IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Inter Partes Review No.: Unassigned

DECLARATION OF ANTHONY J. WECHSELBERGER IN SUPPORT OF PETITIONER DISH NETWORK L.L.C.'S … PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NOs. 8,799,468 and 9,465,925

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. Introduction....1
II. Summary of Opinions....1
III. Background and Qualifications....2
IV. Legal Standards for Patentability....11
V. Ordinary Skill in the Art....17
VI. Technological Background....18
A. Cable Television and Set-Top Box Overview....18
B. Digital Cable Television Technologies and Services....22
1. Cable Head-End Architectures....23
2. Cable Distribution Plant....24
3. Addressable Set Top Boxes and Conditional Access....27
4. Interactive Television Services....32
VII. The Challenged '468 and '925 Patents....41
A. Effective Priority Date....41
B. Overview of the Challenged Patents Specification....41
VIII. Claim Construction....41
A. "to generate[ing …] controller instructions" (claim 1, [claim 23])....42
B. "a controller node"....42
C. "a service provider network"....43
D. "selectively transmit[ting, by the plurality of gateway units,] the content requests to the service provider network in accordance with the controller instructions" (claim 1, [claim 23])....43
E. "gateway units"....44
F. "network elements"....44
G. "pay-per-view advertising"....44
IX. Description of the Prior Art....44
A. Hoang '980....44
B. Hoang '267....44

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

C. Hoang ’561 45
D. Venkatesh 45
E. Open Cable 45
F. Cameron 46
G. Shteyn 46
H. Coffin 46
X. ’468 Patent Invalidity 46
A. Claim 1 46
B. Claim 6 90
C. Claim 13 97
D. Claim 15 102
E. Claim 19 106
F. Claim 23 112
G. Claim 24 113
H. Claim 25 116
I. Claim 27 119
J. Claim 28 124
K. Claim 29 124
L. Claim 30 126
M. Claim 32 127
N. Claim 33 130
O. Claim 41 133
XI. ’925 Patent Invalidity 137
A. Claim 1 137
B. Claim 25 170
C. Claim 29 172
D. Claim 36 172
E. Claim 38 174
F. Claim 40 176

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

G. Claim 41 180
XII. Materials Considered 186

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

I. Introduction

I, Anthony Wechselberger, declare as follows:

1. I make this declaration based upon my own personal knowledge and, if called upon to testify, would testify competently to the matters stated herein.

2. I have been asked by DISH Network L.L.C. to provide technical assistance in connection with the *inter partes* review of U.S. Patents No. 8,799,468 and 9,465,925 (which I refer to as the "'468 Patent" and "'925 Patent," respectively). This declaration is a statement of my opinions on issues related to the patentability of claims 1, 6, 13, 15, 19, 23, 24, 25, 27, 28, 29, 30, 32, 33, and 41 of the '468 Patent and claims 1, 25, 29, 36, 38, 40, and 41 of the '925 Patent (collectively, the "challenged claims")

3. My compensation is not based on the content of my opinions or the resolution of this matter.

II. Summary of Opinions

4. With respect to the '468 Patent, it is my opinion that:

   a. Claims 1, 23, 24, 25, and 30 are obvious over Hoang '980.

   b. Claims 6 and 28 are obvious over Hoang '980 in view of Venkatesh.

   c. Claims 13 and 27 are obvious over Hoang '980 in view of Hoang '267.

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.