

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ROVI TECHNOLOGIES CORP.,
Patent Owner.

Case IPR2017-00989
Patent 6,725,281 B1

Before MICHAEL R. ZECHER, LYNNE E. PETTIGREW, and
JESSICA C. KAISER, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Comcast Cable Communications, LLC (“Comcast”), filed a
Petition for *inter partes* review of claims 34, 48–69, 73, and 75 of U.S.

Patent No. 6,725,281 B1 (Ex. 1101, “the ’281 patent”).¹ Paper 2 (“Pet.”). Patent Owner, Rovi Technologies Corp. (“Rovi”), filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see* 37 C.F.R. § 42.108. Having considered the Petition and Preliminary Response, we conclude the information presented does not show there is a reasonable likelihood that Comcast would prevail in establishing the unpatentability of at least one of the challenged claims of the ’281 patent.

A. *Related Matters*

According to the parties, the ’281 patent has been asserted in *Rovi Guides, Inc. v. Comcast Corp.*, No. 2:16-cv-00321 (E.D. Tex.), which has been transferred to the U.S. District Court for the Southern District of New York and is now pending as *Rovi Guides, Inc. v. Comcast Corp.*, No. 1:16-cv-09278 (S.D.N.Y.). Pet. 2; Paper 3, 2. The parties also state that the ’281 patent was at issue in *Comcast Corp. v. Rovi Corp.*, No. 1:16-cv-03852 (S.D.N.Y.), but that all claims related to the ’281 patent in that proceeding have been dismissed without prejudice. Pet. 2; Paper 3, 3; Paper 7, 2. The ’281 patent also was asserted in *Microsoft Corp. v. TiVo, Inc.*, No. 5:10-cv-00240-LHK (N.D. Cal.), which closed on March 22, 2012. Pet. 2–3,

¹ All of the claims challenged by Comcast in this Petition were added during reexamination of the ’281 patent. *See* Exs. 1101, 1126. All references to those claims in this Decision are to the claims as issued in Reexamination Certificate US 6,725,281 C1. *See* Exs. 1101, 1126.

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Paper 3, 3. In addition, the '281 patent was the subject of *Ex Parte* Reexamination No. 90/011,541, in which a reexamination certificate issued on October 26, 2012. Pet. 2 (citing Ex. 1126); Paper 3, 4.

In addition to this Petition, Comcast filed six other petitions challenging the patentability of claims of the '281 patent (Cases IPR2017-00988, IPR2017-00990, IPR2017-00991, IPR2017-00992, IPR2017-00993, and IPR2017-00994). Pet. 3; Paper 3, 2. Comcast also filed other petitions challenging the patentability of certain subsets of claims in several other patents owned by Rovi.

