UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC. and AMAZON WEB SERVICES, INC.,
Petitioner,

v.

BROADCOM CORPORATION,
Patent Owner.

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Case IPR2017-00811
Patent 7,296,295 B2

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Before JAMES B. ARPIN, BARBARA A. PARVIS, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, "Petitioner") filed a Petition requesting *inter partes* review of claims 1–27 of U.S. Patent No. 7,296,295 B2 ("the '295 patent," Ex. 1001). Paper 2 ("Pet."). Broadcom Corporation ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp."). Pursuant to 37 C.F.R. § 42.4(a), we have authority to determine whether to institute review.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted unless the information presented in the Petition shows "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

After considering the Petition, the Preliminary Response, and associated evidence, we determine that Petitioner has demonstrated a reasonable likelihood of prevailing in showing the unpatentability of claims 12–22 and 24–27. Thus, we institute an *inter partes* review as to those claims.

A. *The '295 Patent*

The '295 patent is directed generally to systems and methods for reformatting media content, such as video content, and distributing that content over a network.[1] Ex. 1001, Abstract, 2:32–3:11. The Specification acknowledges that it was known to send media files between locations over

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[1] Petitioner asserts that the earliest effective filing date for the '295 patent is December 11, 2002. Pet. 9 (citing Ex. 1001 at [60]). At this time, Patent Owner does not contest this assertion. For purposes of this preliminary proceeding, we accept Petitioner's assertion.

a network. *Id.* at 2:1–10. Further, at the time of the invention, various formats for media files existed in the art. *Id.* at 4:2–11. However, the Specification asserts that there is a problem when files are "sent from a source location to a destination location without the source having any knowledge of the format capabilities of devices[, i.e., device profiles,] at the destination location." *Id.* at 2:13–16.

The Specification and claims of the '295 patent describe implementation of a server-based transcoding and distribution architecture. In particular, the '295 patent is directed generally to a system for reformatting media content including a first server operatively coupled to a network, a second server operatively coupled to the first server, and a first and a second communications devices operatively coupled to the network. *Id.* at 2:34–38, 2:44–48. The first communications device sends a device profile of the first communications device to the first server, and the second communications device sends media content to the first server. *Id.* at 2:48–50. The second server receives the media content from the first server, and the second server reformats the media content based on the device profile of the first communications device. *Id.* at 2:51–53. The Specification states that the term "reformat" is synonymous with the term "transcode." *Id.* at 5:42–45. Embodiments of the system may vary according to differing functions of the first and second communications devices and their interactions with the servers. *Id.* at 2:38–43; 2:54–3:4.

> In another embodiment, a method may include, for example, one or more of the following: receiving, by a server, a device profile of a communications device and media content destined for the communications device, the server being operatively coupled to the communications device via a network;

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and reformatting, by the server, the media content based on the device profile.

Id. at 3:5–11.

B. Illustrative Claims

Claims 1 and 12 are independent. Claim 1 recites a system for reformatting media content, and claim 12 recites a method for reformatting media content. Claims 2–11 depend directly from claim 1, and claims 13–27 depend directly or indirectly from claim 12. Claims 1 and 12 are illustrative and are reproduced below:

    1.   A system for reformatting media content, comprising:

    a first server operatively coupled to a network;

    a second server operatively coupled to the first server;

    a first communications device operatively coupled to the network, the first communications device sending a device profile of the first communications device to the first server; and

    a second communications device operatively coupled to the network, the second communications device sending media content to the first server,

    wherein the second server receives the media content from the first server and wherein the second server reformats the media content based on the device profile of the first communications device.

Ex. 1001, 13:48–62.

    12.   A method for reformatting media content, comprising:

    receiving, by a first server, a device profile of a first communications device;

    receiving, by a second server operatively coupled to the first server, media content destined for the first communications device, the second server being operatively coupled to the first communications device via a network; and

>reformatting, by the second server, the media content
>based on the device profile received by the first server.

Id. at 14:37–46.

C. Applied References and Declaration

Petitioner relies upon the following references and declaration:

Exhibit No.	References and Declaration
1002	Prosecution History of the '295 patent
1003	Declaration of Jon B. Weissman, Ph.D.
1005	European Patent Application Publication No. 0992922 to Bhagwat *et al.*, earliest U.S. priority claimed Oct. 2, 1998, publ'd Apr. 12, 2000 ("Bhagwat")
1006	U.S. Patent Application Publication No. 2003/0110234 to Egli *et al.*, filed Nov. 8, 2001, publ'd June 12, 2003 ("Egli")
1007	International Publication No. WO 01/86511 A2 to Kirani, earliest U.S. priority claimed May 11, 2000, publ'd Nov. 15, 2001 ("Kirani)
1008	U.S. Patent Application Publication No. 2002/0199190 to Su, earliest U.S. priority claimed Feb. 2, 2001, publ'd Dec. 26, 2002 ("Su")
1009	B. Hansen, The Dictionary of Computing & Digital Media, 278 (1999)

Pet. iii.

D. Asserted Grounds of Unpatentability

Petitioner challenges claims 1–27 of the '295 patent based on the

asserted grounds of unpatentability set forth in the table below. Pet. 3.

Challenged Claim(s)	Basis	Reference(s)
1–6, 8–12, 19–23, and 25–27	35 U.S.C. § 102(b)	Bhagwat
13, 14, 16–18, and 24	35 U.S.C. § 103(a)	Bhagwat and Kirani
7	35 U.S.C. § 103(a)	Bhagwat and Su
15	35 U.S.C. § 103(a)	Bhagwat, Kirani, and Su
12, 19–22, and 25–27	35 U.S.C. §§ 102(a), (b), or (e)	Egli

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