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3:05-CV-01796 MATSUSHITA ELECTRIC V. GUARDIAN MEDIA TECH

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

MATSUSHITA ELECTRIC INDUSTRIAL  
CO., LTD. AND VICTOR COMPANY OF  
JAPAN, LTD.,

Plaintiffs,

v.

GUARDIAN MEDIA TECHNOLOGIES, LTD.,

Defendant.

Case No.: \_\_\_\_\_

**COMPLAINT FOR  
DECLARATORY JUDGMENT OF  
INVALIDITY,  
NONINFRINGEMENT AND  
UNENFORCEABILITY OF U.S.  
PATENT NOS. 4,930,158 AND  
4,930,160**

Plaintiffs Matsushita Electric Industrial Co., Ltd. ("Matsushita") and Victor Company Of Japan, Ltd., ("JVC") for their Complaint against Guardian Media Technologies, Ltd. ("Guardian"), allege based on personal belief as to Matsushita and JVC and on information and belief as to the conduct of Guardian, as follows:

**The Parties**

1. Matsushita is a Japanese corporation having an office at 1006 Oaza Kadoma, Kadoma City, Osaka 571-8501, Japan.

2. JVC is a Japanese corporation having an office at 12, 3-chome, Moriya-cho, Kanagawa-ku, Yokohama, Japan 221-8528. JVC is a majority-owned subsidiary of Matsushita.

3. Guardian is a domestic limited partnership organized under the laws of the State of Texas.

4. Guardian has a principal office in the United States where its records are kept or made available at 4130 La Jolla Village Drive, Suite 107-121, La Jolla, CA 92037.

5. Guardian has a principal place of business at 4130 La Jolla Village Drive, Suite 107-121, La Jolla, CA 92037.

6. The general partners of Guardian are GMT Management Co. and Sightguardian, Inc., both of which have a place of business at 4130 La Jolla Village Drive, Suite 107-121, La Jolla, CA 92037.

7. Guardian purports to own U.S. Patent No. 4,930,158 ("the '158 Patent"), entitled "Selective Video Playing System," a copy of which is attached as Exhibit A.

8. Guardian also purports to own U.S. Patent No. 4,930,160 ("the '160 Patent"), entitled "Automatic Censorship of Video Programs," a copy of which is attached as Exhibit B.

#### **Nature of Action**

9. This is an action seeking a declaratory judgment that Matsushita and JVC do not infringe any valid, enforceable claim of the '158 Patent or the '160 Patent (collectively, "the Guardian Patents").

#### **Jurisdiction and Venue**

10. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that it involves substantial claims arising under the United States Patent Act, 35 U.S.C. § 1 et seq.

11. This Court may declare the rights and other legal relations of the parties pursuant to 28 U.S.C. §§ 2201 and 2202 because this is a case of actual controversy within the Court's jurisdiction seeking a declaratory judgment that the Guardian Patents are invalid, not infringed and unenforceable.

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12. Personal jurisdiction exists over Guardian at least because Guardian has a principal place of business within this District.

13. Venue is proper in this District under 28 U.S.C. §§ 1391(b) because Guardian resides, and is subject to personal jurisdiction, in this District.

### Actual Controversy

14. Matsushita designs, manufactures and sells, among other things, television receivers and DVD products, which are sold in the United States under its well-known brand name "Panasonic." Matsushita sells its Panasonic brand products in the United States through its wholly-owned United States subsidiary, Panasonic Corporation of North America, formally known as Matsushita Electric Corporation of America ("Panasonic"). Some of the Panasonic television receivers and DVD products include parental rating control technology.

15. JVC designs manufactures and sells, among other things, television receivers and DVD products, which are sold in the United States under its well-known brand name “JVC.” JVC sells its JVC brand products in the United States through its wholly-owned United States subsidiary, JVC Americas Corporation (“JVC Americas”). Some of the JVC television receivers and DVD products include parental rating control technology.

16. Peter S. Vogel ("Mr. Vogel"), sole named inventor of both the Guardian Patents, owned and/or controlled the Guardian Patents at least through November 28, 2003.

17. In a letter dated September 9, 1999 addressed to "Panasonic", Mr. Vogel, through his representative Jack Schwartz, Esq., ("Mr. Schwartz") alleged that Matsushita and Panasonic infringed the Guardian Patents by certain of their activities related to the manufacture and sale of television receivers and DVD products that contain parental rating control technology. In a letter dated September 29, 1999, addressed to JVC Americas, the same allegations were made with respect to "JVC electronic products."

18. Matsushita responded to the September 9, 1999 letter on September 22, 1999, advising Mr. Schwartz that an investigation had begun into the matter and requesting claim charts.

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1           19. Mr. Schwartz provided claim charts to Matsushita in a letter dated November 5,  
2 1999 which purported to establish that Matsushita television receivers and DVD products  
3 infringed claims of the Guardian Patents.

4           20. Correspondence regarding the Guardian Patents continued to be exchanged  
5 between Matsushita and its patent counsel and Mr. Schwartz through April 20, 2000.

6           21. In a letter dated April 20, 2000, Matsushita's patent counsel advised Mr. Schwartz  
7 that the accused Matsushita television receivers and DVD products did not infringe a valid  
8 asserted claim of the Guardian Patents.

9           22. Neither Matsushita nor its patent counsel received a response from either  
10 Mr. Schwartz or Mr. Vogel to its April 20, 2000 letter to Mr. Schwartz.

11           23. JVC responded to the September 29, 1999 letter from Mr. Schwartz on  
12 October 15, 1999. JVC exchanged correspondence with Mr. Schwartz through February 2, 2000,  
13 after which the exchange of correspondence stopped.

14           24. After a delay of over four years, Guardian's counsel, Michael S. Dowler, Esq.  
15 ("Mr. Dowler") contacted Matsushita by letter dated September 2, 2004, offering to license the  
16 Guardian Patents and the foreign counterparts to these patents. In that letter, Mr. Dowler alleged  
17 that the Guardian Patents relate to the parental control feature which is included in television  
18 receivers and DVD players sold by Matsushita in the United States and elsewhere throughout the  
19 world. Substantially the same letter, dated August 23, 2004, was received by JVC.

20           25. Following an exchange of correspondence, on November 2, 2004, Matsushita  
21 requested that Mr. Dowler identify the products which Guardian believed were related to the  
22 Guardian Patents and provide documents showing the relationship between the Guardian Patents  
23 and the Matsushita products. On November 15, 2004, Mr. Dowler responded to Matsushita's  
24 November 2, 2004 letter, stating that every product which Matsushita sells in the United States  
25 which incorporates the parental control feature is covered by the Guardian Patents, providing a  
26 list of such products and claim charts demonstrating why representative products allegedly  
27 infringed claims of the Guardian Patents.

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26. After exchanging correspondence, JVC informed Mr. Dowler, by a letter dated December 16, 2004, that further communications regarding Guardian's assertion of the Guardian Patents was being handled by patent counsel representing its parent, Matsushita.

27. Following an exchange of additional correspondence, patent counsel for Matsushita and JVC wrote to Mr. Dowler on January 6, 2005, reminding Mr. Dowler of the prior assertion of the Guardian Patents by Mr. Schwartz and the April 20, 2000 letter directed to Mr. Schwartz which concluded that there was no infringement of any valid asserted claim of the Guardian Patents.

28. On April 5, 2005, following a further exchange of correspondence, Mr. Dowler commented on the April 20, 2000 letter sent to Mr. Schwartz. In his April 5, 2005 letter, Mr. Dowler stated that he disagreed with the conclusions set forth in the April 20, 2000 letter to Mr. Schwartz and that the claims of the Guardian Patents were not invalid in view of prior art references referred to in the April 20, 2000 letter.

29. On April 15, 2005, patent counsel for Matsushita and JVC responded to Mr. Dowler's April 5, 2005 letter advising that "your arguments are not supported by the disclosures of the Vogel '158 and '160 Patents and the relevant disclosures in the prior art '782 Publication and the prior art Chard '964 Patent. Therefore, there is nothing in your letter which changes our conclusions that the Vogel '158 and '160 Patents (as well as the United Kingdom and Australia counterparts) are anticipated and therefore invalid, 35 U.S.C. § 102."

30. Following a further exchange of correspondence and a meeting with Mr. Dowler, on July 20, 2005, Mr. Dowler responded to the April 15, 2005 letter, again providing arguments as to why the prior art did not invalidate the claims of the Guardian Patents. In the July 20, 2005 letter, Guardian offered Matsushita and JVC a fully paid up license to the Guardian Patents. The letter stated that “[T]his is a one time offer and will expire on September 15, 2005.”

## Summary

31. As a result of Guardian's allegations and general course of conduct, Matsushita and JVC have a reasonable apprehension that Guardian will file suit against Matsushita and JVC. An actual controversy exists between Matsushita and JVC on the one hand and Guardian on the

1 other as to whether Matsushita and JVC infringe any valid and enforceable claim of the Guardian  
2 Patents by manufacturing and/or selling Matsushita and JVC television receivers and/or DVD  
3 products, respectively.

4 **Count I**

5 **Declaratory Judgment of Non-Infringement**

6 32. Matsushita and JVC incorporate by reference, as though fully set forth herein, the  
7 allegations contained in paragraphs 1-31 of this Complaint.

8 33. The manufacture, use, offer for sale and/or sale in the United States of any of  
9 Matsushita and JVC television receivers or DVD products does not directly infringe any valid  
10 claim of the Guardian Patents, either literally or under the doctrine of equivalents.

11 34. Matsushita and JVC do not contribute to the infringement of, or induce others to  
12 infringe the Guardian Patents.

13 **Count II**

14 **Declaratory Judgment of Patent Invalidity**

15 35. Matsushita and JVC incorporate by reference, as though fully set forth herein, the  
16 allegations contained in paragraphs 1-34 of this Complaint.

17 36. Each claim of the Guardian Patents is invalid for failure to comply with one or  
18 more of the requirements of Title 35, United States Code, including, but not limited to, 35 U.S.C.  
19 §§ 102, 103, and 112.

20 **Count III**

21 **Declaratory Judgment of Laches**

22 37. Matsushita and JVC incorporate by reference, as though fully set forth herein, the  
23 allegations contained in paragraphs 1-36 of this Complaint.

24 38. Mr. Vogel knew of Matsushita and JVC's allegedly infringing activity at least as  
25 early as September 9, 1999 and August 23, 1999, respectively.

26 39. The patent owner's delay in bringing suit against Matsushita and JVC is  
27 unreasonable and inexcusable.

28 40. Matsushita and JVC suffered material prejudice attributable to the delay.

41. Guardian is precluded from recovering any damages of any kind, for any past infringement, because the equitable doctrine of laches applies.

