USDC SCAN INDEX SHEET

SWD   9/15/05   11:08

3:05-CV-01784   THOMSON INCORPORATED V. GUARDIAN MEDIA TECH

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CMP.

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8

UNITED STATES DISTRICT COURT

9

SOUTHERN DISTRICT OF CALIFORNIA

10

11   '05 CV 1784 J (POR)

12

Thomson, Inc.,   )   No.
13   )
                      Plaintiff,   )   COMPLAINT FOR DECLARATORY
14   )   JUDGMENT OF INVALIDITY,
          vs.   )   NONINFRINGEMENT AND
15   )   UNENFORCEABILITY OF U.S.
Guardian Media Technology, Ltd.,   )   PATENT NOS. 4,930,158 AND
16   )   4,930,160
                      Defendant.   )
17   )

18

19   Plaintiffs Thomson, Inc. ("Thomson") for its Complaint against Guardian Media

20   Technologies, Ltd. ("Guardian"), alleges based on personal belief as to Thomson and on

21   information and belief as to the conduct of Guardian, as follows:

22   **The Parties**

23   1.   Thomson is a corporation organized and existing under the laws of the

24   State of Delaware, with its principal place of business in the United States at 10330

25   North Meridian Street, Indianapolis, Indiana.

26   2.   Guardian is a domestic limited partnership organized under the laws of

27   the State of Texas.

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70086231v1   - 1 -   COMPLAINT FOR DECLARATORY JUDGMENT RE:
                                               PATENT NOS. 4,930,158 AND 4,930,160

1   3.   Guardian has a principal office in the United States where records are

2   kept or made available at 4130 La Jolla Village Drive, Suite 107-121, La Jolla, CA

3   92037.

4   4.   Guardian has a principal place of business in the United States at 4130

5   La Jolla Village Drive, Suite 107-121, La Jolla CA 92037.

6   5.   The general partners of Guardian are GMT Management Co. and

7   Sightguardian, Inc., both of which have a United States place of business at 4130 La

8   Jolla Village Drive, Suite 107-121, La Jolla CA 92037.

9   6.   Guardian purports to own U.S. Patent No. 4,930,158 (the "'158

10   Patent"), entitled "Selective Video Playing System," a copy of which is attached as

11   Exhibit 1.

12   7.   Guardian also purports to own U.S. Patent No. 4,930,160 (the "'160

13   Patent"), entitled "Automatic Censorship of Video Programs," a copy of which is

14   attached hereto as Exhibit 2.

15   **Nature of Action**

16   8.   This is an action seeking a declaratory judgment that Thomson does

17   not infringe any valid, enforceable claim of the '158 Patent or the '160 Patent

18   (collectively, the "Guardian Patents").

19   **Jurisdiction and Venue**

20   9.   This Court has original jurisdiction over the subject matter of this

21   action pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that it involves substantial

22   claims arising under the United States Patent Act, 35 U.S.C. § 1 et seq.

23   10.   This Court may declare the rights and other legal relations of the

24   parties pursuant to 28 U.S.C. §§ 2201 and 2202 because this is a case of actual

25   controversy within the Court's jurisdiction seeking a declaratory judgment that the

26   Guardian Patents are invalid, not infringed and unenforceable.

27   11.   Personal jurisdiction exists over Guardian at least because Guardian

28   has a principal United States place of business within this District.

1 12. Venue is proper in this district under 28 U.S.C. §§ 1391(b) because

2 Guardian resides, and is subject to personal jurisdiction, in this District.

3   **Actual Controversy**

4 13. Thomson is an industry leader in consumer electronics and designs,

5 manufactures and sells, among other things, DVD products that include parental

6 rating control technology.

7 14. Until July 1, 2004, Thomson also sold televisions that included

8 parental rating control technology.

9 15. Effective July 1, 1999, and extending to December 31, 1999, Congress

10 enacted a law requiring manufacturers of certain television broadcast receivers to

11 incorporate parental rating control technology, also known as "V-chip" technology,

12 into 50% of newly-manufactured product models with screens 13 inches or larger in

13 diameter shipped in interstate commerce or manufactured in the United States. See

14 47 C.F.R. § 15.120. Effective January 1, 2000, the requirement was increased to

15 100%.

16 16. After July 1, 2004, Thomson substantially ceased production of the

17 television product line and TTE Corporation was formed as a joint venture between

18 Thomson and TCL to commence production of that product line.

19 17. Peter S. Vogel ("Mr. Vogel"), sole named inventor of both the

20 Guardian Patents, owned and/or controlled the Guardian Patents at least through

21 November 28, 2003.

22 18. In a letter to Thomson dated May 12, 2004, Guardian, through its

23 representative Michael S. Dowler ("Mr. Dowler"), alleged that Thomson infringed

24 the Guardian Patents by certain of their activities related to the manufacture and sale

25 of televisions and DVD products that contain parental rating control technology.

26 19. Guardian sent another letter dated June 30, 2004, indicating that

27 Guardian had not received a response from Thomson and demanding, "we require

28 some communication from you."

1   20.   Thomson responded to the letters of May 12, 2004 and June 30, 2004

2   in a letter dated July 26, 2004, indicating to Guardian that an investigation had

3   begun into the matter and requesting claim charts.

4   21.   Guardian responded to Thomson's July 26, 2004 letter in a letter dated

5   August 6, 2004 that purported to provide claim charts to Thomson comparing claims

6   of the Guardian Patents to certain Thomson televisions and DVD products.

7   22.   Guardian sent an additional letter dated September 16, 2004

8   demanding, "We require a response to our August 6, 2004 letter to you regarding

9   Guardian Media's patent license offer to Thomson."

10   23.   Thomson responded to Guardian's September 16, 2004 letter in a letter

11   dated September 17, 2004, and again requested that Guardian provide Thomson with

12   claim charts to aid in analysis of any alleged infringement.

13   24.   Guardian sent a letter dated September 22, 2004 including a copy of

14   the August 6, 2004 letter and the aforementioned claim charts.

15   25.   In a letter to Thomson dated November 3, 2004, Guardian demanded,

16   "[w]e require a response to our September 22, 2004 letter," while acknowledging

17   that Thomson did not receive copies of the claim charts allegedly provided in

18   Guardian's letter of August 6, 2004.

19   26.   Guardian complained in a letter dated November 24, 2004 to Thomson

20   that it had "been more than two months since we sent you the claim charts you

21   requested," and further threatening, "[i]f Thompson [sic] is not interested in an

22   amicable resolution of these licensing issues, please let us know."

