# UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

\_\_\_\_\_

ROKU, INC., Petitioner

v.

MEDIA CHAIN, LLC, Patent Owner

Case IPR2022-00391 U.S. Patent 10,489,560

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 10,489,560

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.	INTR	ODU	CTION	. 1		
II.	IDEN	TIFIC	TIFICATION OF UNPATENTABILITY GROUNDS2			
III.	LEVE	EL OF	OF ORDINARY SKILL IN THE ART2			
IV.	OVERVIEW OF THE '560 PATENT					
	A.	Sumn	nary of Disclosure	. 3		
		1.	Licensing and Distributing Digital Media Content	. 3		
		2.	Targeted Marketing	. 7		
	B.	Prose	cution History and Alleged Novelty	. 8		
	C.	The '	560 Patent Claims	. 9		
	D.	Other	Challenged Patents	10		
V.	CLAI	м со	NSTRUCTION	10		
VI.	GROUND 1: CLAIMS 1-14 AND 16-19 OF THE '560 PATENT ARE OBVIOUS OVER PELED-POU			12		
	A.	Overv	view of Peled	12		
	B.	Overv	Overview of Pou1			
	C.	A PO	SA Would Have Combined Peled and Pou	16		
		1.	A POSA would have been motivated to improve Peled's distribution of content by including Pou's licensing management framework.			
		2.	A POSA would have known how to combine Peled and Pou and would have had a reasonable expectation of success			
	D.	Peled	-Pou Discloses Claim 1.	19		
		1.	[1P]	19		
		2.	[1A] "receiving a request from a user to stream the media conteitem."			
		3.	[1B] "evaluating the request to stream to determine whether the user has acquired a license and offering the license when the user does not have the license to stream the media content item."			



(b) [1C.2] "user data includes demographic data" enabling third party online retailer to gauge a demographic		4.	[1C] "extracting user data that is specific to the user" when the user streams and declines to stream the media content item, "wherein the user data includes demographic data" that enables a third party online retailer to gauge a demographic that streamed the media content item and a demographic that declined to stream that "enables the third party online retailer to target marketing of different media content items" based on a user's "trend of interest."		
third party online retailer to gauge a demographic  (c) [1C.3] user data includes a "history of media content items" that the user has streamed to allow for targeted marketing			(a)	[1C.1] "extracting user data"	26
items" that the user has streamed to allow for targeted marketing			(b)	[1C.2] "user data includes demographic data" enabling a third party online retailer to gauge a demographic	27
determined trend of interest for the user			(c)	[1C.3] user data includes a "history of media content items" that the user has streamed to allow for targeted marketing	30
6. [1E] "storing" the statistics record in a license database "so the user data is accessible to the third party online retailer.".  7. [1F] "analyzing a plurality of statistics records to provide third party online retailer with the aggregated user data."  E. Claim 6			(d)	[1C.4] marketing media content items based on a determined trend of interest for the user	30
the user data is accessible to the third party online retailer."  7. [1F] "analyzing a plurality of statistics records to provide third party online retailer with the aggregated user data."  E. Claim 6		5. [1D] "aggregating the user data into a statistics record.			31
third party online retailer with the aggregated user data."  E. Claim 6		6.		_	
<ul> <li>G. Claim 16.</li> <li>H. Claims 2 and 12 (receiving a license to [reproduce/stream] the med content from a licensing system when the request is granted, and "preventing streaming when the request is declined").</li> <li>I. Claims 3 and 13 ("plurality of [reproduction/streaming] parameters.</li> <li>J. Claims 4, 9, 14, and 18 (storing in the license database the user dat that it is "accessible to a third party online media retailer").</li> <li>K. Claims 5 and 19 ("geographic location").</li> <li>L. Claim 7 and 17 (generating and storing a "license record in a register.</li> </ul>		7.			
<ul> <li>G. Claim 16.</li> <li>H. Claims 2 and 12 (receiving a license to [reproduce/stream] the med content from a licensing system when the request is granted, and "preventing streaming when the request is declined").</li> <li>I. Claims 3 and 13 ("plurality of [reproduction/streaming] parameters.</li> <li>J. Claims 4, 9, 14, and 18 (storing in the license database the user dat that it is "accessible to a third party online media retailer").</li> <li>K. Claims 5 and 19 ("geographic location").</li> <li>L. Claim 7 and 17 (generating and storing a "license record in a regist</li> </ul>	E.	Clain	Claim 6		
<ul> <li>H. Claims 2 and 12 (receiving a license to [reproduce/stream] the med content from a licensing system when the request is granted, and "preventing streaming when the request is declined")</li></ul>	F.	Claim 11			38
content from a licensing system when the request is granted, and "preventing streaming when the request is declined")	G.	Claim 16			39
<ul> <li>J. Claims 4, 9, 14, and 18 (storing in the license database the user dat that it is "accessible to a third party online media retailer").</li> <li>K. Claims 5 and 19 ("geographic location").</li> <li>L. Claim 7 and 17 (generating and storing a "license record in a regist</li> </ul>	H.	Claims 2 and 12 (receiving a license to [reproduce/stream] the media content from a licensing system when the request is granted, and "preventing streaming when the request is declined")			
<ul> <li>J. Claims 4, 9, 14, and 18 (storing in the license database the user dat that it is "accessible to a third party online media retailer").</li> <li>K. Claims 5 and 19 ("geographic location").</li> <li>L. Claim 7 and 17 (generating and storing a "license record in a regist</li> </ul>	I.	Claims 3 and 13 ("plurality of [reproduction/streaming] parameters").			
L. Claim 7 and 17 (generating and storing a "license record in a regist	J.	Claims 4, 9, 14, and 18 (storing in the license database the user data so that it is "accessible to a third party online media retailer")			
	K.	Claims 5 and 19 ("geographic location")			
	L.				



