UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
ROKU, INC. Petitioner
v.
MEDIA CHAIN, LLC, Patent Owner
Case No. IPR2022-00394 U.S. Patent No. 10.885.154

# DECLARATION OF JOHN TINSMAN IN SUPPORT OF PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 10,885,154

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.	INT	'RODUCTION1				
II.	QUA	ALIFICATIONS2				
III.	MA	ATERIALS CONSIDERED9				
IV.	RELEVANT LEGAL STANDARDS					
	A.	Obv	Obviousness			
	B.	Leve	Level of Skill in the Art			
	C.	Motivation to Combine and Hindsight Bias				
	D.	Claim Construction				
V.	TEC	TECHNOLOGY BACKGROUND				
	A.	Licensing and Distribution of Digital Media				
		1.	E-Commerce and the Digital Revolution	19		
		2.	The Rise of Digital Rights Management Technology	20		
		3.	Cloud-Based Streaming and Licensing Models	23		
	B.	Digital Fingerprinting and Watermarking				
		1.	Digital Fingerprints	24		
		2.	Digital Watermarks	29		
	C.	Targeted Marketing Based on User Demographics and Preferences				
		1.	Targeted Marketing Over the Internet	30		
		2.	Targeted Marketing Based on Users' Negative Preferences	s34		
VI.	OVERVIEW OF THE '154 PATENT					
	A.	Sum	mary of the Disclosure	36		
		1.	Licensing and Distributing Digital Media Content	38		
		2.	Targeted Marketing	42		
	B.	Summary of the Claims				
		1.	Overview of the '154 Patent Claims	43		
		2.	The '154 Patent Claims Relative to Other Claims in the Family	47		
	C.	Sum	mary of the Prosecution History			



## Declaration of John Tinsman U.S. Pat. No. 10,885,154

VII.	OVERVIEW OF THE PRIOR ART				
	A.	Brandstetter5			
	B.	Peled5			
	C.	Levy65			
	D.	Pou71			
	E.	Rassool			
VIII.	CLAI	IM CONSTRUCTION77			
IX.	GROUND 1: CLAIMS 1-2 AND 4-18 OF THE '154 PATENT ARE UNPATENTABLE UNDER 35 U.S.C. § 103 OVER BRANDSTETTER IN VIEW OF LEVY				
	A.	Overv	view of the Combination of Brandstetter and Levy78		
		1.	A POSA would have been motivated to combine Brandstetter and Levy		
		2.	A POSA would have known how to combine Brandstetter and Levy and would have had a reasonable expectation of success		
	B.	Independent Claim 1			
		1.	[1P]: "A multimedia hardware device comprising:"		
		2.	[1A]: "a processor; and:"		
		3.	[1B]: "a memory coupled with the processor, the memory including instructions that, when executed by the processor cause the processor to:"		
		4.	[1C]: "generate a first request from a user to evaluate streaming a first media content item to the device;"		
		5.	[1D]: "identify the first media content item by determining a first media fingerprint that identifies a first unique characteristic inherently present in the first media content item captured during the recorded creation of the first media content item, and excluding information introduced to the first media content item extraneous to the recorded creation;"		
		6.	[1E]: "extract first user data specific to the user when the user		



## Declaration of John Tinsman U.S. Pat. No. 10,885,154

7.	[1F]: "generate a second request from the user to evaluate streaming a second media content item to the device;" 103			
8.	[1G]: "identify the second media content item by determining a second media fingerprint that identifies a second unique characteristic inherently present in the second media content item captured during the recorded creation of the second media content item, and excluding information introduced to the second media content item extraneous to the recorded creation;"			
9.	[1H]: "extract second user data specific to the user when the user declines to stream the second media content item;" 105			
10.	[1I]: "aggregate the extracted first user data into a first statistics record and the extracted second user data into a second statistics record, wherein the first statistics record summarizes the first user data and the second statistics record summarizes the second user data; and"			
11.	[1J]: "transmit to a database the first and second statistics record with the identities of the first and second media content items determined by the first and second media fingerprints so that the summarized first and second user data is accessible to a third party online retailer for"			
12.	[1K]: "retrieving the first and second statistics record with the identities of the first and second media content items determined by the first and second media fingerprints," 116			
13.	[1L]: "analyzing the retrieved first and second statistics record to determine a target demographic of the first and second media content items based on a demographic corresponding to the first and second user data, and"			
14.	[1M]: "providing the third party online retai[l]er the target demographic to market the media content item to a plurality of other users corresponding to the target demographic of the media content item."			
Clain	n 2			
	n 4			
Claim 5				
Clain	122			



C.

D.

E.

F.

## Declaration of John Tinsman U.S. Pat. No. 10,885,154

	G.	Clair	n 7		
	H.	Clair	n 8		
	I.	Clain	n 9136		
	J.	Clain	n 10141		
	K.	Clain	n 11143		
	L.	Clair	n 12146		
	M.	Clain	n 13		
	N.	Clair	n 14		
	O.	Clain	n 15		
	P.	Clain	n 16161		
	Q.	Clain	n 17163		
	R.	Clair	n 18166		
X. XI.	GROUND 2: CLAIM 3 OF THE '154 PATENT IS UNPATENTABLE UNDER 35 U.S.C. § 103 OVER BRANDSTETTER IN VIEW OF LEVY AND RASSOOL				
	UNPATENTABLE UNDER 35 U.S.C. § 103 OVER PELED IN VIEW OF POU				
	A.	Over	Overview of the Combination of Peled and Pou		
		1.	A POSA would have been motivated to combine Peled and Pou		
		2.	A POSA would have known how to combine Peled and Pou and would have had a reasonable expectation of success 179		
	B.	Inde	Independent Claim 1		
		1.	[1P]: "A multimedia hardware device comprising:" 181		
		2.	[1A]: "a processor; and:"		
		3.	[1B]: "a memory coupled with the processor, the memory including instructions that, when executed by the processor cause the processor to:"		
		4.	[1C]: "generate a first request from a user to evaluate streaming a first media content item to the device;"		



# 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.