23   27.   Thomson responded in a letter dated November 30, 2004 informing

24   Guardian that Thomson was no longer in the television business as of July 1, 2004

25   and suggested that Guardian contact TTE Corporation concerning any alleged

26   infringement regarding those products.

27   28.   During 2005, Mr. Dowler contacted Thomson's counsel, Anthony

28   Davis ("Mr. Davis"), on several occasions by telephone repeating Guardian's

1   allegations of infringement. No licensing negotiations have been undertaken by

2   Thomson in this regard.

3   29.   In email correspondence dated August 24, 2005, Mr. Dowler requested

4   a "counter-offer" from Mr. Davis.

5   30.   On September 14, 2005, Mr. Davis replied to the August 24, 2005

6   email message clarifying that Thomson made no representations of any intention to

7   make a "counter-offer" and restating Thomson's earlier decision not to enter into any

8   licensing agreement regarding the Guardian Patents.

9   31.   As a result of Guardian's allegations and general course of conduct,

10   Thomson, as the maker and seller of the accused televisions and DVD players, has a

11   reasonable apprehension that Guardian will file suit against Thomson. An actual

12   and justiciable controversy exists between Thomson and Guardian as to whether

13   Thomson infringes any valid and enforceable claim of the Guardian Patents by

14   manufacturing and/or selling its televisions and/or DVD products.

15   **Count I**

16   **Declaratory Judgment of Noninfringement of the Guardian Patents**

17   32.   Thomson incorporates by reference, as though fully set forth herein,

18   the allegations contained in paragraphs 1-31 of this Complaint.

19   33.   The manufacture, use, offer for sale and/or sale in the United States of

20   any of Thomson's televisions or DVD products does not directly infringe any valid

21   claim of the Guardian Patents.

22   34.   Thomson does not contribute to the infringement of, or induce others

23   to infringe the Guardian Patents.

24   **Count II**

25   **Declaratory Judgment of Invalidity of the Guardian Patents**

26   35.   Thomson incorporates by reference, as though fully set forth herein,

27   the allegations contained in paragraphs 1-34 of this Complaint.

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1   36.   Each claim of the Guardian Patents is invalid for failure to comply

2   with one of more of the requirements of Title 35, United States Code, including, but

3   not limited to, 35 U.S.C. §§ 102, 103, and 112.

4   **Count III**

5   **Declaratory Judgment of Laches**

6   37.   Thomson incorporates by reference, as though fully set forth herein,

7   the allegations contained in paragraphs 1-36 of this Complaint.

8   38.   Mr. Vogel knew of Thomson's allegedly infringing activity at least as

9   early as May 12, 2004, and should have known of the activity much earlier due to

10   Thomson's compliance with Congress' mandate to include parental rating control

11   technology in new televisions by the Telecommunications Act of 1996.

12   39.   The patent owner's delay in bringing suit against Thomson is

13   unreasonable and inexcusable.

14   40.   Thomson suffered material prejudice attributable to the delay.

15   41.   Guardian is precluded from recovering any damages of any kind, for

16   any past infringement, because the equitable doctrine of laches applies.

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1   <u>Prayer for Relief</u>

2   WHEREFORE, Thomson respectfully requests:

3   A.   A Declaratory Judgment that it is not liable for directly infringing, or

4   contributing to or inducing the infringement of any claim of the Guardian Patents;

5   B.   A Declaratory Judgment that each claim of the Guardian Patents is invalid;

6   C.   A Declaratory Judgment that no damages for past infringement acts by

7   Thomson of the Guardian Patents can be recovered because such damages are barred by the

8   equitable doctrine of laches;

9   D.   Such further relief as the Court may deem just and proper.

10   DATED: September 14, 2005

11   KIMBERLY A. MCDONNELL
                                            PILLSBURY WINTHROP
12   SHAW PITTMAN LLP

13   R. TREVOR CARTER (*pro hac vice admission
                                               pending*)
14   BAKER & DANIELS LLP

15

16   By: _____
                                            Kimberly A. McDonnell
17
                                            Attorneys for Plaintiff
18   THOMSON, INC.

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TABLE OF EXHIBITS

EXHIBIT	PAGE	DESCRIPTION
1	8-18	U.S. Patent No. 4,930,158 entitled "Selective Video Playing System"
2	19-28	U.S. Patent No. 4,930,160 entitled "Automatic Sensorship of Video Programs"

