

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER, INC.,
Petitioner,

v.

YOUTOO TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2017-01133
Patent 8,601,506 B2

Before SALLY C. MEDLEY, CHARLES J. BOUDREAU, and
JESSICA C. KAISER, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

I. INTRODUCTION

Twitter, Inc. (“Petitioner”) filed a Petition for *inter partes* review of claims 1, 4–8, 11, 13–15, 23–26, 29, and 30 of U.S. Patent No. 8,601,506 B2 (Ex. 1001, “the ’506 patent”). Paper 1 (“Pet.”). Youtoo Technologies, LLC (“Patent Owner”) did not file a Preliminary Response. 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, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1, 4–8, 11, 13–15, 23–26, 29, and 30 of the ’506 patent.

A. Related Matters

The parties state that the ’506 patent is the subject of a court proceeding styled *Youtoo Technologies, LLC v. Twitter, Inc.*, Case No. 3:16-cv-00764-N (N.D. Tex.). Pet. 1; Paper 4, 1. The application that issued as the ’506 patent claims, under 35 U.S.C. § 120, the benefit of application 13/185,471, filed July 18, 2011, which issued as U.S. Patent No. 8,464,304 B2 (“the ’304 patent”). The ’304 patent is involved in IPR2017-01131.

B. The ’506 Patent

The ’506 patent is directed to computer methods and systems for receiving and distributing user-generated video content. Ex. 1001, Abstract. Figure 2 is reproduced below.

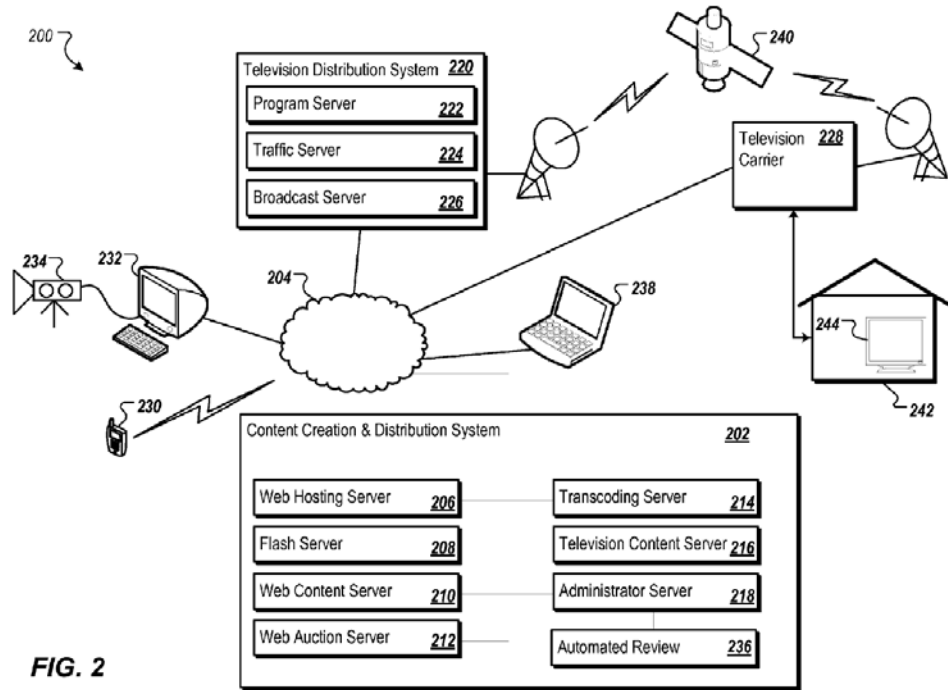


FIG. 2

Figure 2 shows a content creation and distribution system (CCDS) 202. *Id.* at 13:66–67. System 200 can include several servers connected to one or more communications network(s) 204. *Id.* at 13:67–14:2. CCDS 202 includes a plurality of servers 206, 208, 210, 212, 214, 216, and 218. CCDS 202 communicates with a television distribution system 220, that can include a network operations center for a television network and/or uplink facility from which a television network feed is distributed to carriers 228 that provide television services. *Id.* at 14:24–28. A user having a mobile device 230 capable of capturing SD or HD video or a computing device 232 having a video camera 234 can connect to the communications network(s) 204 and

interface with CCDS 202. *Id.* at 14:37–43. Web hosting server 206 provides one or more web pages through which users can access services provided by CCDS 202. *Id.* at 14:43–45. Web hosting server 206 can host a registration web page that allows users to register with the CCDS 202 and a HD recorder web page that provides users with access to a thin client application (or web application) that supports video capture. *Id.* at 14:45–49. Web hosting server 206 also can allow fat client applications to be downloaded and installed on mobile device 230 or computing device 232. *Id.* at 14:51–53.

C. Illustrative Claim

Petitioner challenges claims 1, 4–8, 11, 13–15, 23–26, 29, and 30 of the '506 patent. Claims 1, 23, and 26 are independent claims. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method performed by data processing apparatus, the method comprising:

receiving video data from a client computing device at a server system, wherein the video data is captured using a camera communicably connected to the client computing device in accordance with instructions executed on the client computing device, wherein the instructions are provided to the client computing device by the server system and cause the video data to be captured in accordance with predetermined constraints and the predetermined constraints include a video length predefined at the server system in accordance with a time slot in a linear television programming broadcast;

transcoding the video data, using a server included in the server system, into at least one different format, wherein at least one format of the transcoded video data defines a video file in a format appropriate for inclusion in the linear television programming broadcast; and

transferring the transcoded video data to a distribution server for distribution.

Id. at 27:63–28:17.

D. Asserted Grounds of Unpatentability

Petitioner asserts that claims 1, 4–8, 11, 13–15, 23–26, 29, and 30 are unpatentable based on the following grounds (Pet. 3–4):

Reference(s)	Basis	Challenged Claim(s)
Lahti ¹ , Conway ² , and Novak ³	§ 103	1, 4–8, 11, 13–15, 23–26, 29, and 30
Lahti, Novak, Current TV Mobile ⁴ , Current TV FAQ ⁵	§ 103	1, 4–8, 11, 13–15, 23–26, 29, and 30

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b).

¹ Janne Lahti et al., “A Mobile Phone-based Context-Aware Video Management Application,” *Multimedia on Mobile Devices II*, Proc. of SPIE-IS&T Electronic Imaging, SPIE Vol. 6074, 60740O, 2006 (Ex. 1006) (“Lahti”).

² U.S. Patent Application Publication No. 2009/0157697 A1, filed Dec. 31, 2008, published June 18, 2009 (Ex. 1007) (“Conway”).

³ U.S. Patent Application Publication No. 2002/0104099 A1, filed Dec. 19, 2000, published Aug. 1, 2002 (Ex. 1008) (“Novak”).

⁴ Current TV “create & upload: mobile” webpage (Ex. 1009) (“Current TV Mobile”).

⁵ Current TV “FAQ” webpage (Ex. 1011) (“Current TV FAQ”).

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.