

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BARCO, INC.,
Petitioner,

v.

T-REX PROPERTY AB,
Patent Owner.

Case IPR2017-01911
Patent 7,382,334 B1

Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and
DANIEL N. FISHMAN, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

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

I. INTRODUCTION

Barco, Inc. and Barco, N.V. (“Petitioner”) filed a Petition for *inter partes* review of claims 22, 32, and 33 of U.S. Patent No. 7,382,334 B1 (Ex. 1001, “the ’334 patent”). Paper 1 (“Pet.”). Patent Owner T-Rex Property AB filed a Preliminary Response. Paper 6 (“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 shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of challenged claim 22. Accordingly, for the reasons that follow, we grant institution of an *inter partes* review of that claim. We further conclude that Petitioner has failed to show a reasonable likelihood of prevailing in its challenge to claims 32 and 33. We therefore deny the petition as to those claims.

A. Related Matters

Claims 1–42 of the ’334 patent were challenged previously in IPR2016-0006 (“IPR0006”). Pet. 63; Paper 3, 6. The petitioner there was Broadsign International, LLC. On April 13, 2017, the Board entered a decision denying institution of the requested review. IPR0006, Paper 7.

In addition, 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, including numerous pending and

dismissed district court actions involving the '334 patent. Pet. 63–69; Paper 3, 2–6 (Patent Owner’s Mandatory Notices).

B. The '334 Patent

The '334 patent is titled “Digital Information System.” The invention relates to a method and to an arrangement for controlling and coordinating television sets with peripheral equipment, or cameras with peripheral equipment, in a digital information system for displaying information on at least one display device. Ex. 1001, 1:13–17. The information is displayed in places such as cinemas, private homes, onboard air-craft, onboard trains, onboard ships, main railway stations, subway stations, airport waiting lounges, etc., and generally everywhere advertisements, films, movies, and other information is displayed. *Id.* at 1:19–24.

The '334 patent identifies a need 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.” *Id.* at 1:53–56 (emphasis added). The '334 patent describes the term “external mediators” as referring to advertising agencies and others who wish to display information for commercial reasons or to the general public.¹ *Id.* at 6:46–51.

The '334 patent contrasts the disclosed invention with conventional “static” display systems in which “the display subscriber has very little chance of influencing the display, especially in real time.” *Id.* at 2:15–19.

¹ External mediators are also referred to by the '334 patent as “external information mediators” or “information mediators.” *See* Ex. 1001, 6:35–36, 6:39.

The '334 patent's one figure (Fig. 1) is reproduced below:

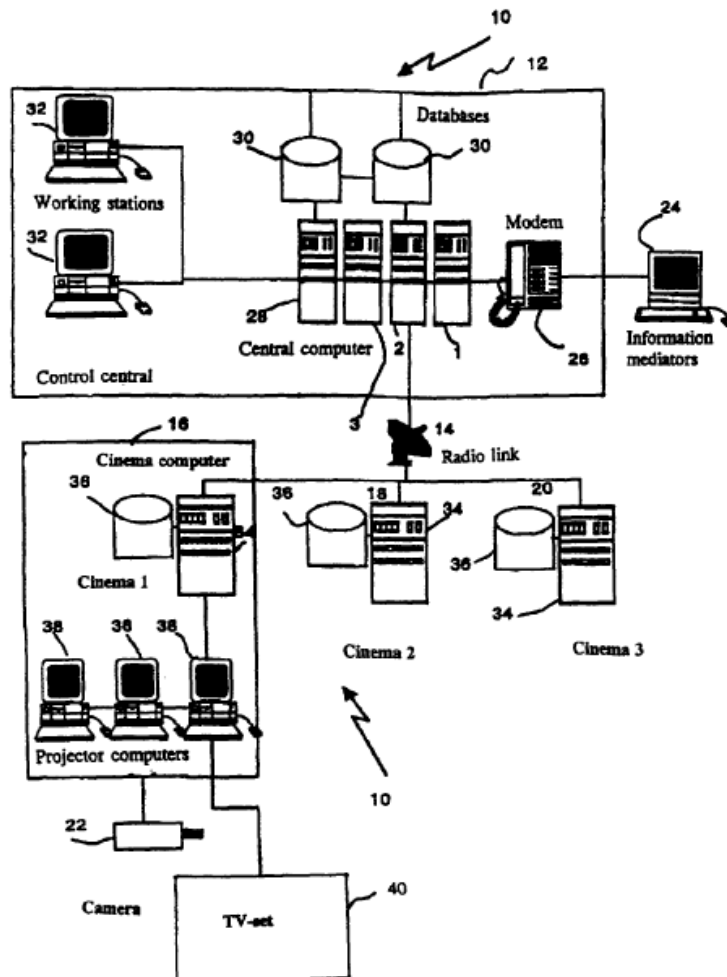


Figure 1 of the '334 Patent

The figure illustrates a “system 10 for coordinating and controlling television sets or cameras in a digital information system for displaying information on display devices.” *Id.* at 5:51–54. Control center 12 has communication interface 14 (shown as a radio link 14) that connects computerized devices 16, 18, 20. *Id.* at 5:59–61. Computerized devices 16, 18, 20 are placed at desired distances from one another for the control of television sets 40 or cameras 22. *Id.* at 5:61–63. Working stations 32 are

used by personnel serving control center 12, whereas external information mediators 24 provide control instructions to television sets or cameras 22 “with regard to the information that the external mediators 24 desire the system 10 to display via the television set or cameras 22, each on its own initiative and communication-wise transparent via modems 26.” *Id.* at 6:23–26; 6:35–41.

The patent describes server 3 in the central computer as an exposure handler. The exposure handler organizes the information received from the external mediators into an exposure list. Ex. 1001, 8:43–51. When the information mediator is an advertising agency and the advertisements to be displayed are in picture form, the advertising subscriber is able to buy a number of spots that are shown in the exposure list. *Id.* at 10:15–18. According to the patent, in this way the system “enables quick changes to be made with regard to what shall be exposed on the exposure means, where it shall be exposed and when.” *Id.* at 10:25–28.

Computer-produced pictures or exposures are delivered by external advertising agencies, newspaper agencies. etc., for exposure, or showing in a particular location, for example, in subways. The pictures are received by control center 12, which “also decides what shall be exposed and in which order, and distributes the information material to the cinema 16, 18, 20.” *Id.* at 10:29–35.

C. Claims 22 and 32

Two independent claims are challenged: claims 22 and 32. Both are reproduced below.²

² In reproducing these claims, we have reformatted them slightly.

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