i

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.⁵ 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
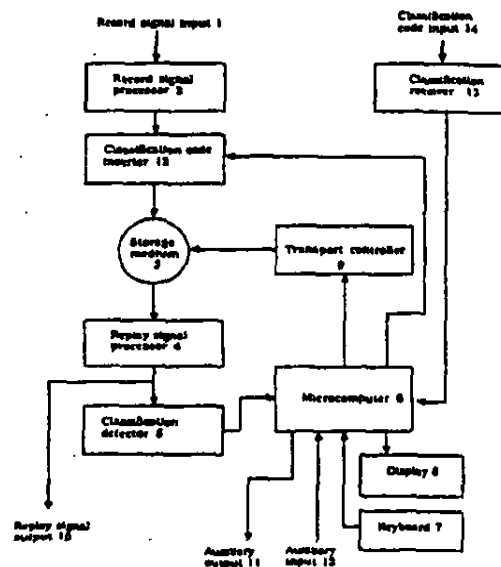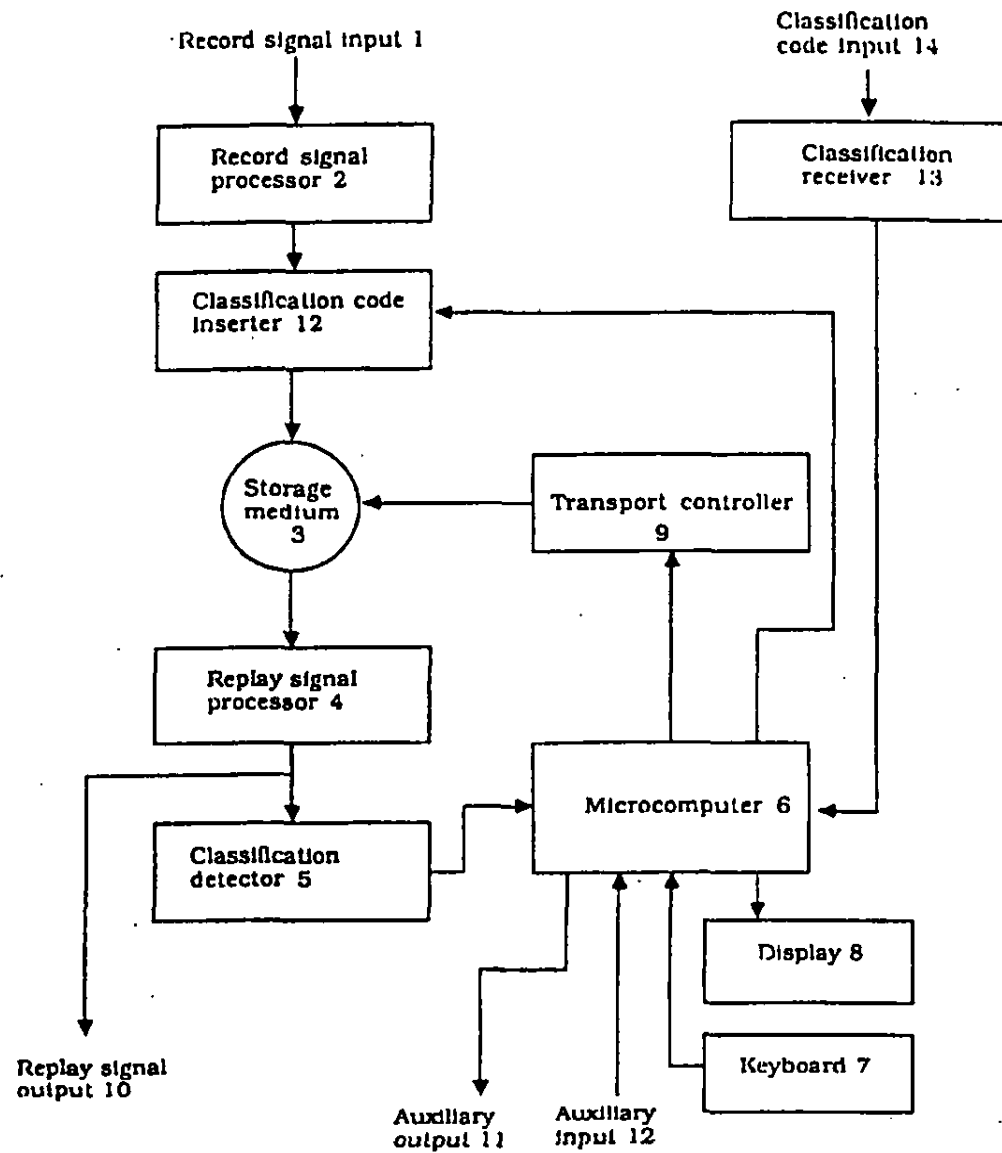
Exhibit 1
Page 8

Fig. 1

OPERATIONAL LOOP

Fig. 2

Exhibit 1
Page 10

SET CLASSIFICATION

Enter

Fig. 3

OVERRIDE

Enter

Input PIN

Does PIN match NV mem?

No → Exit

Yes

Start Replay

Has STOP key been pushed?

