

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

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

v.

B.S.D. CROWN, LTD.,
Patent Owner.

IPR2025-00057
Patent 8,934,887 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

ORDER

Granting Director Review, Vacating the Decision Denying Institution, and
Remanding to the Board for Further Proceedings

Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services LLC (“Petitioner”) filed a request for Director Review of the Decision denying institution (“Decision,” *see* Paper 13) in the above-captioned case, and B.S.D. Crown, Ltd. (“Patent Owner”) filed an authorized response to the request. *See* Paper 14 (“DR Request”); Paper 15. In the request, Petitioner argues that the Board abused its discretion by denying Petitioner’s request to submit a preliminary reply to address Patent Owner’s proposed construction for the term “at least one of the display, the audio, and the hardware (HW) action,” and by adopting Patent Owner’s proposed construction based on erroneous findings of fact. *See* DR Request 1.

Petitioner is correct that the Board appears to have misapprehended Figure 2 of the challenged patent. DR Request 9–10. As Petitioner points out, Figure 2 shows the mobile device receiving only audio data and video data, not audio data, video data, and an HW action, as the Board found. *See* Decision 17; DR Request 9–10. The Board relied in part on this finding to determine that the Federal Circuit’s decision in *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 885–86 (Fed. Cir. 2004) controlled the claim construction in this case.¹ *See* Decision 17. Although there may be sufficient basis for the Board’s claim construction and reliance on *SuperGuide*, because other portions of the Specification the Board identifies

¹ In *SuperGuide*, the Federal Circuit explained that where the claims recited “at least one of” preceding a list of categories of criteria separated by “and” (i.e., “at least one of . . . and”), the plain and ordinary meaning of “and” was conjunctive, and nothing in the patent’s specification rebutted the presumption that the patentee intended to use the plain and ordinary meaning. 358 F.3d at 886.

do not rebut the presumption that the patentee intended the plain and ordinary meaning of “at least one of . . . and,” it is the better course to allow the Board to decide that issue in the first instance. The Board shall allow the parties limited briefing to address this claim construction issue on remand.

Accordingly, Director Review is granted, the Board’s Decision is vacated, and the case is remanded to the Board with instructions to allow additional briefing on the claim construction issue and to construe the disputed claim term.

Absent good cause, the Board shall issue a decision on remand within 30 days after the additional briefing authorized is complete.

In consideration of the foregoing, it is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Board’s Decision Denying Institution of *Inter Partes* Review (Paper 13) is vacated; and

FURTHER ORDERED that the case is remanded to the Board for further proceedings consistent with this decision.

IPR2025-00057
Patent 8,934,887 B2

For PETITIONER:

Jessica Kaiser
Jonathan Carter
Atanas Baitchev
PERKINS COIE LLP
kaiser-ptab@perkinscoie.com
carter-ptab@perkinscoie.com
baitchev-ptab@perkinscoie.com

For PATENT OWNER:

Wayne M. Helge
James T. Wilson
BUNSOW DE MORY LLP
whelge@bdiplaw.com
jwilson@bdiplaw.com