

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GOOGLE LLC,  
Petitioner

v.

SAFECAST LIMITED LLC,  
Patent Owner.

**DECLARATION OF HENRY HOUH, PH.D.,  
IN SUPPORT OF PETITIONER'S REPLY**

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## **I. INTRODUCTION**

220. I am the same Dr. Henry Houh that submitted a Declaration in this proceeding in support of Petitioner's Petition for *inter partes* review ("IPR") proceeding of U.S. Patent No. 9,392,302 ("the '302 Patent") (Ex-1001), currently assigned to SafeCast Limited, LLC ("Patent Owner" or "PO"). I submit this Reply Declaration on behalf of Google, LLC ("Google") in response to portions of the Patent Owner's Response.

221. I provide the opinions in this Reply Declaration based on the knowledge and motivations of a POSITA, as further supported by the materials discussed in my Declaration (Ex-1002), including prior art references Plotnick (Ex-1005, including Ex-1006 as incorporated therein) and Parekh (Ex-1007), as well as the materials referenced in this Reply Declaration.

222. I am being compensated at my usual and customary rate of \$680 per hour. No part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

223. For the following reasons, it remains my opinion that Plotnick in combination with Parekh renders obvious the challenged claims of the '302 Patent, and specifically, that a POSITA would have been motivated to combine the teachings of Parekh with the system taught in Plotnick as set forth in Ground 1 of the Petition (Paper 1).

**A. Materials Considered**

224. In forming my opinions, in addition to the references that I already reviewed and listed in my Declaration (Ex-1002), I have reviewed the following additional documents:

| Exhibit | Description                                                                                                                                                                                                                                                                                                                |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex-1041 | FCC 98-36, ET Docket No. 97-206 Technical Requirements to Enable Blocking of Video Programming based on Program Ratings                                                                                                                                                                                                    |
| Ex-1042 | FCC 04-175, MB Docket No. 04-261 Notice of Inquiry                                                                                                                                                                                                                                                                         |
| Ex-1043 | The V-Chip, Options to Restrict What Your Children Watch on TV, Federal Communications Commission, available at <a href="https://www.fcc.gov/consumers/guides/v-chip-putting-restrictions-what-your-children-watch">https://www.fcc.gov/consumers/guides/v-chip-putting-restrictions-what-your-children-watch</a>          |
| Ex-1044 | Lawrie Mifflin, Question Lingers as F.C.C. Prepares V-Chip Standards, The New York Times, available at <a href="https://www.nytimes.com/1998/03/12/business/question-lingers-as-fcc-prepares-v-chip-standards.html">https://www.nytimes.com/1998/03/12/business/question-lingers-as-fcc-prepares-v-chip-standards.html</a> |
| Ex-1045 | Paul Farhi, Parents Not Tuned to V-Chip, Washingtonpost.com, available at <a href="https://www.washingtonpost.com/wp-srv/national/daily/june99/vchip29.htm">https://www.washingtonpost.com/wp-srv/national/daily/june99/vchip29.htm</a>                                                                                    |
| Ex-1046 | David V. Scott, The V-Chip Debate: Blocking Television Sex, Violence, and the First Amendment, Loyola of Los Angeles Entertainment Law Review, available at <a href="https://digitalcommons.lmu.edu/elr/vol16/iss3/5">https://digitalcommons.lmu.edu/elr/vol16/iss3/5</a>                                                  |

**II. MOTIVATION TO COMBINE IMPLEMENT PAREKH'S RULES BASED ON LOCAL BROADCASTING TIME REGULATIONS IN THE TIME-SHIFTED VIEWING SYSTEM OF PLOTNICK**

225. Even before 2010, there was public discussion about the negative impacts of exposing children to harmful TV content and methods to prevent such

exposure. *See* Exs-1041–1046. The risks of such exposure were discussed in a variety of public media, including FCC publications (*see* Exs-1041–1043), the New York Times (Ex-1044), the Washington Post (Ex-1045), and legal publications analyzing the intersection of FCC’s regulatory power and the First Amendment (Ex-1046).

226. Many of these discussions described a known technology called V-chip, which was built to allow parents to program their own parental controls, e.g., based on TV-rating of programming, to prevent certain types of programming from being shown to children. *See* Exs-1041–1046. The V-chip would have been well-known to a POSITA studying and working in the field of multimedia systems.

227. As a result of these widely publicized debates and discussions about how to prevent children from being exposed to inappropriate content and how to implement solutions via TV hardware, a POSITA working on a PVR system would have been motivated to implement the ability to limit improper content from being shown to children. In fact, as Plotnick recognized and taught, due to the time-shifting ability of PVR systems, the appropriateness of ads may change depending on the time of day that the ads are played and the identity of the viewer. Ex-1006 ¶51. A POSITA would have understood that PVR time-shifting functionality created an even higher risk of inappropriate content being shown to children because late night content could be recorded when children were sleeping but played during the

daytime when children were awake. Thus, a POSITA would have been particularly motivated to ensure that PVR time-shifted content is appropriate for the time of day at playback, as Plotnick highlights. *See* Ex-1006 ¶51.

228. And in order to find a standard and/or commonly accepted set of rules for what types of media content should be disallowed and at what times of day, a POSITA would have looked to local broadcasting regulations, like the FCC regulation on timing for indecent and profane content, that represented the type of media content rules and timing that were being broadly applied to television content at the time.

229. Thus, a POSITA would have been motivated to implement the teaching of Parekh to create and implement timing rules based on the timing restrictions set forth in FCC regulations, into the system of Parekh, which also teaches applying timing rules to ensure that ads are appropriate for the time of day that they are played when time-shifted (Ex-1006 ¶51).

### **III. CONCLUSION**

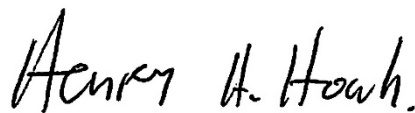
230. In signing this declaration, I recognize that it will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case and that cross-examination will take place within the United

States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

231. I reserve the right to supplement my opinions in the future to respond to any arguments that the Patent Owner raises and to take into account new information as it becomes available to me.

232. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully Submitted,

A handwritten signature in black ink, reading "Henry H. Houh". The signature is written in a cursive, slightly slanted style. The first name "Henry" is larger and more prominent, followed by "H." and then "Houh".

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Dr. Henry Houh