**Count IV**

**Declaratory Judgment of Unenforceability – Equitable Estoppel**

42. Matsushita and JVC incorporate by reference, as though fully set forth herein, the allegations contained in paragraphs 1-41 of this Complaint.

43. Between April 20, 2000 and September 2, 2004, neither Guardian nor any previous owner of the Guardian Patents suggested to Matsushita that the manufacture, use, or sale of any of Matsushita's television receivers or DVD products would infringe the Guardian Patents.

44. After April 20, 2000, Matsushita continued to manufacture and sell television receivers and DVD products under the reasonable belief that the owner of the Guardian Patents would not allege that the manufacture, use, or sale of Matsushita television receivers or DVD products infringed any valid claim of the Guardian Patents.

45. Between February 2, 2000 and August 23, 2004, neither Guardian nor any previous owner of the Guardian Patents suggested to JVC that the manufacture, use, or sale of any of JVC's television receivers or DVD products would infringe the Guardian Patents.

46. After February 2, 2000, JVC continued to manufacture and sell television receivers and DVD products under the reasonable belief that the owner of the Guardian Patents would not allege that the manufacture, use, or sale of JVC television receivers or DVD products infringed any valid claim of the Guardian Patents.

47. Matsushita and JVC relied on the patent owner's misleading conduct.

48. Due to its reliance on the patent owner's misleading conduct, Matsushita and JVC will be materially prejudiced if Guardian is allowed to proceed with a claim of infringement.

49. Each of the Guardian Patents is now unenforceable with respect to Matsushita and JVC because the doctrine of equitable estoppel applies.

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Prayer for Relief

WHEREFORE, Matsushita and JVC respectfully request:

- A. A Declaratory Judgment that each claim of the Guardian Patents is invalid;
- B. A Declaratory Judgment that Matsushita and JVC are not liable for directly infringing, or contributing to or inducing the infringement of any claim of the Guardian Patents;
- C. A Declaratory Judgment that no damages for past infringement acts by Matsushita and JVC of the Guardian Patents can be recovered because such damages are barred by the equitable doctrine of laches;
- D. A Declaratory Judgment that each of the Guardian Patents is unenforceable with respect to Matsushita and JVC because of the doctrine of equitable estoppel; and
- E. Such further relief as the Court may deem just and proper.

DATED: September 16, 2005.

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**TABLE OF EXHIBITS**

<b>EXHIBIT</b>	<b>PAGE</b>	<b>DESCRIPTION</b>
A	1-11	U.S. Patent No. 4,930,158 entitled "Selective Video Playing System"
B	12-21	U.S. Patent No. 4,930,160 entitled "Automatic Censorship of Video Programs"



# United States Patent {19}

Vogel

[11] Patent Number: 4,930,158

[45] Date of Patent: May 29, 1990

## [54] SELECTIVE VIDEO PLAYING SYSTEM

[76] Inventor: Peter S. Vogel, 28 Adeline St.,  
Faulconbridge, NSW 2776, Australia

[21] Appl. No.: 237,175

[22] Filed: Aug. 29, 1988

## [30] Foreign Application Priority Data

Sep. 2, 1987 [AU] Australia ..... PI4107

[51] Int. Cl. .... H04N 7/16

[52] U.S. Cl. .... 380/5; 380/20;  
380/23; 358/349[58] Field of Search ..... 380/3, 5; 358/349;  
340/825.31, 825.34

## [56] References Cited

## U.S. PATENT DOCUMENTS

4,225,884	9/1980	Block et al.	380/20
4,528,588	7/1985	Löfberg	358/349
4,595,950	6/1986	Löfberg	380/5
4,670,857	6/1987	Rackman	380/5 X

## OTHER PUBLICATIONS

Rae Atkey, "How You Can Censor Your Child's TV Viewing", The News Editorial (Adelaide) 8/25/1986.

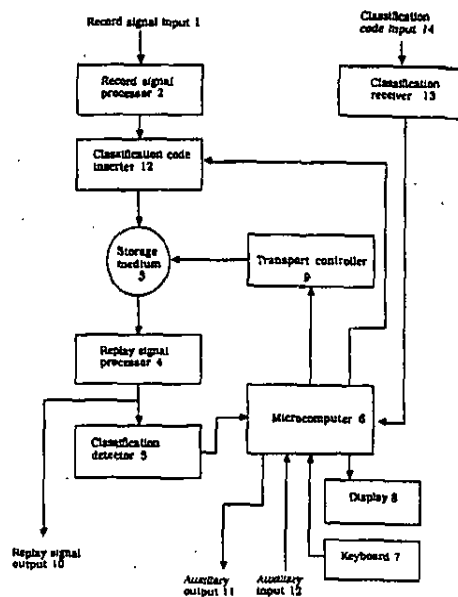
Primary Examiner—Stephen C. Buczinski

Assistant Examiner—Bernarr Earl Gregory

## [57] ABSTRACT

A classification code, recorded repeatedly along with program material, is recovered on playing a video recording, and used to inhibit replay if the recovered code matches any of a set of codes specified by the user. The codes which cause replay to be inhibited can be set by the user after entering a personal identity number. The user can optionally request that a code be recorded when recording a program. Signals are optionally provided so that an auxiliary device, such as a second video player, can be controlled in response to codes recovered. One application is to prevent children viewing certain video recordings without parental permission.

22 Claims, 5 Drawing Sheets



EXHIBIT

A

U.S. Patent May 29, 1990

Sheet 1 of 5

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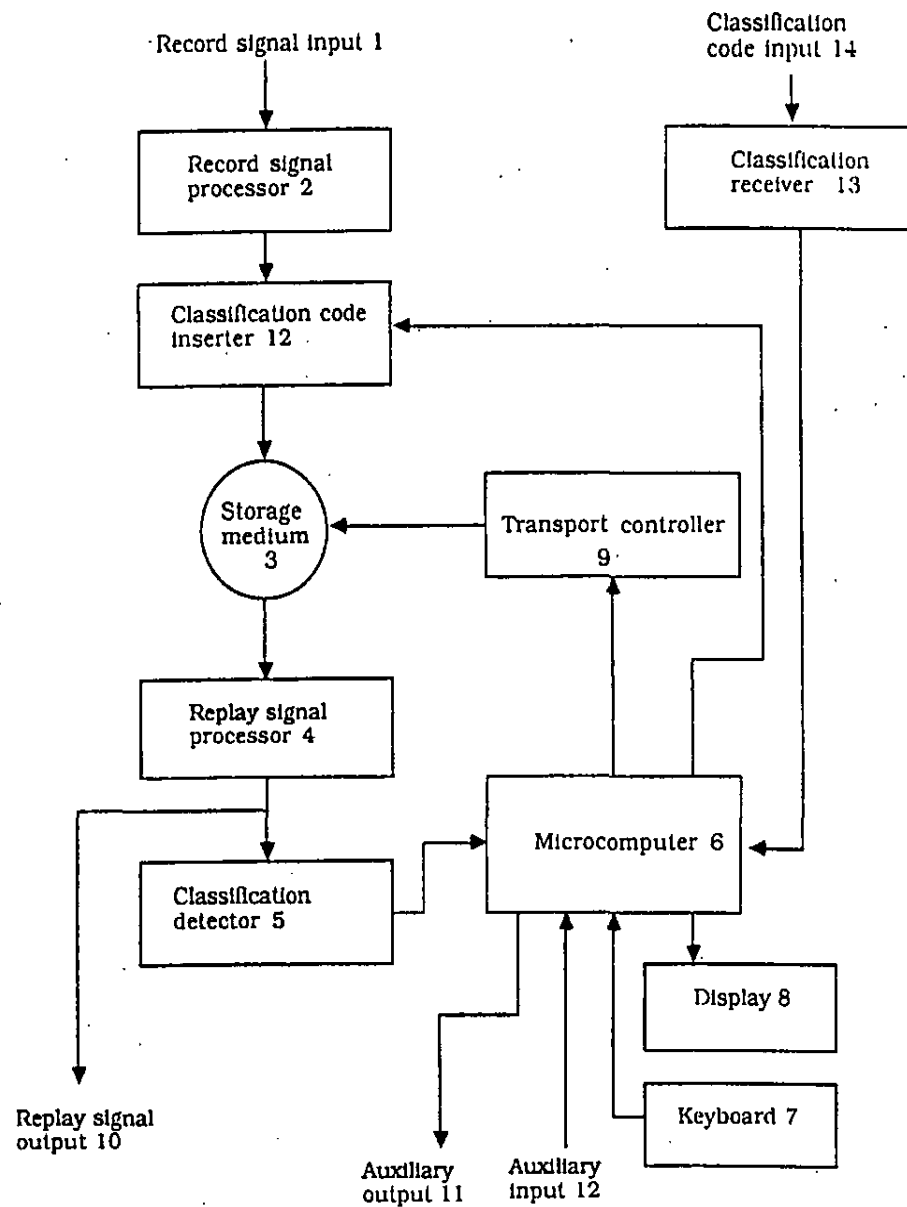