No

Yes

Stop replay

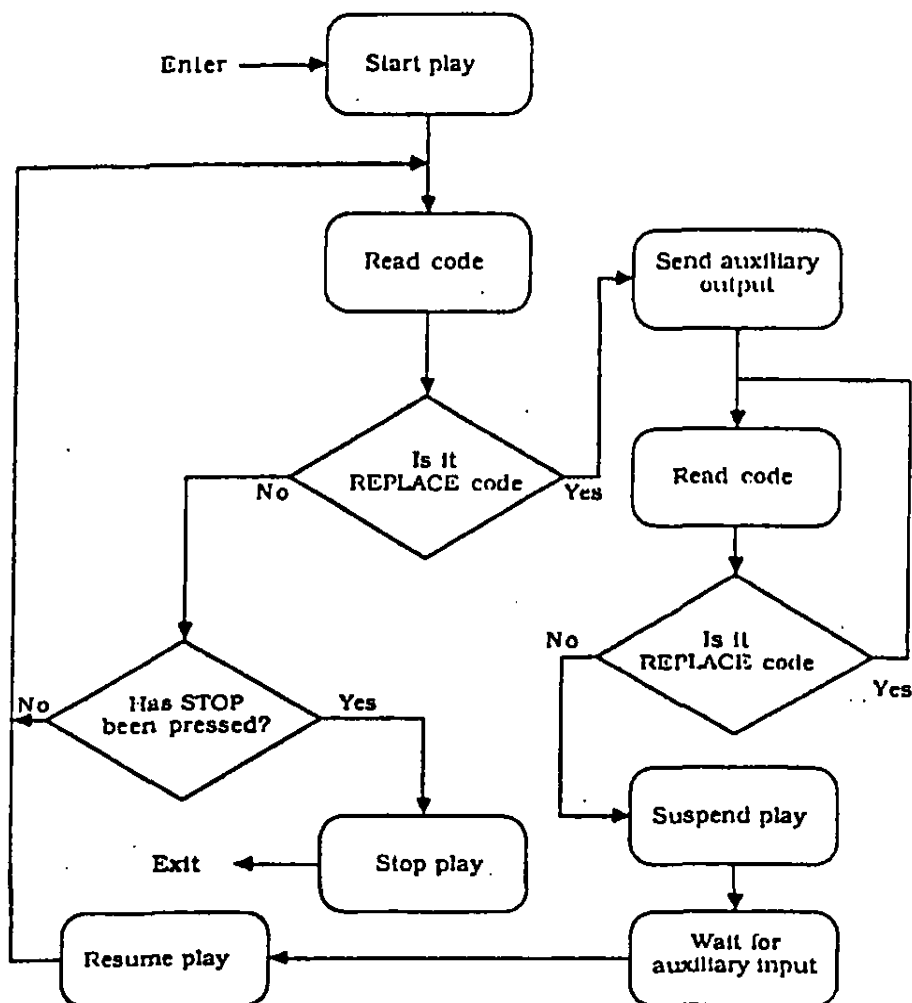Exit
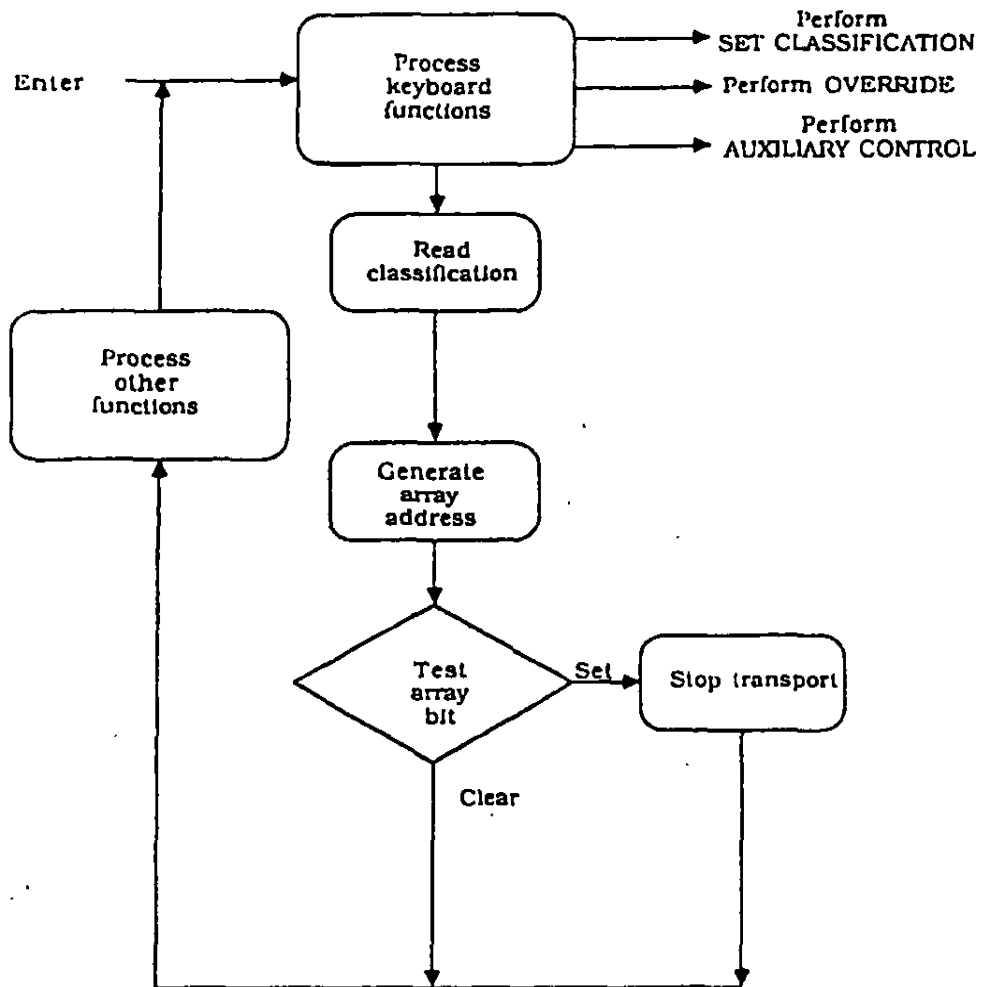