

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Netflix, Inc.,
Petitioner,

v.

OpenTV, Inc.
Patent Owner

PETITION FOR INTER PARTES REVIEW

OF

U.S. PATENT NO. 6,018,768

TABLE OF CONTENTS

I. Mandatory Notices 1

 A. Real Party-in-Interest..... 1

 B. Related Matters..... 1

 C. Lead and Back-up Counsel and Service Information..... 1

II. Grounds for Standing..... 1

III. Relief Requested..... 1

IV. The Reasons for the Requested Relief..... 2

 A. Summary of Reasons 2

 B. The '768 Patent..... 3

 1. Overview3

 2. Prosecution History.....4

 C. Identification of Challenges 5

 1. Challenged Claims5

 2. Statutory Grounds for Challenges5

 3. Claim Construction6

 4. Identification of How the Claims Are Unpatentable.....9

 i. Challenge #1: Claims 1-3 and 19 are obvious over Throckmorton..9

 ii. Challenge #2: Claims 4-11 are obvious over Throckmorton in view
 of Hendricks28

 iii. Challenge #3: Claims 12-18 are obvious over Throckmorton in
 view of Schlender39

 iv. Challenge #4: Claim 20 is obvious over Throckmorton in view of
 Moncreiff.....48

v. Challenges #5-8	52
(a) Challenge #5: Claims 1-3 and 19 are obvious over Throckmorton in view of Montulli	55
(b) Challenge #6: Claims 4-11 are obvious over Throckmorton in view of Hendricks and Montulli	56
(c) Challenge #7: Claims 12-18 are obvious over Throckmorton in view of Schlender and Montulli	57
(d) Challenge #8: Claim 20 is obvious over Throckmorton in view of Moncreiff and Montulli.....	58
V. Conclusion.....	59

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 '768 patent was asserted against the 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 '768 Patent. Petitioner was served with a complaint asserting infringement of the '768 patent on December 19, 2012, which is not more than one year before the filing of this Petition. Petitioner has not initiated a civil action challenging validity of any claim of the '768 patent. Petitioner also certifies that the '768 patent is eligible for *inter partes* review.

III. Relief Requested

Petitioner asks that the Board review the accompanying prior art and

analysis, institute a trial for *inter partes* review of claims 1-20 (all claims) of the '768 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 '768 Patent relates to a system for displaying video programming and related Internet information. In general, the '768 Patent describes receiving video and audio signals and a uniform resource locator (URL), decoding and interpreting the URL, retrieving Internet information using the URL, and then presenting the video and audio signals concurrently with, or independently from, the Internet information.

These features were all well known in the prior art in 1996, when the application from which the '768 patent claims priority was filed. The references cited in this petition, alone or in combination, either anticipate or render obvious the claims of the '768 patent.

For example, U.S. Patent No. 5,818,441 to Throckmorton et al. discloses a system that receives a video program and a URL, where the URL points to Internet content particularly relevant to the video program. After the system decodes and interprets the URL, the system connects to remote computers and retrieves the referenced information for display with a web browser. Throckmorton teaches that the online content can be accessed and interactively displayed as an integral part of

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