UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SLING TV L.L.C.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.
IPR2019-01363
Patent 9,721,273 B2

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Before KEVIN F. TURNER, JENNIFER S. BISK, and NEIL T. POWELL,
Administrative Patent Judges.

BISK, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C § 318(a)

I. INTRODUCTION

Sling TV L.L.C. ("Petitioner") filed a Petition requesting an *inter partes* review of claims 1–3 of U.S. Patent No. 9,721,273 B2 (Ex. 1001, "the '273 patent"). Paper 1 ("Pet."). Uniloc 2017 LLC, identified as the owner

of and real party in interest to the '273 patent (Paper 4), filed a Preliminary Response to the Petition. Paper 6 ("Prelim. Resp."). We instituted this review as to all challenged claims. Paper 7 ("Inst. Dec.").

Subsequent to institution, Patent Owner filed a Patent Owner Response. Paper 13 ("PO Resp."). Petitioner filed a Reply. Paper 14 ("Reply"). And Patent Owner filed a Sur-Reply. Paper 15 ("Sur-Reply"). An oral hearing was held on October 14, 2020. Paper 28 ("Tr."). Based on discussions at the hearing, the panel authorized, and each party filed, additional briefing on claim construction issues. Paper 26 ("Pet. Post-Hearing Br."); Paper 27 ("PO Post-Hearing Br.").

This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons that follow, Petitioner has not demonstrated by a preponderance of the evidence that claims 1–3 of the '273 patent are unpatentable.

II. BACKGROUND

A. Related Matters

The parties identify several district court cases involving the '273 patent. Pet. v; Prelim. Resp. 2. With its Response, Patent Owner filed a *Markman* ruling issued by the Central District of California on March 9, 2020. Ex. 2001 (*Markman* ruling in *Uniloc 2017 LLC v. Netflix, Inc.*, 8:18-cv-02055) ("Netflix Decision").

B. The '273 Patent

The '273 patent, titled System and Method for Aggregating and Providing Audio and Visual Presentations Via a Computer Network, issued August 1, 2017. Ex. 1001, codes (45), (54). It addresses the problem of

locating content on the Internet for the purpose of business productivity and consumer education and entertainment. *Id.* at 1:51–55, 2:6–10. In particular, the '273 patent discusses storing and aggregating audio/visual presentation data for delivery via a computer network using a common web page. *Id.* at 2:15–3:11.

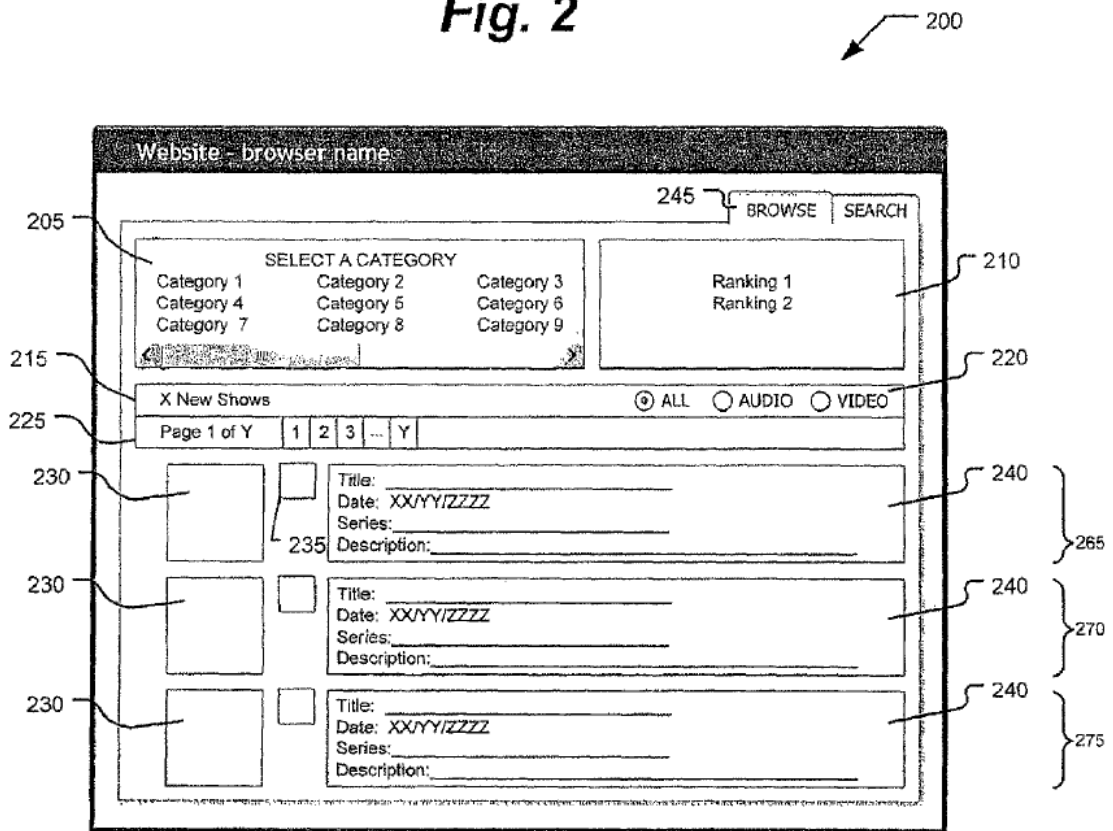Figure 2 is reproduced below.

