UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Netflix, Inc.,
Petitioner,

v.

OpenTV, Inc.
Patent Owner

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# PETITION FOR INTER PARTES REVIEW

OF

U.S. PATENT NO. 7,409,437



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# I. Mandatory Notices

## A. Real Party-in-Interest

The real party-in-interest is Netflix, Inc.

## B. Related Matters

As of the filing date of this petition, the '437 patent was asserted against the real party-in-interest in *OpenTV Inc. v. Netflix, Inc.*, 1:12-cv-01733 (D. Del.).

## C. Lead and Back-up Counsel and Service Information

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# II. Grounds for Standing

Petitioner certifies that it is not estopped or barred from requesting *inter partes* review of the '437 Patent. Petitioner was served with a complaint asserting infringement of the '437 patent on December 19, 2012, which is less than one year before the filing of this Petition. Petitioner has not initiated a civil action challenging validity of any claim of the '437 patent. Petitioner also certifies that the '437 patent is eligible for *inter partes* review.



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## III. Relief Requested

Petitioner asks that the Board review the accompanying prior art and analysis, institute a trial for *inter partes* review of claims 1-4 (all claims) of the '437 Patent, and cancel those claims as invalid.

## IV. The Reasons for the Requested Relief

The full statement of the reasons for the relief requested is as follows:

### A. Summary of Reasons

The '437 Patent relates to a system "for receiving a video program along with embedded uniform resource locators." (NTFX-1001, 4:56-58). The uniform resource locators point to "address locations, or Web sites, on the Internet" having "Web pages [that] correspond to the video presentation." (NTFX-1001, 4:58-61). After the system extracts the URL, it "directs the particular Web browser to retrieve the identified Web pages from the Internet." (NTFX-1001, 5:60-62; 3:46-47). Upon receipt of the web pages, the system "presents the Web pages on one portion of the computer screen with the television video signal." (NTFX-1001, 3:50-51).

These features were all well known in the prior art in 1996, when the application from which the'437 patent claims priority was filed. The references cited in this petition, alone or in combination, either anticipate or render obvious the claims of the '437 patent.



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