

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

PETITION FOR *INTER PARTES* REVIEW

TABLE OF CONTENTS

I.	PRELIMINARY STATEMENT	1
II.	THE '7907 PATENT	2
	A. Overview of the '7907 Patent.....	2
	B. The Challenged Claims	4
III.	STATEMENT OF PRECISE RELIEF REQUESTED	12
IV.	LEVEL OF ORDINARY SKILL.....	12
V.	CLAIM CONSTRUCTION	13
	A. “A video-on-demand system” (claim 1) / “operating a video-on-demand system” (claims 21 and 41)	13
	B. “viewer control signal” (claims 1, 21, 41)	14
	C. “transfer . . . [first/second] video signals” (claim 1) / “transferring [first/second] video signals” (claims 21, 41).....	15
	D. Agreed Constructions in Comcast Claim Construction Order.....	16
VI.	CLAIMS 1-53 ARE UNPATENTABLE OVER THE PRIOR ART	17
	A. Overview of the Prior Art.....	17
	B. Ground 1: <i>Ellis</i> and <i>Yosuke</i> Render Obvious Claims 1-53	20
	C. Ground 2: <i>Ellis</i> and <i>Yosuke</i> and <i>Browne</i> Render Obvious Claims 1-53	52
	D. Ground 3: <i>Ellis</i> and <i>Yosuke</i> and <i>Humpleman</i> Render Obvious Claims 1-53	63
VII.	MANDATORY NOTICES	77
	A. Real Party-in-Interest	77
	B. Related Matters.....	77
	C. Lead and Back-Up Counsel, and Service Information	78
VIII.	CERTIFICATION UNDER 37 C.F.R. § 42.24(d).....	79
IX.	FOUNDATIONS FOR STANDING.....	79
X.	CONCLUSION.....	79

LIST OF EXHIBITS

Exhibit	Description
Ex. 1001	U.S. Patent No. 6,757,907 to Schumacher et al. (“the ’7907 patent”)
Ex. 1002	Declaration of Kevin C. Almeroth (“Almeroth”)
Ex. 1003	Curriculum Vitae of Kevin C. Almeroth, Ph.D.
Ex. 1004	Prosecution History of U.S. Patent No. 6,757,907
Ex. 1005	RESERVED - OMITTED
Ex. 1006	European Patent Application EP 0 872 987 A2 to Yosuke (“Yosuke”)
Ex. 1007	WO 92/22983 to Browne et al. (“Browne”)
Ex. 1008	U.S. Patent No. 7,913,278 to Ellis et al. (“Ellis”)
Ex. 1009	U.S. Patent No. 6,182,094 to Humpleman et al. (“Humpleman”)
Ex. 1010	Claim Construction Order from <i>Comcast Cable Commc’ns, LLC v. Sprint Commc’ns Co., LP</i> , Case No. 2:12-cv-859-JD, Dkt. 162 (Aug. 15, 2014, E.D. Pa.) (“Comcast Order”)
Ex. 1011	Sprint’s Opening Claim Construction Br. from <i>Comcast Cable Commc’ns, LLC v. Sprint Commc’ns Co., LP</i> , Case No. 2:12-cv-859-JD, Dkt. 162 (Aug. 15, 2014, E.D. Pa.) (“Sprint Claim Construction Br.”)

I. PRELIMINARY STATEMENT

Petitioner requests IPR and cancellation of claims 1-53 of the '7907 patent (Ex. 1001).¹ These claims are directed to a video-on-demand (“VOD”) system that allows the viewer to use a computer—instead of a set-top box—to remotely control the display of video content. The '7907 patent explains that, when it was filed in 2000, VOD systems already allowed a viewer to use a television set-top box to remotely control the display of video content. ('7907 patent, 1:23-35.) However, the '7907 patent emphasized that using a set-top box for remote control was undesirable because it was a “special component” that could not be used for other purposes, such as “offer[ing] a selection of displays and bandwidths.” ('7907 patent, 1:38-43.) The '7907 patent attempts to overcome this alleged shortcoming by simply replacing the set-top box with a computer that allows the viewer to remotely control video content displayed on the television, using a high bandwidth to transfer the video content, or displayed on the computer itself, using a lower bandwidth to transfer the video content. ('7907 patent, 1:46-55, Abstract.)

But the concept of using a computer to replace a set-top box for remotely controlling video content displayed on a television or on the computer itself was well-known before the '7907 patent. *Ellis* discloses this same video-on-demand

¹ In a separate, concurrently filed *Inter Partes* Review Petitions, IPR2019-01135 and IPR2019-01139, Petitioner request cancellation of the same claims from the '7907 patent.

system. *Ellis* identified the *same problem* with set-top boxes as the '7907 patent. (*Ellis*, 1:37-45.) And *Ellis* sought to solve this problem with the *same solution* as the '7907 patent by disclosing the use of a remote program access device to remotely select video content and direct the system to send and play the selected video content either on the remote program access device or television equipment. (*Ellis*, 2:47-60, 5:9-12, 9:42-49, Fig. 2d.)

Beyond *Ellis*, the concept of using a computer to remotely control a video system was known as early as 1991 in *Browne* and continued to be a known concept of controlling a VOD system, as shown in *Yosuke* and *Humpleman*, before the invention of the '7907 patent. Similarly, the concept of varying the bandwidth for transmitting video content depending on the display has also been a known concept for providing user flexibility, as demonstrated in *Yosuke*. Accordingly, the '7907 patent's claimed technology was well-known prior to the invention of the '7907 patent, and rendered obvious by the art submitted in this Petition.

II. THE '7907 PATENT

A. Overview of the '7907 Patent

The '7907 patent's three independent claims (1, 21, and 41) are generally directed to methods and systems for using a computer to remotely control a VOD system, and offering the user the choice of transferring the selected video content to either a television or to the computer itself at different bandwidths. ('7907

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