

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

ROKU, INC.,  
Petitioner

v.

MEDIA CHAIN, LLC,  
Patent Owner

---

Case IPR2022-00390  
U.S. Patent 9,898,590

---

**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 9,898,590**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TABLE OF CONTENTS**

I.	INTRODUCTION .....	1
II.	IDENTIFICATION OF UNPATENTABILITY GROUNDS .....	2
III.	LEVEL OF ORDINARY SKILL IN THE ART .....	3
IV.	OVERVIEW OF THE '590 PATENT .....	3
	A. Summary of Disclosure .....	4
	1. Licensing and Distributing Digital Media Content .....	4
	2. Targeted Marketing .....	7
	B. Prosecution History and Alleged Novelty .....	8
	C. The '590 Patent Claims .....	8
	D. Other Challenged Patents .....	10
V.	CLAIM CONSTRUCTION .....	10
VI.	GROUND 1: CLAIMS 1-4, 6-10, 12-16, 19-21 AND 23 OF THE '590 PATENT ARE OBVIOUS OVER PELED-POU. ....	12
	A. Overview of Peled .....	12
	B. Overview of Pou .....	13
	C. A POSA Would Have Combined Peled and Pou .....	15
	1. A POSA would have been motivated to improve Peled's distribution of content by including Pou's licensing management framework .....	15
	2. A POSA would have known how to combine Peled and Pou and would have had a reasonable expectation of success .....	17
	D. Peled-Pou Discloses Claim 1. ....	18
	1. [1P] .....	18
	2. [1A] "receiving a license request...to engage in a license transaction." .....	20
	3. [1B] "evaluating the license transaction to determine whether the user has acquired a license." .....	20
	4. [1C] "...extracting from the license transaction user data...wherein the user data includes demographic data...that enables a copyright owner...to gauge a demographic that	

*Petition for Inter Partes Review of  
U.S. Patent No. 9,898,590*

	acquired the license...and a demographic that declined the license.” .....	22
5.	[1D] “aggregating the user data into a statistics record...when the user acquires the license and when the user declines the license.” .....	23
6.	[1E] “storing in a license database the statistics record so that the user data is accessible to the copyright owner.” .....	23
7.	[1F] “analyzing a plurality of statistics records...to provide the copyright owner with the aggregated user data.” .....	25
E.	Claim 7. ....	25
F.	Claim 13. ....	27
G.	Claim 19. ....	28
H.	Claims 2 and 14 (“receiv[ing] a license” and “preventing reproduction...when the licensing request is declined by the licensing system”).....	31
I.	Claims 3 and 15 (“plurality of reproduction parameters”). ....	32
J.	Claims 4, 10, 16, and 21 (storing user data such that it is “accessible to a third party online media retailer”). ....	32
K.	Claims 6 and 23 (“geographic location”).....	34
L.	Claims 8 and 20 (generating and storing a “license record in a registered user database”).....	35
M.	Claim 9 (“fingerprint”).....	35
N.	Claim 12 (user data includes “additional media content items” previously accessed).....	36
VII.	GROUND 2: CLAIM 18 IS OBVIOUS OVER PELED, POU, AND BRANDSTETTER. ....	36
VIII.	GROUND 3: CLAIMS 5, 11, 17, AND 22 ARE OBVIOUS OVER PELED, POU, AND VIJAY. ....	37
IX.	GROUND 4: CLAIMS 1-4, 6-10, 12-16, 18-21, AND 23 ARE OBVIOUS OVER BRANDSTETTER-LEVY. ....	40
A.	Overview of Brandstetter .....	40
B.	Overview of Levy.....	43
C.	A POSA Would Have Combined Brandstetter and Levy.....	46

*Petition for Inter Partes Review of  
U.S. Patent No. 9,898,590*

1.	A POSA would have been motivated to improve Brandstetter’s content licensing platform with Levy’s content identification and fingerprinting framework. ....	46
2.	A POSA would have known how to combine Brandstetter and Levy and would have had a reasonable expectation of success. ....	49
D.	Brandstetter-Levy Discloses Claim 1. ....	50
1.	[1P]. ....	50
2.	[1A] “receiving a license request...to engage in a license transaction.” ....	53
3.	[1B] “evaluating the license transaction to determine whether the user has acquired a license.” ....	56
4.	[1C] “...extracting from the license transaction user data...wherein the user data includes demographic data...that enables a copyright owner...to gauge a demographic that acquired the license...and a demographic that declined the license.” ....	58
5.	[1D] “aggregating the user data into a statistics record...when the user acquires the license and when the user declines the license.” ....	60
6.	[1E] “storing in a license database the statistics record so that the user data is accessible to the copyright owner.” ....	60
7.	[1F] “analyzing a plurality of statistics records...to provide the copyright owner with the aggregated user data.” ....	62
E.	Claim 7. ....	63
F.	Claim 13. ....	66
G.	Claim 19. ....	66
H.	Claims 2 and 14 (“receiv[ing] a license” and “prevent[ing] reproduction...when the licensing request is declined by the licensing system”). ....	69
I.	Claims 3 and 15 (“plurality of reproduction parameters”). ....	70
J.	Claims 4, 10, 16, and 21 (storing user data such that it is “accessible to a third party online media retailer”). ....	71
K.	Claims 6 and 23 (“geographic location”). ....	71

*Petition for Inter Partes Review of  
U.S. Patent No. 9,898,590*

L.	Claims 8 and 20 (generating and storing a “license record in a registered user database”).....	72
M.	Claim 9 (“fingerprint”).....	75
N.	Claims 12 and 18 (user data includes “quantity of times” and “additional media content items” previously accessed).....	75
X.	GROUND 5: CLAIMS 5, 11, 17, AND 22 ARE OBVIOUS OVER BRANDSTETTER, LEVY, AND VIJAY. ....	75
XI.	PETITIONER IS UNAWARE OF ANY SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS.....	76
XII.	THE BOARD SHOULD NOT EXERCISE ITS DISCRETION TO DENY THIS PETITION BASED ON EITHER 35 U.S.C. § 314(A) OR § 325(D).....	76
A.	The Board Should Not Use its Discretion to Deny the Petition Under 35 U.S.C. § 314(a).....	77
1.	This case is at its very earliest stages.....	77
(a)	Factors 1 and 2 weigh in favor of institution.....	77
(b)	Factors 3-5 weigh in favor of institution. ....	78
(c)	Factor 6 weighs in favor of institution. ....	78
2.	The Board should not avoid the merits of the case under <i>General Plastics</i> because there is only one pending petition. ..	79
B.	This Case Does Not Implicate § 325(d) as a Basis for Denial.....	79
XIII.	MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1)).....	79
A.	Real Party In Interest (37 C.F.R. § 42.8(b)(1)).....	79
B.	Related Matters (37 C.F.R. § 42.8(b)(2)).....	79
C.	Lead and Back-up Counsel (37 C.F.R. § 42.8(b)(3)).....	80
D.	Service Information (37 C.F.R. § 42.8(b)(4)).....	81
XIV.	STANDING (37 C.F.R. § 42.104(a)).....	81
XV.	CONCLUSION.....	82
	APPENDIX A: LISTING OF CHALLENGED CLAIMS.....	1

# 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.