

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

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CUSTOMPLAY, LLC,  
Petitioner,

v.

CLEARPLAY, INC.,  
Patent Owner.

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Case IPR2013-00484  
Patent 7,577,970 B2

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Before KARL D. EASTHOM, JUSTIN T. ARBES, and  
BARRY L. GROSSMAN, *Administrative Patent Judges*.

GROSSMAN, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

## I. INTRODUCTION

CustomPlay, LLC (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–43 (all of the claims) of U.S. Patent No. 7,577,970 B2 (“the ’970 patent”) on multiple grounds. Paper 4 (“Pet.”). On November 26, 2013, we instituted an *inter partes* review of claims 16, 27, 28, 30–34, and 40 on a single ground of unpatentability under 35 U.S.C. § 103 based on a proposed combination of Abecassis (Ex. 1002) and Malkin (Ex. 1004). Paper 10 (“Dec. on Inst.”). ClearPlay, Inc. (“Patent Owner”) filed a Patent Owner Response (Paper 17, “PO Resp.”), and Petitioner filed a Supplemental Reply (Paper 22, “Reply”).

Patent Owner did not file a motion to amend the claims.

An oral hearing was held on August 27, 2014, and a transcript of the hearing is included in the record. Paper 28 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons that follow, we determine Petitioner has not shown by a preponderance of the evidence that claims 16, 27, 28, 30–34, and 40 are unpatentable.

### A. *The ’970 Patent*

The ’970 patent relates generally to filtering multimedia content, such as scenes or language unsuitable for viewers of some ages. Ex. 1001, col. 1, ll. 16–17, 22–23. More specifically, the invention claimed in the ’970 patent relates to a computerized system for identifying and filtering automatically portions of multimedia content during the decoding process. *Id.* at col. 1, ll. 17–20. The decoding process creates various continuous multimedia streams by identifying, selecting, retrieving, and transmitting content segments from a number of available segments stored on a content source, such as a DVD. *Id.* at col. 2, ll. 3–6. The

system disclosed in the '970 patent permits filtering multimedia content at the output side of a decoder rather than at the input or source side of the decoder. *Id.* at col. 4, ll. 41–44.

The '970 patent system creates “navigation objects” to define portions of the multimedia content that should be filtered. *Id.* at col. 4, ll. 47–49. As required in the challenged claims, each navigation object defines a start position, a stop position, and a filtering action for the portion of the multimedia content defined by the start position and stop position. *Id.* at col. 4, ll. 49–52. The Specification of the '970 patent discloses several filtering actions: “skip” (Ex. 1001, col. 6, ll. 1–13); “mute” (*id.* at col. 5, ll. 21–32); and “reframe” (*id.* at col. 5, ll. 38–52). The '970 patent also refers to these filtering actions as “editing actions.” *Id.* at col. 5, ll. 53–67. As disclosed, at least a “reframe navigation object” may be implemented “on a frame-by-frame basis.” *Id.* at col. 15, ll. 48–50.

The navigation objects are placed in an “object store.” The object store may be a file, such as a database, and the navigation objects may be records within the database. *Id.* at col. 11, ll. 52–62.

Figure 2 from the '970 patent, shown below, is a block diagram showing the basic components of a system embodying the claimed invention.

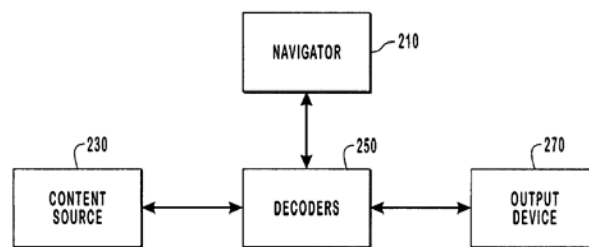


Figure 2 from the '970 patent.

Figure 3a from the '970 patent, shown below, is an enhanced diagram that provides additional details for the basic components shown in Figure 2.

