

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C., DISH TECHNOLOGIES L.L.C., and
SLING TV L.L.C.,
Petitioner,

v.

SOUND VIEW INNOVATIONS, LLC,
Patent Owner.

IPR2020-01276
Patent 6,757,796 B1

Before JAMESON LEE, DEBRA K. STEPHENS, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

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

DISH Network L.L.C., DISH Technologies L.L.C., and Sling TV L.L.C. (collectively, “Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–3, 5–7, 13–15, 18, 20, 21, 24, 25, 27, and 29 (“the challenged claims”) of U.S. Patent No. 6,757,796 B1 (Ex. 1001, “the ’796 patent”). Patent Owner, Sound View Innovations, LLC

(“Patent Owner”), filed a preliminary response (Paper 8). With our authorization (Paper 9), Petitioner filed a preliminary reply (Paper 10) and Patent Owner filed a preliminary sur-reply (Paper 11) directed to Patent Owner’s arguments regarding collateral estoppel and 35 U.S.C. § 325(d) in the Preliminary Response. Taking into account the arguments presented in these papers, we determined that the information presented in the Petition established that there was a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims. Pursuant to 35 U.S.C. § 314, we instituted this proceeding on February 24, 2021, as to all challenged claims and all grounds of unpatentability. Paper 13 (“Dec. on Inst.”).

During the course of trial, Patent Owner filed a Patent Owner Response (Paper 23, “PO Resp.”), and Petitioner filed a Reply to the Patent Owner Response (Paper 28, “Pet. Reply”). Patent Owner also filed a Sur-reply. Paper 36 (“PO Sur-reply”). An oral hearing was held on November 18, 2021, and a transcript of the hearing is included in the record. Paper 38 (“Tr.”).

Petitioner filed declarations of Dr. Kevin Negus with its Petition (Ex. 1002) and its Reply (Ex. 1021). Patent Owner filed a declaration of Mark T. Jones, Ph.D., with its Response. Ex. 2005. The parties also filed transcripts of the depositions of Dr. Negus (Exs. 2006, 2007) and Dr. Jones (Ex. 1020).

We have jurisdiction under 35 U.S.C. § 6. This decision is a Final Written Decision under 35 U.S.C. § 318(a) as to the patentability of claims 1–3, 5–7, 13–15, 18, 20, 21, 24, 25, 27, and 29 of the ’796 patent. For the reasons discussed below, Petitioner has not demonstrated by a

preponderance of the evidence that any of claims 1–3, 5–7, 13–15, 18, 20, 21, 24, 25, 27, and 29 of the '796 patent is unpatentable.

I. BACKGROUND

A. *Real Parties-in-Interest*

Petitioner identifies DISH Network L.L.C., DISH Technologies L.L.C., Sling TV L.L.C., Sling TV Holding L.L.C., and DISH Network Corporation as real parties-in-interest. Pet., at vi. Patent Owner identifies Sound View Innovations, LLC, and Sound View Innovation Holdings, LLC, as real parties-in-interest. Paper 5, 1.

B. *Related Proceedings*

The parties identify the following district court actions related to the '796 patent (Pet., at vi–vii; Paper 5, 1–2, Paper 7, 1):

Sound View Innovations, LLC v. DISH Network LLC, No. 1:19-cv-03707 (D. Colo. filed Dec. 30, 2019);

Sound View Innovations, LLC v. Sling TV LLC, No. 1:19-cv-03709 (D. Colo. filed Dec. 30, 2019);

Sound View Innovations, LLC v. Hulu, LLC, No. 2:17-cv-04146 (C.D. Cal. filed June 2, 2017) (“the California litigation”);

Sound View Innovations, LLC v. AMC Networks, Inc., No. 1:19-cv-00145 (D. Del. filed Jan. 25, 2019; terminated Apr. 24, 2020);

Sound View Innovations, LLC v. HSN, Inc., No. 1:19-cv-00193 (D. Del. filed Jan. 30, 2019; terminated Apr. 16, 2020);

Sound View Innovations, LLC v. QVC, Inc., No. 1:19-cv-00194 (D. Del. filed Jan. 30, 2019; terminated Apr. 15, 2020);

Sound View Innovations, LLC v. CBS Corp., No. 1:19-cv-00146 (D. Del. filed Jan. 25, 2019; terminated Apr. 15, 2020); and

Sound View Innovations, LLC v. Twitter, Inc., No. 1:16-cv-00652 (D. Del. filed July 29, 2016; terminated Jan. 19, 2017).