Fig. 1

U.S. Patent

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OPERATIONAL LOOP

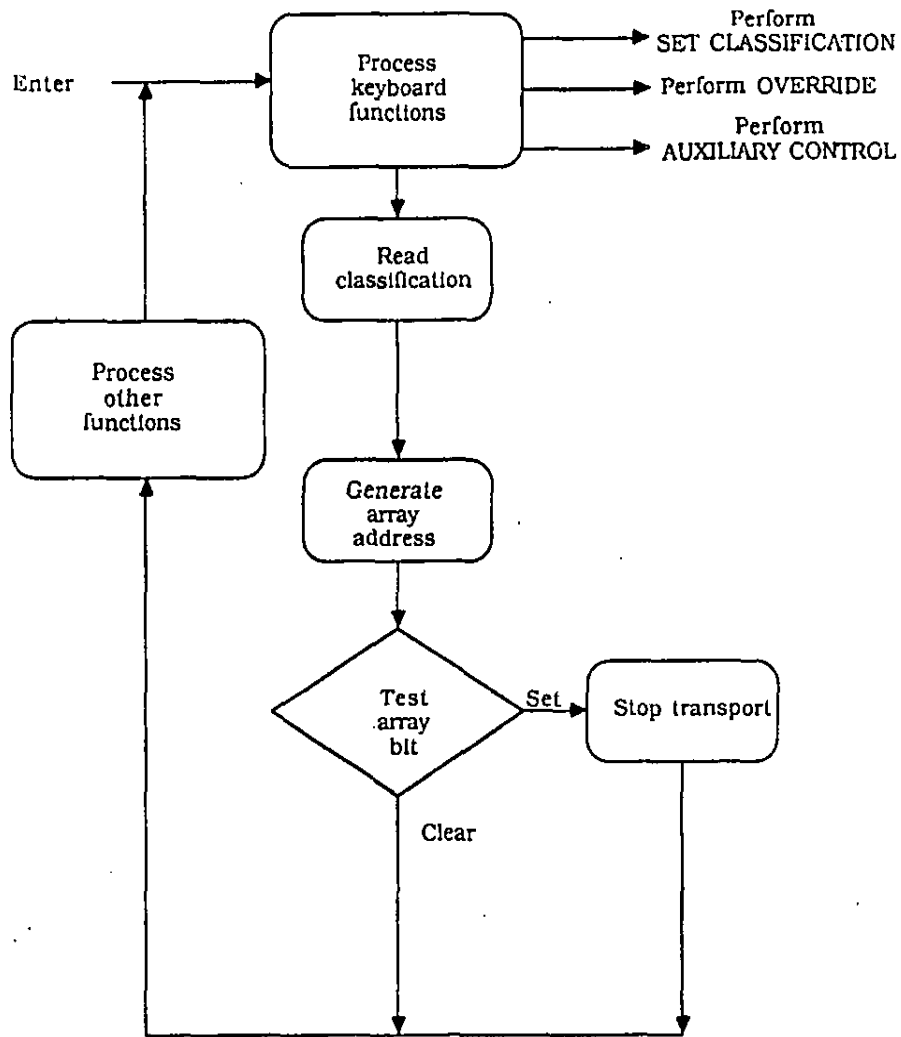


Fig. 2

U.S. Patent

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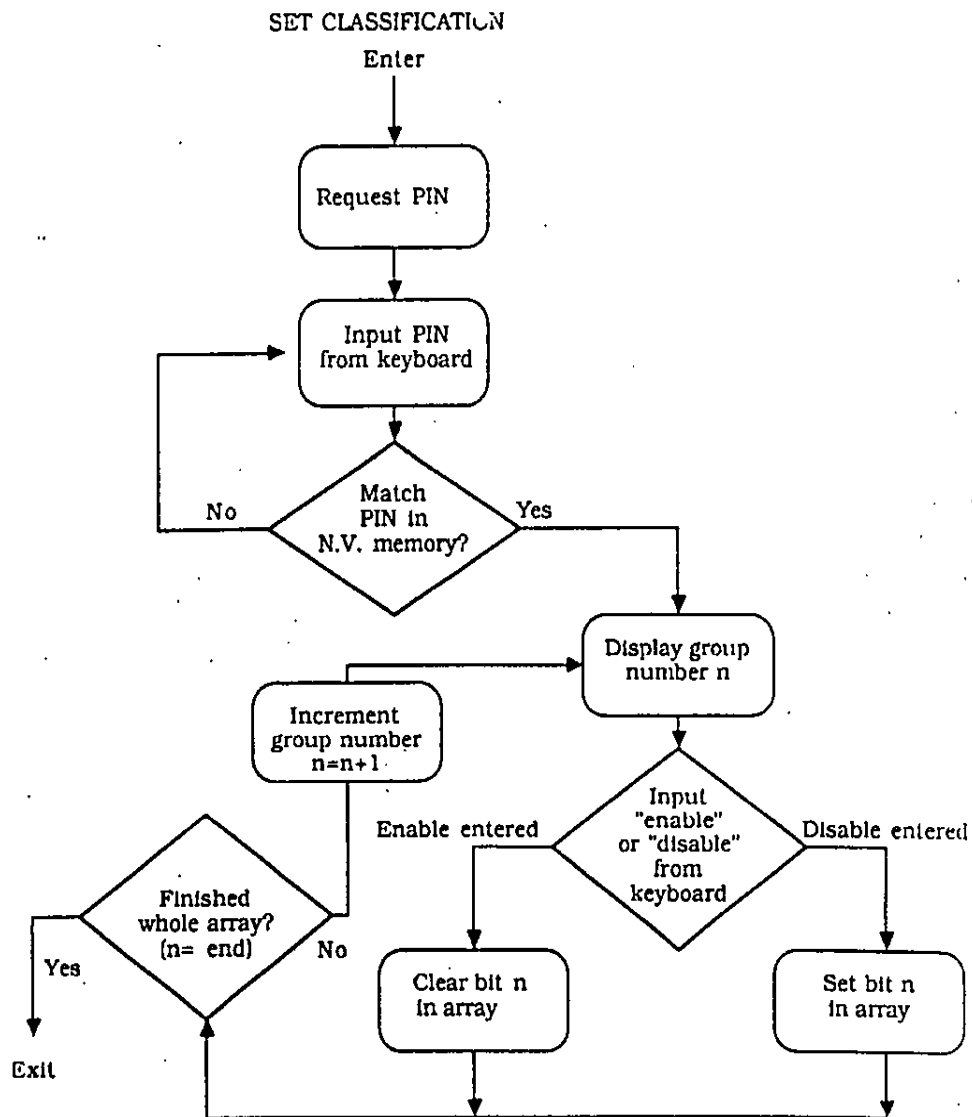


Fig. 3

U.S. Patent

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OVERRIDE

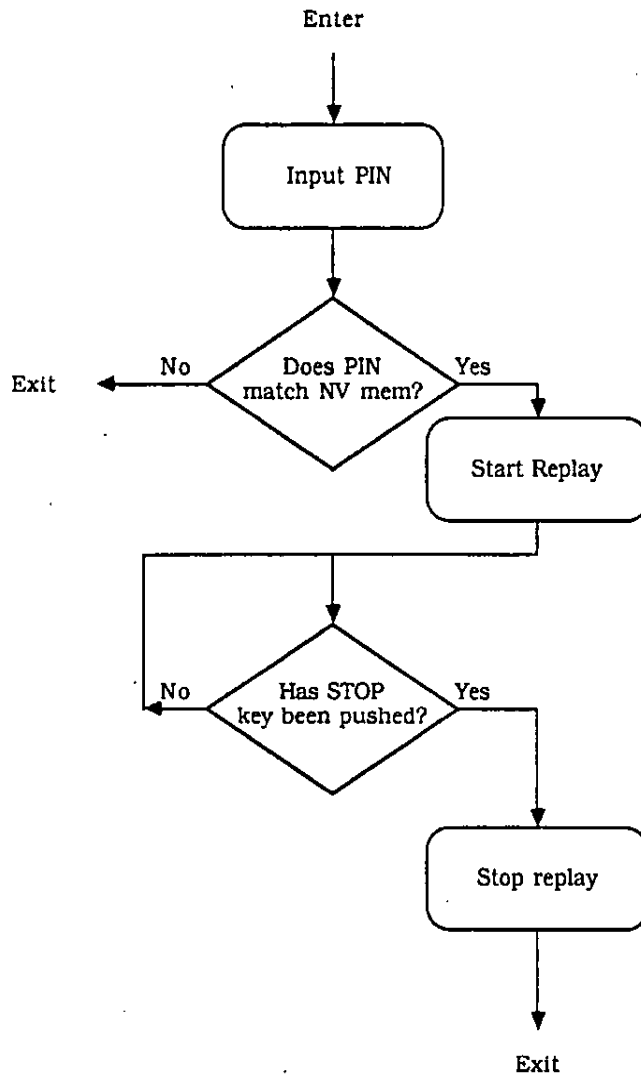


Fig. 4



U.S. Patent

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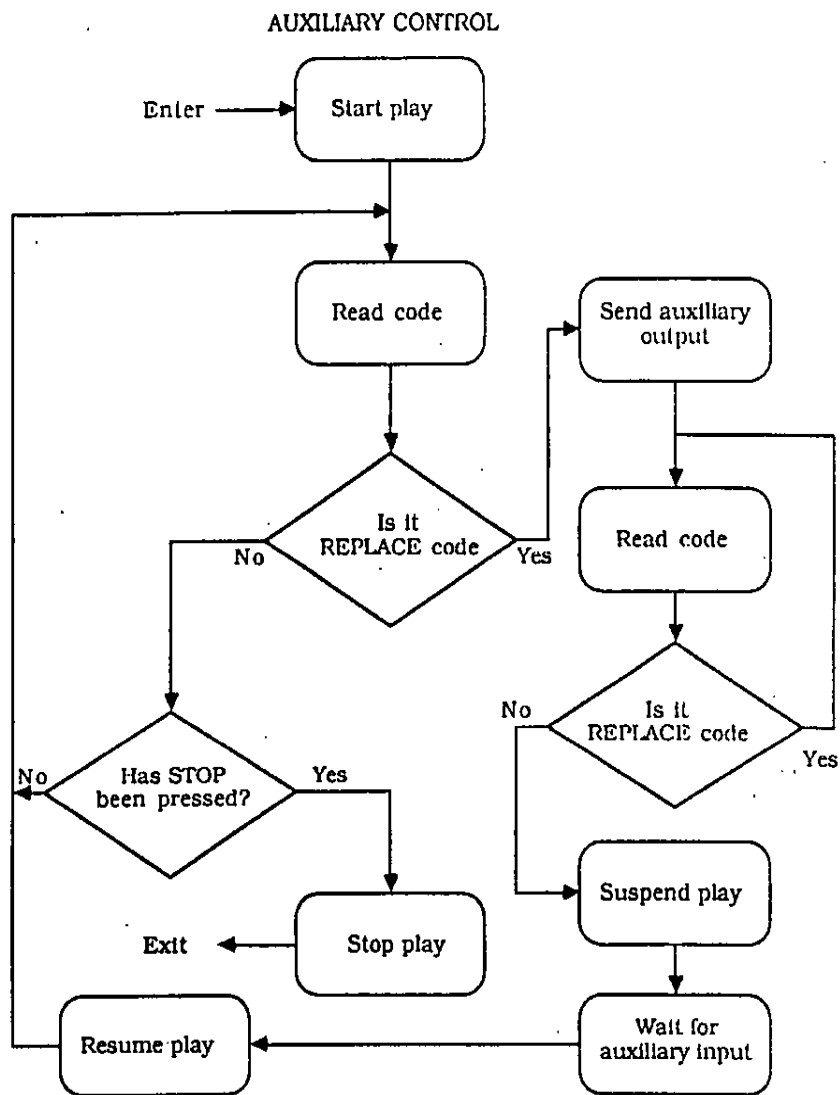


Fig. 5

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## SELECTIVE VIDEO PLAYING SYSTEM

### FIELD OF THE INVENTION

The present invention relates to methods of, and apparatus for, controlling the playing of video programs recorded on tape or other storage medium. The term video program also includes an accompanying audio signal if any.

### BACKGROUND OF THE INVENTION

With the ready availability of video tape recordings and domestic equipment upon which they can be played, there is a need to restrict access of certain groups of people to certain classes of program. For example it might be desired to prevent children viewing certain classes of material, for example pornographic or violent movies. Traditionally, such security needs have been addressed by physically preventing unauthorized persons from having access to restricted recordings. This method is becoming less practical as the availability of both videotapes and machines to play them increases. For example, parents who wish to have pornographic videotapes in the home, for adult viewing only, risks a child finding the tape and playing it in the parent's absence.

