

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONOS, INC.,
Petitioner,

v.

IMPLICIT, LLC,
Patent Owner.

Case IPR2018-00767
Patent 8,942,252 B2

Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background

Sonos, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute an *inter partes* review of claims 1–3, 8, 11, and 17 (the “challenged claims”) of U.S. Patent No. 8,942,252 B2 (Exhibit 1001, “the ’252 Patent”). Implicit, LLC (“Patent Owner”) timely filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We have authority under 37 C.F.R. § 42.4(a) and 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “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.” Having considered the arguments and the associated evidence presented in the Petition and the Preliminary Response, for the reasons described below, we institute *inter partes* review of all the challenged claims on all the grounds set forth in the Petition.

B. Related Proceedings

The parties inform us that the ’252 Patent is asserted in *Implicit, LLC v. Sonos, Inc.*, No. 1:17-cv-00259-LPS (D. Del.). Pet 2; Paper 5, 2. Additionally, Patent Owner identifies *Implicit, LLC v. D&M Holdings U.S. Inc.*, No. 1:17-cv-00258-LPS (D. Del) as a related matter. Paper 5, 2.

C. The ’252 Patent

The ’252 Patent relates generally to “rendering of content at multiple rendering devices in a synchronized manner.” Ex. 1001, 1:18–19. The ’252 Patent explains that a multimedia presentation may include different types of content, such as video, audio, and text, that are rendered on different devices (e.g., a video display and a stereo system). *Id.* 1:23–25. However, their

rendering often needs to occur in a synchronized manner because the video, audio, and text content may correspond with each other. *Id.* 1:25–31.

Rendering content on different devices in a synchronized manner may be difficult, however, because the devices may each have different time domains or system clocks that operate at slightly different frequencies. This can lead video and audio content to gradually appear to be out of synchronization with each other. *Id.* 2:40–26.

The '252 Patent provides a method and system for “synchronizing the rendering of content at various rendering devices.” *Id.* 2:17–18. In this method, “each device has a device time and a rendering time.” *Id.* 2:18–20. “The device time is the time as indicated by a designated clock (e.g., system clock) of the rendering device. The rendering time is the time represented by the amount of content that has been rendered by that rendering device.” *Id.* 2:20–23. For example, if a rendering device is displaying 30 frames a second, then after 450 frames have been rendered, the rendering time will be 15 seconds. The corresponding device time may be 30 minutes and 15 seconds, if the device was initialized 30 minutes before rendering began. *Id.* 2:23–32. “The synchronization system designates one of the rendering devices as a master rendering device and designates all other rendering devices as slave rendering devices. Each slave rendering device adjusts the rendering of its content to keep it in synchronization with the master rendering device.” *Id.* 2:33–38. The master rendering device sends messages with its device and rendering time to the slave devices which determine whether they are synchronized with the master device and determines the differential if they are not synchronized. This determination can be made in a variety of ways which involve comparisons between the

master and slave rendering and device times. *Id.* 2:38–65. The time differentials between master device time and slave device time can be smoothed using various techniques such as averaging the last few time differentials using a decaying function to limit the impact of the oldest time differential. *Id.* 7:16–26. Once the device and rendering time differentials are known the slave rendering devices may adjust their rendering of content as appropriate to compensate for the difference. *Id.* 4:24–40.

D. Illustrative Claim

Of the challenged claims, claims 1 and 11 are independent claims. Claims 2, 3, and 8 depend from claim 1 and claim 17 depends from claim 11.

Claim 1, reproduced below, is illustrative:

1. A method comprising:

a master rendering device rendering a first content stream; and

sending, from the master rendering device to a first one of a plurality of slave devices, a plurality of master rendering times indicative of statuses of the rendering the first content stream at the master rendering device at different times;

wherein the first slave device is configured to smooth a rendering time differential that exists between the master rendering device and the first slave device in order to render a second content stream at the first slave device synchronously with the rendering of the first content stream at the master rendering device, wherein smoothing the rendering time differential includes calculations using the plurality of master rendering times.

E. Asserted Grounds of Unpatentability

Petitioner challenges claims 1–3, 8, 11, and 17 of the '252 Patent on the following grounds:

Basis	Challenged Claims	References
§ 103(a)	1–3, 8, 11, and 17	Janevski ¹
§ 103(a)	1–3, 8, 11, and 17	Janevski and Azevedo ²
§ 103(a)	1–3, 8, 11, and 17	Janevski and Mills ³
§ 103(a)	1–3, 8, 11, and 17	Janevski and Berthaud ⁴
§ 103(a)	1–3, 8, 11, and 17	Janevski and Eidson ⁵
§ 103(a)	1–3, 8, 11, and 17	Janevski and Baumgartner ⁶

F. Level of Ordinary Skill

Petitioner proposes that “[a] PHOSITA would have the equivalent of a four-year degree from an accredited institution in computer science, computer engineering, electrical engineering, or the equivalent, and approximately 2-4 years of professional experience in the fields of

¹ Janevski, U.S. Patent No. 7,269,338, issued Sept. 11, 2007 (Ex. 1007, “Janevski”).

² Azevedo, *Fault-Tolerant Clock Synchronization for Distributed Systems with High Message Delay Variation*, 1994 (Ex. 1010, “Azevedo”).

³ Mills, *Network Time Protocol (Version 3) Specification, Implementation and Analysis*, March 1992 (Ex. 1011).

⁴ Jean-Marc Berthaud, *Time Synchronization Over Networks Using Convex Closures*, April 2000 (Ex. 1012).

⁵ Eidson, U.S. Patent No. 6,278,710, issued Aug. 21, 2001 (Ex. 1013).

⁶ Baumgartner, U.S. Patent No. 5,642,171, issued June 24, 1997 (Ex. 1014).

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