## Petition for Inter Partes Review of U.S. Patent No. 10,489,560

	M.	Claim	n 8 ("fingerprint")	5
	N.		n 10 (user data includes "additional media content items" ously accessed)	6
VII.			2: CLAIM 15 IS OBVIOUS OVER PELED, POU, AND ETTER	б
VIII.			3: CLAIMS 1-19 ARE OBVIOUS OVER BRANDSTETTER-	7
	A.	Overv	view of Brandstetter4	7
	B.	Overv	view of Levy50	0
	C.	A PO	SA Would Have Combined Brandstetter and Levy 53	3
		1.	A POSA would have been motivated to improve Brandstetter's content licensing platform with Levy's content identification and fingerprinting framework.	l
		2.	A POSA would have known how to combine Brandstetter and Levy and would have had a reasonable expectation of success. 56	б
	D.	Branc	dstetter-Levy Discloses Claim 15	7
		1.	[1P]57	7
		2.	[1A] "receiving a request from a user to stream the media contentitem."	
		3.	[1B] "evaluating the request to stream to determine whether the user has acquired a license and offering the license when the user does not have the license to stream the media content item."	0
		4.	[1C] "extracting user data that is specific to the user" when the user streams and declines to stream the media content item, "wherein the user data includes demographic data" that enables a third party online retailer to gauge a demographic that streamed the media content item and a demographic that declined to stream that "enables the third party online retailer to target marketing of different media content items" based on a user's "trend of interest."	n
			(a) [1C.1] "extracting user data"	4
			(b) [1C.2] "user data includes demographic data" enabling a third party online retailer to gauge a demographic 65	5



## Petition for Inter Partes Review of U.S. Patent No. 10,489,560

		(c)	items" that the user has streamed to allow for targeted marketing	. 67
		(d)	[1C.4] marketing media content items based on a determined trend of interest for the user	. 69
	5.	[1D]	"aggregating the user data into a statistics record."	. 70
	6.		"storing" the statistics record in a license database "so the ser data is accessible to the third party online retailer."	
	7.		'analyzing a plurality of statistics records to provide the party online retailer with the aggregated user data."	
E.	Clain	ı 6		. 74
F.	Clain	ı 11		. 79
G.	Clain	ı 16		. 80
H.	conte	nt fron	d 12 (receiving a license to [reproduce/stream] the median a licensing system when the request is granted, and g] streaming when the request is declined")	
I.			d 13 ("plurality of [reproduction/streaming] parameters"]	
J.	Clain	ns 4, 9,	, 14, and 18 (storing in a license database the user data ssible to the third party).	•
K.	Clain	ns 5 an	d 19 ("geographic location")	. 86
L.			d 17 (generating and storing a "license record in a ser database").	. 87
M.	Clain	n 8 ("fi	ingerprint").	. 89
N.	previo	ously a	and 15 (user data includes "additional media content item accessed and "a quantity of times that the user has accessed the media content item").	
			UNAWARE OF ANY SECONDARY CONSIDERATION	
			OULD NOT EXERCISE ITS DISCRETION TO DENY BASED ON EITHER 35 U.S.C. § 314(A) OR § 325(D).	
A.	The E		Should Not Use its Discretion to Deny the Petition Under	r 90



IX.

X.

# DOCKET

## 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.

