Paper No.	
Filed: March	, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC. Petitioner

v.

OPENTV, INC. Patent Owner

Case IPR2014-00269 Patent 6,233,736

Patent Owner's Preliminary Response to Petition for *Inter Partes* Review of U.S. Patent No. 6,233,736



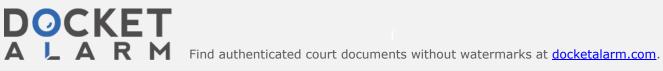
TABLE OF CONTENTS

I.	PRE	LIMINARY STATEMENT	1
II.	MAT ESTA	PETITION IS UNINSTITUTABLE BECAUSE IT LACKS ERIAL FACTS AND EXPLANATIONS NECESSARY TO ABLISH WHETHER THERE IS A REASONABLE ELIHOOD THAT THE PETITIONER WOULD PREVAIL	3
	A. The Petition is uninstitutable because it lacks material facts needed to construe the claims		4
		1. The Petition fails to cite any corresponding sections of the specification for the means-plus-function elements in claims 9-12	
		2. The Petition also lacks material facts for the non-means-plus-function terms in all of the claims.	
	B.	The Petition is uninstitutable because it lacks material facts to determine if the claims are obvious	10
		1. The Petition fails to map the cited art to the proposed claim constructions as required by the statute and rules	10
		2. The Petition fails to map each of the claimed features to the cited art as required by the statue and rules	12
		3. The Petition's obviousness analysis is incomplete	15
III.		BOARD SHOULD DENY THE PETITION PURSUANT 5 U.S.C. § 325(d)	20
	A. The original Examiner identified at least two points of distinction over Throckmorton		21
	B. The Petition does not address the deficiencies identified by the Examiner, who allowed the patent over Throckmorton		
TX 7	CON	CLUSION	28



TABLE OF AUTHORITIES

	Page(s)
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In re De Blauwe, 736 F.2d 699 (Fed. Cir. 1984)	18, 19
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Federal Statutes	
35 U.S.C. § 103	15, 21
35 U.S.C. § 312	passim
35 U.S.C. § 314	3
35 U.S.C. § 325	3, 20, 27
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37 C.F.R. § 42.6	passim
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37 C.F.R. § 100	4
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IPR2013-00494, Paper 10 (Feb. 6, 2014)	20
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I. PRELIMINARY STATEMENT

The patented technology at issue relates to Over-the-Top delivery of content (such as movies, television, and other media) over the Internet, which forms a foundation for Patent Owner OpenTV's highly successful digital television business. That business includes over 200 million digital set-top boxes and televisions shipped to consumers with OpenTV software and 80 worldwide customers that run OpenTV solutions. Indeed, The Kudelski Group, of which OpenTV is a subsidiary, has been innovating in the content industry for more than 60 years, and its founder, Stefan Kudelski, has received numerous awards for his innovations in the industry, including recently being honored in memoriam as an inventor by the Academy of Motion Picture Arts and Sciences at the 86th Annual Academy Awards in March 2014.

OpenTV formally notified Petitioner Netflix Inc. that it was using OpenTV's patented technology in its streaming video service, including the '736 patent, and on December 19, 2012, after nearly 12 months of Netflix ignoring OpenTV's repeated requests for a license, OpenTV reluctantly filed a patent infringement lawsuit against Netflix in Delaware. *See* OPENTV Exhibit 2002, Complaint in *OpenTV, Inc., v. Netflix, Inc.* Netflix could no longer ignore OpenTV's patents, but instead of addressing the matter directly, Netflix continued its delay tactics, waiting until the very last moment to file a flawed and incomplete petition for *inter*



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