It is therefore desirable to provide means whereby display of preselected classifications of program material can be viewed only by authorized persons.

Arrangements for making video programs available to only authorized viewers have long been used in the context of subscription television services and the like. These schemes commonly use a form of scrambling to make the signal unintelligible except to authorized persons in possession of appropriate un-scrambling means. While it would be possible to apply similar techniques to video programs, for example scrambling pornographic movies, this would have the undesired consequence of rendering these tapes unusable to all persons who do not have special replay means. For many purposes, such as the domestic situation cited above, it is desirable that in the default condition, that is when using standard equipment, the tape plays normally. This means that a specially equipped tape player is only required if it is desired to take advantage of the restricted viewing capability.

Prior-art video security means have also been directed to providing control of viewer access by the party from whom the program originates. This is not always satisfactory, for example in the case of parental control of children's viewing, it is desirable that the parent, rather than the publisher or supplier of the video tape, be able to select whether a given tape will be viewable or not.

### SUMMARY OF THE INVENTION

The present invention is directed to providing novel and improved means and method of controlling the playing of video recordings whereby authorized persons can select which classifications of material can be viewed.

According to a first aspect of the present invention, there is provided a video recording playing method comprising the steps of replaying a video program, recovering from the replayed signal a classification code accompanying the recording, comparing the recovered classification signal to a set of user-selected classifications, and depending on the result of this com-

parison, causing the replay of the program to be suspended or terminated.

According to a second aspect of this inventive concept, apparatus for playing a video recording is provided, comprising video recording replay means, classification code detector means, a comparator equipped to compare the recovered classification code to a set of user-selected classifications, and a controller capable of causing suspension or termination of replay on detection at the output of the comparator a signal indicating equality between the recovered classification code and a set of user-selected classifications.

Some embodiments of this invention also include an arrangement for enabling access to selection of classifications which are to cause suspension or termination of replay only after entering a security code, or personal identification number (PIN), by the user.

In the case of commercially pre-recorded video tapes, the classification code is recorded before distribution to the consumer, for example by the publisher or duplicator of the recordings. In cases where it is desired to control viewing of material recorded privately, for example off-air or by camera, recording means for combining a classification code with the recorded program can be provided as well.

### BRIEF DESCRIPTION OF THE DRAWINGS

An embodiment of the present invention will now be described, by way of example only, with reference to the drawings in which:

FIG. 1 is a schematic block diagram of an embodiment of the invention which includes means for optionally recording classification and program;

FIG. 2 is a schematic diagram of the operational loop of the programme executed by the microcomputer of this embodiment;

FIG. 3 is a schematic diagram of the software used for selecting which classifications cause suspension or termination of playing;

FIG. 4 is a schematic diagram of the software used for overriding the suspension or termination function; and

FIG. 5 is a schematic block diagram of the software used for control of auxiliary devices.

### DETAILED DESCRIPTION

As seen in FIG. 1 this embodiment of the invention comprises the conventional components of a video recorder/player (commonly known as VCR), including record signal processor 2, replay signal processor 4, transport controller 9 and storage medium 3, which is typically a video cassette, but may also be a video disk or any other suitable storage medium.

The operation of this embodiment relies on the presence of a program classification code within the video signal. This can be provided in a number of well known ways which ensure that the presence of such codes do not interfere with the normal viewing of video programs. The method used in this embodiment is encoding of a digital word in the form of black and white transitions located on line 16 of the video signal. This position is chosen so as to be invisible on the CRT display. The technology for this form of signalling is well known, being commonly used for data broadcasting services such as Teletext.

For the purpose of recording a program and inserting a classification code for later use by the invention, clas-

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sification code inserter 12 inserts a code, dictated by microcomputer 6, into line 16 of the video signal as it is recorded.

Classification detector 5 extracts line 16 from the replay signal, and presents the code found therein to an input of microcomputer 6.

Microcomputer 6 is self-contained "single chip computer" including RAM, ROM, IO ports, CPU and NV (non-volatile) memory. Microcomputer 6 may also perform many other functions required by the VCR, in addition to those specific to this invention. One of the output ports of microcomputer 6 controls transport controller 9. Other ports read data from keyboard 7 and send data to display 8.

Keyboard 7 is a press-button key array, which contains keys for control of all the usual VCR functions, as well as special keys used by this invention. The special keys include a SET CLASSIFICATION key, used for entering the classifications of undesired material, and an OVERRIDE key, used to disable the selective playing function and play a recording irrespective of classification. The channel selection keys commonly found on VCRs are used in this embodiment to serve the double purpose of allowing the user to enter a PIN (personal identity number). Similarly, the other keys of the VCR can serve double functions if desired.

Display 8 is used to signal the user as required. In this embodiment it comprises an eight character liquid crystal display. In other embodiments other forms of display can be used, including single LEDs or a video character generator which causes characters to be superimposed on the CRT display.

The selective viewing function of the invention is performed by the arrangement of FIG. 1 executing the program described schematically in FIG. 2 while a recordings is being played.

Referring now to FIG. 2, the program starts by scanning the keyboard to test for a key depression. If no key is pressed, the classification code, arriving from classification detector 5, is read, and an address is generated as a function of the code. A table is stored in the memory of microcomputer 6, the address of each data bit of the table corresponding to a unique classification code, and the state of each bit so addressed indicating the classification status, namely ENABLED or DISABLED. A set bit indicates DISABLED, while a clear bit indicates ENABLED. Having generated an address from the received code, microcomputer 6 then applies this address to the table, and tests the corresponding data bit. If the bit is set, microcomputer 6 signals transport controller 9 to stop replay. If the bit is clear, playing continues uninterrupted. This procedure is repeated as a loop at high speed, so that playing is quickly terminated on receipt of a classification code corresponding to undesired program content.

In order to allow authorised users to select whether a given classification code is to be enabled or disabled, the program of FIG. 2 also continually scans the keyboard, testing for depression of the SET CLASSIFICATION key. If this key is pressed, the SET CLASSIFICATION routine is performed, according to FIG. 3.

Referring now to FIG. 3, when the SET CLASSIFICATION key has been pressed, microcomputer 6 first requests, via display 8, that the user enter a PIN (personal identity number). A number is then input, in this embodiment three digits being used for security, and compared to the PIN stored in the NV memory of microcomputer 6. If the number does not match, the

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request is repeated. If the number does match, the first classification group number is displayed, and the user is requested to enter enable or disable, using two designated keys of keyboard 7. If enable is entered, the first bit of the code array is cleared. If disable is entered, the bit is set. A test is then performed to see whether the whole array has been programmed. If it has, control is returned to the operational loop, if not, the next array element is addressed, and the input cycle repeated for the next classification code.

In this embodiment the array comprises three bits, corresponding to the classifications:

1. Violent
2. Sexually explicit
3. Adult only

The coding scheme of this embodiment uses an eight bit word, so that up to 256 classifications can be supported. The 253 unused bits of the array are cleared, so that all classifications other than the three listed above are always playable. If desired, this range of classifications can be extended greatly, by increasing the size of the memory array.

When an authorised person, for example a parent, desires to watch a program of disabled classification, it may be inconvenient to re-define the classifications enabled. For convenience, this embodiment provides an override function, which is invoked by pressing the OVERRIDE key of keyboard 7. Depression of this key is detected by the test in the operational loop of FIG. 2, and results in the execution of the override routine of FIG. 4.

Referring to FIG. 4, on entry to the override routine, the PIN is requested from the user. If the PIN does not match the number stored in NV memory, the routine terminates. If the correct PIN has been entered, replay is started, and the program continues looping until the STOP key is pressed, with the result that replay continues until the STOP key is pressed, irrespective of classification.

The operation so far described assumes that the tape being played has been processed so that a classification code is included in the video signal. This is applicable, for example, to pre-recorded tapes which are available for rental, and which have been provided with suitable codes by the supplier. This will also occur if the broadcaster of a program being recorded off-air has included a suitable code in the transmission. In cases where a recording is made of a program which does not contain the code, it is possible, using this embodiment, to include a code in the recording, for subsequent use in restricting viewing.

One way this can be achieved is by entering a code, using keyboard 7, prior to or during recording. Microcomputer 6 sends the input code to classification code inserter 12, where the code is combined with the video signal being recorded. This mode is useful if, for example, a pornographic movie is being recorded off-air by a parent who desires that the children of the household will not be able to replay it.

Another way codes can be recorded is to receive them from a remote source, such as a station where broadcast programs are being monitored and appropriate classifications are being transmitted. In this case, the classification code arriving at classification code input 14 is received by classification receiver 13, which presents the received classification to an input of microcomputer 6. Microcomputer 6 then instructs classification inserter 12 to insert the current code into the recorded

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signal. An application of this technique is to record programs and classifications in cases where classifications might change from time to time, or where the person operating the VCR is not present during the whole recording and is therefore not able to enter classifications manually.

The selective playing function described above is directed to simply terminating replay of a tape which is of a prohibited classification. This is a desirable capability if, for example, the objective is to prevent children watching pornographic tapes. A further capability of the invention, directed to providing means for replacing unwanted program with programme from another source, will now be described.

Referring again to FIG. 1, microcomputer 6 is provided with auxiliary output 11 and auxiliary input 12, which are used under control of the programs shown schematically in FIG. 5 to provide substitution of alternative programme on detection of prescribed codes.

Referring now also to FIG. 5, on entry to the auxiliary control program, microcomputer 6 starts playing. The detected classification code, recovered from the recording, is then read, and unless the code is a code designated as "REPLACE", the process is repeated until the STOP key is pressed. If a REPLACE code is detected, a signal is sent to auxiliary output 11. On receipt of this signal, an auxiliary device, such as another VCR, responds by playing another recording, and an auxiliary switching device selects the substitute material to be displayed instead of the signal from replay signal output 10. Microcomputer 6 continues reading replayed codes from classification detector 5 until the REPLACE code is no longer detected, at which time microcomputer 6 suspends replay by issuing a suitable command to transport controller 9. The main program tape is now positioned beyond the material to be replaced and ready to resume playing the desired program. When the auxiliary device has finished replaying the substitute program, it sends a signal to auxiliary input 12, which is received by microcomputer 6 which causes replay of the first program to resume. In some cases it may be desirable to advance quickly through unwanted program carrying the REPLACE code, for example using the fast-forward or picture-search capabilities of the transport mechanism. An application of this substitution capability of this embodiment is replacing advertisements within a recorded program with alternative advertisements or information. In this case, the auxiliary device can be a VCR which plays a recording comprising a number of advertisements or messages, each of which is longer in duration than the material to be replaced, ensuring that the main program into which the alternative material is to be inserted resumes without interruption on receipt of the auxiliary input signal at the conclusion of the inserted segment. The main program can consist of a number of segments separated by advertisements to be substituted, carrying REPLACE code, or by short breaks of, say, black program carrying REPLACE code.

