### UNITED STATES PATENT AND TRADEMARK OFFICE

#### BEFORE THE PATENT TRIAL AND APPEAL BOARD

Charter Communications, Inc.

Petitioner

V.

**Sprint Communications Company** 

Patent Owner

Patent No. 6,757,907 Case No. IPR2019-01137

DECLARATION OF KEVIN ALMEROTH, PH.D.



### **TABLE OF CONTENTS**

1.	INTR	KODU	DDUCTION1				
II.	QUA	QUALIFICATIONS AND BACKGROUND					
III.	THE '7907 PATENT						
	A.	Over	view of the '7907 Patent	12			
	B.	Prose	ecution History	14			
IV.	LEG	AL ST	STANDARDS				
V.	LEVI	EL OF	F ORDINARY SKILL18				
VI.	CLAIM CONSTRUCTION						
	A.	"A video-on-demand system" (claim 1) / "operating a video-on-demand system" (claims 21 and 41)					
	B.	"viev	iewer control signal" (claims 1, 21, 41)				
	C.		transfer [the first/second] video signals" (claim 1) / transferring [the first/second] video signals" (claims 21, 41)2				
	D.	Agre	ed Constructions in Comcast Claim Construction Order	22			
VII.	DETAILED ANALYSIS			23			
	A. PRIOR ART CONSIDERED						
		1.	Ellis	23			
		2.	Yosuke	24			
		3.	Browne	25			
		4.	Humpleman	26			
	B.	Ground 1: <i>Ellis</i> and <i>Yosuke</i> Render Obvious Claims 1-53		26			
		1.	Independent Claim 1	32			
		2.	Dependent Claim 2	50			
		3.	Dependent Claim 3	51			
		4.	Dependent Claim 4	53			
		5.	Dependent Claim 5	54			
		6.	Dependent Claim 6	57			
		7.	Dependent Claim 7	58			



## *Inter Partes* Review No. 2019-01137 U.S. Patent No. 6,757,907

	8.	Dependent Claim 8	58		
	9.	Dependent Claim 9	60		
	10.	Dependent Claim 10	61		
	11.	Dependent Claim 11	63		
	12.	Dependent Claim 12	64		
	13.	Dependent Claim 13	65		
	14.	Dependent Claim 14	67		
	15.	Dependent Claim 15	67		
	16.	Dependent Claim 16	68		
	17.	Dependent Claim 17	68		
	18.	Dependent Claim 18	69		
	19.	Dependent Claim 19	70		
	20.	Dependent Claim 20	71		
	21.	Independent Claim 21	72		
	22.	Dependent Claims 22-40	73		
	23.	Independent Claim 41	74		
	24.	Dependent Claims 42-53	76		
C.		Ground 2: <i>Ellis</i> and <i>Yosuke</i> and <i>Browne</i> Render Obvious Claims 1-53 Under § 103			
	1.	Independent Claim 1	83		
	2.	Dependent Claims 2-11, 13, and 15-20	86		
	3.	Dependent Claim 12	86		
	4.	Dependent Claim 14	87		
	5.	Independent Claim 21	88		
	6.	Dependent Claims 22-40	88		
	7.	Independent Claim 41	90		
	8.	Dependent Claims 42-53	91		
D.	Ground 3: <i>Ellis</i> and <i>Yosuke</i> and <i>Humpleman</i> Render Obvious Claims 1-53				
	1.	Independent Claim 1			



## Inter Partes Review No. 2019-01137 U.S. Patent No. 6,757,907

	2.	Dependent Claims 2-6, 8, 10-11 and 13-20	101
	3.	Dependent Claim 7	101
	4.	Dependent Claim 9	101
	5.	Dependent Claim 12	103
	6.	Independent Claim 21	104
	7.	Dependent Claims 22-40	105
	8.	Independent Claim 41	106
	9.	Dependent Claims 42-53	107
VIII.	CONCLUS	ION	109



#### I. INTRODUCTION

- 1. I, Kevin Almeroth, Ph.D., submit this declaration to state my opinions on the matters described below.
- 2. I have been retained by Petitioner Charter Communications, Inc. as an independent expert in this proceeding before the United States Patent and Trademark Office.
- 3. I understand that this proceeding involves U.S. Patent No. 6,757,907 ("the '7907 patent"), and I have been asked to provide my opinions as to the patentability of the claims of the '7907 patent. I have been informed that a copy of the '7907 patent is attached to the petition as Exhibit 1001.
- 4. This declaration sets forth the opinions that I have formed in this proceeding based on my study of the evidence, my understanding as an expert in the field, and my education, training, research, knowledge, and personal and professional experience.
- 5. I am being compensated for my time at the rate of \$700 per hour for my work. This compensation is not contingent in any way upon the nature of my findings, the presentation of my findings in testimony, or the outcome of this proceedings, nor does it affect the substance of my statements in this declaration.
- 6. I have no financial interest in the Petitioner, the Patent Owner Sprint Communications Company, or the '7907 patent, and I have not had any contact



# DOCKET

## 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.

