

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SOUND VIEW INNOVATIONS, LLC,  
Patent Owner.

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IPR2020-01276  
Patent 6,757,796 B1

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

HUDALLA, *Administrative Patent Judge*.

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

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”). Petitioner filed a Declaration of Dr. Kevin Negus (Ex. 1002) with its Petition. Patent Owner, Sound View Innovations,

LLC (“Patent Owner”), filed a Preliminary Response (Paper 8, “Prelim. Resp.”). With our authorization (Paper 9), Petitioner filed a Reply (Paper 10, “Pet. Reply”) and Patent Owner filed a Sur-reply (Paper 11, “PO Sur-reply”) directed to Patent Owner’s arguments regarding collateral estoppel and 35 U.S.C. § 325(d) in the Preliminary Response.

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information 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.” For the reasons that follow, we institute an *inter partes* review as to claims 1–3, 5–7, 13–15, 18, 20, 21, 24, 25, 27, and 29 of the ’796 patent on all grounds of unpatentability presented.

## 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):

IPR2020-01276  
Patent 6,757,796 B1

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

*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 Hulu litigation”);

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

*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.

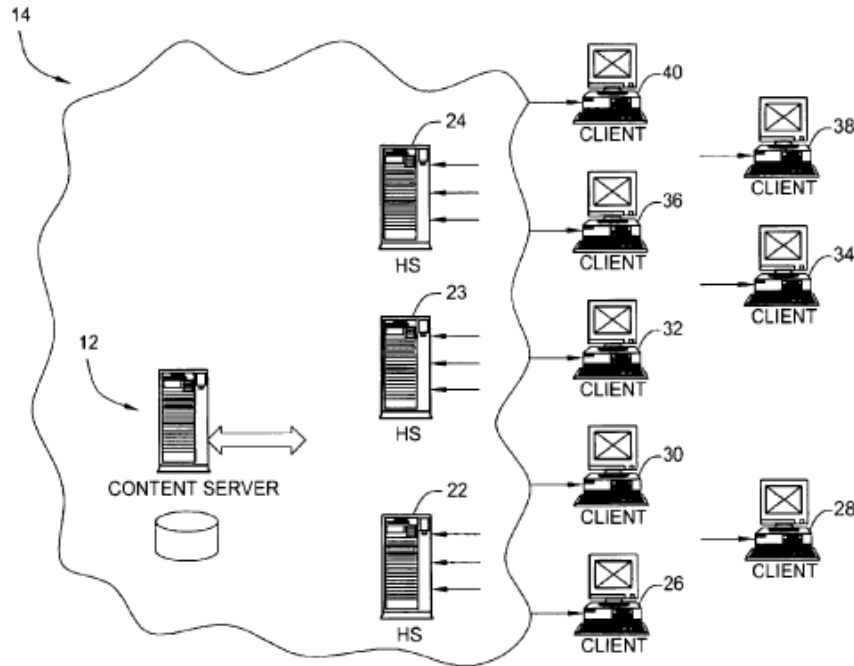


FIG. 2

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, which are 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. 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.

The '796 patent issued from an application that was filed May 15, 2000. *Id.*, code (22). As discussed below, Petitioner attempts to establish that, at a minimum, its asserted references qualify as prior art relative to the May 15, 2000, filing date of the application (i.e., the earliest possible effective filing date).

*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

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