

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.

MULTIMEDIA CONTENT MANAGEMENT LLC,  
Patent Owner.

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IPR2019-01015  
Patent 8,799,468

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Before MICHELLE N. WORMMEESTER, MELISSA A. HAAPALA, and  
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

DECISION  
Denying Institution of *Inter Partes* Review  
35 U.S.C. § 314

Petitioner, Dish Network L.L.C., filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1, 6, 13, 15, 19, 23–25, 27–30, 32, 33, and 41 of U.S. Patent No. 8,799,468 (“the ’468 patent”). Petitioner filed a supporting Declaration of Anthony J. Wechselberger (Ex. 1006) with its Petition. Multimedia Content Management LLC (“Patent Owner”) filed a

Preliminary Response (Paper 6, “Prelim. Resp.”) and a Declaration of Dr. Edwin A. Hernandez-Mondragon (Ex. 2001) in support of its Preliminary Response. With permission from the panel, Petitioner filed a Reply Brief (Paper 7, “Reply”) and Patent Owner filed a Sur-reply Brief (Paper 8, “Sur-reply”).

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information in the petition and any preliminary 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.” Having considered the Petition, Preliminary Response, Reply, and Sur-reply, as well as the parties’ supporting evidence, we determine that Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of any of claims 1, 6, 13, 15, 19, 23, 24, 25, 27, 28, 29, 30, 32, 33, and 41 of the ’468 patent. We, therefore, do not institute an *inter partes* review of claims 1, 6, 13, 15, 19, 23, 24, 25, 27, 28, 29, 30, 32, 33, and 41 of the ’468 patent.

## I. INTRODUCTION

### A. Related Matters

Petitioner indicates that Patent Owner asserted the ’468 patent against Petitioner in *Multimedia Content Management, LLC v. Dish Network Corp.*, No. 6:18-cv-00207-ADA (W.D. Tex.). Pet. vi.

### B. The ’468 Patent

The ’468 patent relates to regulating access to and managing distribution of content in a network comprising communication gateways

installed at a subscriber site and internet control points installed remotely.  
Ex. 1001, Abstract.

The '468 patent teaches that at the time of the invention, the Internet provided a convenient medium for the delivery of electronic content such as movies, video, games, and broadband data. *Id.* at 1:24–28. The distribution network for such content includes content providers for generating content, service providers for delivering content, subscriber terminals for receiving, displaying, and playing content, and various additional network elements aiding in the distribution. *Id.* at 1:30–35.

The '468 patent teaches that service providers and content providers need assurance that the intellectual property distributed over these networks is safe from illegal downloading and transmission, a major source of lost revenue. *Id.* at 1:52–56. The '468 patent endeavors to provide new access regulation and data traffic control techniques that can be made available to service providers and content providers to avoid such illegal downloading and transmission. *Id.* at 2:11–19.

To accomplish these objectives, among others, the '468 patent discloses a system for regulating access to a network, where the system includes gateway units, or Communication Gateways (CGs), installed at a subscriber's site. Ex. 1001, 3:34–40. The network also includes controller nodes, or Internet Control Points (ICPs), installed in an Internet Service Provider (ISP) network. *Id.* at 3:43–48. ICPs control operation of CGs. *Id.* Figure 1 of the '468 patent, which is reproduced below, depicts an example embodiment according to these teachings.

