

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BARCO, INC.,
Petitioner,

v.

T-REX PROPERTY AB,
Patent Owner.

Case IPR2017-01909
Patent RE39,470 E

Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and
DANIEL N. FISHMAN, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Barco, Inc. and Barco, N.V. (“Petitioner”) filed a Petition for *inter partes* review of claims 25 and 26 of U.S. Patent No. RE39,470 E (Ex. 1001, “the ’470 patent”). Paper 1 (“Pet.”). Patent Owner T-Rex Property AB filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see* 37 C.F.R. § 42.108.

Upon consideration of the Petition and the Preliminary Response, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of challenged claim 25. Accordingly, for the reasons that follow, we grant institution of an *inter partes* review of that claim. We further conclude that Petitioner has failed to show a reasonable likelihood of prevailing in its challenge to claim 26. We therefore deny the petition as to that claim.

A. *Related Matters*

Claims 1–3, 5–9, 12–14, 17–21, and 24–26 of the ’470 patent were challenged previously in IPR2016-01869 (“IPR1869”). Pet. 62; Paper 3, 6. The petitioner there was Broadsign International, LLC. On April 4, 2017, the Board entered a decision denying institution of the requested review. IPR1869, Paper 9.

In addition, as required by 37 C.F.R. § 42.8(b)(2), each party identifies various judicial or administrative matters that would affect or be affected by a decision in this proceeding, including numerous pending and

dismissed district court actions involving the '470 patent. Pet. 62–68; Paper 3, 2–6 (Patent Owner's Mandatory Notices).

B. The '470 Patent

The '470 patent is titled “Digital Information System.” The '470 patent is a reissue of U.S. Patent No. 6,005,534. The invention relates to a method and apparatus for controlling and coordinating projectors in a digital information system for displaying information on at least one display device through the medium of at least one projector for each said device. Ex. 1001, 1:15–19. The information is displayed in places that are accessible to and frequented by a general public. *Id.* at 1:19–21. The '470 patent indicates the disclosed system may be used to display information at subway or railway stations or airports. *Id.* at 1:21–27.

The '470 patent identifies a need to “enable information to be updated *dynamically* for display in real time” and to “enable external mediators to update information for display in a central control system” to control and coordinate projectors for displaying information. *Id.* at 1:53–60 (emphasis added). The '470 patent describes the term “external mediators” as referring to advertising agencies and others who wish to display information for commercial reasons or to the general public.¹ *Id.* at 5:18–23.

The '470 patent contrasts the disclosed invention with conventional “static” display systems in which “the display subscriber has very little chance of influencing the display, especially in real time.” *Id.* at 2:15–19.

¹ External mediators are also referred to by the '470 patent as “external information mediators” or “information mediators.” *See* Ex. 1001, 5:8–10, 5:18.

The '470 patent's one figure (Fig. 1) is reproduced below:

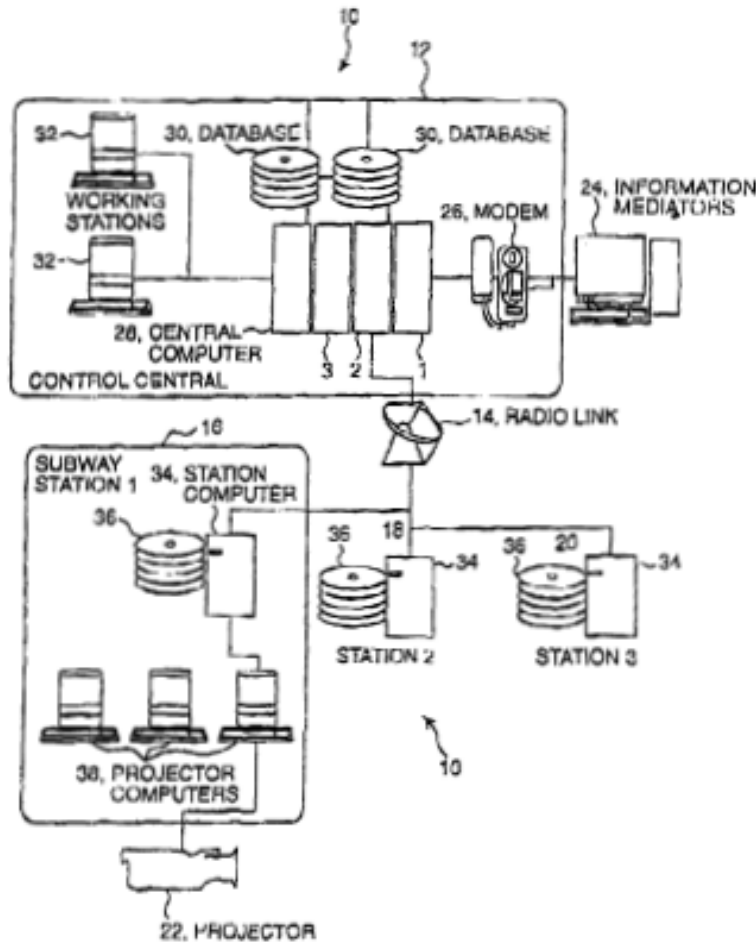


Figure 1 of the '470 Patent

The figure illustrates “system 10 for coordinating and controlling projectors . . . for displaying information” at a subway station. *Id.* at 4:25, 4:34–37. Control center 12 has communication interface 14 (shown as a radio link 14) that connects computerized devices 16, 18, 20. *Id.* at 4:42–45. Computerized device 16 controls one or more projectors 22 that display images or pictures in public places. *Id.* at 4:45–48. Working stations 32 are used by personnel serving control center 12, whereas external information mediators 24 provide control instructions to projectors 22 “with regard to the information that the external mediators 24 desire the system 10 to display

via the projectors 22, each on its own initiative and communication-wise transparent via modems 26.” *Id.* at 4:63–66, 5:8–13.

The patent describes server 3 in the central computer as an exposure handler. The exposure handler organizes the information received from the external mediators into an exposure list. Ex. 1001, 7:10–18. When the information mediator is an advertising agency and the advertisements to be displayed are in picture form, the advertising subscriber is able to buy a number of spots that are shown in the exposure list. *Id.* at 9:14–18.

According to the patent, in this way the system “enables quick changes to be made with regard to what shall be exposed on the exposure means, where it shall be exposed and when.” *Id.* at 9:25–28.

Computer-produced pictures or exposures are delivered by external advertising agencies, newspaper agencies. etc., for exposure, or showing in a particular location, for example, in subways. The pictures are received by control center 12, which “also decides what shall be exposed and in which order, and distributes the information material to the subway station.” *Id.* at 9:29–35.

C. Claims 25 and 26

Two independent claims are challenged: claims 25 and 26. Both were added during reissue and are reproduced below.²

25. A method of selectively displaying digital information at one or more of a plurality of locations, said method comprising:

² In reproducing these claims, we have reformatted them and removed the italics indicating they were added in the reissue proceeding.

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