional displays under “utilize expensive information display equipment to the highest possible degree compatible with good economy.” *Id.* at 2:34–36.

The figure of the challenged patent is set forth below:

¹ External mediators are also referred to by the patent as external information mediators or information mediators. *See* Ex. 1001, 5:8–10, 5:18 (referring to information mediators 24 depicted in the patent figure as “external information mediators 24,” “external mediators 24,” and “information mediator (24)”).



The figure illustrates “system 10 for coordinating and controlling projectors . . . for displaying information” at a subway station. *Id.* at 4:34–37, 4:25. Control centre 12 has communication interface 14 (shown as a radio link 14) that connects computerized devices 16, 18, 20. *Id.* at 4:42–45. Computerized device 16 controls one or more projectors 22 that display images or pictures in public places. *Id.* at 4:28–31, 4:45–48. Working stations 32 are used by personnel serving the control centre 12, whereas external information mediators 24 provide control instructions to projectors 22 “with regard to the information that the external mediators 24 desire the system 10 to display via the projectors 22, each on its own initiative and communication-wise transparent via modems 26.” *Id.* at 4:63–66, 5:8–13.

The patent describes that the system enables an external information mediator to control and coordinate the display of information in a time-sensitive manner. In contrast to conventional systems in which an external information mediator “is normally forced to wait about two weeks, perhaps longer, before his order can be implemented and the information publicly displayed,”

the inventive digital information system 10 can . . . display[] principally [sic] in real time, i.e. at the time of making the order, possibly with a short delay due to processing, fully-booked exposure lists and other quickly passing causes. Furthermore, an external information mediator 24 is able to put through information to the system 12 twenty-four hours a day, whereupon the information can be included instantaneously in an exposure list.

Id. at 5:23–35.

2. *Illustrative Claims*

Of the challenged claims, claims 1, 13, 25, and 26 are independent and illustrate the claimed subject matter. These claims are reproduced below, with italicized text indicating language that was added to the claims during prosecution of the reissue application, and text within brackets indicating language that was removed.

1. A method of dynamically coordinating and controlling projectors in a digital information system to display [information] *material* in public places on at least one display device,

said digital information system including a computerized control center having a plurality of communication interfaces, a plurality of *computerized* devices situated in proximity to said public places and being connected to said control center wherein each of said *computerized* devices controls at least one projector, and communications drive routine means for permitting at least

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