

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
Petitioner,

v.

SPRINT COMMUNICATIONS COMPANY, L.P.,
Patent Owner.

IPR2019-01137
Patent 6,757,907 B1

Before WILLIAM V. SAINDON, BRIAN J. McNAMARA
and NATHAN A. ENGELS, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
35 U.S.C. § 314, 37 C.F.R. § 42.4

I. INTRODUCTION

Charter Communications, Inc. (“Petitioner”) filed a petition, Paper 2 (“Petition” or “Pet.”), to institute an *inter partes* review of claims 1–53 (the “challenged claims”) of U.S. Patent No. 6,757,907 B1 (“the ’7907 patent”). 35 U.S.C. § 311. We have jurisdiction under 37 C.F.R. § 42.4(a) and 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “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.” Having considered the arguments and the associated evidence presented in the Petition and the Preliminary Response, for the reasons described below, we decline to institute *inter partes* review.

II. REAL PARTIES IN INTEREST

The Petition identifies the following real parties-in-interest: Charter Communications, Inc.; Charter Communications Holdings, LLC; Spectrum Management Holding Company, LLC; Charter Communications Operating, LLC; and Time Warner Cable, LLC. Pet. 77. Patent Owner identifies itself as the real party-in-interest. Paper 5.

III. RELATED MATTERS

A. *Identification of Related Proceedings*

The Petition states that the ’7907 patent is asserted in the following litigation: (1) *Sprint Commc’ns Co. L.P. v. Charter Commc’ns Inc., Charter Commc’ns Holdings, LLC, Spectrum Management Holding Co., LLC, Charter Commc’ns Operating, LLC, and Time Warner Cable, LLC*, Case No. 1:18-cv02033 (D. Del.); and (2) *Sprint Commc’ns Co. L.P. v. Cequel Commc’ns, LLC D/B/A Suddenlink Commc’ns, CSC Holding, LLC D/B/A*

Optimum-Cablevision, and Altice USA, Inc., Case No. 1:18-cv-01919-UNA (D. Del.). Pet. 77.

Petitioner identifies the following additional petitions filed against the '7907 patent: IPR2019-01135 and IPR2019-01139. *Id.* at 77–78.

Petitioner identifies the following petitions filed against related U.S. patent 6,754,907 (“the '4907 patent”): IPR2019-01136, IPR2019-01138, and IPR2019-01140. *Id.* at 78.

IV. THE '7907 PATENT

The '7907 patent concerns a video-on-demand (VOD) system that replaces a conventional, immobile, fixed bandwidth set-top box that does not include a display with a second communications system and display, such as a web browser running on a portable computer. *See* Ex. 1001, 1:17–55.

Figure 1 shown below is a block diagram of a configuration an operating environment of such a system.

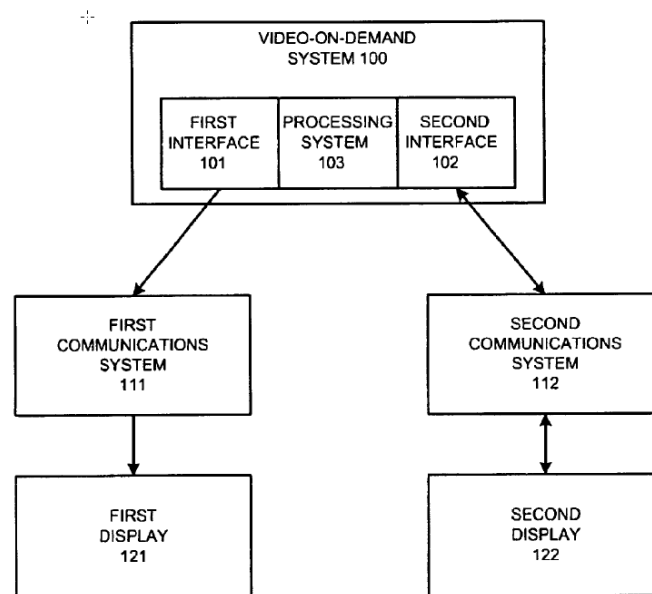


Figure 1 of the '7907 patent

As shown in Figure 1, VOD system 100 includes (i) a processing system 103, (ii) first communications interface 101 to first communications

system 111, such as optical fiber or wire cable system that drives first display 121, e.g., a television, and (iii) second interface 102 such as the Internet (in particular, the World Wide Web, or the “web”), to second communications system 112 that uses less bandwidth than the first communications system and drives second display 122, e.g., a personal computer with a browser. *Id.* at 2:28–48. The VOD system may include a conventional computer platform with programmed software that directs processing system 103 to transfer a control screen signal to second communications system 112 for routing to second display 122 that displays the control screen. *Id.* at 2:51–60. The control screen may include subject matter, e.g., a video content menu, a preview selection, an order selection, or display characteristics, from which a user can make selections. *Id.* at 3:37–60. When a viewer makes a selection, a corresponding signal is returned by the second communications system to processor 103, which responds by implementing the selected function, e.g., fast forwarding the video transferred over communications system 111 to first display 121. *See id.* at 4:61–5:8.

Figure 6 shown below illustrates a web-based system configuration.

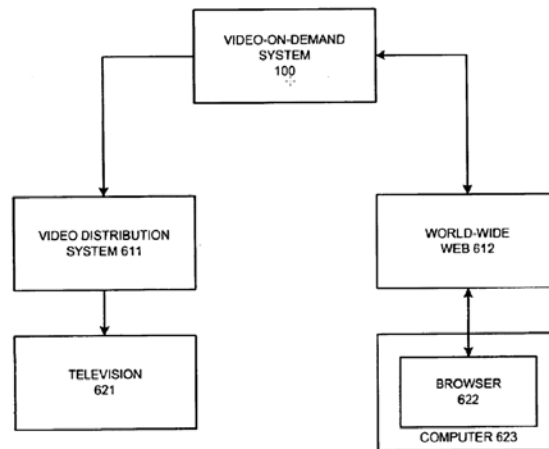


Figure 6 of the '7907 patent

In the configuration of Figure 6, in response to log in by browser 622, system 100 returns a web page from which the user can make a selection, e.g., to preview a video. *Id.* at 5:47–57. System 100 returns the video preview in MPEG I format to browser 622 for display. *Id.* at 5:52–57. After the video display, browser 622 transfers menu selections to system 100 for television 621 to display selected video content using MPEG II. *Id.* at 5:58–60. System 100 then transfers the MPEG II video to the television 621 and a web page to browser 622. As television 621 displays selected video content browser 622 transfers menu selections to system 100 for browser 622 to display selected content in MPEG I. *See id.* at 6:4–22.

V. ILLUSTRATIVE CLAIM

The '7907 patent includes three independent claims —claim 1 drawn to a video on demand system, claim 21 drawn to a method of operating a video on demand system, and claim 41 drawn to a processor-readable storage medium. Claim 1, reproduced below with Petitioner's paragraph designations, is representative of the subject matter of the '7907 patent:

1[Preamble]. A video-on demand system comprising:

- 1[A] a first communication interface configured to transfer first video signals to a first communication system using a first bandwidth;
- 1[B] a second communication interface configured to transfer a control screen signal and second video signals to a second communication system using a second bandwidth that is less than the first bandwidth; and
- 1[C] a processing system configured to transfer the control screen signal to the second communication interface, receive a viewer control signal from the second communication interface, and transfer the first video signals to the first communication interface if the first communication system is indicated by the viewer control signal or transfer the second video signals to the second

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