

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
Petitioner,

v.

SPRINT COMMUNICATIONS COMPANY,
Patent Owner.

IPR2019-01138
Patent 6,754,907 B1

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

SAINDON, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Charter Communications, Inc. (“Petitioner”) filed a petition requesting *inter partes* review of claims 1–25 of U.S. Patent No. 6,754,907 B1 (Ex. 1001, “the ’4907 patent”). Paper 2 (“Pet.”). Sprint Communications Company (“Patent Owner”) filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

We have authority under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition and the Preliminary 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 also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”). Taking into account the arguments presented in the Petition and Preliminary Response, we conclude that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim. Accordingly, we do not institute an *inter partes* review.

A. Related Matters

Petitioner challenges the ’4907 patent in IPR2019-01136 and IPR2019-01140, which are decided at the same time as this proceeding.

Petitioner challenges a related patent, U.S. Patent No. 6,757,907 (“the ’7907 patent”) in IPR2019-01135, IPR2019-01137, and IPR2019-01139.

According to the parties, the ’4907 patent is involved in *Sprint Communications Company L.P. v. Charter Communications, Inc.*, 1:18-cv-02033-RGA and *Sprint Communications Company L.P. v. Cequel*

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Communications, LLC (d/b/a Suddenlink Communications), et al., 1:18-cv-01919-RGA, both in the U.S. District Court for the District of Delaware. Pet. 74–75; Paper 4, 1 (Patent Owner’s Mandatory Notice).

B. Real Parties In Interest

The parties do not present any dispute over real parties in interest. Petitioner asserts that Charter Communications, Inc.; Charter Communications Holdings, LLC; Spectrum Management Holding Company, LLC; Charter Communications Operating, LLC; and Time Warner Cable, LLC are the real parties in interest. Pet. 66.

Patent Owner asserts Sprint Communications Company L.P. is the real party in interest and that Sprint Corporation may be a real party in interest. Paper 4, 1.

C. The ’4907 Patent

The ’4907 patent is directed to a video-on-demand system having a remote control feature. Ex. 1001, code (54). The patent describes how the remote control feature can be implemented through a personal computer using a web browser, which eliminates the need for a special set-top box. *Id.* at 1:35–43. Figure 1 of the ’4907 patent is reproduced below:

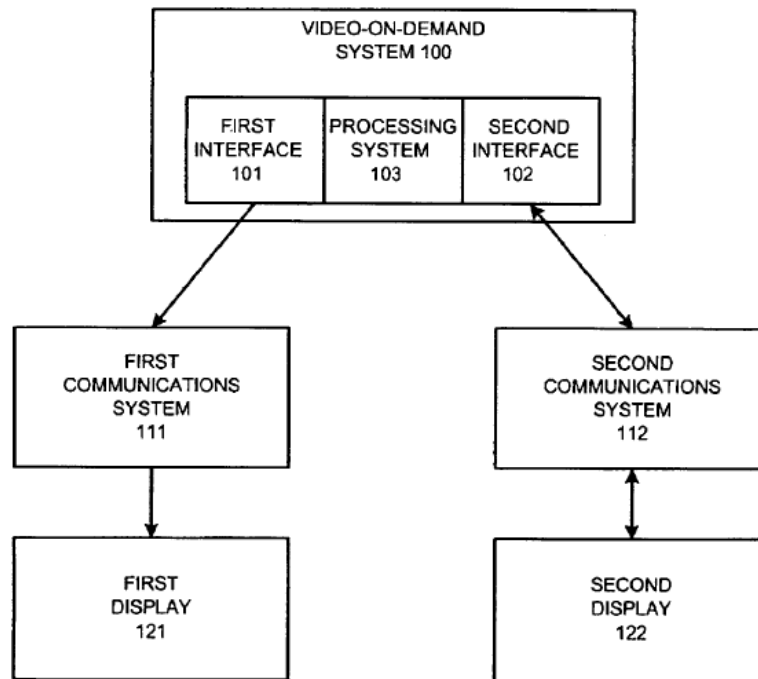


FIG. 1

Figure 1 of the '4907 patent depicts an embodiment of the claimed video on demand system. Ex. 1001, 1:61–63. According to the '4907 patent, first communication interface 101 is coupled to first communication system 111, which can be “optical fiber systems, wire or cable systems, and wireless link systems.” *Id.* at 2:27–29. These are in turn connected to first display 121, which can be a television. *Id.* at 2:31–32. The second communication interface 102 is coupled to second communication system 112, which can be the “Internet or World Wide Web.” *Id.* at 2:29–31. These are in turn connected to second display 122, which can be a personal computer with a browser. *Id.* at 2:32–33.

Processing system 103 handles communications within the system. First, processing system 103 transfers a control screen signal to second communication interface 102. *Id.* at 2:38–46. The control screen can be a webpage that includes, e.g., a control menu (play, stop, pause, rewind, fast-

forward) and a video content selection menu. *Id.* at 1:50–55. When the user enters a selection from the control screen, a video control signal is sent back to processing system 103 via second communication system 112 and second interface 102. *Id.* at 2:47–53. In response to the video control signal, processing system 103 then directs video content to the first or second display, depending on which display the video control signal selected to receive the video content. *Id.* at 2:54–67.

D. Challenged Claims

All claims in the '4907 patent are challenged. Claims 1, 10, and 19 are independent. Independent claim 1 is reproduced below with added emphasis:

1. A video-on-demand system comprising:
 - a first communication interface configured to transfer video content signals to a first communication system;
 - a second communication interface configured to transfer the video content signals to a second communication system, transfer a control screen signal to the second communication system, and receive a video control signal from the second communication system; and*
 - a processing system configured to transfer the control screen signal to the second communication interface, receive the video control signal from the second communication interface, implement a viewer-control selection indicated by the video control signal, and transfer the video content signals to the first communication interface if the first communication interface is indicated by the video control signal received from the second communication interface or transfer the video content signals to the second communication interface if the second communication interface is indicated by the video control signal.*

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