

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 IPR2017-01143  
Patent 8,046,801 B2

---

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

KAISER, *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 for *inter partes* review of claims 1–54 of U.S. Patent No. 8,046,801 B2 (Ex. 1201, “the ’801 patent”). Paper 2 (“Pet.”). Patent Owner, Rovi Guides, Inc. (“Rovi”), filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). 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 1–54 of the ’801 patent as unpatentable under 35 U.S.C. § 103(a). Pursuant to § 314, we instituted this *inter partes* review on October 18, 2017, as to all of the challenged claims and the only ground presented by Comcast in its Petition. Paper 8 (“Dec. on Inst.”).

During the course of trial, Rovi filed a Patent Owner Response (Paper 14, “PO Resp.”), and Comcast filed a Reply to the Patent Owner Response (Paper 25, “Pet. Reply”). A consolidated oral hearing with related Cases IPR2017-00950, IPR2017-00951, IPR2017-00952, IPR2017-01048, IPR2017-01049, IPR2017-01050, IPR2017-01065, and IPR2017-01066 was held on June 19, 2018, and a transcript of the hearing is included in the record. Paper 34 (“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 1–54 of the ’801 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 '801 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 now 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 '801 patent has also 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 (Int’l Trade Comm’n). 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 (Cases IPR2017-001065 and IPR2017-01066), as well as petitions challenging related patents. Pet. 3; Paper 3, 2.

*B. The '801 Patent*

The '801 patent, titled “Interactive Television Program Guide with Remote Access,” issued October 25, 2011, from U.S. Patent Application No. 10/927,814, filed on August 26, 2004. Ex. 1201, at [54], [45], [21], [22]. The '801 patent is a continuation of U.S. Patent Application No. 09/354,344, filed on July 16, 1999. *Id.* at [63]. The '801 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 '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. 1201, 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.

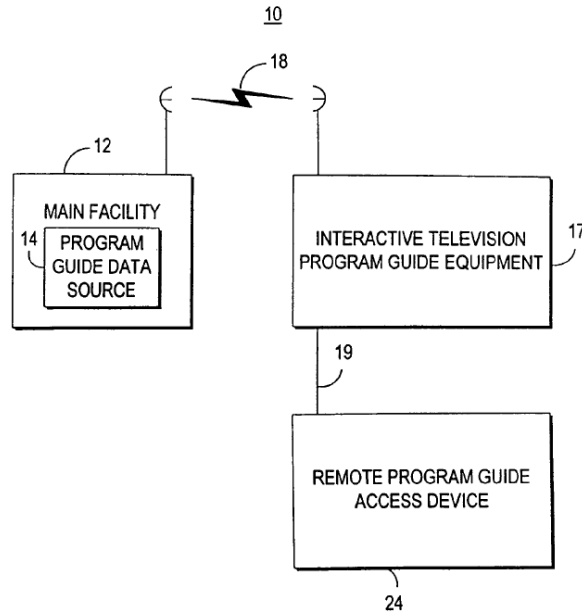


FIG. 1

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.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.