

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 IPR2017-01050  
U.S. Patent No. 8,578,413

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**PATENT OWNER'S REQUEST FOR REHEARING  
BY THE DIRECTOR PURSUANT TO *UNITED STATES v. ARTHREX***

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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## I. INTRODUCTION

Patent Owner Rovi Guides, Inc. (PO) requests Director review of the PTAB's October 16, 2018 Final Written Decision (Pap. 36). This request is timely filed within 30 days of the Federal Circuit's September 2, 2021 remand order.

The Board erred in construing "interactive program guide" (IPG) to encompass mere Internet browsers that render electronic program guides lacking any interactive capabilities on web pages. The claims' use of the word "interactive," combined with the specification's disclaimer of prior-art online electronic program guides and web browsers, demonstrates that the claims cover only program guides that allow the user to both view program listings *and* use the program guide interactively to execute recording, reminder, and parental-control functions. The Board, however, determined that the "remote user interface on Blake's input device 332," which is simply an electronic program guide displayed through a web browser, satisfied the claimed remote IPG limitations. That was legal error, and the Board's obviousness determination must therefore be set aside.

The Board's conclusion that a POSA would have been motivated to combine Blake and Killian was also erroneous. The Board adopted Petitioner's contention that a POSA would have been motivated to entirely redesign Blake's rudimentary system—designed to be operational on systems as simple as a conventional push-button phone—to incorporate Killian's JAVA-based user profiles. Neither

Petitioner nor the Board, however, explain how to even store Killian's user profiles on a conventional push-button telephone. Moreover, this hypothetical redesign offers no benefits. Both Killian's system and Blake's system allows users to customize the list of television programs to better identify desired and undesired content. Because Blake operates effectively on its own, the Board's finding that the '413 patent is obvious over Blake and Killian should be set aside.

## II. BACKGROUND

**A. The patent.** The '413 patent claims a novel system and method for allowing a user to remotely control a program guide for her television. The invention improved upon prior art program guide systems, which "require[d] that the user be physically present in the home to access important program guide features such as program reminders, parental control, and program recording." EX1201, 2:16–19.

The patent discloses a system in which two distinct "interactive program guides"—a "local IPG" and a "remote IPG" (or "remote access IPG")—communicate with one another. The local IPG is implemented on "local interactive television program guide equipment," while the remote IPG is implemented on a "mobile device." *Id.*, 40:6–47. These guides offer robust, interactive features that allow users to control television activity remotely in ways previously unavailable. For example, the user can instruct the remote IPG to schedule future recordings, access information about program listings, schedule a program reminder, or dis-

play program listings in subsets according to user-selected criteria. The remote IPG then sends those instructions to the local IPG, which performs the necessary operations on the local IPG equipment. *Id.*, 15:9–32, 18:4–12, 25:45–59, 40:6–47.

**B. The prior art.** Blake discloses a rudimentary system that “allows users to schedule recordings from a remote location” using a computer or a push-button phone. EX1222, 2:10–15. This system contains three key features: (i) a central processor that receives and processes user input to find program data associated with a program the user wants to record; (ii) an input device that can transmit the input from a remote location; and (iii) a recording device that can record program in response to instructions from the processor. *Id.*, 2:19–25. The user can use the input device to, for example, “record[] a program, tun[e] to a channel, access[] a related internet site, purchas[e] a pay-per-view program, or purchas[e] merchandise.” *Id.*, 15:5–7.

In one embodiment of the Blake’s system, the user may “group shows” and select programs to record according to “themes.” *Id.*, 2:17–18, 11:29. “Examples of themes which the user may select from include sports, movies, science fiction, sit-coms and the like.” *Id.*, 18:2–3. Using this theme functionality, “the user may enter Bulls” or “select sports when presented with a list of theme selections” “if the user wishes to record the Chicago Bulls v. L.A. Lakers game.” *Id.*, 18:5–8. This feature is “particularly helpful,” according to Blake’s written description, “when

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