Figure 2 "illustrates an electronic document according to an embodiment of the present invention." *Id.* at 3:22–23. Web page 200 "aggregates audio and/or video content for presentation to users of computers 20." *Id.* at 5:4–6. It displays a row for each of three presentations 265, 270, and 275, each row including particular content graphics 230, particular content information 240, and indicator 235. *Id.* at 5:16–20. "A user may select such a

presentation for display by selecting an individual presentation for streaming or downloading, such as by clicking on an indicator . . . ." *Id.* at 5:20–23.

The '273 patent describes an embodiment, process 800, which is "suitable for automatically aggregating and linking to presentations housed elsewhere in memory so as to be accessible to a [user's computer] via [a] network." *Id.* at 10:56–62. According to the '273 patent, "Really Simple Syndication ('RSS') is a family of [standardized] Internet feed formats used to publish content that may be frequently updated, such as podcasts (RSS 2.0)." *Id.* at 10:64–66.
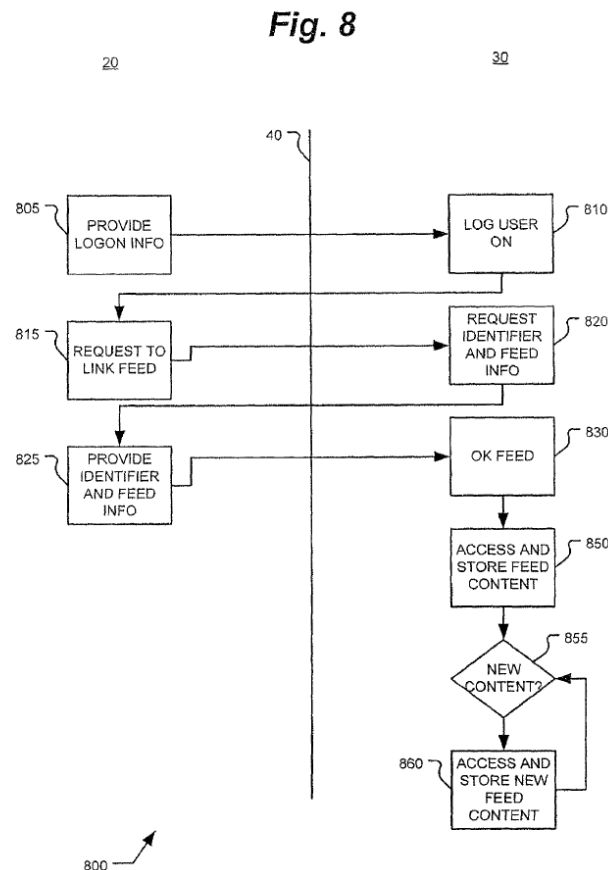
Figure 8 is reproduced below.

Fig. 8

Figure 8 shows a flow diagram of process 800. *Id.* at 10:56–58. After a user provides log on information at a client computer (step 805) and a server

computer logs the user on (step 810), the logged on user, at step 815, requests to link an RSS feed by interacting with a web page. *Id.* at 11:20–30. The server then requests information about the content to be created, including title and description (step 820), and the user provides at least a portion of the requested information (step 825). *Id.* at 11:30–41. The information provided may be screened, filtered, or verified (step 830) and stored (step 850). *Id.* at 11:41–52. At step 855, the server "may determine if new content exists for one or more feeds stored at block 850" using "any of a number of conventional manner[s], including periodically checking when the feed was last updated." *Id.* at 11:63–12:1. Any new or changed content may be appended to the data stored in step 850. *Id.* at 12:1–3.

C. Illustrative Claim

Claims 1 and 2 are independent, and claim 3 depends from claim 2. Claim 1 is illustrative of the subject matter at issue and reads as follows:

1. A method for providing content via a computer network and computing system, the method comprising:

   [a] storing presentation data that represents content of a first collection of one or more presentations using the computer system;

   [b] storing data indicative of the first collection of presentations so as to be associated with the presentation data;

   [c] storing feed data that represents a collection of one or more feeds using the computer system, *wherein each of the feeds identifies a corresponding second collection of one or more presentations being accessible via the computer network and includes no data representing content of the second collection of presentations*;

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