UNITED STATES PATENT AND TRADEMARK OFFICE ————— BEFORE THE PATENT TRIAL AND APPEAL BOARD ————— AMAZON.COM, INC.,

v.

Petitioner,

CUSTOMPLAY, LLC,
Patent Owner.

Case IPR2018-01498
Patent 9,380,282

PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	1
	A. The Institution Decision	2
	1. Grounds 1a and 1b	2
	2. Grounds 2a-2b	3
	3. Grounds 3a and 3b	4
II.	OVERVIEW OF THE '282 PATENT	4
	A. The Challenged Claims	5
	B. Prosecution History	5
	C. Concurrent Litigation Between the Parties	7
III.	CLAIM CONSTRUCTION	7
	A. Petitioner's Total Failure to Construe the Claims	7
	B. Patent Owner's Proposed Claim Constructions	7
IV.	THE ASSERTED PRIOR ART REFERENCES	8
	A. McIntire et al., U.S. Publication 2007/0250901 ("McIntire")	8
	B. Dey et al., U.S. Patent No. 6,965,890 ("Dey")	8
	C. Abecassis U.S. Patent No. 6,038,367 ("Abecassis")	8
	D. Bergen et al., U.S. Patent No. 6,956,573 ("Bergen")	9
	E. Reimer et al., U.S. Patent No. 5,696,905 ("Reimer")	9



A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

F. Armstrong et al., U.S. Publication No. 2007/0003223 ("Armstrong")9
V. PETITIONER HAS FAILED TO CARRY ITS BURDEN OF ESTABLISHING A REASONABLE LSIKELIHOOD ON ANY PROPOSED GROUND OF UNPATENTABILITY9
A. The Petition is Fundamentally Flawed9
B. Ground 1a—Petitioner Has Not Carried Its Burden on Obviousness of Claims 4, 9, 12, 14, 16, and 19 in View of McIntire and Dey
1. Claim 4
 a. "retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier that is responsive to a location that is prior to the request location; and"
i. McIntire Is Deficient21
ii. Dey Fails To Remedy McIntire's Deficiencies22
iii. Impermissible Change In McIntire's Principle Of Operation.24
2. Claims 9, 14, 12, and 19
3. Claim 16 - "receiving from the user a request for additional information relating to the information associated with the second video frame identifier; and enabling a displaying of additional information in response to the request for additional information."25
C. Ground 1b—Petitioner Has Not Carried Its Burden on Obviousness of Claims 7, 8, and 18 in View of McIntire, Dey, and Abecassis27



	1. Claim / - "pausing the playing in response to the request for information; resuming the playing at a beginning of a video clip that is responsive to the request location"
	2. Claim 8
	 a. "receiving from the user a request for additional information", "pausing the playing in response to the request for additional information; resuming the playing at a beginning of a video clip that is responsive to the request location."
	3. Claim 18 "pausing the playing in response to the request for additional information; resuming, following a termination of the displaying of additional information, the playing at a beginning of a video clip that is responsive to the request location"
D.	Ground 2a—Petitioner Has Not Carried Its Burden on Obviousness of Claims 4, 9, 12, 14, 16, and 19 in View of Bergen and Reimer31
	1. Claim 4
	a. "identifying a request location that is responsive to the request for information;"
	i. Bergen Fails32
	ii. Petitioner Does Not Establish Obviousness in view of Reimer 35
	iii. Improper Change In the Principle Of Operation36
	b. "retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier that is responsive to a location that is prior to the request location; and"
	c. "displaying information associated with the first video frame identifier, and contemporaneously displaying information associated



	with the second video frame identifier that is different from the information associated with the first video frame identifier."39
	2. Claims 9, 12, 14, 16, and 1940
E.	Ground 2b—Petitioner Has Not Carried Its Burden on Obviousness of Claims 7, 8, and 18 in View of Bergen, Reimer, and Abecassis40
	1. Claim 740
	2. Claim 8
	3. Claim 18
F.	Ground 3a—Petitioner Has Not Carried Its Burden on Obviousness of Claims 4, 9, 12, 14, 16, and 19 in View of Armstrong
	1. Claim 4
	a. "identifying a request location that is responsive to the request for information;"
	b. "retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location,"46
	c. "contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
	d. "displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier."50
	2. Claim 9 - "receiving from the user a request for additional information relating to the information associated with the first video frame identifier; and enabling a displaying of additional information in response to the request for additional information."
	3 Claim 16 59



DOCKET

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.

