

and software that is programmed or configured to detect, decode and store an address transmitted as part of a program and use the address to establish a digital communications link directly between the user and the online information source, and equivalents thereof.

Once again, we have considered Patent Owner's argument regarding the failure of the Petition to cite to the specification of the '736 patent but decline to deny institution on that basis in this case.

5. *"means for receiving an information signal from said online information source" (the "receiving means")*

We agree with Petitioner that the receiving 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 "receiving an information signal from said online information source." Pet. 8. For the same reasons as discussed above, the function of the receiving means is stated clearly in the claim. We see nothing in the specification of the '736 patent to alter the proposed construction of the function of the receiving means nor a need for further explanation. We also agree with Petitioner's assertion that the structure of the receiving means is "a modem, or equivalents." *Id.*

The function of the modem and the fact that it may be implemented in hardware and/or software generally is described above with respect to the extracting and connection means. Moreover, the '736 patent further indicates the modem is used "for transmitting and receiving digital information signals between access controller 10 and public switching

network 30 through an information signal carrier line 32.” Ex. 1001, 6:59-62. Therefore, we conclude the receiving means is a modem implemented in hardware, software, or some combination thereof programmed or configured to receive information signals and its equivalents.

As discussed above, we have considered Patent Owner’s argument regarding the failure of the Petition to cite to the specification of the ’736 patent but decline to deny institution on that basis in this case.

6. *“means for displaying an image signal detected from said received information signal” (display means)*

We agree with Petitioner that the display 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 “displaying an image signal detected from said received information signal.” Pet. 8. For the same reasons as discussed above, the function of the display means is stated clearly in the claim. We see nothing in the specification of the ’736 patent to alter the proposed construction of the function of the receiving means nor a need for further explanation. Petitioner asserts that the structure of the display means includes a “computer monitor or other display device, or equivalents.” *Id.*

The ’736 patent explains “[r]eceived information signals are operated upon by processor 58 for displaying upon conventional TV reproducing system 22 or high resolution reproducing system 40, e.g., a computer monitor or other display device.” Ex. 1001, 7:57-61. Therefore, we

conclude the display means is a television, computer monitor, and equivalents.

As discussed above, we have considered Patent Owner's argument regarding the failure of the Petition to cite to the specification of the '736 patent but decline to deny institution on that basis in this case.

B. Asserted Obviousness Grounds Based on Throckmorton, Throckmorton and Williams, and Throckmorton and Kerman

1. Overview of Throckmorton (Ex. 1004)

Throckmorton describes systems and methods for providing apparent or actual two-way interactive access to information related to a one-way data stream, such as a television program broadcast. Ex. 1004, Abstract.

Throckmorton provides a consumer of broadcast programming with access to data relevant to the programming in real time (i.e., "during the process of program reception"). *Id.* at 1:59-64. Throckmorton describes supplying a one-way data stream, including the primary data stream and associated data, to a consumer, at which point the primary data stream may be rendered to the consumer and the associated data may be accessed. *Id.* at 3:6-14. If the primary data stream is a television broadcast, the associated data may be encoded in the vertical blanking interval (VBI). *Id.* at Abstract, 7:63-65.

Throckmorton describes two preferred embodiments for interacting with the associated information. The first preferred embodiment provides the consumer with apparent two-way interactive access and is described as providing additional online information relevant to the primary data stream that can be stored locally at the consumer's receiver. *Id.* at 7:53-67. The

consumer then has access to the online information, and it appears to the consumer that the locally stored data is coming from an online service. *Id.* at 8:1-15. The second preferred embodiment provides the consumer with actual two-way interactive access and is described as adding a two-way communication channel connected to the microprocessor that provides access to online information. *Id.* at 8:16-24. Throckmorton explains that the two-way communication channel allows access to information for which only references (such as URLs), rather than actual data (such as web pages), have been received. *Id.* at 8:63-9:15. Throckmorton also discloses that the second embodiment may deliver actual data, rather than just references, so that the consumer experiences apparent interactivity even if the consumer does not have a two-way communication channel. *Id.* at 9:16-26.

The primary difference between the first and second preferred embodiments is that the second preferred embodiment includes a two-way communication channel (and an associated network protocol manager) connected to the processor and a remote data manager. *See id.* at 8:18-19, 8:26-27, Figs. 3-5.

2. Overview of Williams (Ex. 1005)

Williams describes a system and method for providing real time data (including emergency broadcast messages) on the same screen on which a user is viewing broadcast programming. Ex. 1005, Abstract. Williams allows for the real time data to be extracted and displayed, superimposed

over any video signal being viewed, including broadcast programming and VCR playback. *Id.*

3. *Overview of Kerman (Ex. 1006)*

Kerman describes a system for providing a visible and/or audible alarm upon the occurrence of certain events. Ex. 1006, Abstract. Kerman discloses extracting an information signal from a received television signal and, upon determination that a certain event has occurred, activating the visible and/or audible alarm. *Id.* Kerman discusses that the event triggering the alarm may include receipt of a certain message, program, or details about a program. *Id.*

4. *Analysis of Asserted Obviousness Ground Based on Throckmorton (Claims 1-3 and 6-12), Throckmorton and Williams (Claim 4), and Throckmorton and Kerman (Claim 5)*

Petitioner contends that claims 1-3 and 6-12 would have been obvious in view of Throckmorton (Pet. 9-39), claim 4 would have been obvious in view of Throckmorton and Williams (*id.* at 39-42), and claim 5 would have been obvious in view of Throckmorton and Kerman (*id.* at 42-47).

Regarding the obviousness challenge to claims 1-3 and 6-12, Petitioner discusses the two embodiments of Throckmorton and provides a motivation for combination of the two embodiments, including that a combination of the two disclosed embodiments is the combination of elements in the manner described in the reference, resulting in two-way communication while viewing a program. *Id.* at 13. Petitioner further argues that Throckmorton teaches the proposed combination and “specifically teaches such a result.”

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