

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ROVI GUIDES, INC.,
Patent Owner.

Case IPR2017-00952
Patent 8,006,263 B2

Before KEVIN F. TURNER, MICHAEL R. ZECHER, and
JESSICA C. KAISER, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner, Comcast Cable Communications, LLC (“Comcast”), filed a Petition requesting an *inter partes* review of claims 1–19 of U.S. Patent No. 8,006,263 B2 (Ex. 1201, “the ’263 patent”). Paper 2 (“Pet.”). Patent Owner, Rovi Guides, Inc. (“Rovi”), filed a Preliminary Response. Paper 6. Taking into account the arguments presented in Rovi’s Preliminary Response, we determined that the information presented in the Petition established that there was a reasonable likelihood that Comcast would prevail in challenging claims 1–19 of the ’263 patent as unpatentable under 35 U.S.C. § 103(a). Pursuant to 35 U.S.C. § 314, we instituted this *inter partes* review on September 20, 2017, as to all of the challenged claims and all the grounds presented the Petition. Paper 11 (“Dec. on Inst.”).

During the course of trial, Rovi filed a Patent Owner Response (Paper 17, “PO Resp.”), and Comcast filed a Reply to the Patent Owner Response (Paper 30, “Pet. Reply”). A consolidated oral hearing with related Cases IPR2017-00950, IPR2017-00951, IPR2017-01048, IPR2017-01049, IPR2017-01050, IPR2017-01065, IPR2017-01066, and IPR2017-01143 was held on June 19, 2018, and a transcript of the hearing is included in the record. Paper 40 (“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 claims 1–19 of the ’263 patent. For the reasons discussed below, we hold that Comcast has demonstrated by a preponderance of the evidence that these claims are unpatentable under § 103(a).

A. Related Matters

The '263 patent is involved in the following district court cases: (1) *Rovi Guides, Inc. v. Comcast Corp.*, No. 2:16-cv-00322 (E.D. Tex.), which has been transferred to the U.S. District Court for the Southern District of New York and is pending as *Rovi Guides, Inc. v. Comcast Corp.*, No. 1:16-cv-09826 (S.D.N.Y); and (2) *Comcast Corp. v. Rovi Corp.*, No. 1:16-cv-03852 (S.D.N.Y). Pet. 1–2; Paper 4, 2. The '263 patent also has been asserted against Comcast in a proceeding before the U.S. International Trade Commission (“ITC”) styled *In re Certain Digital Video Receivers and Hardware and Software Components Thereof*, No. 337-TA-1001. Pet. 2; Paper 4, 2.

In addition to this Petition, Comcast filed two other petitions challenging the patentability of claims 1–19 of the '263 patent (Cases IPR2017-00950 and IPR2017-00951). Pet. 3; Paper 4, 2. Comcast also filed other petitions challenging the patentability of certain subsets of claims in several patents owned by Rovi. Pet. 3.

B. The '263 Patent

The '263 patent, titled “Interactive Television Program Guide with Remote Access,” issued August 23, 2011, from U.S. Patent Application No. 11/246,392, filed on October 7, 2005. Ex. 1201, [54], [45], [21], [22]. The '263 patent is a continuation of U.S. Patent Application No. 10/927,814, filed on August 26, 2004, which, in turn, is a continuation of U.S. Patent Application No. 09/354,344, filed on July 16, 1999. *Id.* at [63]. The '263 patent also claims the benefit of U.S. Provisional Application No. 60/097,527, filed on August 21, 1998, and U.S. Provisional Application No. 60/093,292, filed on July 17, 1998. *Id.* at [60].