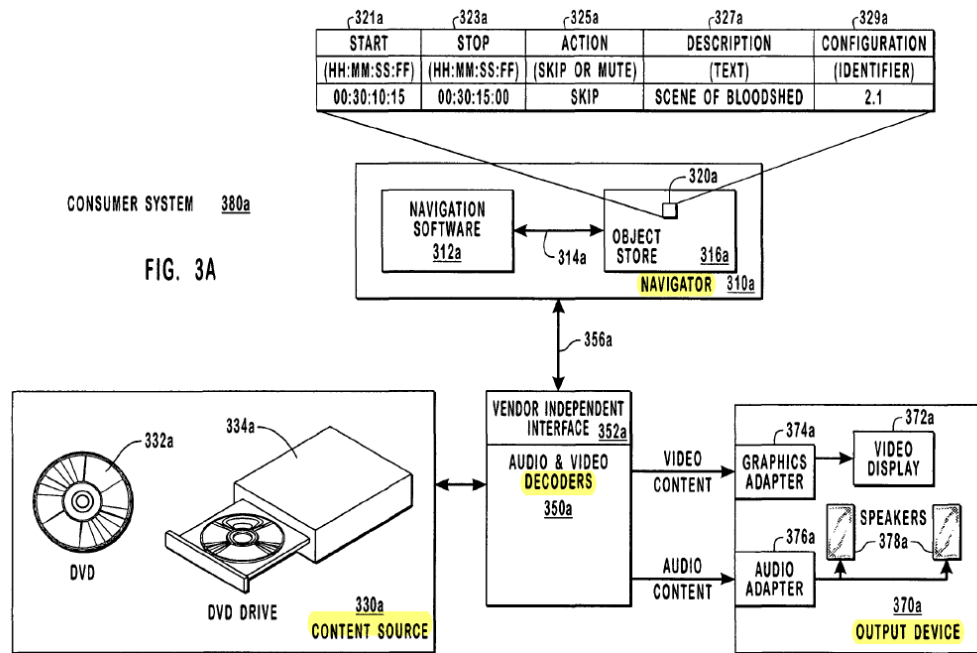


Figure 3a is annotated to highlight corresponding components in Figure 2.

### B. Illustrative Claim

We instituted *inter partes* review of independent claims 16 and 27, and dependent claims 28, 30–34, and 40. Illustrative claim 16 follows:

16. In a computerized system for enabling a consumer to filter multimedia content that is comprised of video content, audio content, or both, and wherein a consumer computer system includes a processor, a memory, a decoder, and an output device for playing the multimedia content, a method for assisting the consumer to identify portions of the multimedia content that are to be filtered and to thereafter filter the identified portions, the method comprising the acts of:

loading a plurality of navigation objects into the memory of the consumer computer system, each of which defines a portion of the multimedia content that is to be filtered by defining a start position and a stop position and a specific filtering action to be

performed on the portion of the multimedia content defined by the start and stop positions for that portion;

updating a position code in association with decoding the multimedia content on the consumer computer system;

comparing the position code with a navigation object to determine whether the position code corresponding to the multimedia content falls within start and stop positions defined by one of the navigation objects;

when the position code is determined to fall within the start and stop position defined by a particular navigation object, activating the filtering action assigned to the particular navigation object in order to filter the multimedia content for that portion of the multimedia content defined by the particular navigation object;

transferring the multimedia content to an output device, whereby the multimedia content is played at the output device excluding each portion thereof which is filtered in accordance with the plurality of navigation objects;

assigning a configuration identifier to the decoder;

comparing the configuration identifier of the particular navigation object with the configuration identifier of the decoder to determine if the particular navigation object applies to the decoder; and

determining that the particular navigation object applies to the decoder based on the configuration identifier of the particular navigation object matching the configuration identifier of the decoder.

### *C. References Relied Upon*

The ground of unpatentability in this *inter partes* review is based on the following references:

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