B. The '281 Patent

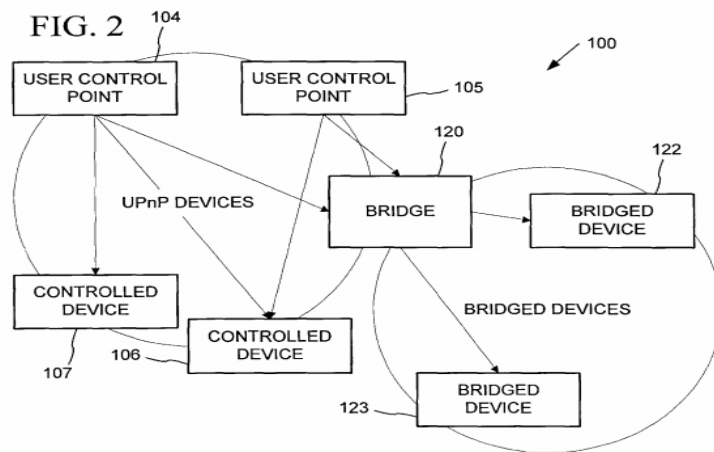
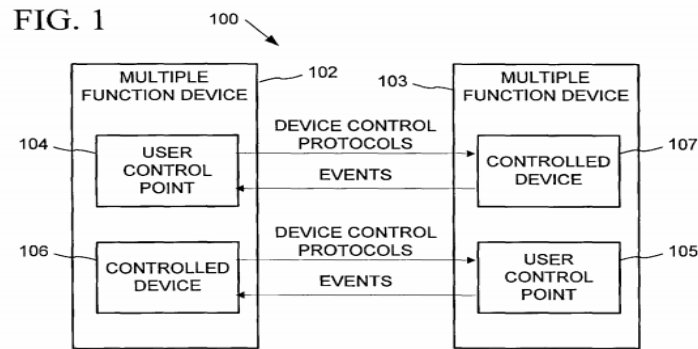
The '281 patent, titled “Synchronization of Controlled Device State Using State Table and Eventing in Data-Driven Remote Device Control Model,” issued April 20, 2004, from U.S. Patent Application No. 09/432,853, filed on November 2, 1999. Ex. 1101, at [54], [45], [21], [22]. The '281 patent also claims the benefit of U.S. Provisional Application No. 60/139,137, filed on June 11, 1999, and U.S. Provisional Application No. 60/160,235, filed on October 18, 1999. *Id.* at [60].

The '281 patent generally relates to dynamic connectivity among distributed devices and services and, in particular, to providing the capability to access device-specific or service-specific operational information to perform remote automation and control of embedded computing devices using a data-driven remote programming model. *Id.* at 1:13–19. The '281 patent discloses that, in many conventional scenarios, pervasive networked computing involves ad hoc remote control of the operational functionality of various devices from a single device with user data input/output capabilities. *Id.* at 1:52–55. In these scenarios, it is desirable to

share the user interface experience of a controlled device's physical control panel with a user interface-capable controller device. *Id.* at 1:61–65.

The '281 patent purportedly accomplishes this by allowing controlled devices in a device control model to maintain a state table representative of their operational states. *Id.* at 1:66–2:1. Devices that provide a user interface or a user control point for the controlled device obtain a copy of the controlled device's state table. *Id.* at 2:1–3. These user control point devices subscribe to notifications of state table changes, such that whenever there is a change to its operational state, the controlled device updates its local copy of the state table and notifies all user control point devices using an eventing model. *Id.* at 2:7–16. This synchronization of the operational state of a controlled device among all user control point devices that provide a user interface to the controlled device allows a user to interact appropriately with the current state of the controlled device (e.g., by “avoiding issuing a ‘toggle power on/off’ command when the controlled device's power already is on”). *Id.* at 2:24–32. The '281 patent also discloses that a user control point obtains (1) presentation data that define the presentation of the remote user interface of each controlled device, and (2) device control protocol data that define commands and protocols affecting control over each controlled device. *Id.* at 2:1–7.

Figures 1 and 2, reproduced below, illustrate block diagrams of a device architecture per Universal Plug and Play (“UPnP”) using user control points, controlled devices, and bridges for connectivity between the user control points and controlled devices. *Id.* at 2:54–57.



As shown in Figures 1 and 2 reproduced above, device architecture 100 includes User Control Points 104 and 105, Controlled Devices 106 and 107, and Bridge 120. *Id.* at 12:47–50. The functionality of these components can be packaged into physical entities (e.g., multiple function devices 102 and 103) in any combination. *Id.* at 12:52–55. Controlled Devices 106 and 107 are responsible for storing the state of Services, whereas User Control Points 104 and 105 synchronize to the state on the Controlled Devices and share each state directly among themselves. *Id.* at 12:61–64. Each Controlled Device 106 and 107 stores its current state of Service in Service State Table (“SST”) 230 (illustrated in Figure 3). *Id.* at 12:57–63.

According to the ’281 patent, SST 230 may be used to represent the operational mode of the device or act as an information source or sink. *Id.* at 13:61–63, 16:47–49. For instance, the SST of VCR 254 (illustrated in

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