C. *The '796 patent*

The '796 patent relates to “decreasing the playback delay at a client computer of a live streaming broadcast transmitted over a network.”

Ex. 1001, 1:8–11. Figure 2 of the '796 patent is reproduced below.

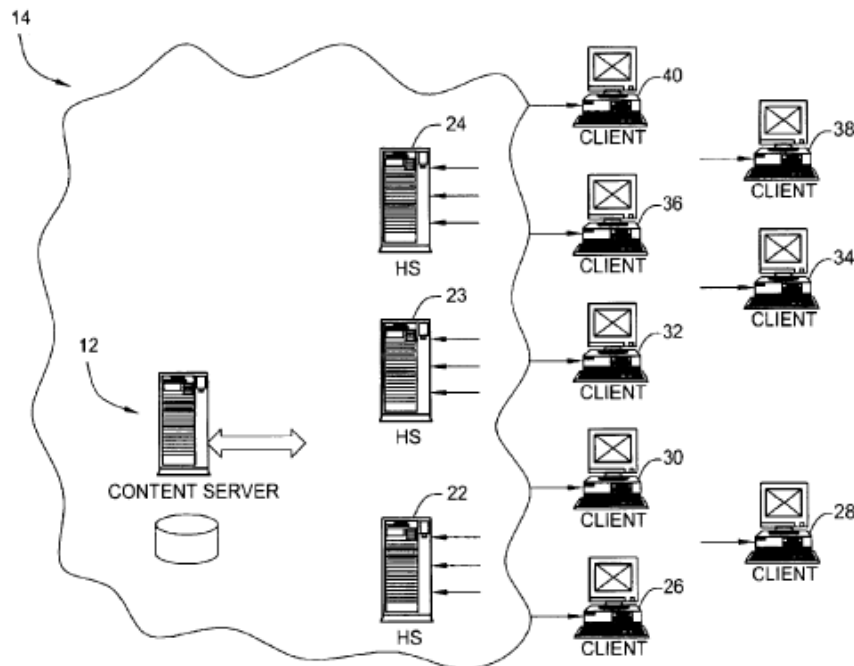


FIG. 2

Figure 2 depicts public network system (PNS) 14, which is a high-speed, high-bandwidth interactive distribution network such as the Internet. *Id.* at 3:1–2, 4:32–37. Content server 12 stores and serves content, such as text, audio, video, graphic images, and other multimedia data, over network 14 to client computers 26–40. *Id.* at 4:32–42. Network 14 also includes helper servers (HSs) 22–24, each of which is configured as a conventional server having processing capabilities, including a central processing unit (not

shown) and storage. *Id.* at 4:42–45. HSs 22–24 cache Internet resources requested by client computers 26–40 and downloaded from content server 12 to allow localized serving of those resources. *Id.* at 4:45–49. In particular, requests from client computers 26–40 for live streaming multimedia (SM) broadcasts are redirected to the client computer’s local HS to be serviced therefrom. *Id.* at 5:49–51.

The ’796 patent discloses the use of playout history (PH) buffers in the random access memory of each HS to reduce start-up latency associated with live SM broadcasts. *Id.* at 4:26–29, 5:18–25. Each PH buffer is a form of short-term dynamic cache for storing the last few seconds of a live SM broadcast. *Id.* at 4:29–31, 5:18–25. By redirecting client requests to HSs and servicing those requests from PH buffers maintained in a local memory associated with an HS, the streaming data rate to the client is enhanced and start-up latency is reduced. *Id.* at 5:25–29. In particular, the closer proximity between HSs and clients allows for a higher streaming data rate. *Id.* at 5:35–36. Servicing requests from the PH buffers also enhances the streaming data rate by making a number of previously stored data packets of the requested stream immediately available to be streamed to the client. *Id.* at 5:36–40.

D. Illustrative Claim

Of the challenged claims, claims 1, 15, 20, and 27 of the ’796 patent are independent. Claims 2, 3, 5–7, 13, and 14 depend directly or indirectly from claim 1; claim 18 depends from claim 15; claims 21, 24, and 25 depend from claim 20; and claim 29 depends from claim 27. Claim 1 is illustrative of the challenged claims and recites the following:

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