UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CUSTOMPLAY, LLC,
Petitioner,

v.

CLEARPLAY, INC.,
Patent Owner.

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Case IPR2014-00339
Patent 7,526,784 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 Corrected Petition requesting an *inter partes* review of claims 1–9 (all of the claims) of U.S. Patent No. 7,526,784 B2 ("the '784 patent"). Paper 4 ("Pet."). ClearPlay, Inc. ("Patent Owner") filed a Patent Owner Preliminary Response. Paper 9 ("Prelim. Resp."). We instituted an *inter partes review* of claims 1, 2, and 4–9 on the ground of obviousness under 35 U.S.C. § 103(a) based on Abecassis[1] and Malkin.[2] Paper 12 ("Dec. on Inst."). We denied Patent Owner's Request for Rehearing (Paper 14, "Req. Reh'g"). Paper 15. Patent Owner filed a Patent Owner Response. Paper 17 ("PO Resp."). Petitioner filed a Reply. Paper 18 ("Pet. Reply").

An oral hearing was held on April 20, 2015. A transcript of the hearing is included in the record. Paper 26 ("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 shown, by a preponderance of the evidence, that claims 1, 2, and 4–9 are unpatentable.

A. Related Proceedings

The '784 patent is related to the patents involved in IPR2013-00484, IPR2014-00383, and IPR2014-00430.

B. The '784 Patent

The '784 patent relates generally to filtering multimedia content, such as scenes or language unsuitable for viewers of some ages. Ex. 1009, col. 1, ll. 18–25. More specifically, the invention claimed in the '784 patent relates to a method for automatically identifying and filtering portions of multimedia content

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[1] US Pat. No. 6,408,128 B1, filed Nov. 12, 1998, issued June 18, 2002. Ex. 1012.
[2] US Pat. No. 6,317,795 B1, filed July 22, 1997, issued Nov. 13, 2001. Ex. 1013.

during the decoding process. *Id.* at col. 4, ll. 37–39.

Figure 2 from the '784 patent, shown below, is a block diagram showing the four basic components of a system embodying the claimed invention.
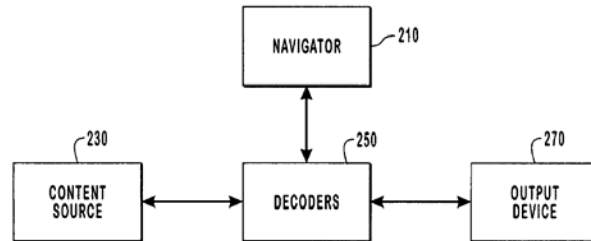

Figure 2 from the '784 patent.

Figure 3C from the '784 patent, shown below, provides additional details for the four basic components shown in Figure 2.
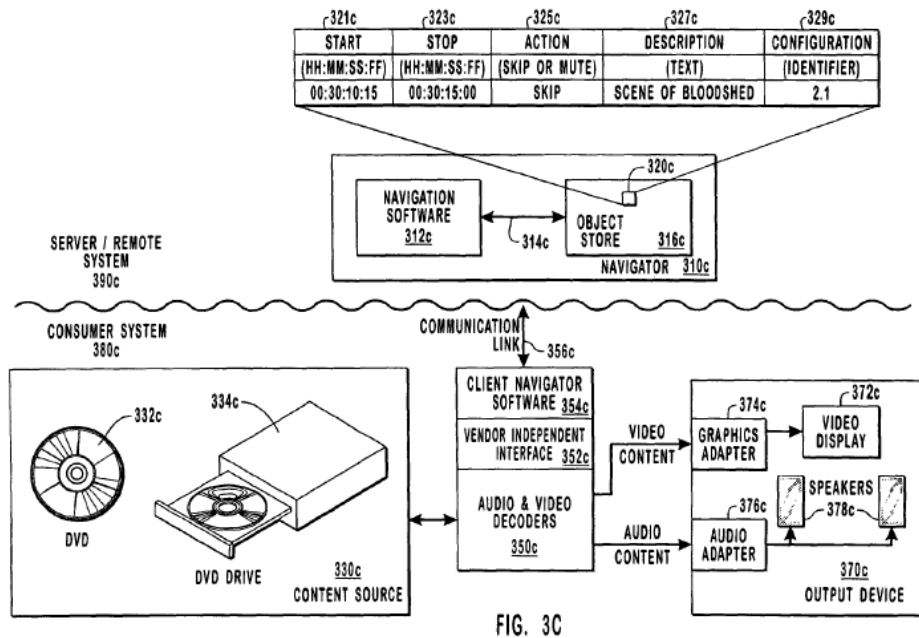

Fig. 3C is a block diagram showing system components.

As described in the Specification, and as shown generally in FIG. 3C, the system includes server/remote system 390c and consumer system 380c. *Id.* at col. 13, ll. 3–8. Content source 330c, audio and video decoders 350c, and output device 370c are located at consumer system 380c. *Id.* Navigator 310c is located at

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server/remote system 390c. *Id.* The navigator "is software and/or hardware that control the decoders by determining if the content being decoded needs to be filtered." *Id.* at col. 10, ll. 35–37. Server/remote system 390c and consumer system 380c are connected through communication link 356c. *Id.* at col. 13, ll. 23–36.

The '784 patent system creates "navigation objects" that are transmitted from the server to the consumer through the communication link. The navigation objects define portions of the multimedia content to be filtered. Ex. 1009, col. 4, ll. 48–50. Each navigation object contains a start position, a stop position, and a filtering action for the portion of the multimedia content defined by the start and stop positions. *Id.* at col. 4, ll. 50–53. The Specification of the '784 patent discloses several filtering actions: "skip" (*id.* at col. 5, l. 7); "mute" (*id.* at col. 5, l. 27); and "reframe" (*id.* at col. 5, l. 44). The '784 patent also refers to these filtering actions as "editing actions." *Id.* at col. 5, l. 59–col. 6, l. 6. The navigation objects, including the filtering actions, are obtained through a server system linked to a consumer system through a communication link for use by the user. *Id.* at col. 7, l. 47–col. 8, l. 9.

C. Illustrative Claim

Claim 1, the sole independent claim, is illustrative of the claimed subject matter and is reproduced below.

> 1. In a server system linked to a consumer system through a communication link, wherein the consumer system includes a processor, a memory, a decoder, and an output device for playing multimedia content, and wherein the server system enables the consumer system to filter multimedia content that is comprised of video content, audio content, or both, a method of assisting the consumer system to automatically identify portions of the multimedia content that are to be filtered and to thereafter

automatically filter the identified portions, the method comprising the server system performing the acts of:

obtaining a plurality of navigation objects which can be loaded into a memory of the consumer system, each navigation object defining a portion of the multimedia content that is to be filtered by defining a start position, 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;

receiving a request for one or more navigation objects from the consumer system, the request identifying the multimedia content to be played at the consumer system;

sending the one or more navigation objects to the consumer system for processing;

whereby the consumer system is adapted to filter the multimedia content by activating the filtering action for each portion of the multimedia content defined by the start and stop positions of each navigation object.

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *In re Cuozzo Speed Techs. LLC*, _ F.3d _, No. 2014-1301, 2015 WL 4097949, at *7–8 (Fed. Cir. July 8, 2015) ("Congress implicitly approved the broadest reasonable interpretation standard in enacting the AIA," and "the standard was properly adopted by PTO regulation"). Claim terms also are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes definitions for certain claim terms in the '784 patent. Pet. 10–13. Patent Owner does not propose any claim constructions, nor does Patent Owner dispute Petitioner's proposed definitions. Patent Owner, however,

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