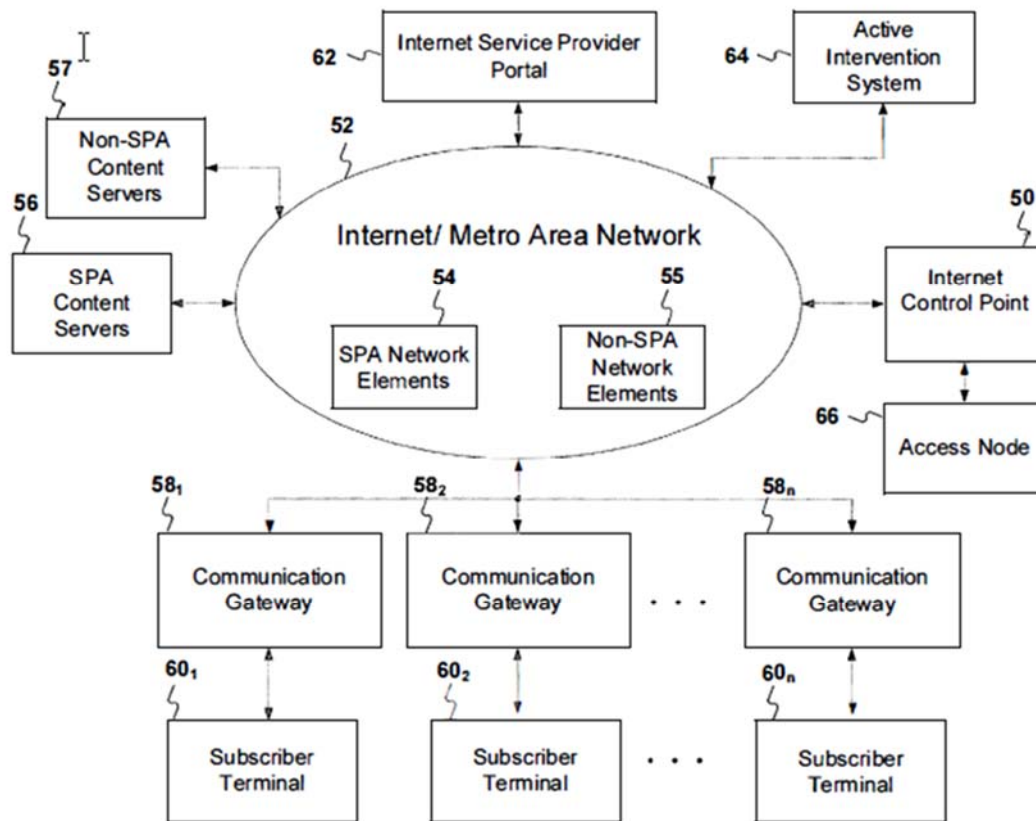


Figure 1

Figure 1 depicts a service preference architecture (SPA) including at least one ICP 50 connected to a network 52. *Id.* at 4:54–58. Network 52 may be, for example, the Internet, and may include SPA-controlled network elements 54 as well as non-SPA-controlled network elements 55. *Id.* at 4:57–60. Also connected to network 52 are CGs 58<sub>1</sub> to 58<sub>n</sub>, which are each connected to a respective subscriber terminal 60<sub>1</sub> to 60<sub>n</sub>. *Id.* at 4:64–5:3. ICP 50 controls the operation of CGs 58 by generating instructions which are transmitted over network 52 to CGs 58 and SPA-controlled network elements 54, where the instructions are executed. *Id.* at 5:19–23.

Petitioner notes that the '468 patent issued from an application that was a continuation of U.S. Application No. 10/989,012, which was filed on

November 16, 2014 and issued as U.S. Patent No. 8,122,128 (“the ’128 patent”). Pet. 3. The ’128 patent claims priority to U.S. Provisional Application No. 60/523,057, which was filed November 18, 2013. Thus, according to Petitioner, the earliest claimed priority date for the ’468 patent is November 18, 2013, based on the filing date of U.S. Provisional Application No. 60/523,057. *Id.* at 2. As discussed below, Petitioner establishes that the asserted references qualify as prior art. *See* Pet 2.

Of the challenged claims, claims 1 and 23 are independent. Claims 6, 13, 15, and 19 depend from claim 1. Claims 24, 25, 27–30, 32, 33, and 41 depend from claim 23. Claim 1 is illustrative of the challenged claims and recites:

1. A system for regulating access to a service provider network, the system comprising:

a controller node coupled to the service provider network, the controller node comprising:

a first processor configured to generate controller instructions, and

a first network interface configured to transmit the controller instructions over the service provider network to a plurality of gateway units; and

the plurality of gateway units, each of the plurality of gateway units comprising:

a user interface configured to receive user-entered content requests for the service provider network;

a second network interface coupled to the service provider network and configured to receive the controller instructions from the controller node through the service provider network; and

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