

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COMCAST CABLE COMMUNICATIONS, LLC,  
Petitioner,

v.

ROVI GUIDES, INC.,  
Patent Owner.

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Case IPR2017-00217  
Patent 7,996,864 B2

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Before JENNIFER S. BISK, BARBARA A. BENOIT, and  
TERRENCE W. McMILLIN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

## I. INTRODUCTION

### A. Background

In response to a Petition<sup>1</sup> (Paper 16, “Pet.”) filed by Comcast Cable Communications, LLC. (“Petitioner”), an *inter partes* review of claims 1–20 (“challenged claims”) of U.S. Patent No. 7,996,864 B2 (Ex. 1001, “the ’864 patent”) was instituted pursuant to 35 U.S.C. §§ 311–319. Paper 18 (“Dec.”), 22. Rovi Guides, Inc. (“Patent Owner”) filed a Response. Paper 28 (“Resp.”). Petitioner filed a Reply. Paper 32 (“Reply”). An oral hearing was held on February 7, 2018, and a copy of the transcript was entered into the record. Paper 39 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of the claims on which we instituted trial. Based on the record before us, Petitioner has shown, by a preponderance of the evidence, that claims 1, 3–6, 9, 10, 12–16, and 18–20 are unpatentable. Petitioner, however, has not shown by a preponderance of the evidence that claims 2, 7, 8, 11, and 17 are unpatentable.

### B. Additional Proceedings

Petitioner informs us that the ’864 patent is the subject of the following lawsuits: *Rovi Guides, Inc. v. Comcast Corporation*, No. 1:16-cv-9278 (S.D.N.Y.) and *Comcast Corporation v. Rovi Corporation*, No. 16-cv-

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<sup>1</sup> The original Petition (Paper 1) in this proceeding was filed on November 8, 2016. As authorized by the Board (Paper 15), Petitioner filed a Replacement Petition (Paper 16) on March 27, 2017. Unless otherwise indicated, all references and cites to the “Petition” or “Pet.” in this Decision are to the Replacement Petition (Paper 16).

3852 (S.D.N.Y.). Pet. 1; Paper 9, 2 (Patent Owner's Submission of Updated Mandatory Notice Information).

*C. The '864 Patent*

The '864 patent is titled "Method and Apparatus for Displaying Television Programs and Related Text." Ex. 1001, [54]. The '864 patent relates to "display of program related information such as television program listings from a program schedule data base" along with display of a program in a picture-in-picture (PIP) window. *Id.* at [57] (Abstract). "In a preferred embodiment, the invention displays information about television program schedules and content in a tripartite electronic television program guide. One screen format is a time specific program guide (TISPG)" in which "the moving images of a currently broadcast television program are displayed in real time in a PIP window." *Id.* at 4:1–9. The '864 patent issued from U.S. Patent Application No. 10/704,318, filed November 7, 2003, but claims priority through various applications to U.S. Patent Application No. 08/298,997, filed August 31, 1994. *Id.* at [21], [22], [63], 1:5–21.

As noted above, Petitioner challenges claims 1–20 (all issued claims), of which claims 1, 6, 10, 15, and 16 are independent.<sup>2</sup> The challenged claims relate to methods of displaying an electronic program guide in an interactive television system (claims 1–15) and interactive entertainment systems (claims 16–20). Independent claims 1 and 16 are reproduced below:

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<sup>2</sup> At oral argument, the parties agreed that claim 1 is representative of the independent claims. Tr. 5, 48.

1. A method for displaying an electronic program guide in an interactive television system having a tuner and a screen, the method comprising:

simultaneously displaying a plurality of television program listings in a first area of the screen, a currently broadcast television program received by the tuner in a second, nonoverlapping area of the screen and a detailed program description of the currently broadcast television program displayed in the second area of the screen in a third nonoverlapping area of the screen; and

switching the detailed program description displayed in the third area of the screen in response to a user input without changing the currently broadcast television program displayed in the second area of the screen.

