

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BROADBAND iTV, INC.,

Plaintiff,

v.

AT&T SERVICES, INC., and AT&T
COMMUNICATIONS, LLC,

Defendants.

No. 1:20-cv-717-ADA

BROADBAND iTV, INC.,

Plaintiff,

v.

DIRECTV, LLC,

Defendant.

No. 1:20-cv-717-ADA

BROADBAND iTV, INC.,

Plaintiff,

v.

DISH NETWORK L.L.C.,

Defendant.

No. 6:19-cv-716-ADA

DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

I.	CLAIM CONSTRUCTION DISPUTES	1
A.	“Web-based content management system” (’791, ’388, ’026, ’269 Patents)	1
B.	“wherein the respective video content was uploaded to a Web-based content management system by a respective content provider device associated with a respective video content provider . . .” (’388, ’026, ’269 Patents)	5
C.	“wherein the respective video-on-demand application-readable metadata is generated according to the respective specified metadata” (’388 Patent)	10
D.	“predetermined video on demand application” (’791 Patent).....	11
E.	“ . . . the same category information in metadata associated with the video content” (’101 Patent).....	13
F.	“closed system” (’388 Patent).....	14
G.	The Preambles (’026, ’101, and ’269 Patents).....	18
1.	The Preamble of Claim 1 of the ’026 Patent.....	18
2.	The Preamble of Claim 1 of the ’101 Patent.....	20
3.	The Preamble of Claim 1 of the ’269 Patent.....	21
H.	“A set top box . . . programmed to perform the steps of . . . in response to the TV service subscriber selecting . . . a first respective title associated with a first video content . . . transmitting the selection to the set-top box for display on the TV equipment” (’388 Patent)	22
I.	“image” (’026, ’101, ’269 Patents).....	25
J.	“the plurality of different display templates” (’269 Patent).....	26
K.	“the first video-on-demand program content” (’026 Patent, claim 7)	29
L.	“TV equipment” (’791, ’388 Patents).....	30
M.	“control unit” (’791, ’388 Patents).....	32
N.	“A set top box . . . programmed to perform the step[] of . . . providing . . .” (’388 Patent).....	34
O.	“the Internet-connected digital device being configured to obtain and present . . .” (’026 Patent)	36

P. “the interactive mobile application being configured to obtain . . . and present . . .” ('269 Patent) 38

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Alloc, Inc. v. ITC</i> , 342 F.3d 1361 (Fed. Cir. 2003).....	15
<i>Am. Med. Sys., Inc. v. Biolitec, Inc.</i> , 618 F.3d 1354 (Fed. Cir. 2010).....	18
<i>Aylus Networks, Inc. v. Apple Inc.</i> , 856 F.3d 1353 (Fed. Cir. 2017).....	17
<i>Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP</i> , 616 F.3d 1249 (Fed. Cir. 2010).....	24
<i>Bio-Rad Labs., Inc. v. 10 Genomics Inc.</i> , 967 F.3d 1353 (Fed. Cir. 2020).....	21, 22
<i>Catalina Mktg. Int'l, Inc. v. Coolsavings.com, Inc.</i> , 289 F.3d 801 (Fed. Cir. 2002).....	18, 19
<i>Cellular Commc'ns Equip. LLC, v. Samsung Elecs. Co.</i> , No. 6:14-CV-759, 2016 WL 1237429 (E.D. Tex. Mar. 29, 2016).....	32
<i>Chef Am., Inc. v. Lamb-Weston, Inc.</i> , 358 F.3d 1371 (Fed. Cir. 2004).....	25
<i>Dayco Prods. v. Total Containment, Inc.</i> , 258 F.3d 1317 (Fed. Cir. 2001).....	29
<i>Digital Retail Apps, Inc. v. H-E-B, LP</i> , No. 6-19-cv-00167, 2020 WL 376664 (W.D. Tex. Jan. 23, 2020).....	22
<i>Forest Labs., LLC v. Sigmapharm Labs., LLC</i> , 918 F.3d 928 (Fed. Cir. 2019).....	31
<i>Function Media, L.L.C. v. Google, Inc.</i> , 708 F.3d 1310 (Fed. Cir. 2013).....	11
<i>In re Katz Interactive Call Processing Patent Litig.</i> , 639 F.3d 1303 (Fed. Cir. 2011).....	5, 6, 7, 8, 9
<i>Indacon, Inc. v. Facebook, Inc.</i> , 824 F.3d 1352 (Fed. Cir. 2016).....	1

<i>Intervet Inc. v. Merial Ltd.</i> , 617 F.3d 1282 (Fed. Cir. 2010).....	1
<i>Invitrogen Corp. v. Clontech Labs., Inc.</i> , 429 F.3d 1052 (Fed. Cir. 2005).....	15
<i>IPXL Holdings, LLC v. Amazon.com, Inc.</i> , 430 F.3d 1377 (Fed. Cir. 2005).....	5, 6, 7, 8, 9, 10, 11
<i>Joao Control & Monitoring Sys., LLC v. Protect Am., Inc.</i> , No. 1:14-cv-134, 2015 WL 4937464 (W.D. Tex. Aug. 18, 2015)	33
<i>MasterMine Software, Inc. v. Microsoft Corp.</i> , 874 F.3d 1307 (Fed. Cir. 2017).....	6
<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 134 S. Ct. 2120 (2014).....	27
<i>Nevro Corp. v. Bos. Sci. Corp.</i> , 955 F.3d 35 (Fed. Cir. 2020).....	33
<i>Novo Indus., L.P. v. Micro Molds Corp.</i> , 350 F.3d 1348 (Fed. Cir. 2003).....	27, 28
<i>Pacing Techs., LLC v. Garmin Int’l, Inc.</i> , 778 F.3d 1021 (Fed. Cir. 2015).....	19
<i>Power Integrations, Inc. v. ON Semiconductor Corp.</i> , 2018 WL 5603631 (N.D. Cal. Oct. 26, 2018).....	6
<i>Rembrandt Data Techs., LP v. AOL, LLC</i> , 641 F.3d 1331 (Fed. Cir. 2011).....	6, 8, 9
<i>Retractable Techs., Inc. v. Becton</i> , 653 F.3d 1296 (Fed. Cir. 2011).....	5
<i>Robert Bosch, LLC v. Snap-On Inc.</i> , 769 F.3d 1094 (Fed. Cir. 2014).....	33
<i>Synovis Life Techs., Inc. v. W.L. Gore & Assocs., Inc.</i> , No. 07-1396, 2009 WL 169241 (D. Minn. Jan. 23, 2009).....	15
<i>Verizon Servs. Corp. v. Vonage Holdings Corp.</i> , 503 F.3d 1295 (Fed. Cir. 2007).....	4
<i>Vizio, Inc. v. Int’l Trade Comm’n</i> , 605 F.3d 1330 (Fed. Cir. 2010).....	20

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.