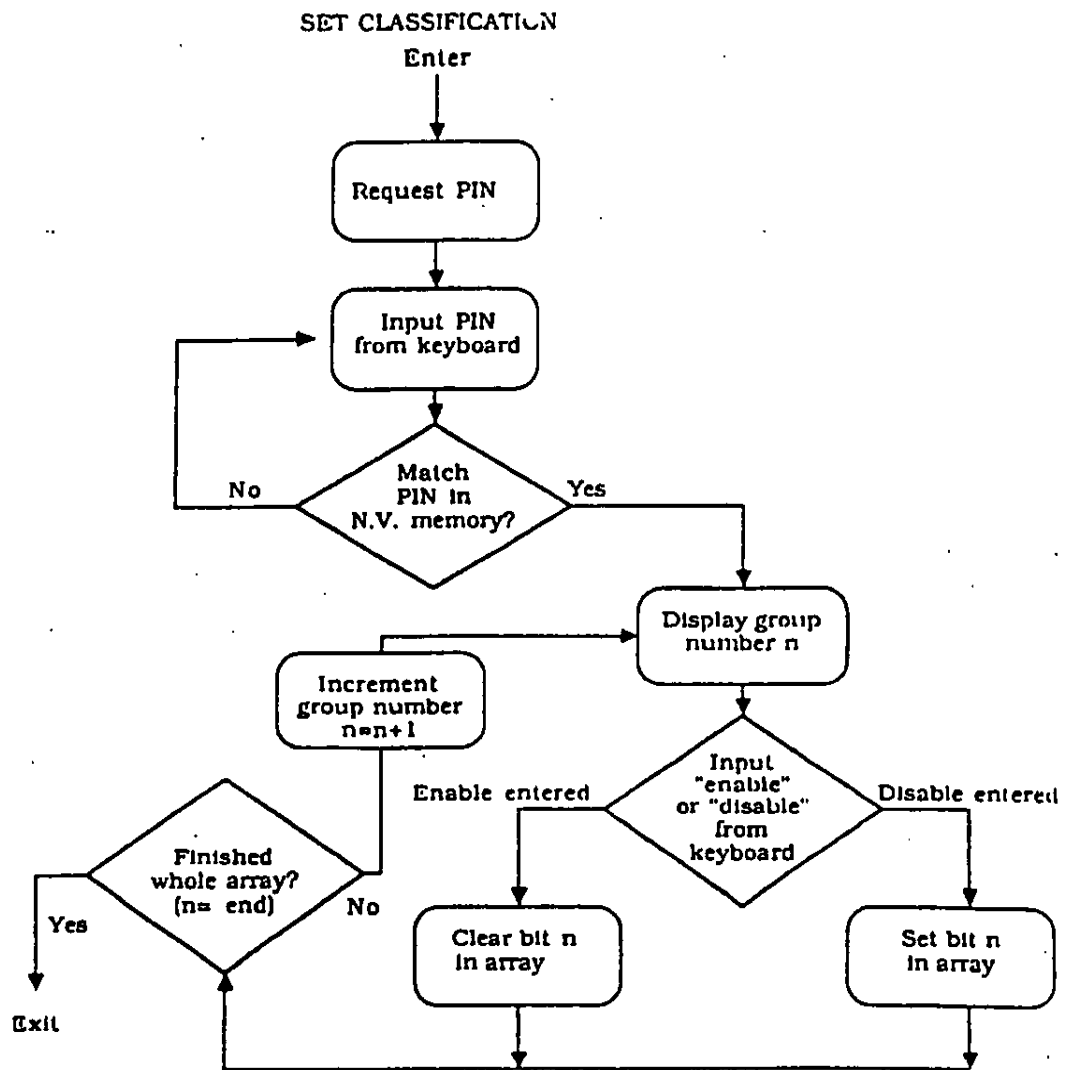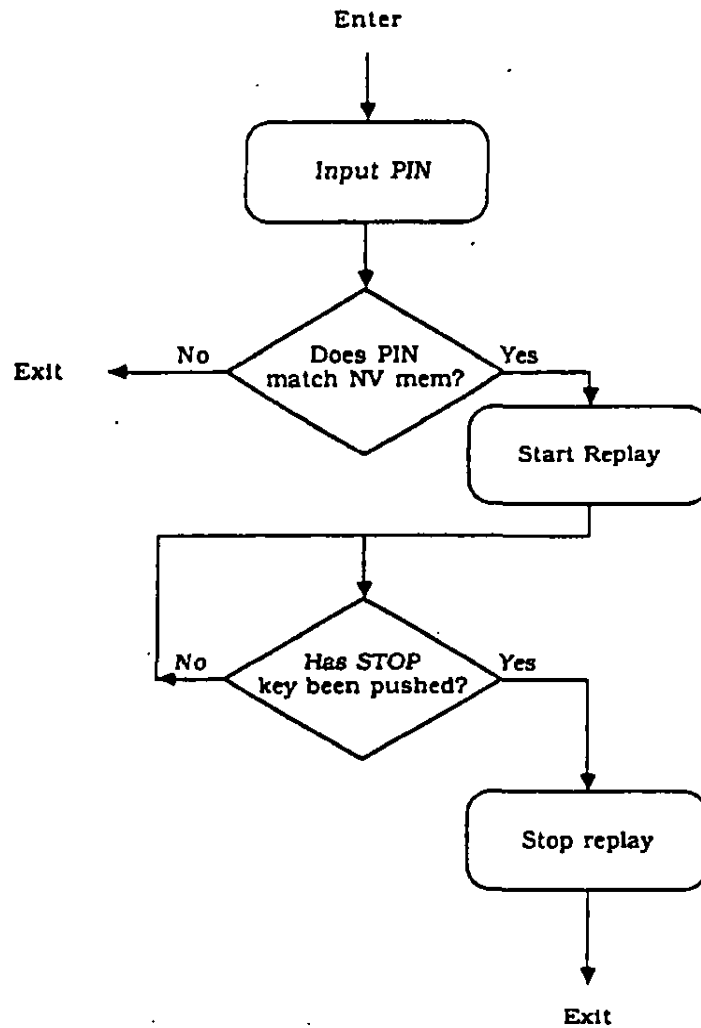
Fig. 4

