

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.,
Petitioner

v.

BROADBAND ITV, INC.,
Patent Owner

Case IPR2020-01267
Patent 10,028,026

PATENT OWNER'S PRELIMINARY RESPONSE

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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A. The combination fails to disclose the required templated EPG display having three distinct layers.52

1. Gonder’s two-layer selection screens do not disclose the Claim 1 elements of first and third layers of the claimed three-layer templated VOD display.53

B. The Petition fails to show how Gonder and Kelts or Gonder and Son disclose the Claim 1 element of “[a]n Internet-connected digital device for receiving, via the Internet, video content.”56

C. Gonder and Son fail to show “the received video content was uploaded to a Web-based content management system ... along with associated metadata including title information and category information ... specifying a respective hierarchical location of a respective title of the video content within the electronic program guide.”59

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Complaint for Patent Infringement, <i>Broadband iTV, Inc. v. DISH Network, LLC</i> , Case No. 6:19-cv-00716-ADA (W.D. Tex.), December 19, 2019.
2002	Transcript of Telephonic Discovery Hearing Before the Honorable Alan D. Albright, <i>Broadband iTV, Inc. v. DISH Network, LLC</i> , Case No. 6:19-cv-00716-ADA (W.D. Tex.), August 31, 2020.
2003	“The last thing anyone should think about WDTX is that it is patent plaintiff friendly, says Albright,” (IAM, Apr. 7, 2020), https://www.iam-media.com/law-policy/albright-the-last-thing-anyone-should-think-about-venue-it-plaintiff-friendly (accessed Sept. 14, 2020).
2004	Order Denying Motion to Stay Case, <i>Continental Intermodal Group-Trucking, LLC v. Sand Revolution, LLC</i> , Case No. 7:18-cv-00147 (W.D. Tex.), July 22, 2020.
2005	Order Denying Motion to Stay Case, <i>Kerr Machine Co. v. Vulcan Indus. Holdings, LLC.</i> , Case No. 6:20-cv-00200 (W.D. Tex.), August 18, 2020.
2006	Divisional Standing Order Regarding Trials in Waco, U.S. District Court for the Western District of Texas, August 18, 2020.
2007	Divisional Standing Order Regarding Trials in Waco, U.S. District Court for the Western District of Texas, September 23, 2020.
2008	Divisional Standing Order Regarding Trials in Waco, U.S. District Court for the Western District of Texas, March 24, 2020.
2009	Order Granting Motion to Consolidate Cases, <i>Broadband iTV, Inc. v. DISH Network, LLC</i> , Case No. 6:19-cv-00712 (W.D. Tex.), April 15, 2020.
2010	Minute Entry for Proceedings held before Judge Alan D. Albright, <i>Broadband iTV, Inc. v. DISH Network, LLC</i> , Case No. 6:19-cv-00716 (W.D. Tex.), August 31, 2020.
2011	“Roku Tells WDTX Patent Jury Its Tech's Web Access Is Key” <i>Law360</i> , October 5, 2020, https://www.law360.com/articles/1302893/print?section=ip (accessed October 20, 2020).
2012	Order Denying Motion to Dismiss, <i>Broadband iTV, Inc. v. DISH Network, LLC</i> , Case No. 6:19-cv-00716-ADA (W.D. Tex.), July 25, 2020.

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