

Petition for *Inter Partes* Review of U.S. Patent No. 8,799,468

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.
Petitioner,

v.

MULTIMEDIA CONTENT MANAGEMENT LLC
Patent Owner.

IPR NO.: UNASSIGNED
ATTORNEY DOCKET NO.: 081841.0120

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,799,468**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

Submitted Electronically via the Patent Trial and Appeal Board End to End System

TABLE OF CONTENTS

I.	MANDATORY NOTICES UNDER 37 C.F.R. 42.8(A)(1)	V
A.	Real Party-in-Interest under 37 C.F.R. 42.8(b)(1)	v
B.	Related Matters under 37 C.F.R. 42.8(b)(2)	vi
C.	Lead and Back-Up Counsel under 37 C.F.R. 42.8(b)(3)	vi
D.	Service Information under 37 C.F.R. 42.8(b)(4).....	vi
II.	INTRODUCTION	1
III.	PAYMENT OF FEES	1
IV.	REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW UNDER 37 C.F.R. 42.104	1
A.	Grounds for Standing under 37 C.F.R. 42.104(a).....	1
B.	Identification of Challenge under 37 C.F.R. 42.304(b) and Statement of Precise Relief Requested	1
V.	BACKGROUND OF THE TECHNOLOGY	2
VI.	SUMMARY OF THE '468 PATENT	2
A.	Priority Date	2
B.	Relevant Prosecution History.....	2
VII.	SUMMARY OF THE PRIOR ART	4
A.	Hoang '980	4
B.	Hoang '267 and Hoang '561	4
C.	Venkatesh	5
D.	OpenCable	5
E.	Cameron	7
F.	Shteyn.....	7
VIII.	CLAIM CONSTRUCTION UNDER 37 C.F.R. 42.104(B)(3)	7
A.	The POSA.....	7
B.	“to generate[ing ...] controller instructions” (claim 1, [claim 23])	8
C.	“a controller node”	9
D.	“a service provider network”	10

Petition for *Inter Partes* Review of U.S. Patent No. 8,799,468

E.	“selectively transmit[ing, by the plurality of gateway units,] the content requests to the service provider network in accordance with the controller instructions” (claim 1, [claim 23]).....	13
F.	“gateway units”	13
IX.	THE ASSERTED GROUNDS RENDER ALL PETITIONED CLAIMS INVALID	14
A.	Ground 1: Claims 1, 6, 23, 24, 25, 28, and 30 Are Obvious Over Hoang ’980 under 35 U.S.C. § 103	14
B.	Ground 2: Claims 6 and 28 are Obvious Over Hoang ’980 In View of Venkatesh	51
C.	Ground 3: Claims 13 and 27 are Obvious Over Hoang ’980 In View of Hoang ’267	55
D.	Ground 4: Claims 19 and 29 are Obvious Over Hoang ’980 In View of Hoang ’561	60
E.	Ground 5: Claims 15, 32 Are Obvious Over Hoang ’980 In View of OpenCable	66
F.	Ground 6: Claim 33 is Obvious Over Hoang ’980 In View of Cameron	69
G.	Ground 7: Claim 41 is Obvious Over Hoang ’980 in View of Shteyn	72

PETITIONER'S EXHIBIT LIST

<u>EX. NO.</u>	<u>BRIEF DESCRIPTION</u>
1001	U.S. Patent No. 8,799,468 (“’468 Patent”)
1002	U.S. Patent No. 9,465,925
1003	File History for U.S. Patent No. 8,799,468
1004	File History for U.S. Patent No. 8,122,128
1005	File History for U.S. Patent No. 9,465,925
1006	Declaration of Anthony Wechselberger
1007	<i>Curriculum Vitae</i> of Anthony Wechselberger
1008	U.S. Publication No. 2002/0049980 to Hoang (“Hoang ’980”)
1009	U.S. Patent No. 7,725,267 to Hoang (“Hoang ’267”)
1010	U.S. Publication No. 2003/0208561 to Hoang (“Hoang ’561”)
1011	Michael Adams, OpenCable™ Architecture (2000) (“OpenCable”)
1012	Complaint, <i>Multimedia Content Management LLC v. DISH Network Corporation</i> , Civil Action No.: 6:18-cv-00207-ADA
1013	Canadian Patent 2,321,462 to Cameron et al. (“Cameron”)
1014	U.S. Publication No. 2002/0162109 to Shteyn (“Shteyn”)
1015	U.S. Patent No. 5,974,503 to Venkatesh, et al. (“Venkatesh”)
1016	Unified Patents, Inc. v. Multimedia Content Management LLC, IPR2017-01934, Paper 9, Patent Owner Preliminary Response (PTAB Dec. 14, 2017)
1017	Newton’s Telecom Dictionary (15th Edition 1999) (excerpts)
1018	Unified Patents, Inc. v. Multimedia Content Management LLC,

Petition for *Inter Partes* Review of U.S. Patent No. 8,799,468

<u>EX. NO.</u>	<u>BRIEF DESCRIPTION</u>
	IPR2017-01934, Paper 10 (Institution Decision) (PTAB Mar. 5, 2018)
1019	Microsoft Press Computer Dictionary (3 rd Edition 1997)
1020	Certification of the Library of Congress for Open Cable Architecture by Michael Adams, executed February 27, 2019.
1021	Declaration of Curt Williams Concerning the “OpenCable Architecture” Reference by Michael Adams, executed March 15, 2019
1022	U.S. Publication No. 2003/0172376 to Coffin III (“Coffin”)
1023	Deposition of Joel Williams dated April 12, 2019
1024	Plaintiff’s Opening Claim Construction Brief (DI 51)
1025	Defendant’s Opening Claim Construction Brief (DI 48)
1026	Plaintiff’s Responsive Claim Construction Brief (DI 53)
1027	Defendant’s Responsive Claim Construction Brief (DI 52)
1028	Plaintiff’s Reply Claim Construction Brief (DI 59)
1029	Defendant’s Reply Claim Construction Brief (DI 58)
1030	Declaration of Anthony J. Wechselberger In Support of Defendant’s Opening Claim Construction Brief

I. MANDATORY NOTICES UNDER 37 C.F.R. 42.8(a)(1)

A. Real Party-in-Interest under 37 C.F.R. 42.8(b)(1)

DISH Network L.L.C. (“DISH”) is the petitioner. DISH also identifies DISH Technologies L.L.C. and DISH Network Corporation as real parties-in-interest only for this proceeding.

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.