AUXILIARY CONTROL

Fig. 5

4,930,158

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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 restric 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' 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 pragrams available to only authorised 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 possesion 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 authorised 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-

2

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-

3   .4,930,158   **4**

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

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 programed. 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 inseter 12 to insert the current code into the recorded

Exhibit 1

Page 15

4,930,158

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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-

Exhibit 1

Page 16

4,930,158

7

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;

8

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.

Exhibit 1

Page 17

4,930,158

9

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,

10

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.

* * * * *

Exhibit 1

Page 18

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.⁵ 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

|			
3,859,457	1/1975	Kirk, Jr.	358/86 X
3,919,479	11/1975	Moon et al.	358/84 X
4,331,974	5/1982	Cogswell et al.	358/86
4,520,404	5/1985	Von Kohorn	358/84 X
4,530,008	7/1985	McVoy	380/23
4,605,973	8/1986	Von Kohorn	455/4 X
4,620,229	10/1986	Amano et al.	358/349
4,685,131	8/1987	Horne	358/86 X
4,718,107	1/1988	Hayes	455/4
4,750,213	6/1988	Novak	455/67
4,814,883	3/1989	Perine et al.	358/84 X

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 2
Page 19

Fig. 1

Exhibit 2
Page 20
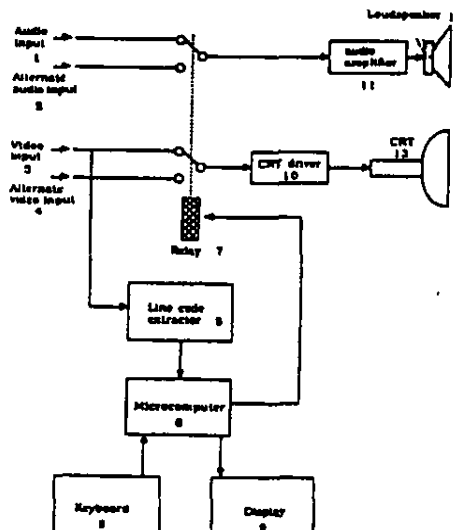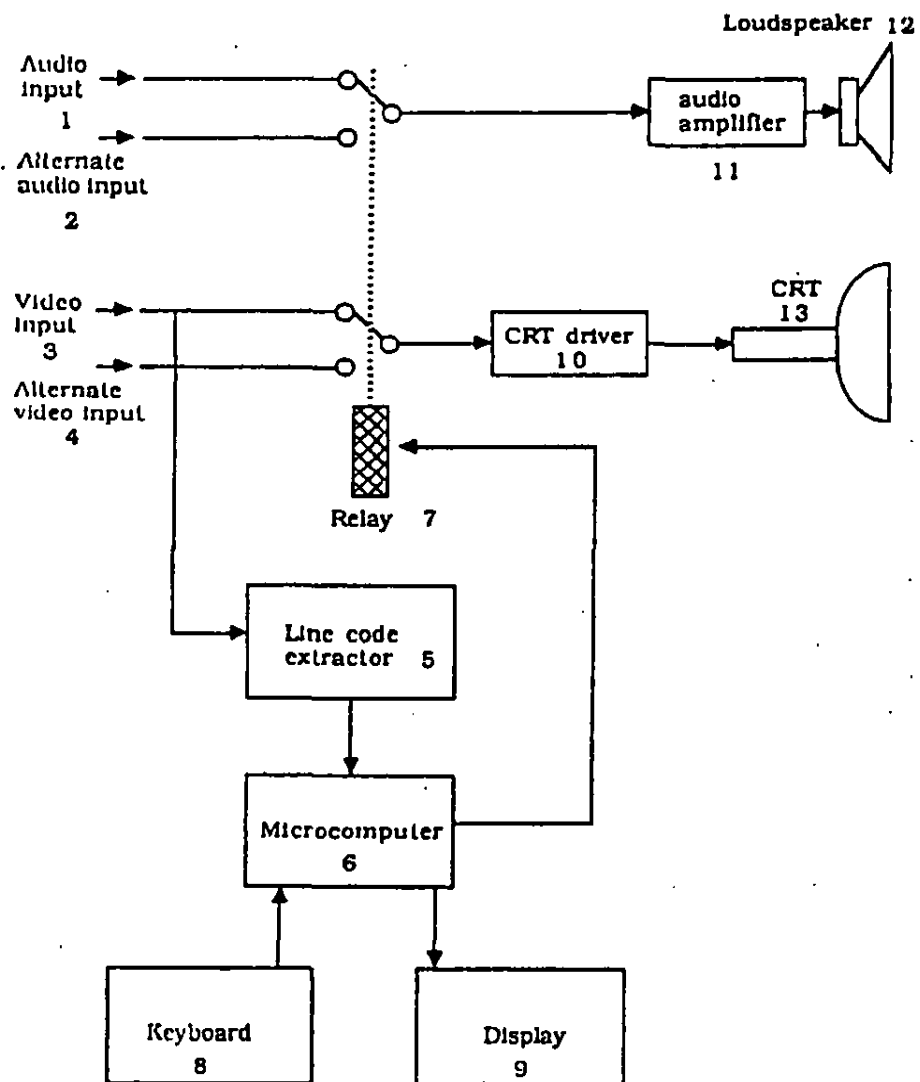
U.S. Patent   May 29, 1990   **Sheet 2 of 5**   **4,930,160**