The foregoing describes only some embodiments of the invention and modifications, obvious to those skilled in the art, can be made without departing from the scope of the present invention.

For example, in cases where one of several available channels of broadcast program is being recorded prior to subsequent replay, and classification codes are being received from a remote source for combining with the program, it is desirable that each classification code

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received be identified as relating to a particular channel, and only the code relating to the channel being recorded be combined with the recorded signal. This feature is easily added to the embodiments described, especially in cases where the keyboard and microcomputer of the invention are also used to control the channel selection functions of the television receiver.

Whereas the embodiment of the invention described above relies upon signals encoded into the video portion of the video program, the invention can also be effectively implemented using signals embedded into the audio portion of the program using any of the available well-known techniques which do not interfere with normal sound reception.

Whereas the embodiment described above uses control of the tape transport mechanism to inhibit playing, the invention can also be realised using other means of suppressing replay, for example, disabling the output signal without stopping tape motion.

The invention is also not limited to application with tape as the recording medium, being equally suited to use with video disk or any other video storage technique.

The classification code used by this invention can also be used to provide other useful additional functions, such as displaying the title of the program being played, locating a particular program on a videotape, or gathering data for audience research purposes.

What I claim is:

1. A video recording playing method comprising the steps of:

receiving, from a video storage medium, signals representative of a video program,  
processing said signals to produce video signals of a form suitable for display,  
detecting a classification code within the signals received from the storage medium, said detected code being indicative of a class of program being played,  
inputting from the user a security code number, comparing the number input to a stored number and, if the numbers are equal, enabling selection of a set of classification codes which cause at least one of suspension or termination of playing,  
comparing the detected code to said set of classification codes, and  
selectively playing the video program according to the result of the comparison.

2. A video recording playing method according to claim 1 wherein a classification code has been previously transmitted along with a video program being broadcast, said program and code being stored on a storage medium which is subsequently replayed.

3. A video recording playing method according to claim 1, wherein the classification code forms part of the signal recorded on a video recording which is one of a number of duplicate recordings made available for acquisition by the public.

4. A video recording playing method according to claim 1, comprising the further steps of inputting from the user a code to be recorded along with a video program being recorded, inserting said code into the signal being recorded, recording the combined signals on a video storage medium, and replaying the recorded signal.

5. A video recording playing method according to claim 1, comprising the further steps of receiving a video program from a first source, receiving a classifica-



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tion code from a second source, combining said code with said program, recording the combined signals on a video storage medium, and replaying the recorded signal.

6. A video recording playing method according to claim 1 and including the further step of transmitting to an auxiliary device a signal indicating the classification of program being replayed.

7. A video recording playing method comprising the steps of:

receiving, from a video storage medium, signals representative of a video program,  
processing said signals to produce video signals of a form suitable for display,  
detecting a classification code within the signals received from the storage medium, said code being indicative of a class of program being played,  
comparing the detected code to a set of selected codes,  
selectively playing the video program according to the result of the comparison, and  
transmitting to an auxiliary device a signal indicating the classification of program being replayed.

8. A video recording playing method comprising the steps of

receiving from a video storage medium signals representative of a video program,  
processing said signals to produce video signals of a form suitable for display,  
detecting a code within the signal received from the storage medium,  
comparing the detected code to a set of selected codes, and, according to a predetermined result of the comparison:  
sending a signal to an auxiliary device,  
causing playing of the video program to be suspended,  
waiting until a resumption signal is received, and  
resuming replay of the suspended program after receiving the resumption signal.

9. A method as in claim 8 comprising the further steps of inputting, from the user, a security code number, comparing the number input to a stored number, and if the numbers are equal, enabling selection of said set of selected codes.

10. A method as in claim 8 wherein said predetermined result of the comparison is one indicative of material substitution,  
and further comprising the step of receiving and playing substitute program material from the auxiliary device until the resumption signal is received.

11. A method as in claim 10 further comprising the step of, during said predetermined comparison result and until said resumption signal is received, advancing playing the material using a fast forward function.

12. A video recording player which displays video on a video display means, comprising:  
means for receiving, from a video storage medium, signals representative of a video program,  
processing means for converting said signals into video signals of a form suitable for application to the video display means,  
means for detecting a classification code within the signal received by the receiving means, said code being indicative of a class of program being played,  
input means for accepting from the user a security code number;

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enabling means for enabling selection of a set of classification codes which cause suspension or termination of playing, said enabling means enabling said selection only if the security code number input is the same as a stored security code number,  
means for comparing the detected code to said set of classification codes, and  
controller means for selectively playing the video program according to a result of the comparison.

13. A video recording player according to claim 12 including means for recording a video program transmitted from a remote location, said video program containing within the signal a classification code.

14. A video recording player according to claim 12, wherein the classification code forms part of the signal recorded on a video recording which is one of a number of duplicate recordings made available for acquisition by the public.

15. A video recording player according to claim 12, including means for inputting a code from the user, means for receiving video program from a remote source, means for combining said input code with said received program, and means for recording the combined signals on a video storage medium.

16. A video recording player according to claim 12, including means for receiving a video program from a first source, means for receiving a classification code from a second source, means for combining said code with said program, and means for recording the combined signals on a video storage medium.

17. A video recording player according to claim 12, including means for transmitting to an auxiliary device a signal indicating the classification of program being replayed.

18. A video recording player which displays video on a video display means, comprising:

means for receiving, from a video storage medium, signals representative of a video program,  
processing means for converting said signals into video signals of a form suitable for application to the video display means,  
means for detecting a classification code within the signal received by the receiving means, said code being indicative of a class of program being played,  
means for comparing the detected code to a set of selected codes, and  
controller means for selectively playing the video program according to a result of the comparison, and  
means for transmitting to an auxiliary device a signal indicating the classification of program being played.

19. A video recording player comprising:

means for receiving, from a video storage medium, signals representative of a video program,  
processing means for forming video signals of a form suitable for application to a video display means from said signals,  
means for detecting a code within the signal received by the receiving means,  
means for comparing the detected code to a set of selected codes, and  
controller means for, according to the result of the comparison, sending a signal to an auxiliary device, to cause playing of the video program to be suspended, and responsive to a resumption signal to resume playing of the suspended program when the resumption signal is received.

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20. A player as in claim 19 further comprising inputting means for inputting, from the user, a security code number, and

means for comparing the number input to a stored number, and if the numbers are equal, enabling selection of said set of selected codes.

21. A player as in claim 19 wherein said predetermined result of the comparison is one indicative of material substitution,

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and further comprising means for receiving and playing substitute program material from the auxiliary device until the resumption signal is received.

22. A method as in claim 21 further comprising fast forward means for, during said predetermined comparison result and until said resumption signal is received, advancing playing the material using a fast forward function.

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**United States Patent** [19]

Vogel

[11] **Patent Number:** 4,930,160[45] **Date of Patent:** May 29, 1990[54] **AUTOMATIC CENSORSHIP OF VIDEO PROGRAMS**[76] **Inventor:** Peter S. Vogel, 28 Adeline Street,  
Faulconbridge NSW 2776, Australia[21] **Appl. No.:** 237,176[22] **Filed:** Aug. 29, 1988[30] **Foreign Application Priority Data**

Sep. 2, 1987 [AU] Australia ..... PI4107

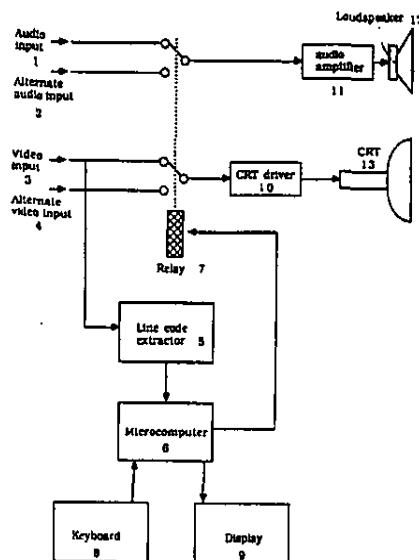
[51] **Int. Cl.:** ..... H04K 1/00[52] **U.S. Cl.:** ..... 380/23; 358/84;  
358/349; 455/2; 455/4; 380/20; 340/825.34[58] **Field of Search** ..... 380/3-5,  
380/23, 20; 364/200, 900, DIG. 545; 358/84,  
86, 139, 908, 349; 455/2, 4-6, 67-70;  
340/825.31, 825.34[56] **References Cited****U.S. PATENT DOCUMENTS**

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*Primary Examiner*—Stephen C. Buczinski*Assistant Examiner*—Bernarr Earl Gregory[57] **ABSTRACT**

A video program is received from a broadcast or video recording and displayed for viewing. On receipt of a prescribed classification code or group of codes display is switched to an alternative source. The classification code can be encoded into the broadcast or tape being viewed, or can originate from a separate source. The alternative material displayed can be another broadcast, a local recording, a locally-generated pattern, or other material. The codes which cause the display to be switched to the alternative source can be set by the user after entering a personal identity number.

**26 Claims, 5 Drawing Sheets****EXHIBIT B**



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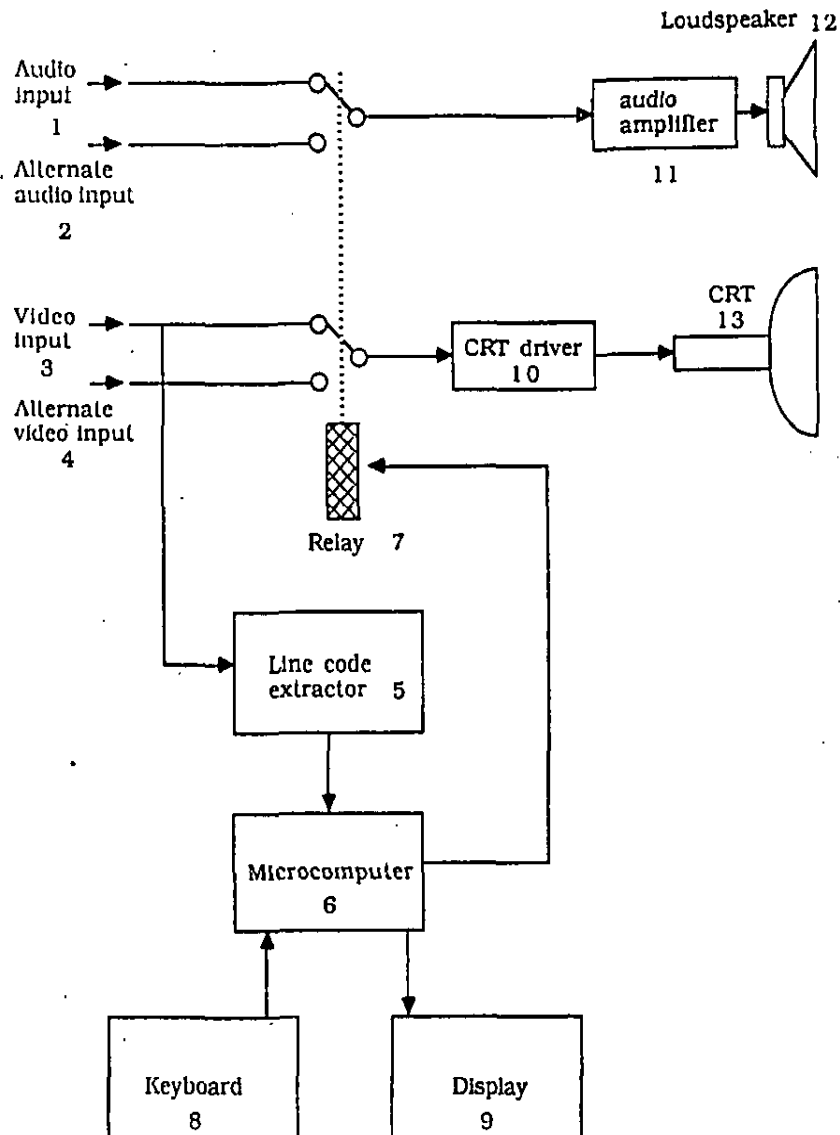


