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Paper 33
Entered: July 25, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC
Petitioner,

v.

VEVEO, INC.,
Patent Owner.

Case IPR2017-00715
Patent 8,433,696 B2

Before JONI Y. CHANG, MINN CHUNG, and KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Comcast Cable Communications, LLC ("Petitioner") filed a Petition requesting *inter partes* review of claims 1–31 (the "challenged claims") of U.S. Patent No. 8,433,696 B2 (Ex. 1001, "the '696 patent"). Paper 2 ("Pet."). Veveo, Inc. ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp."). We instituted an *inter partes* review of all of the challenged claims. Paper 8 ("Dec. Inst.").

Patent Owner filed a Response (Paper 22, "PO Resp.") and Petitioner filed a Reply (Paper 25, "Pet. Reply"). A hearing was held on April 23, 2018, a transcript of which has been entered into the record (Paper 30, "Tr.").

We have jurisdiction under 35 U.S.C. § 6(b). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). We base our decision on the preponderance of the evidence. 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d). Having reviewed the arguments of the parties and the supporting evidence, we find that Petitioner has demonstrated by a preponderance of the evidence that each of the challenged claims is unpatentable.

A. The '696 Patent

The '696 patent discloses methods and systems for "processing a search query entered by a user of a device having a text input interface with overloaded keys" in order to "identif[y] an item from a set of items." Ex. 1001, Abstract. The claims are directed towards methods and systems designed to search for "content items" using such overloaded keys. *Id.* at claims 1 and 15. Figure 1 of the '696 patent shows an example of an overloaded keypad with each key being associated with more than one alpha-numeric character. The '696 patent explains that a "user enters a

character using an ambiguous text input interface, e.g., using a keypad with overloaded keys where a single key press is performed for each character entered" and "an incremental search system determines and displays results that match the input character." *Id.* at 5:4–13. For example, "[t]he exemplary terms 'TOON', 'TOM', 'TOMMY', which can be search terms entered by a television viewer to identify television content, are mapped to the numeric equivalents of their prefix strings: 'T'(8), 'TO'(86), 'TOO'(866), 'TOON'(8666), 'TOMMY'(86669)." *Id.* at 5:60–66. The results for "TOON" are mapped to overloaded inputs "8," "86," "866," and "8666," and, based on that mapping, the system "enables incremental search processing by enabling even a single character entered by the user to retrieve relevant results." *Id.* at 5:66–6:2.

The '696 patent also discloses that "an ordering scheme is preferably used to order the results to improve accessibility to results expected to be more of interest to the user." *Id.* at 5:13–20. If the user does not find the desired results, he or she can continue to enter more characters to the search query. *Id.* at 5:55–57. Then "the system will perform the search based on the cumulative substring of characters of the search query entered by the user up to that point." *Id.* at 5:57–59.

B. Challenged Claims

Petitioner challenges claims 1–31 of the '696 patent. Claims 1 and 15 are independent and are substantially similar, the difference being that claim 1 recites a method and claim 15 recites a system. Claim 1 is illustrative and is reproduced below.

1. A method, comprising:

associating subsets of content items with corresponding strings of one or more overloaded keys of a keypad so that the subsets of content items are directly mapped to the corresponding strings of one or more overloaded keys by a direct mapping, wherein at least one over loaded key of the one or more overloaded keys is associated with a plurality of alphabetical and/ or numerical symbols;

ranking content items within at least one of the subsets of content items according to one or more ordering criteria;

subsequent to the associating and ranking, receiving entry of a first overloaded key;

selecting and presenting a first of the subsets of content items that is associated with the first overloaded key based on the direct mapping;

subsequent to receiving entry of the first overloaded key, receiving entry of a second overloaded key the same as or different than the first overloaded key, the second overloaded key forming a string with the first overloaded key; and

selecting and presenting a second of the subsets of content items that is associated with the string of overloaded keys formed by the first overloaded key and the second overloaded key based on the direct mapping.

Ex. 1001, 7:62–8:20.

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent. 37 C.F.R. § 42.100(b). Consistent with that standard, we assign claim terms their ordinary and customary meaning, as would be understood by one of ordinary skill in the art at the time of the invention, in the context of the entire patent disclosure. *See In re Translogic Tech., Inc.*, 504 F.3d

1249, 1257 (Fed. Cir. 2007). Only those terms that are in controversy need be construed, and only to the extent necessary to resolve the controversy. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

The initial "associating" step of claim 1 reads as follows:

> associating subsets of content items with corresponding strings of one or more overloaded keys of a keypad so that the subsets of content items are directly mapped to the corresponding strings of one or more overloaded keys by a direct mapping, wherein at least one over loaded key of the one or more overloaded keys is associated with a plurality of alphabetical and/ or numerical symbols;

Ex. 1001, 7:63–8:3.

The "associating" step of claim 1 recites the terms "content item" and "direct mapping," among others. In our Decision Instituting *Inter Partes* Review, we construed preliminarily the terms "content item" and "direct mapping." *See* Dec. Inst. 5–10.

1. "Content Item"

We construed preliminarily the term "content item" to mean "an item which contains information and is identifiable and selectable from a set of items through use of a search query." Dec. Inst. 6–8.

In its Response, Patent Owner argues that our construction "fails to distinguish between a 'content item' and its associated descriptors." PO Resp. 14. Patent Owner argues that our construction "allows Petitioner to improperly blur the lines between content items and their associated descriptors," and points to testimony from Petitioner's declarant, Dr. Fox, where he states that a "[c]ontent item can be the same as a descriptor if the descriptor is a long thing," such as a list of titles. *Id.* at 15 (quoting

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