

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CUSTOMPLAY, LLC,
Petitioner,

v.

CLEARPLAY, INC.,
Patent Owner.

Case IPR2014-00430
Patent 8,117,282 B2

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 1–25 (all of the claims) of U.S. Patent No. 8,117,282 B2 (“the ’282 patent”). Paper 1 (“Pet.”). We instituted an *inter partes review* of claims 1–25 on the ground of obviousness under 35 U.S.C. § 103(a) based on Abecassis¹ and Malkin.² Paper 6 (“Dec. on Inst.”). ClearPlay, Inc. (“Patent Owner”) filed a Patent Owner Response. Paper 10 (“PO Resp.”). Petitioner filed a Reply. Paper 11 (“Pet. Reply”).

An oral hearing was held on April 20, 2015. A transcript of the hearing is included in the record. Paper 19 (“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 1–25 are unpatentable.

A. Related Proceedings

The ’282 patent is related to the patents involved in IPR2013-00484, IPR2014-00339, and IPR2014-00383.

B. The ’282 Patent

The ’282 patent relates generally to the field of modifying playback of a multimedia presentation, such as a video, from a storage medium. Ex. 1001, col. 1, ll. 25–27. The ’282 patent describes, as “BACKGROUND,” for example, filtering out certain language, images, scenes, or other content not suitable for, or considered objectionable by, certain audiences. *Id.* at col. 1, ll. 40–55. As another example, a media player, such as a DVD player, is configured to upload playback

¹ US Pat. No. 6,408,128 B1, filed Nov. 12, 1998, issued June 18, 2002. Ex. 1004.

² US Pat. No. 6,317,795 B1, filed July 22, 1997, issued Nov. 13, 2001. Ex. 1005.

filters to a local memory or otherwise use playback filters from a removable storage medium in communication with a memory interface. *Id.* at col. 1, ll. 27–30.

The '282 patent applies filters to modify, e.g., skip or mute, certain portions of a video during playback. *Id.* at col. 1, ll. 35–36. The '282 patent also generally discloses a method for loading filter information to a media player. Ex. 1001, col. 2, ll. 15–16. There are two independent claims. Independent claim 1 is directed to the disclosed method. Independent claim 19 is directed to a media player. The method involves analyzing the status of a first memory reader adapted to communicate with a removable storage medium. *Id.* at col. 2, ll. 16–18. The method further involves establishing communication with a second storage medium and determining whether the second storage medium includes filtering information associated with a multimedia presentation. *Id.* at col. 2, ll. 19–23. During display of the multimedia presentation, such as during play of a DVD, the player continually checks the filter information to determine if a particular portion of a movie should be filtered. *Id.* at col. 3, ll. 33–36. A filter file or event includes a time code corresponding to a portion of the multimedia data to be filtered. *Id.* at col. 3, ll. 28–30. A match between the time code of the multimedia presentation and the time code in the filter file causes the execution of a filtering action. *Id.* at col. 3, ll. 30–33.

C. Illustrative Claim

Claims 1 and 19 are independent claims. Claim 1 is illustrative of the claimed subject matter and is reproduced below.

1. A method for loading filter information to a media player comprising:
 - analyzing a status of a first memory reader adapted to communicate with a removable non-transitory storage medium

including audio and visual data associated with a multimedia presentation;

establishing communication with a second non-transitory storage medium;

automatically determining whether the second non-transitory storage medium includes filtering information for the multimedia presentation, the filter information including at least one identification of a start time and end time associated with a portion of the multimedia presentation, the filtering information further including at least one filtering action for the portion of the multimedia presentation; and

providing for presentation of the multimedia presentation pursuant to the filtering information.

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*, 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).

We apply these general rules in construing the claims in the ’282 patent.

In the Decision on Institution, we interpreted two means-plus-function limitations in the claims of the ’282 patent as follows:

| Term | Interpretation |
|--|---|
| “means for storing filter information” (claim 21) | Function: storing filter information Corresponding structure: memory in a memory card, memory stick, USB |

| Term | Interpretation |
|--|---|
| | flash drive and jump drive, laser or optical readable memory platform, or magnetic memory platform |
| “means for reading filter information from a non-transitory storage medium” (claim 22) | Function: reading filter information from a non-transitory storage medium Corresponding structure: a reader device capable of searching the non-transitory storage medium for computer-executable instructions or data structures stored thereon containing filter information |

Dec. on Inst. 6–8. The parties do not dispute these interpretations in the Patent Owner Response and Petitioner’s Reply. Based on the full record developed during trial, we adopt our previous analysis for purposes of this Decision.

We also interpret the following limitation in claims 1 and 19: “filter information including at least one identification of a start time and end time associated with a portion of the multimedia presentation, the filtering information^[3] further including at least one filtering action for the portion of the multimedia presentation.” Patent Owner contends that the limitation means “(1) an identification of a first time within a multimedia presentation when a filtering action is started; (2) an identification of a second time within the multimedia presentation, subsequent to the first time, when the filtering action is ended; and

³ The claims refer to both “filtering information” and “filter information.” *See, e.g.*, Ex. 1001, col. 14, ll. 26 (“filter information”), 35 (“filtering information”), 36 (“filter information”), 39 (“filtering information”). The Specification also uses both terms. *See, e.g., id.* at col. 2, ll. 16 (“filter information”), 22 (“filtering information”). We view these terms as interchangeable and having the same meaning in the context of the ’282 patent.

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.