Fig. 1

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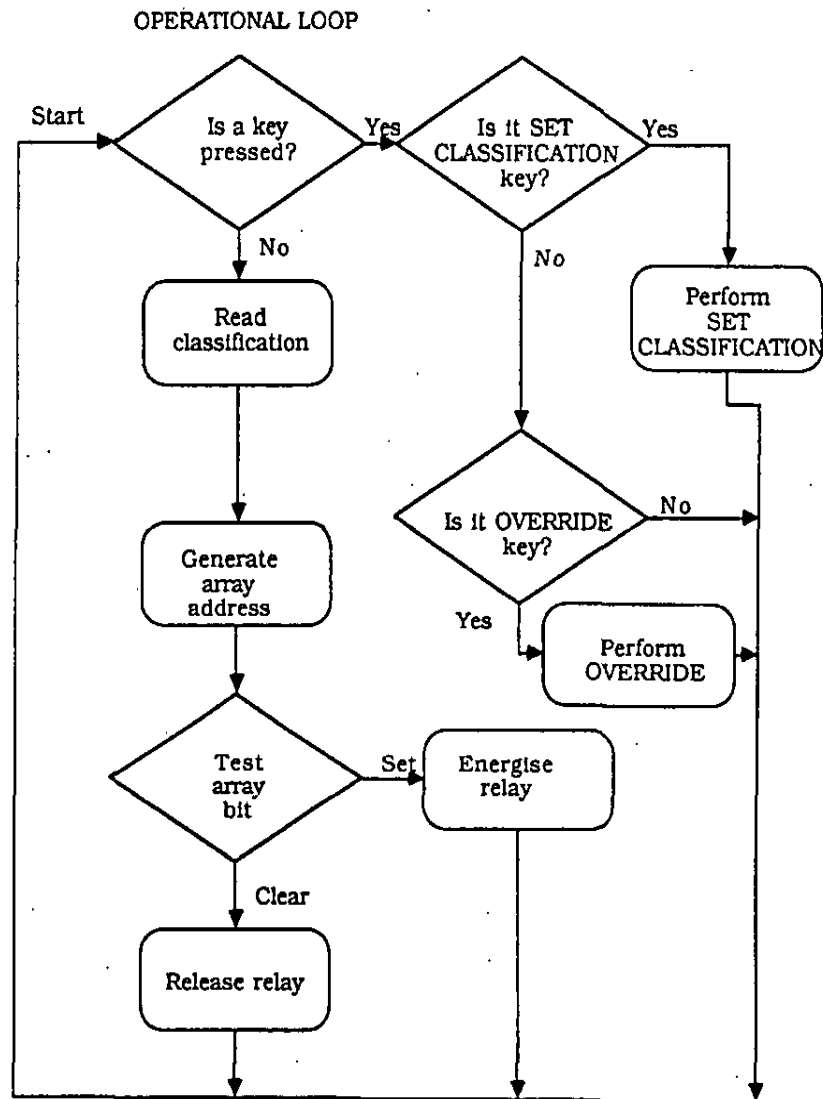


Fig. 2

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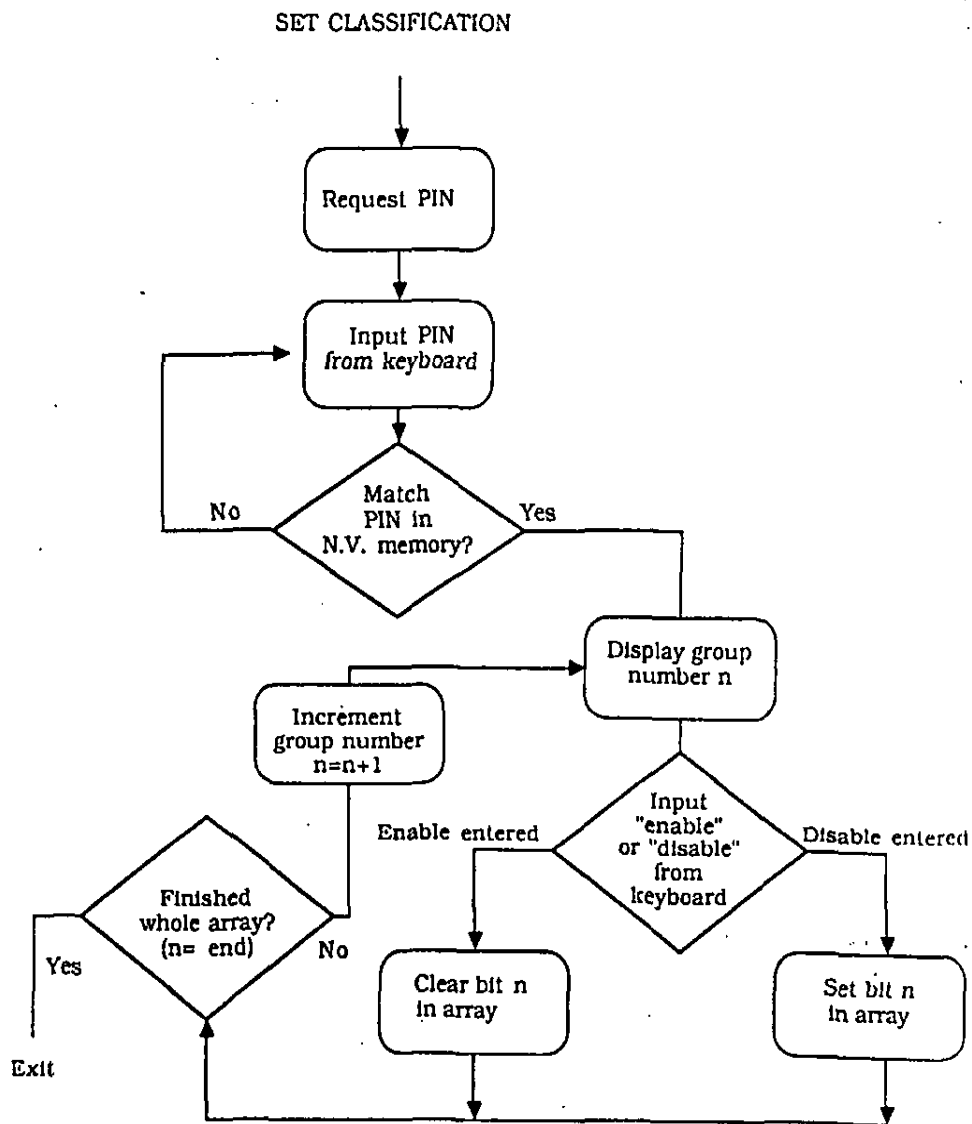


Fig. 3

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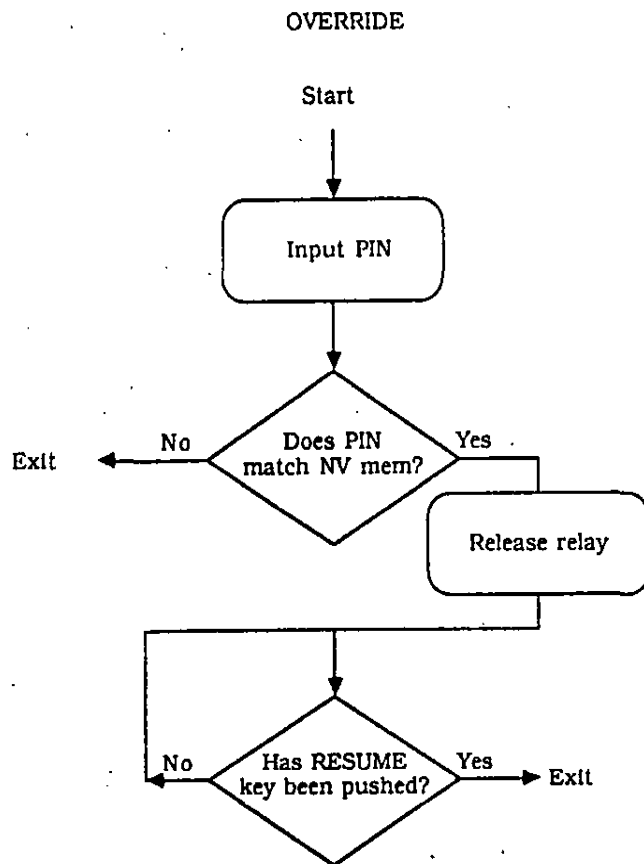


