

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.,
Petitioner,

v.

WILLIAM GRECIA,
Patent Owner.

Case IPR2016-01519
Patent 8,887,308 B2

Before RAMA G. ELLURU, JAMES B. ARPIN, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

DISH Network L.L.C. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claim 1 of U.S. Patent No. 8,887,308 B2 (Ex. 1001, “the ’308 patent”). William Grecia (“Patent Owner”) filed a Preliminary Response (Paper 5, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted “unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons that follow, we decline to institute an *inter partes* review.

I. BACKGROUND

A. *Related Proceedings*

The parties identify nine federal district court cases involving the ’308 patent. Pet. 2; Paper 4. The parties also identify four related petitions for *inter partes* review. Pet. 2; Paper 4.

B. *The ’308 Patent*

The ’308 patent describes a digital rights management system that manages access rights across a plurality of devices via digital media personalization to protect digital media subject to illegal copying. Ex. 1001, 1:20–27, 4:48–49. The system includes a first receipt module, an authentication module, a connection module, a request module, a second receipt module, and a branding module. *See id.* at Fig. 1. The first receipt module receives a branding request from a user (content acquirer). *Id.* at 5:46–48. The branding request is a read and write request of metadata of the digital media and includes a membership verification token corresponding to

the digital media. *Id.* at 5:48–51. The authentication module authenticates the membership verification token. *Id.* at 5:57–58. The connection module establishes communication with a communication console. *Id.* at 5:59–61. The request module requests an electronic identification reference from the communication console. *Id.* at 6:5–7. The second receipt module receives the electronic identification reference. *Id.* at 6:7–9. The branding module brands metadata of the digital media by writing the membership verification token and the electronic identification reference into the metadata. *Id.* at 6:9–12.

Figure 3 of the '308 patent, which illustrates this process, is reproduced below.

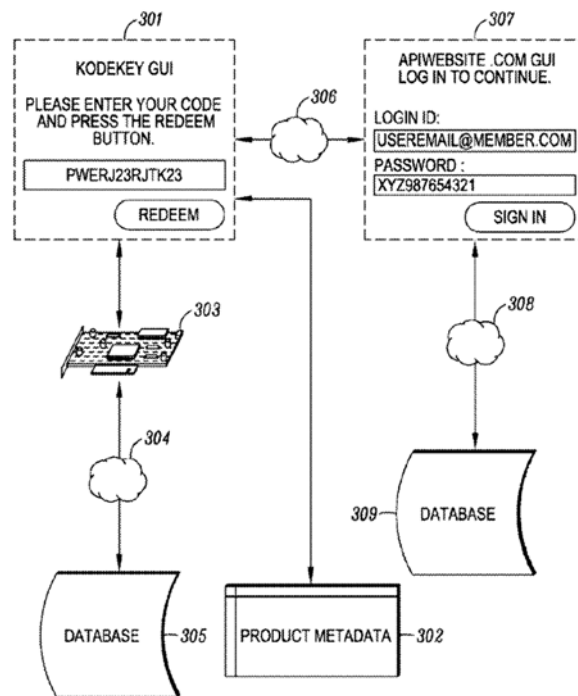


FIG. 3

Figure 3 is a flow chart of a digital media personalization process. *Id.* at 4:24–26. A user (i.e., content acquirer) posts a branding request via Kodekey GUI 301, which prompts the user to enter a token and press the

redeem button. *Id.* at 6:66–7:4. Kodekey GUI 301 is connected to token database 305, which is used to authenticate the token. *Id.* at 7:7–8, 8:20–22. After authentication, the user is redirected to APIwebsite.com GUI 307, which prompts the user to enter a login ID and password to access the digital media from database 309. *Id.* at 7:11–12, 15–18. The APIwebsite.com GUI interfaces to a web service membership (e.g., Facebook), where an electronic identification for the user is collected and sent to Kodekey GUI 301. *Id.* at 7:11–15, 10:41–44. Kodekey GUI 301 also is connected to product metadata 302, which is readable/writable metadata associated with the digital media to be acquired. *Id.* at 7:4–5. Product metadata 302 is branded by writing the token and the user’s electronic identification reference into the metadata. *Id.* at 8:28–31, 11:24–27. For a subsequent access request, the user’s electronic identification reference is compared against the electronic identification reference in metadata 302. *Id.* at 13:54–56. If there is a match, access rights are granted to the user. *Id.* at 13:56–58.

C. Challenged Claim

Petitioner challenges claim 1 of the ’308 patent, which recites:

1. A process for transforming a user access request for cloud digital content into a computer readable authorization object, the process for transforming comprising:
 - a) receiving an access request for cloud digital content through an apparatus in process with at least one CPU, the access request being a write request to a data store, wherein the data store is at least one of:
 - a memory connected to the at least one CPU;
 - a storage connected to the at least one CPU; and

a database connected to the at least one CPU through the Internet; wherein

the access request further comprises verification data provided by at least one user, wherein the verification data is recognized by the apparatus as a verification token; then

b) authenticating the verification token of (a) using a database recognized by the apparatus of (a) as a verification token database; then

c) establishing an API communication between the apparatus of (a) and a database apparatus, the database apparatus being a different database from the verification token database of (b) wherein the API is related to a verified web service, wherein the verified web service is a part of the database apparatus, wherein establishing the API communication requires a credential assigned to the apparatus of (a), wherein the apparatus assigned credential is recognized as a permission to conduct a data exchange session between the apparatus of (a) and the database apparatus to complete the verification process, wherein the data exchange session is also capable of an exchange of query data, wherein the query data comprises at least one verified web service account identifier; then

d) requesting the query data, from the apparatus of (a), from the API communication data exchange session of (c), wherein the query data request is a request for the at least one verified web service identifier; then

e) receiving the query data requested in (d) from the API communication data exchange session of (c); and

f) creating a computer readable authorization object by writing into the data store of (a) at least one of:

the received verification data of (a); and

the received query data of (e); wherein

the created computer readable authorization object is recognized by the apparatus of (a) as user access rights associated to the cloud digital content, wherein the computer readable authorization object is processed by the apparatus of (a) using a cross-referencing action during subsequent user access requests

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