

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 IPR2017-01065
Patent 8,046,801 B2

Before KEVIN F. TURNER, LYNNE E. PETTIGREW, and
JESSICA C. KAISER, *Administrative Patent Judges*.

KAISER, *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 for *inter partes* review of claims 1–54 of U.S. Patent No. 8,046,801 B2 (Ex. 1001, “the ’801 patent”). Paper 2 (“Pet.”). Patent Owner, Rovi Guides, Inc. (“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 that the information presented in the Petition establishes that there is a reasonable likelihood that Comcast would prevail in challenging claims 1–54 of the ’801 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 ’801 patent.

A. *Related Matters*

According to the parties, the ’801 patent has been asserted in *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 now pending as *Rovi Guides, Inc. v. Comcast Corp.*, No. 1:16-cv-09826 (S.D.N.Y.). Pet. 1–2; Paper 3, 2. The parties also assert that the ’801 patent has been asserted in *In re Certain Digital Video Receivers and Hardware and Software Components Thereof*, No. 337-TA-1001 (Int’l Trade Comm’n). Pet. 2; Paper 3, 2. The parties also state that the

'801 patent is at issue in *Comcast Corp. v. Rovi Corp.*, No. 1:16-cv-03852 (S.D.N.Y.). Pet. 2; Paper 3, 2.

In addition to this Petition, Comcast filed two other petitions challenging the patentability of claims 1–54 of the '801 patent, as well as petitions challenging related patents. Pet. 3; Paper 4, 2.

B. The '801 Patent

The '801 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. 1001, 1:16–19. The '801 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 '801 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 '801 patent, reproduced below, illustrates a schematic block diagram of the system described in the patent. *Id.* at 5:35–36, 7:15–16.

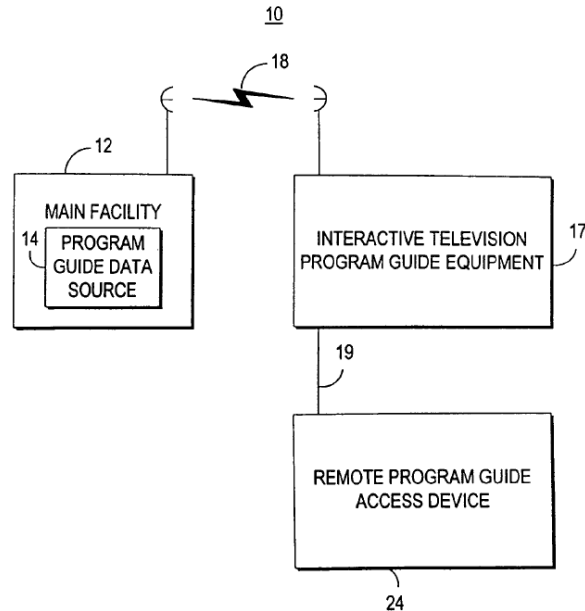


FIG. 1

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 communications link 18. *Id.* at 7:16–19. 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 '801 patent, reproduced below, illustrates one arrangement involving interactive television program guide equipment 17 and remote program guide access device 24. *Id.* at 5:37–40, 7:40–43.

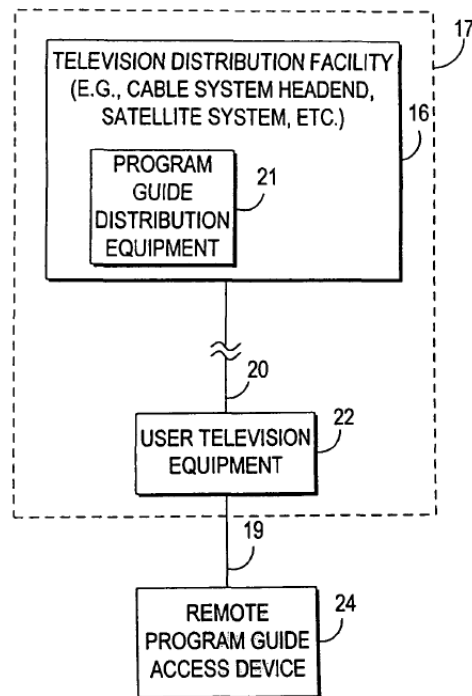


FIG. 2a

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 7:44–53. 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 8:15–26.

In at least one embodiment, the '801 patent discloses that a remote access interactive television program guide implemented on remote program guide access device 24 communicates with a local interactive television program guide implemented on interactive television program guide equipment 17. *Id.* at 15:9–15. In one example, the remote access and local

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