

IPR2014-00269
Patent 6,233,736

the Petition itself must identify the evidence to support Petitioner's constructions. *Id.*

I. "automatically establishing, in response to a user initiated command, a direct communication link with the online information source" (the "automatically establishing limitation")

Petitioner asserts the ordinary and customary meaning of the automatically establishing limitation is "in response to a user initiated command, establishing a communication link to an online information source without the user performing additional steps." Pet. 7. We do not see, nor does Patent Owner point to, anything in the specification of the '736 patent providing a definition for the automatically establishing limitation or any terms therein. Therefore, we agree with Petitioner that the automatically establishing limitation should be construed according to its ordinary and customary meaning, in light of the specification.

We note that the '736 patent explains that existing media receiving and display systems (e.g., radio and television receivers) provide only limited access to interactive information providers. Ex. 1001, col. 1, ll. 15-17. The '736 patent expounds that current systems may either display an Internet address the viewer can access using his computer or provide access to a single information source from the media provider (e.g., the broadcast or cable operator), leaving the media provider in control of selecting the information provider. *Id.* at col. 1, ll. 17-29. The '736 patent also points out that, while systems providing interactive access "through a broadcast or cable television signal" exist, "such systems are limited in the access they

provide to information sources *directly* available through the unitary cable or broadcast provider,” whereas “the present invention facilitates *direct* automated user access to an unlimited number of online information providers through provider addresses.” *Id.* at col. 2, ll. 59-67 (emphasis added); *see also id.* at col. 1, ll. 29-32 (“[n]o system yet exists which provides automated and direct user access to online information providers through an address embedded in a video or audio program signal”).

While we conclude Petitioner’s proposed construction uses a plain and ordinary meaning of the relevant terms, we determine it is not complete. In particular, Petitioner’s proposed construction does not appear to provide any meaning for the recited term “direct.” Therefore, based on the record, the broadest reasonable construction of the automatically establishing limitation is in response to a command from a user, establishing, without further input from the user, a communication link directly between the user and the online information source. As seen in the above analysis, each of the limitations includes receiving a command initiated by a user, which then triggers the connection being established automatically.

Additionally, we note that, while a communication link is established in response to a user command and with no further input required from the user, there is no limitation on when or how the communication link is established. Furthermore, while the communication link must be established directly between the user and the information source, one of ordinary skill in the art would have understood that Internet routing involves various

intermediaries inherent to Internet traffic routing. The direct connection merely implies that the user does not need to go “through” the provider of the video program or any other intermediary not inherent to Internet traffic routing.

2. *“so that the user has direct access to the online information”
(the “direct access limitation”)*

Petitioner asserts the ordinary and customary meaning of the direct access limitation is “displaying online information without the user leaving the screen to access the online information.” Pet. 7. Once again, we do not see, nor does Patent Owner point to, anything in the specification of the ’736 patent providing a definition for the direct access limitation or any terms therein. Therefore, we agree with Petitioner that the direct access limitation should be construed according to its ordinary and customary meaning, in light of the specification.

We disagree with Petitioner’s proposed construction. We are not directed to anything in the specification of the ’736 patent that indicates “direct access to the online information” requires the system to display the online information to the user without the user leaving the screen to access the information. *See id.* As discussed above with respect to the automatically establishing limitation, the ’736 patent indicates that direct access means that the user does not need to go through the program provider in order to access the online information. Therefore, the broadest reasonable construction of the direct access limitation is that the user has access to the online information directly from the online information source. Once again,

this means that the system establishes a communication link *directly* between the user and the online information source, without any intervening intermediary that is not inherent to Internet traffic routing.

3. “means for indicating to the user that an address is available for extraction from said electronic signal”
(the “indicating means”)

We agree with Petitioner that the indicating means should be construed in accordance with 35 U.S.C. § 112, ¶ 6.⁴ Moreover, we agree with the Petitioner that the function of the indicating means is stated clearly in the claim as “indicating to the user that an address is available for extraction,” and does not need further explanation. Pet. 7. We also agree with Petitioner that the structure of the indicating means includes “a message or other indicator, or equivalents.” *Id.*; Ex. 1001, 3:60-63. However, the specification of the ’736 patent provides additional detail regarding the structure of the indicating means. Specifically, the structure of the indicating means is “a message displayed on a video screen, . . . a light, a sound or a wireless tactile indicator, e.g., vibrating wristband or clip-on unit . . . [or] a logo or message to be displayed for the user at points in the program which coincide with the presence of an embedded online information provider address” and equivalents thereof. Ex. 1001, 3:60-67.

⁴ Section 4(c) of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), re-designated 35 U.S.C. § 112, ¶ 6, as 35 U.S.C. § 112(f). Because the ’736 patent has a filing date before September 16, 2012 (effective date of AIA), we use the citation § 112, ¶ 6.

According to Patent Owner, the Petition cites only to Mr. Kramer's declaration and not to the specification of the '736 patent in support of Petitioner's proposed construction. Prelim. Resp. 5-6. While, in some instances, we may deny instituting review because the Petitioner does not cite to the appropriate evidence for support, we decline to do so in this case. Petitioner should have directly cited to the specification of the '736 patent, rather than citing to the declaration, which in turn cites to the relevant portion of the specification. However, Petitioner's failure to cite to the specification does not appear to be an attempt to circumvent the page limits. Moreover, the portion of the '736 patent cited in Mr. Kramer's declaration reveals the relevant structure without need for further analysis.

4. *“means for extracting an address associated with an online information source from an information signal embedded in said electronic signal, and for automatically establishing, in response to a user initiated command, a direct link with the online information source” (the “extracting and connecting means”)*

We agree with Petitioner that the extracting and connecting means should be construed in accordance with 35 U.S.C. § 112, ¶ 6. Petitioner asserts the ordinary and customary meaning of the function of the indicating means is “(i) extracting an address associated with an online information source from an information signal embedded in said electronic signal and (ii) automatically establishing, in response to a user initiated command, a direct link with the online information source.” Pet. 7-8. For the same reasons as discussed above with respect to the indicating means, the function

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