16. An interactive entertainment system comprising:

a microprocessor coupled to a tuner:

the microprocessor configured to:

format a screen comprising a simultaneous display of a plurality of television program listings in a first area of the screen, a currently broadcast television program received by the tuner in a second nonoverlapping area of the screen and a detailed program description of the currently broadcast television program displayed in the second area of the screen in a third nonoverlapping area of the screen; and

switch the detailed program description displayed in the third area of the screen in response to a user input without changing the currently broadcast television program displayed in the second area of the screen.

*Id.* at 22:15–28; 24:14–28.

Figure 1 of the '864 patent, reproduced below, illustrates one embodiment of an interactive television entertainment system:

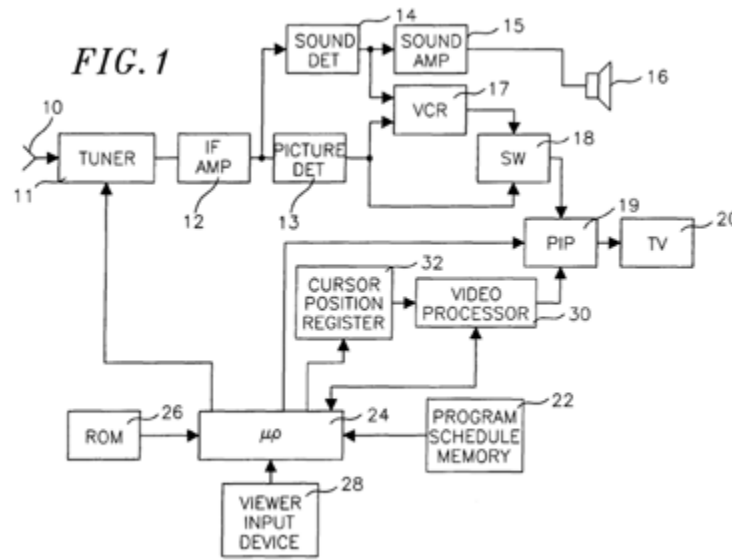


Figure 1 depicts “a television receiver that has an electronic television program guide.” *Id.* at 3:1–2. Figure 2 is reproduced below.

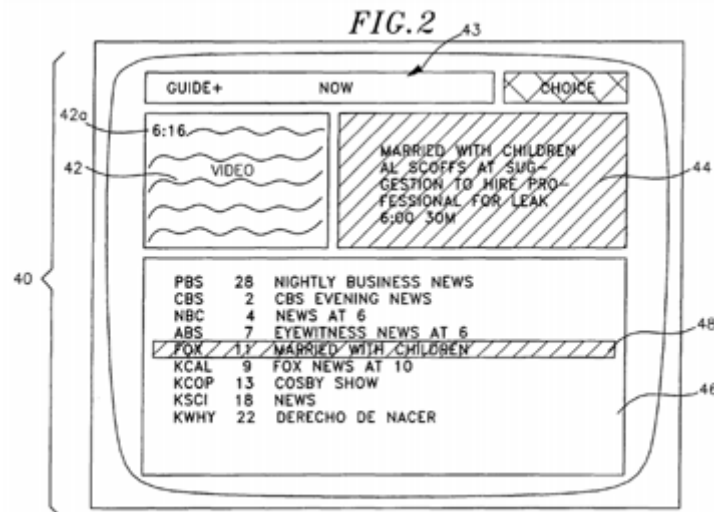


Figure 2 depicts a television screen. *Id.* at 3:4–5. A PIP window 42 is displayed in the upper left-hand corner of the screen. *Id.* at 5:11–12. In addition, “a program description area 44 in the upper right-hand corner of the screen adjacent to the PIP window 42, and a program schedule area 46 below areas 42 and 44” are shown. *Id.* at 5:14–17. Figure 3 is reproduced below.



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