The '263 patent generally relates to interactive television program guide video systems and, in particular, to such systems that provide remote access to program guide functionality. Ex. 1201, 1:19–22. The '263 patent discloses that conventional interactive television program guide systems typically are implemented on set-top boxes located in the home of a user and, as a result, do not permit the user to perform program guide functions without the user being physically located in the same room as these systems. *Id.* at 1:37–45. Stated differently, conventional interactive television program guide systems require the user to be present in the home to access important program guide features, such as program reminders, parental controls, and program recording. *Id.* at 2:19–22. The '263 patent purportedly addresses this and other problems by providing an interactive television program guide system that allows a user to access certain features of the program guide remotely and establish settings for those features. *Id.* at 2:23–28.

Figure 1 of the '263 patent, reproduced below, illustrates a schematic block diagram of the system in accordance with the present invention. Ex. 1201, 3:45–46, 4:29–30.

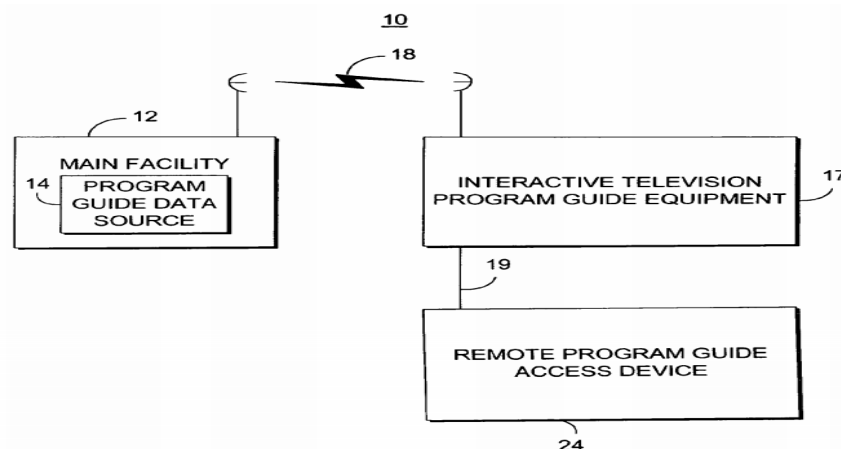


FIG. 1

As shown in Figure 1 reproduced above, system 10 includes main facility 12 that provides interactive television program guide data from program guide data source 14 to interactive television program guide equipment 17 via communication link 18. *Id.* at 4:29–33. Interactive television program guide equipment 17 is connected to at least one remote program guide access device 24 via remote access link 19. *Id.* at 4:47–53.

Figure 2a of the '263 patent, reproduced below, illustrates one arrangement involving the interactive television program guide equipment 17 and remote program guide access device 24 in accordance with the principles of the present invention. Ex. 1201, 3:47–50, 4:55–57.

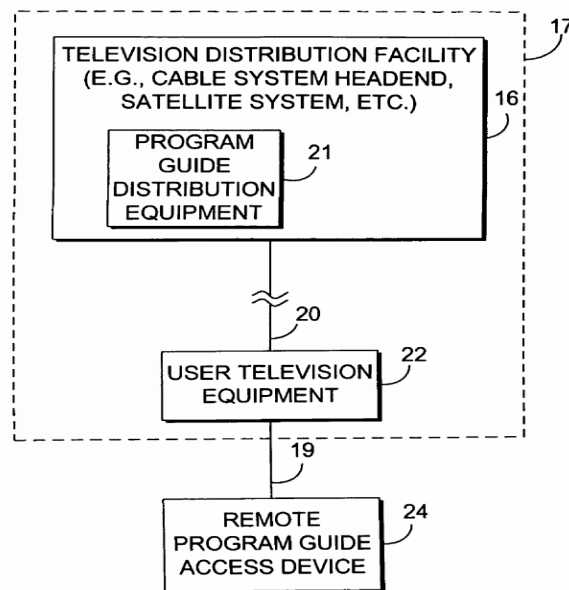


FIG. 2a

As shown in Figure 2a reproduced above, interactive television program guide equipment 17 includes program guide distribution equipment 21 located at television distribution facility 16, which distributes program guide data to user television equipment 22 via communications path 20. *Id.* at 4:57–67. Remote program guide access device 24 receives the program

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