

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.,  
Petitioner,

v.

QURIO HOLDINGS, INC.,  
Patent Owner.

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Case IPR2016-00007  
Patent 7,787,904 B2

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Before BARBARA A. BENOIT, KERRY BEGLEY, and  
JASON J. CHUNG, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

DISH Network L.L.C. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–4, 7, 10, 12–18, and 20 of U.S. Patent No. 7,787,904 B2 (Ex. 1001, “the ’904 patent”). Paper 1 (“Pet.”). Patent Owner, Qurio Holdings, Inc., filed a Preliminary Response. Paper 5 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . and any 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.” 35 U.S.C. § 314(a).

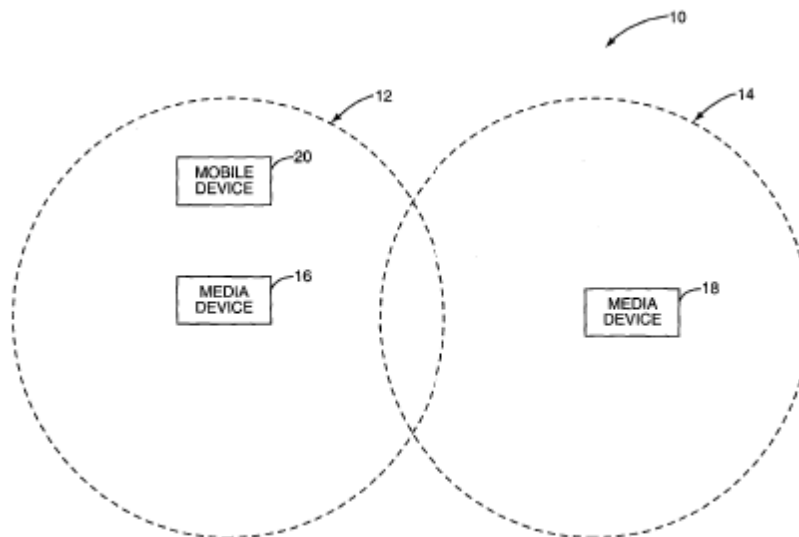
Upon consideration of the Petition and the Preliminary Response, we determine that the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of claims 1–4, 7, 10, 12–18, and 20 (“the challenged claims”).

### A. Related Matters

As required by 37 C.F.R. § 42.8(b)(2), each party identifies various judicial or administrative matters that would affect or be affected by a decision in this proceeding. Pet. 1; Paper 4 (Patent Owner’s Mandatory Notices). We also note that two additional requests for *inter partes* reviews of the ’904 patent have been filed—*Unified Patents Inc. v. Qurio Holdings, Inc.*, Case IPR2015–01991 (PTAB September 28, 2015) (Paper 2) and *DIRECTV, LLC v. Qurio Holdings, Inc.*, Case IPR2015–02005 (PTAB October 1, 2015) (Paper 3).

*B. The '904 Patent*

The '904 patent relates to techniques for using a mobile device to control content played by multiple media players. Ex. 1001, Abs., 1:6–7, 1:26–27. According to the '904 patent, these techniques address the problem of ascertaining and selecting media content available on numerous media devices (such as computers, televisions with digital video recorders, MP3 players) at various locations (such as one's home, office, or automobile). *Id.* at 1:12–22. Figure 1, reproduced below, shows an exemplary system 10. *Id.* at 2:58–59.



**FIG. 1**

System 10 includes two wireless personal networks (“WPANs”) 12 and 14, each having a media device 16 or 18, respectively. *Id.* at 2:64–3:3. The range of each WPAN depends on the range of the wireless communication interface associated with its media device. *Id.* According to the '904 patent, the wireless communication interface “may operate according to a wireless communication standard such as . . . the Bluetooth wireless communication standard, the Zigbee wireless communication standard, the Wireless Fidelity (WiFi) wireless communication standard, or the IEEE 802.11 wireless communication

standards.” *Id.* at 3:40–47. Each media device includes a media player and content that can be played by the media player. *Id.* at 3:4–6.

System 10 also includes mobile device 20 that includes a wireless communication interface and “operates to control the content played by the media players of the media devices 16 and 18.” *Id.* at 3:6–8. The ’904 patent provides examples of mobile device 20—a mobile phone, a Personal Digital Assistant (“PDA”), or “a stand-alone device similar to a remote control.” *Id.* at 4:3–7.

As shown in Figure 1, mobile device 20 is within the range of WPAN 12 having media device 16. *Id.* at Fig. 1. According to the ’904 patent, the first time mobile device 20 enters WPAN 12, the mobile device communicates with media device 16 to obtain metadata defining the content and stores the metadata. *Id.* at 3:8–12. The ’904 patent describes the metadata as “any information describing the content stored at the media device 16.” *Id.* at 3:13–14. In some embodiments, metadata may include “a file name, file type, and an identifier of the WPANs” and be stored in a media database on a control system of mobile device 20. *Id.* at 4:7–9, 4:21–22, 4:30–33.

After the mobile device stores the metadata about content on the media device and when the mobile device is within the WPAN associated with the media device, “a user associated with the mobile device 20 may select desired content to be played using the stored metadata” or “mobile device 20 may automatically select desired content to be played based on user preferences.” *Id.* at 3:15–18. Then the mobile device communicates with media device 16 to play the selected content. *Id.* at 3:8–20.

*C. Illustrative Claim*

Claims 1 and 16 of the challenged claims in the '904 patent are independent. Claim 1 is illustrative of the claimed subject matter:

1. A mobile device for controlling digital content played by a plurality of media devices comprising:

a) a wireless communication interface for communicating with the plurality of media devices;

b) a media database; and

c) a control system adapted to, for each of the plurality of media devices:

i) communicate with the media device when the mobile device is within a wireless personal area network (WPAN) associated with the media device to obtain information describing content residing at the media device; and

ii) store the information describing the content residing at the media device in the media database;

wherein desired content is selected from the content at the media device based on the information in the media database and played at the media device when the mobile device is within the WPAN associated with the media device.

Ex. 1001, 8:37–55.

*D. Asserted Grounds of Unpatentability*

Petitioner contends that claims 1–4, 7, 10, 12–18, and 20 of the '904 patent are unpatentable under 35 U.S.C. § 103<sup>1</sup> based on the following specific grounds (Pet. 10–58):

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<sup>1</sup> Section 3(c) of the Leahy-Smith America Invents Act (“AIA”) amended 35 U.S.C. § 103. Pub. L. No. 112-29, 125 Stat. 284, 287–288 (2011). Because the '904 patent has a filing date before March 16, 2013 (effective date of section 3), the pre-AIA version of § 103 applies in this proceeding. *See id.* § 3(n)(1), 125 Stat. at 293.

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