

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY INTERACTIVE ENTERTAINMENT LLC,
Petitioner,

v.

INTELLECTUAL PIXELS LIMITED,
Patent Owner.

IPR2020-01248
Patent 8,667,093 B2

Before JENNIFER S. BISK, JENNIFER MEYER CHAGNON, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

AHMED, *Administrative Patent Judge*.

JUDGMENT

Final Written Decision

Determining Some Non-disclaimed Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

Sony Interactive Entertainment LLC (“Petitioner”) requested an *inter partes* review of claims 1–9, 13, and 15–19 of U.S. Patent No. 8,667,093 B2 (Ex. 1001, “the ’093 patent”). Paper 3 (“Petition” or “Pet.”). Intellectual Pixels Limited (“Patent Owner”) filed a Preliminary Response. Paper 9 (“Prelim. Resp.”). In its Preliminary Response, Patent Owner informed us that it had disclaimed claims 5–9, 13, and 15–19. *Id.* at 1, n.1 (citing Ex. 2001 (Notice of Filing a Statutory Disclaimer of Claims in a Patent under 37 C.F.R. § 1.321(a))). Applying the standard set forth in 35 U.S.C. § 314(a), we instituted an *inter partes* review of claims 1–4 (the “Challenged Claims”) of the ’093 patent. Paper 12 (“Inst. Dec.”).

After institution, Patent Owner filed a Patent Owner Response (Paper 19, “PO Resp.”), Petitioner filed a Reply to Patent Owner’s Response (Paper 21, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 28, “PO Sur-reply”). With our authorization (Paper 28), Petitioner filed a Supplemental Reply (Paper 30, “Pet. Supp. Reply”). An oral hearing was held on October 15, 2021, and a copy of the transcript was entered in the record. Paper 37 (“Tr.”).

We have jurisdiction pursuant to 35 U.S.C. § 6. This Decision is a Final Written Decision under 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73 as to the patentability of the claims on which we instituted trial. Petitioner bears the burden of proving unpatentability of the Challenged Claims, and the burden of persuasion never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). To prevail, Petitioner must prove unpatentability by a preponderance of the evidence. *See* 35 U.S.C. § 316(e) (2018); 37 C.F.R. § 42.1(d) (2019).

Having reviewed the arguments and the supporting evidence, we determine

that Petitioner has shown, by a preponderance of the evidence, that claims 1–3 are unpatentable, but has not shown, by a preponderance of the evidence, that claim 4 of the '093 patent is unpatentable.

II. BACKGROUND

A. *Related Proceedings*

The '093 patent is asserted in *Intellectual Pixels Ltd. v. Sony Interactive Entertainment LLC*, No. 8:19-cv-01432 (C.D. Cal. filed July 25, 2019). Pet. 1; Paper 4, 2. That proceeding has been stayed pending resolution of this *inter partes* review. Paper 8, 2.

B. *The '093 Patent (Ex. 1001)*

The '093 patent, titled “Image Display System with Visual Server,” was filed on November 15, 2011, and claims priority to a provisional application filed on January 24, 2001. Ex. 1001, codes (22), (54), (60), (63). The '093 patent issued on March 4, 2014. *Id.* at code (45).

The '093 patent relates to computer graphics and a graphical image display system that uses a visual server to generate and transmit images to clients. *Id.* at 1:19–21. The '093 patent explains that display of three-dimensional (“3D”) images at a client requires dedicated graphics hardware not available on consumer client devices such as personal digital assistants, mobile telephones, and television set-top boxes. *Id.* at 3:9–12. The '093 patent invention seeks to display complex three-dimensional graphics, such as those used by games, on such consumer client devices by utilizing the resources of a visual server. *Id.* at 3:12–17.

Figure 1 of the '093 patent is reproduced below.