OPERATIONAL LOOP
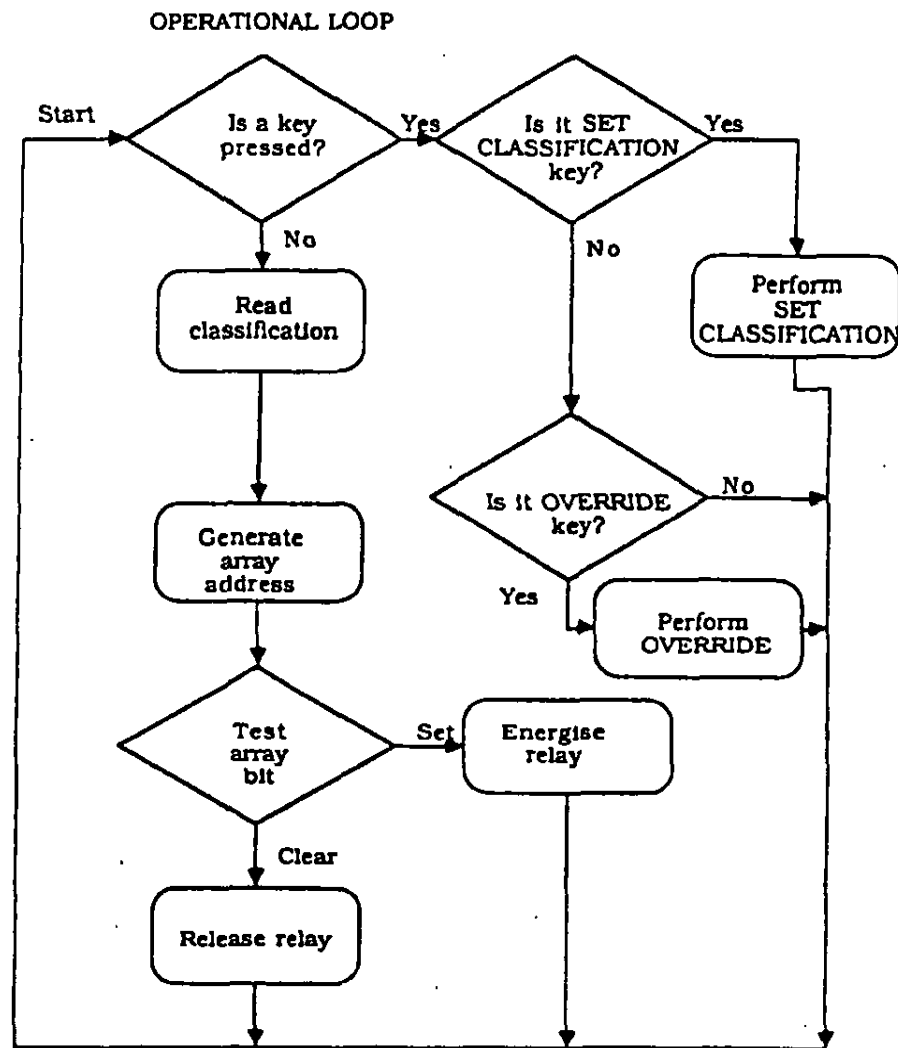
Fig. 2

SET CLASSIFICATION
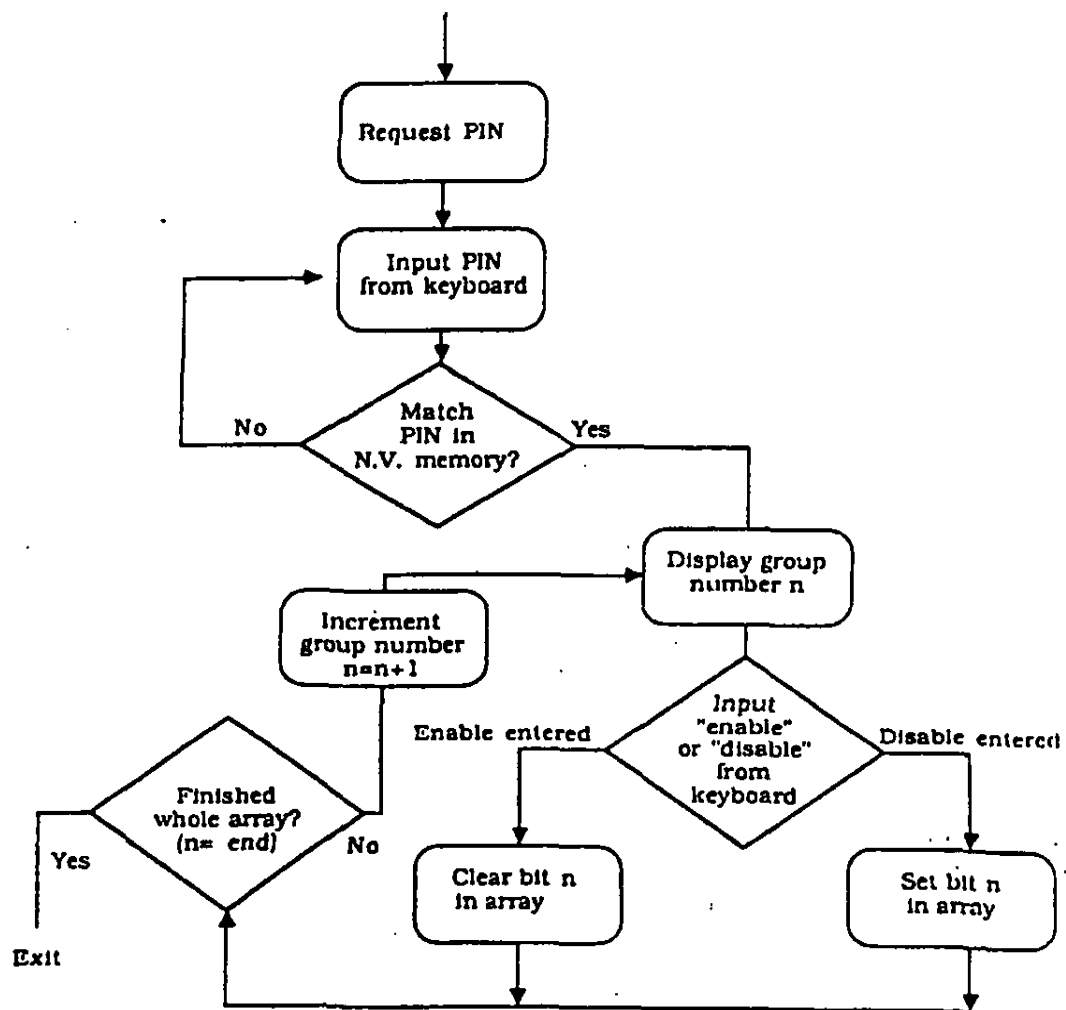
Fig. 3

U.S. Patent   May 29, 1990   Sheet 4 of 5   **4,930,160**
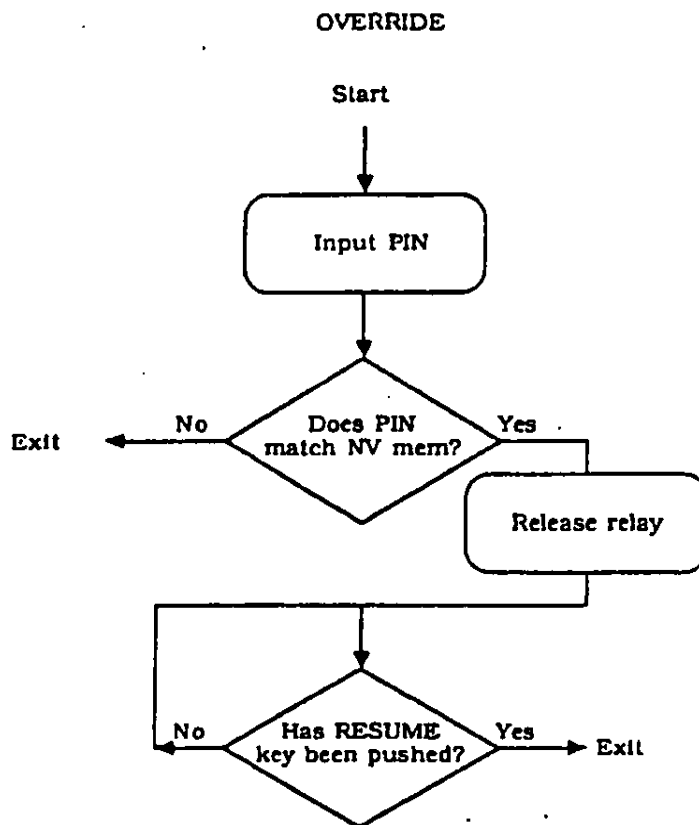
OVERRIDE

Start

Input PIN

Does PIN match NV mem?

No → Exit

Yes

Release relay

Has RESUME key been pushed?

