

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 IPR2017-01049
Patent 8,578,413 B2

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

TURNER, *Administrative Patent Judge*.

DECISION

Granting 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 requesting an *inter partes* review of claims 1–18 of U.S. Patent No. 8,578,413 B2 (Ex. 1101, “the ’413 Patent”). Paper 2 (“Pet.”). Patent Owner, Rovi Guides, Inc. (“Rovi”), filed a Preliminary Response. Paper 7 (“Prelim. Resp.”).

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition shows “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Taking into account the arguments presented in Rovi’s Preliminary Response, we conclude that the information presented in the Petition establishes that there is a reasonable likelihood that Comcast would prevail in challenging claims 1–18 of the ’413 Patent as unpatentable under 35 U.S.C. § 103(a). Pursuant to § 314, we hereby institute an *inter partes* review as to these claims of the ’413 Patent.

A. Related Matters

The ’413 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 3, 2. The ’413 Patent also has been asserted against Comcast in a proceeding before the U.S. International Trade Commission styled *In re Certain Digital Video Receivers and*

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Hardware and Software Components Thereof, No. 337-TA-1001. Pet. 2; Paper 3, 2.

In addition to this Petition, Comcast filed two other petitions challenging the patentability of claims 1–18 of the '413 Patent (Cases IPR2017-01048 and IPR2017-01050). Pet. 3; Paper 3, 2. Comcast also filed other petitions challenging the patentability of certain subsets of claims in several patents owned by Rovi. Pet. 3.

B. The '413 Patent

The '413 Patent, titled “Interactive Television Program Guide with Remote Access,” issued November 5, 2013, from U.S. Patent Application No. 13/275,565, filed on October 18, 2011. Ex. 1101, at [54], [45], [21], [22]. The '413 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 '413 Patent also claims the benefit of U.S. Provisional Application No. 60/097,527, filed August 21, 1998, and U.S. Provisional Application No. 60/093,292, filed on July 17, 1998. *Id.* at [60].

The '413 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. 1101, 1:16–19. The '413 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 1:34–42. 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 2:16–19. The '413 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 2:20–25.

Figure 1 of the '413 Patent, reproduced below, illustrates a schematic block diagram of the system in accordance with the present invention. Ex. 1101, 7:15–39.

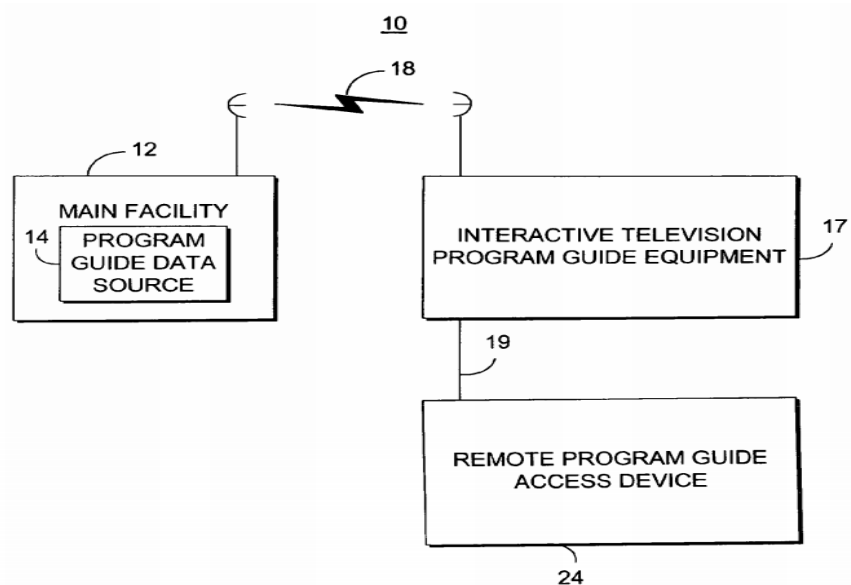


FIG. 1

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 7:15–22. 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 7:33–35.

Figure 2a of the '413 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. 1101, 8:16–34.

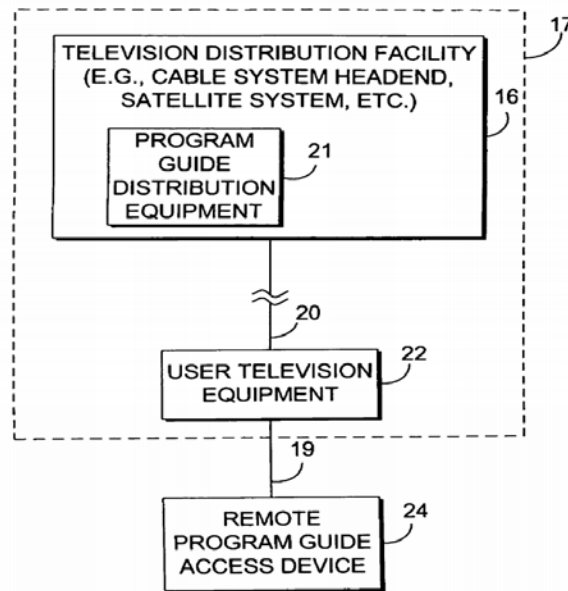


FIG. 2a

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 7:40–53. Remote program guide access device 24 receives the program guide data, as well as any additional data necessary to access various functions of the interactive program guide, from user television equipment 22 via remote access link 19. *Id.* at 8:21–26, 9:4–6.

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