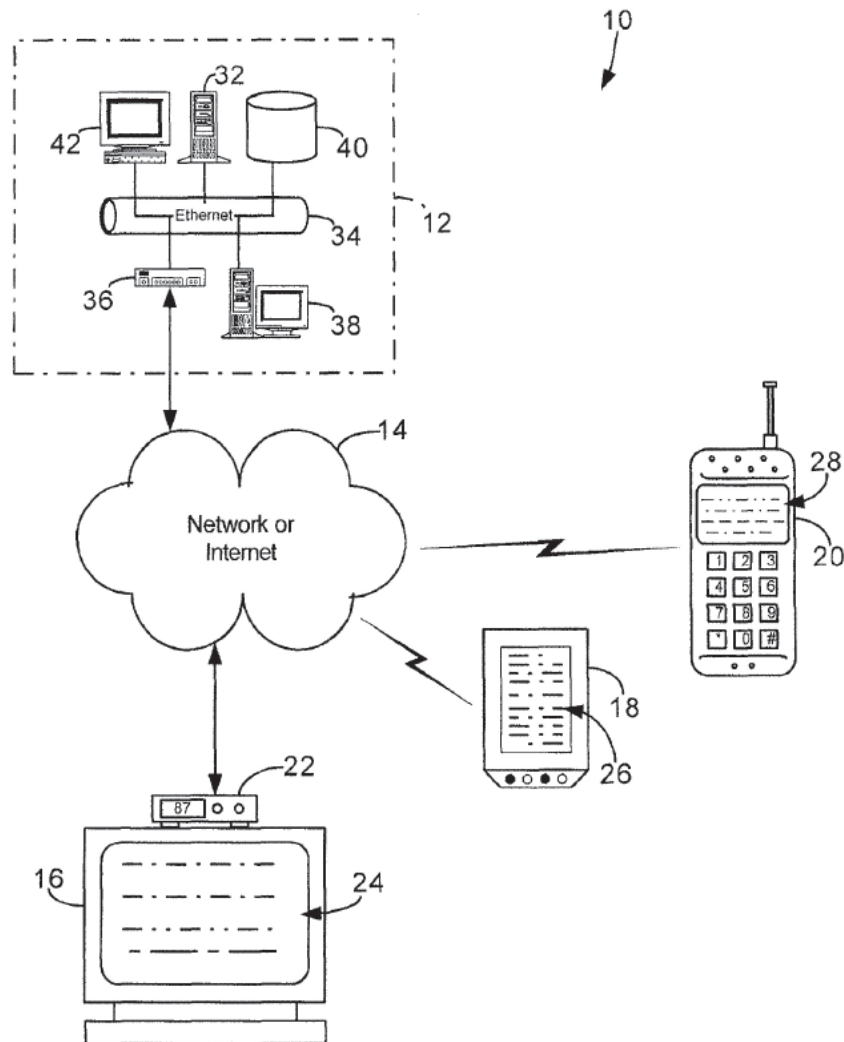


Fig. 1

Figure 1 shows image display system 10 with visual server 12 and associated components in communication with a plurality of clients (*i.e.*, television 16 with set-top box 22, PDA 18, and cellular telephone 20) across a network. *Id.* at 4:61–64; 5:13–29.

The '093 patent explains that the visual server runs standard software, such as games, and further supports software modified to enable control of an application from a client and the delivery of a result of 3D drawing to a

client. *Id.* at 3:26–29. Visual server 12 selectively receives image-modifying data from a client (16, 18, or 20) corresponding to a generated image. *Id.* at 6:3–7. The server then generates a modified image based upon the image-modifying data, compresses the image or image data with a specific compression/decompression algorithm (“codec”), and transmits the compressed data back to the client. *Id.* at 6:7–12. The client decompresses the received image data and displays the image on a display (24, 26, or 28). *Id.* at 6:24–28. The ’093 patent explains that any industry standard codecs, such as MPEG, JPEG, and H.261 may be used to compress data at the server. *Id.* at 6:28–31.

C. Challenged Claims

Petitioner challenges independent claim 1 and dependent claims 2–4. Claim 1 is reproduced below.

1. A method of playing interactive games on a client device having an image display, comprising:
 - sending user input control signals to an application, running on a server, which generates 3-dimensional graphics accordingly;
 - receiving, from said server, said 3-dimensional graphics in the form of a compressed stream of images;
 - decompressing said compressed stream of images into at least one decompressed image at said client device, said at least one decompressed image corresponding to said graphics; and
 - displaying said at least one decompressed image at the display of said client device, wherein said client device does not perform 3-dimensional graphics processing on said at least one decompressed image, and wherein said client device is separate from said server.

Ex. 1001, 9:23–38.

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