No

Yes → Exit

Fig. 4

Loudspeaker 12

Audio
Input
1

Alternate
audio input
2

audio
amplifier
11

Video
input
3

Alternate
video input
4

CRT drivers
10

CRT
13

Relay   7

Classification
signal →
input 15

Classification
receiver
14

Microcomputer
6

Keyboard
8

Display
9

Fig. 5

4,930,160

1
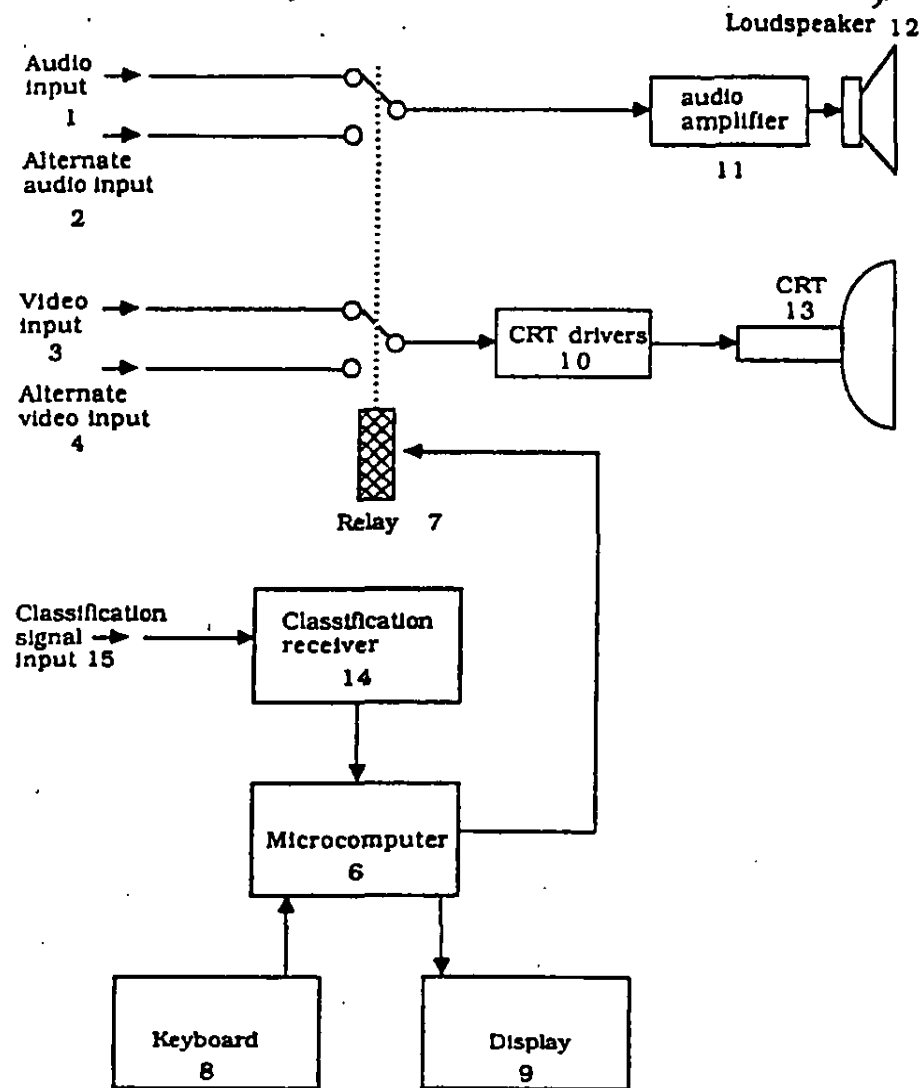
AUTOMATIC CENSORSHIP OF VIDEO PROGRAMS

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

2

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

Exhibit 2

Page 25

4,930,160

3

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

4

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.

Exhibit 2

Page 26

4,930,160

5

Referring now to FIG. 3, when the SET CLASSIFI-CATION 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

6

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

Exhibit 2
Page 27

4,930,160

7

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,

8

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.

* * * * *

AO 120 (Rev.3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

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. 05CV1784 J	DATE FILED 9/14/05	U.S. DISTRICT COURT United States District Court, Southern District of California
PLAINTIFF Thomson, Inc		DEFENDANT Guardian Media Tech.

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 4,930,158	5/29/90	Peter Vogel
2 4,930,160	5/29/90	Peter Vogel
3		
4		
5		

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

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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

Thomson, Inc.

DEFENDANTS

Guardian Media Technologies, Ltd.

SEP 14 2005

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Marion County, IN
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT San Diego, CA
(IN U.S. PLAINTIFF CASES ONLY)

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

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

Kimberly A. McDonnell (CA State Bar # 156976)
Pillsbury Winthrop Shaw Pittman LLP
11682 El Camino Real, Suite 200, SD, CA 92130
Telephone No.: (619) 234-5000

ATTORNEYS (IF KNOWN)

'05 CV 1784 J   (POR)

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

1 U.S. Government Plaintiff

X 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
(For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business in This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business in Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

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).

28 U.S.C. Sections 2201 and 2202; 35 U.S.C. Section 1 et seq.

35: 0415

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

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	610 Agriculture	422 Appeal 28 USC 158	400 State Reappointment
120 Marine	310 Airplane	362 Personal Injury- Medical Malpractice	620 Other Food & Drug	423 Withdrawal 28 USC 157	410 Antitrust
130 Miller Act	315 Airplane Product Liability		625 Drug Related Seizure of Property 21 USC 881	**PROPERTY RIGHTS**	430 Banks and Banking
140 Negotiable Instrument	320 Assault, Libel & Slander	365 Personal Injury - Product Liability	630 Liquor Laws	820 Copyrights	450 Commerce/ICC Rates/etc.
150 Recovery of Overpayment &Enforcement of Judgment	330 Federal Employers' Liability			X 830 Patent	460 Deportation
		368 Asbestos Personal Injury Product Liability	640 RR & Truck	840 Trademark	470 Racketeer Influenced and Corrupt Organizations
151 Medicare Act	340 Marine		650 Airline Regs	**SOCIAL SECURITY**	
152 Recovery of Defaulted Student Loans (Excl. Veterans)	345 Marine Product Liability	**PERSONAL PROPERTY**	660 Occupational Safety/Health	861 HIA (1395ff)	810 Selective Service
		370 Other Fraud	690 Other	862 Black Lung (923)	850 Securities/Commodities Exchange
153 Recovery of Overpayment of Veterans Benefits	350 Motor Vehicle	371 Truth in Lending	**LABOR**	863 DIWC/DIWW (405(g))	
	355 Motor Vehicle Product Liability	380 Other Personal Property Damage	710 Fair Labor Standards Act	864 SSID Title XVI	875 Customer Challenge 12 USC
160 Stockholders Suits			720 Labor/Mgmt. Relations	865 RSI (405(g))	891 Agricultural Acts
190 Other Contract	360 Other Personal Injury	385 Property Damage Product Liability	730 Labor/Mgmt. Reporting & Disclosure Act	**FEDERAL TAX SUITS**	892 Economic Stabilization Act
195 Contract Product Liability				870 Taxes (U.S. Plaintiff or Defendant)	893 Environmental Matters
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	740 Railway Labor Act		894 Energy Allocation Act
210 Land Condemnation	441 Voting	510 Motions to Vacate Sentence Habeas Corpus	790 Other Labor Litigation	871 IRS - Third Party 26 USC 7609	895 Freedom of Information Act
220 Foreclosure	442 Employment		791 Empl. Ret. Inc.		900 Appeal of Fee Determination Under Equal Access to Justice
230 Rent Lease & Ejectment	443 Housing/Accommodations	530 General	Security Act		
240 Tort to Land	444 Welfare	535 Death Penalty			950 Constitutionality of State
245 Tort Product Liability	440 Other Civil Rights	540 Mandamus & Other			890 Other Statutory Actions
290 All Other Real Property		550 Civil Rights			
		555 Prisoner Conditions			

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

X 1 Original Proceeding   2 Removal from State Court   3 Remanded from Appelate 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 X NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Hon. Napolean A. Jones, Jr.   Docket Number 05cv1777 J (AJB),

DATE 9-14-05   SIGNATURE OF ATTORNEY OF RECORD   05CV1780 J (NLS)

117128 $250.00

Kimberly McDonnell