Fig. 4

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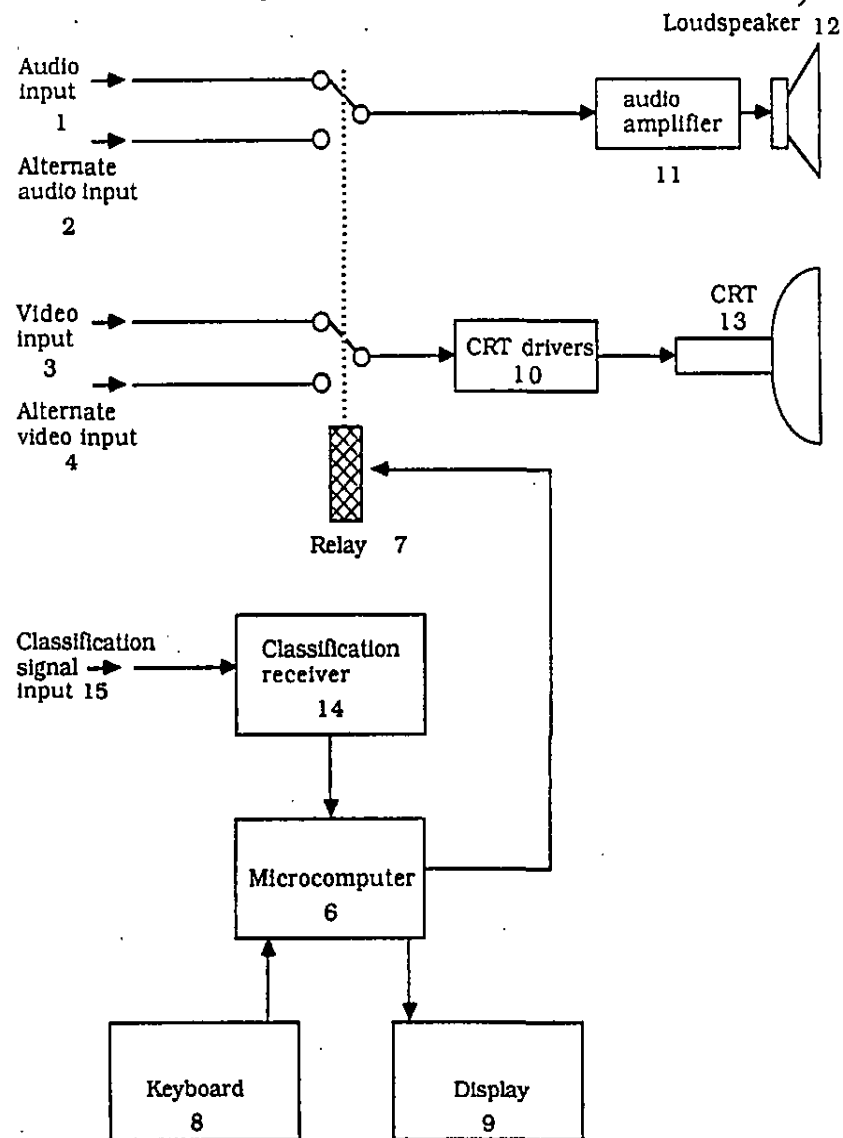


Fig. 5

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## AUTOMATIC CENSORSHIP OF VIDEO PROGRAMS

### FIELD OF THE INVENTION

The present invention relates to methods of, and apparatus for, automatic censorship of video programs. The term video program used hereinafter refers to television programs broadcast free-to-air or by cable or by satellite, and other forms of mass distribution of video programs, including distribution by video tape or other media. The term also includes an accompanying audio signal if any.

### BACKGROUND OF THE INVENTION

The need for censorship of video material is generally accepted by most societies, for the purposes of preventing the viewing of material by persons other than the target audience. Usually, such censorship takes the form of limiting access of a certain group of people, for example children, to a certain class of material, for example pornographic or violent movies. Other uses of censorship include voluntary self-censorship in cases where a recipient of a program does not wish to be exposed to certain types of program, for example scenes of great violence, advertisements which may be considered offensive, or non-program material which interrupts movies, drama or sports broadcasts.

Being the most widely accessible form of broadcasting, television is the medium with which the problem of censorship is experienced most. Traditionally, censorship of television takes the form of either preventing possibly offensive material from being broadcast in the first place, or voluntary self-censorship, that is, switching off the receiver when material which the viewer does not wish to experience is being broadcast. Another form of self-censorship, which has gained popularity since the introduction of remote controls for television sets is the phenomenon known as "zapping". Zapping involves eliminating unwanted material by muting the receiver or changing channels for the duration of the unwanted segment. While such self-censorship offers the benefit that all classes of material remain available to those who do not find them objectionable, it suffers from the inconvenience of having to anticipate the nature of broadcasts and operate the receiver appropriately. This process is tedious and error-prone, especially where the viewer wishes to suppress program material which changes rapidly in nature, for example when the viewer desires to suppress commercial messages within an otherwise unobjectionable program. Manual censorship is therefore not an entirely satisfactory solution.

It is therefore desirable to provide means whereby display of preselected classifications of program material can be automatically suppressed.

Arrangements for automatic censorship have been previously published, but suffer from a number of serious shortcomings. The main difficulty is that automatic means for discrimination of different program classifications, for example detection of television commercials, have been complex and unreliable. One technique has been to detect television commercials by the short period of black picture and silence separating them from other program material. A typical commercial-deleter of this type is described in U.S. Pat. No. 4,319,286. This system and others like it suffer from the problem that erroneous operation occurs if there is a brief period of black and silence in a broadcast at a time other than at

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the beginning of a commercial break, or if there is no separation between commercials and other program material. Furthermore, such systems are unable to distinguish between resumption of desired program and further commercials at the conclusion of a commercial. Resumption of viewing or recording must therefore be controlled by some form of timing device, based on assumptions regarding the length of commercial breaks. If these assumptions are not correct, the system will fail in its function.

A much improved censorship means is described in U.S. Pat. No. 4,520,404. This system relies on a human operator to classify broadcasts, based on observation at a monitoring station. A suitably coded message is distributed from the monitoring station to the viewer's home, at which point a suitably-equipped decoder controls the television receiver or video recorder in accordance with the classification data generated by the human operator at the monitoring station. Although this invention significantly improves upon the reliability of previous methods, it nevertheless suffers significant limitations. One limitation is the difficulty of accurately predicting at the monitoring station when a change of program is going to occur, making the system somewhat error prone. Another limitation is that when the system is used under the control of one party to control the viewing of another party, for example used by parents to limit viewing by children, it is necessary to provide control means by which the class of program to be censored can be selected, and it is therefore possible for the other party to use these controls to disable the censorship, thereby defeating the function of the system. Yet another limitation is that during the period that unwanted material is being censored, the receiver is simply disabled. The viewer is therefore periodically presented with a blank screen and/or silence, which may have the undesirable effect of causing alarm when program suddenly resumes, or may be mistaken for a receiver malfunction.

The prior art methods are also deficient in that they do not provide means whereby an authorized person can selectively disable viewing of certain classifications of pre-recorded video programs.

### SUMMARY OF THE INVENTION

The present invention is directed to providing novel and improved means and method of receiving video programs whereby the censorship function is provided automatically, substantially resolving the abovementioned shortcomings of the prior art as well as providing other benefits.

According to a first aspect of the present invention, there is provided a video program receiving method capable of automatically censoring video programs comprising the steps of receiving a video program, with accompanying audio if any, receiving a classification signal indicative of the content of the program being received, decoding the classification signal and, according to functions selected by the user, causing the receiver to direct to its output alternative program material for the duration of program of selected classification.

According to a second aspect of this inventive concept, apparatus for receiving and automatically censoring video program is also provided, and comprises a video program receiver, a classification signal receiver, a controller equipped to decode said received signal and

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to control switching means which, according to functions selected by the user at the receiving station, cause the receiver to direct to its output alternative program material for the duration of program of selected classification.

The term "receiver" used herein is defined in the broad sense of apparatus for converting television signals (and their associated sound signals) into visual and audible signals, or apparatus for converting modulated carrier signals into video and/or audio signals suitable for display by video monitors or audition via amplifiers and loudspeakers. For example, the term receiver includes off-air domestic television sets, as well as apparatus known commonly as a "video monitor". The term "receive" is used in the broad sense of accepting signal from any signal conveyance means, for example, from an antenna, cable, optical fiber, magnetic tape, or optical disk.

Some embodiments of this invention also include an arrangement for enabling access to selection of classifications to be censored only upon entering of a security code, or personal identification number (PIN), by the user.

#### BRIEF DESCRIPTION OF THE DRAWINGS

Some embodiments of the present invention will now be described, by way of example only, with reference to the drawings in which:

FIG. 1 is a schematic block diagram of a first embodiment of the invention in which the program classification is encoded into the vertical interval of the video signal;

FIG. 2 is a schematic diagram of the operational loop of the program executed by the microcomputer of the first embodiment;

FIG. 3 is a schematic diagram of the software used in either embodiment for setting classifications;

FIG. 4 is a schematic diagram of the software used in either embodiment for overriding the censorship function; and

FIG. 5 is a schematic block diagram of a second embodiment of the invention in which the program classification is received by the invention from a transmission source other than the program to be censored.

#### DETAILED DESCRIPTION

As seen in FIG. 1 this embodiment of the invention comprises the conventional components of a television receiver or monitor, including audio amplifier 11, loudspeaker 12, CRT driver 10 and CRT 13. Under normal conditions, the sources of video and audio are selected from video input 3 and audio input 1 respectively. However when the selector means, relay 7 is energized, alternate audio input 2 and alternate video input 4 are selected instead. Both sets of audio and video inputs may derive from any source, for example a television tuner or video tape player.

The operation of this embodiment relies on the presence of a program classification code within the video signal. This can be provided in a number of well known ways which ensure that the presence of such codes do not interfere with the normal operation of television receivers. The method used in this embodiment is encoding of a digital word in the form of black and white transitions located on line 16 of the video signal. This position is chosen so as to be invisible on the CRT display. The technology for this form of signalling is well known, being commonly used for data broadcasting

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services such as Teletext. The classification may be pre-recorded on tapes being broadcast or played locally, or inserted in a video signal prior to transmission at the broadcasting station at the time of broadcast. The means for inserting such signals is well known.

Upon arrival at video input 3 of the invention, as well as being fed to the display system, the video portion of the program is fed to line code extractor 5, which comprises means for isolating the desired line (in this embodiment line 16), extracting the digital word from that line, and presenting it as an output readable by microcomputer 6.

Microcomputer 6 is a self-contained "single chip computer" including RAM, ROM, IO ports, CPU and NV (non-volatile) memory. Of course, microcomputer 6 may also perform many other functions required by the receiver, as well as those of this invention. One of the output ports of microcomputer 6 controls relay 7. Other ports read data from keyboard 8 and send data to display 9.

Keyboard 8 is a press-button key array, which contains keys for control of all the usual television functions, as well as special keys used by this invention. The special keys include a SET CLASSIFICATION key, used for entering the classifications to be censored, an OVERRIDE key, used to disable the censorship function, and a RESUME key, used to resume censorship after OVERRIDE. The usual channel selection keys of the receiver of this embodiment serve the double purpose of allowing the user to enter a PIN (personal identity number). Similarly, the other keys can serve double functions if desired.

Display 9 is used to signal the user as required. In this embodiment it comprises an eight character liquid crystal display. In other embodiments other forms of display can be used, including single LEDs, or a video character generator which causes characters to be superimposed on the CRT display.

The censorship function of the invention is performed by the arrangement of FIG. 1 executing the program described schematically in FIG. 2.

Referring now to FIG. 2, the program starts by scanning the keyboard to test for a key depression. If no key is pressed, the classification code, arriving from line code extractor 5, is read, and an address is generated as a function of the code. A table is stored in the RAM of microcomputer 6, the address of each data bit of the table corresponding to a unique classification code, and the state of each bit so addressed indicating the classification status, namely ENABLED or DISABLED. A set bit indicates DISABLED, while a clear bit indicates ENABLED. Having generated an address from the received code, microcomputer 6 then applies this address to the table, and tests the corresponding data bit. If the bit is set, relay 7 is energized, causing the video and audio signals to be switched to the alternate sources. If the bit is clear, relay 7 is released, with the opposite effect. This procedure is repeated as a loop at high speed, so that the operation of relay 7 follows instantaneous changes in classification codes arriving at the video input of the invention.

In order to allow authorized users to select whether a given classification code is to be enabled or disabled, the program of FIG. 2 also continually scans the keyboard, testing for depression of the SET CLASSIFICATION key. If this key is pressed, the SET CLASSIFICATION routine is performed, according to FIG. 3.



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Referring now to FIG. 3, when the SET CLASSIFICATION key has been pressed, microcomputer 6 first requests, via display 9, that the user enter the PIN. A number is then input, in this embodiment three digits being used for security, and compared to the PIN stored in the NV memory of microcomputer 6. If the number does not match, the request is repeated. If the number does match, the first classification group number is displayed, and the user is requested to enter enable or disable, using two designated keys of keyboard 8. If enable is entered, the first bit of the code array is cleared. If disable is entered, the bit is set. A test is then performed to see whether the last element of the array has been programmed. If it has, control is returned to the operational loop, if not, the next array element is addressed, and the input cycle repeated for the next classification code.

In this embodiment the array comprises three bits, corresponding to the classifications:

1. Advertisement (commercial product or service promotion)
2. Non-program material (includes advertisements, station identification, community service announcements, commentary during movies etc.)
3. Restricted. Programs deemed by the government censors to be unsuitable for viewing by children.

The coding scheme of this embodiment uses an eight bit word, so that up to 256 classifications can be supported. The 253 unused bits of the array are cleared, so that all classifications other than the three listed above are always enable. If desired, this range of classifications can be extended greatly, by increasing the size of the memory array.

When an authorized person, for example a parent, desires to watch a program of disabled classification, it may be inconvenient to re-define the classifications enabled. For convenience, this embodiment provides an override function, which is invoked by pressing the OVERRIDE key of keyboard 8. Depression of this key is detected by the test in the operational loop of FIG. 2, and results in the execution of the override routine of FIG. 4.

Referring to FIG. 4, on entry to the override routine, the PIN is requested from the user. If the PIN does not match the number stored in NV memory, the routine terminates. If the correct PIN has been entered, relay 7 is released, and the program continues looping until the RESUME key is pressed, with the result that no censoring action occurs until the RESUME key is pressed.

A second embodiment of the invention is shown in FIG. 5. This embodiment is similar to the first embodiment, except that classification codes are received from a source separate from the source of video program. In this case, classification receiver 14 is provided to receive classification signal input 15, which can arrive from any source, for example a radio transmitter distinct from the transmitter broadcasting the video program. This embodiment of the invention is not suited to operation with prerecorded tapes as program source. Operation of this embodiment is the same as the first embodiment, except that classification codes are read from classification receiver 14, rather than line code extractor 5, by microcomputer 6. The software executed by microcomputer 6 is also the same. The capabilities of both embodiments could easily be combined.

The foregoing describes only some embodiments of the present invention and modifications, obvious to

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those skilled in the art, can be made without departing from the scope of the present invention.

For example, in cases where a broadcast program is being viewed, more than one channel of broadcast is available, and the classification signal is being received from a source other than the broadcast being received, it is desirable that each classification code received be identified as relating to a particular channel, so that censorship can be based on which channel is being viewed or recorded. This feature is easily added to the embodiments described, especially in cases where the keyboard and microcomputer of the invention are also used to control the channel selection functions of the television receiver.

For the purpose of implementing the invention without needing to modify the television receiver, the invention can comprise a standard television receiver in combination with a special controller which controls operation of the receiver by means of the remote control interface of the television receiver, if the receiver is equipped with remote control. That is, the censorship controller is equipped with interface means compatible with the remote control communication standard, for example an infra-red transmitter, so muting, blanking, channel-changing, or other censorship actions can be effected using unmodified receiving equipment. The channel-change function can provide the facility of displaying alternative material during periods of censorship. For example, a suitable pattern generator tuned to an unused television channel could be used to provide "electronic wallpaper" during commercial breaks. In some applications it may be desirable to implement some functions of the invention, such as PIN entry, in the remote controller, and other functions, such as the censorship function, in the receiver.

Whereas the switching means of the embodiments described herein is a relay, any form of suitable switch, such as a solidstate arrangement, can be used.

The alternative material selected during censorship periods can originate from a remote source, for example another television broadcast, or locally, for example from a video disk or tape player. The local source may also be simply a black signal generator. Furthermore, the invention is not limited to providing only one alternative program source.

Whereas one embodiment of the invention described above relies upon signals encoded into the video portion of the received program, the invention can also be effectively implemented using signals embedded into the audio portion of the program, using any of the available well-known techniques which do not interfere with normal sound reception.

What I claim is:

1. A video program reception method comprising the steps of:
  - storing in memory means a set of codes descriptive of video program classifications,
  - receiving a video signal and associated audio signal if present,
  - receiving a program classification code descriptive of said video signal,
  - accessing said memory means and comparing the contents thereof with said code, and,
  - if the result of said comparison indicates that the received program is to be displayed, causing the received video signal to be selected for display,
  - if the result of said comparison indicates that an alternative video signal is to be displayed, causing an



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alternative source of video signal to be selected for display; and  
displaying the selected video signal on a video display means.

2. A video program reception method according to claim 1, wherein the alternative source of video signal originates from a remote transmitter.

3. A video program reception method according to claim 1, wherein the alternative source of video signal is local to the receiving station.

4. A video program reception method according to claim 1, comprising the further steps of:

inputting from the user a personal identity number, comparing said number to a stored number, and if said numbers are equal,

permitting the user to alter the codes stored within said memory means.

5. A video program reception method according to claim 4, wherein the alternative source of video signal originates from a source remote to the receiver.

6. A video program reception method according to claim 4, wherein the alternative source of video signal is local to the receiving station.

7. A video program reception method according to claim 6, wherein the alternative source of video signal is a local video pattern generator equipped to generate at least a black pattern.

8. A video program reception method according to claim 4, wherein the program classification code is encoded into the video component of the program.

9. A video program reception method according to claim 4, wherein the program classification code is encoded into the audio component of the program.

10. A video program reception method according to claim 4, wherein the program classification code is not encoded into the program being received but is received from a separate source.

11. A video program reception method according to claim 1, wherein the program classification code is encoded into the video component of the program.

12. A video program reception method according to claim 1, wherein the program classification code is encoded into the audio component of the program.

13. A video program reception method according to claim 1, wherein the program classification code is not encoded into the program being received but is received from a separate source.

14. A video program receiver comprising:  
a video signal receiver,  
a program classification code receiver,  
a program classification code memory,  
means for accessing said memory and comparing the contents thereof with received codes,

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selector means equipped to cause a received video signal to be selected for display if the result of said comparison indicates that the received program is to be displayed and to cause an alternative source of video signal to be selected for display if the result of said comparison indicates that an alternative video signal is to be displayed, and means for displaying the selected video signal.

15. A video program receiver according to claim 14, wherein the alternative source of video signal originates from a remote transmitter.

16. A video program receiver according to claim 14, wherein the alternative source of video signal is local to the receiving station.

17. A video program receiver according to claim 14, further comprising:

means for inputting from the user a personal identity number,

means for comparing said number to a stored number, and control means permitting the user to alter the contents of said memory only if the compared numbers are equal.

18. A video program receiver according to claim 17, wherein the alternative source of video signal originates from a source remote to the receiver.

19. A video program receiver according to claim 17, wherein the alternative source of video signal is local to the receiving station.

20. A video program receiver according to claim 19, wherein the alternative source of video signal is a local video pattern generator equipped to generate at least a black pattern.

21. A video program receiver according to claim 17, including means for deriving the program classification code from the video component of the program.

22. A video program receiver according to claim 17, including means for deriving the program classification code from the audio component of the program.

23. A video program receiver according to claim 17, including means for receiving program classification code from a source other than the program being received.

24. A video program receiver according to claim 14, including means for deriving the program classification code from the video component of the program.

25. A video program receiver according to claim 14, including means for deriving the program classification code from the audio component of the program.

26. A video program receiver according to claim 14, including means for receiving program classification code from a source other than the program being received.

\* \* \* \* \*

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AO 120 (Rev.3/04)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised  
that a court action has been filed in the U.S. District Court San Diego on the following Patents or Trademarks:

DOCKET NO.  05CV1796 J	DATE FILED  9/16/05	U.S. DISTRICT COURT  United States District Court, Southern District of California
PLAINTIFF  Matsushita Electric		DEFENDANT  Guardian Media Tech
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>
1 4,930,158	5/29/90	Peter S. Vogel
2 4,930,160	5/29/90	Peter S. Vogel
3		
4		
5		

In the above-entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>		
1				
2				
3				
4				
5				

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1 - Upon initiation of action, mail this copy to Director

Copy 3 - Upon termination of action, mail this copy to Director

Copy 2 - Upon filing document adding patent(s), mail this copy to Director

Copy 4 - Case file copy

JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

Matsushita Electric Industrial Co., LTD. and Victor Company of Japan, LTD.

Country of Residence of First Listed Plaintiff Japan

(EXCEPT IN U.S. PLAINTIFF CASES)  
**05 CV 1796 J**

(BLM)

## DEFENDANTS

Guardian Media Technologies, LTD.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) San Diego

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED DEPUTY

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Alison P. Adema / Jane Hahn  
Hahn & Adema  
501 West Broadway, Suite 1730  
San Diego, CA 92101

## ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |                            |                            |   |                            |                            |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| PT                         | DEF                        |   | PT                         | DEF                        |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State   | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State                                      | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country                       | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
|                            |                            | Incorporated or Principal Place of Business in This State     |                            |                            |
|                            |                            | Incorporated and Principal Place of Business in Another State |                            |                            |
|                            |                            | Foreign Nation  |                            |                            |

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

Declaratory Judgment of Invalidity; Noninfringement; and Patentability of U.S. Patent Nos. 4,930,158 and 4,930,160

**28:1338 JD**

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 147 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions			

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

## DEMAND \$

Declaratory Judgment

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☒ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE Napoleon A. Jones, Jr.

Docket Number

05-CV-1777 J (AJB)

DATE

9/16/05

SIGNATURE OF ATTORNEY OF RECORD

05-CV-1780 J (NLS)

05-CV-1784 J (FOR)

117196 \$250.00 *for*

ORIGINAL