

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

BROADBAND ITV, INC.,
Plaintiff,

v.

**AT&T SERVICES, INC., AT&T
COMMUNICATIONS, LLC,**
Defendants.

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1-20-CV-00717-ADA

BROADBAND ITV, INC.,
Plaintiff,

v.

DIRECT TV, L.L.C.,
Defendant.

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1-20-CV-00717-ADA

BROADBAND ITV, INC.,
Plaintiff,

v.

DISH NETWORK, L.L.C.,
Defendant.

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6-19-CV-00716-ADA

CLAIM CONSTRUCTION ORDER

The Court provided its preliminary constructions on November 12, 2020. The Court held a claim construction hearing on November 13, 2020, during which the Court heard argument on the claim terms:

“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 via the Internet in a digital video format along with respective specified metadata including respective title information, category information, and subcategory information designated by the respective video content provider to specify a respective hierarchical location of a respective title of the respective video content within the video on-demand content menu displayed on the TV equipment” ’388 (1), ’026 (1), ’269 (1);

“wherein the respective video-on-demand application-readable metadata is generated according to the respective specified metadata” ’388 (1);

“closed system” ’388 (1);

“A method for receiving, via the Internet, video content to be viewed on an Internet-connected digital device associated with a subscriber of a video-on-demand system using a hierarchically arranged interactive electronic program guide, comprising:” ’101 (1) Preamble;

“A set-top box . . . programmed to perform the steps of . . . in response to the TV service subscriber selecting, via a control unit in communication with the set-top box, a first respective title associated with a first video content from the hierarchical structure of respective category information and subcategory information of the video-on-demand content menu using drill-down navigation, transmitting the selection to the set-top box for display on the TV equipment” ’388 (1);

“the plurality of different display templates” ’269 (1).

After careful consideration of the parties’ briefs, oral argument, and the applicable law, the Court enters its final constructions for each term as shown below.


Claim(s)	Term	Court’s Final Construction
’388 (1); ’791 (1); ’026 (1); ’269 (1)	“Web-based content management system” (“WBCMS”)	“a system accessible over the Internet, including the Web, for managing content”
’388 (1); ’026 (1); ’269 (1)	“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 via the Internet in a digital video format along with respective specified metadata including respective title information, category information, and subcategory information designated by the respective video content provider to specify a respective hierarchical location of a respective title of the respective video content within the video on-demand content menu displayed on the TV equipment”	Plain and ordinary meaning. Not mixed method and apparatus
’388 (1)	“wherein the respective video-on-demand application-readable metadata is generated according to the respective specified metadata”	Plain and ordinary meaning.
’791 (1)	“predetermined video-on-demand	Plain and ordinary meaning

	application”	
’101 (1)	“wherein the interactive electronic program guide enables the subscriber using the Internet-connected digital device to navigate in a drill-down manner through titles by category information in order to locate a first of the titles whose associated video content is desired for viewing on the Internet connected digital device using the same category information in metadata associated with the video content”	Plain and ordinary meaning
’388 (1)	“closed system”	Plain and ordinary meaning
’101 (1) Preamble	A method for receiving, via the Internet, video content to be viewed on an Internet-connected digital device associated with a subscriber of a video-on-demand system using a hierarchically arranged interactive electronic program guide, comprising:	Not limiting.
’791 (1) Preamble	A method for video-on-demand content delivery for providing video-on-demand services to a plurality of television service subscribers via a television service provider system that comprises a video-on-demand content delivery system having one or more computers, the method comprising:	Not limiting.
’026 (1) Preamble	<u>An Internet-connected digital device</u> for receiving, via the Internet, video content to be viewed by a subscriber of a video-on-demand system using a hierarchically arranged electronic program guide,	The underlined portion of the preamble is limiting.
’269 (1) Preamble	<u>An interactive mobile application</u> for providing via the Internet video content to be viewed by a subscriber of a video-on-demand system using a hierarchically arranged electronic program guide, <u>stored on nonvolatile computer readable memory operatively connected to a subscriber device,</u>	The underlined portion of the preamble is limiting.
’388 (1)	“in response to the TV 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”	“in response to the TV subscriber selecting . . . a first respective title associated with a first video content . . . transmitting the selection of a first respective title associated with the first video content to the set-top box for display on the TV equipment”
’026 (1, 2); ’269 (1, 5);	“image”	Plain and ordinary meaning.

'101 (1, 3)		“Image” is not limited to “a static, two-dimensional image.”
'269 (1)	“the plurality of different display templates”	Plain and ordinary meaning
'026 (7)	“the first video-on-demand program content”	“the content associated with the particular one of the titles desired for viewing”
'388 (1); '791 (1)	“TV equipment”	Plain and ordinary meaning
'388 (1, 2); '791 (1, 2)	“control unit”	Plain and ordinary meaning
'388 (1)	“A set-top box . . . programmed to perform the steps of . . . providing, to the TV subscriber at the set-top box, the video-on-demand content menu for navigating through titles, including the respective titles of the respective video content, in a drill-down manner by category information and subcategory information in order to locate a particular one of the titles whose associated video content is desired for viewing on the TV equipment, wherein the video-on-demand content menu lists the titles using the same hierarchical structure of respective category information and subcategory information as was designated by the respective video content provider in the respective specified metadata for the respective video content, wherein a plurality of different video display templates are accessible to the set-top box, and wherein the video-on-demand content menu is generated using at least one of the plurality of different video display templates and based at least upon the respective specified metadata”	Plain and ordinary meaning
'026 (1)	“the Internet-connected digital device being configured to obtain and present to the subscriber an electronic program guide as a templated video-on-demand display, which uses at least one of a plurality of different display templates to which the Internet-connected digital device has access, to enable a subscriber using the Internet-connected digital device to navigate in a drilldown manner through titles by category information in order to locate a particular one of the	Plain and ordinary meaning

	titles whose associated video content is desired for viewing on the Internet-connected digital device using the same category information as was designated by a video content provider in metadata associated with the video content”	
'269 (1)	“An interactive mobile application for providing via the Internet video content to be viewed by a subscriber of a video-on-demand system using a hierarchically arranged electronic program guide, stored on non-volatile computer readable memory operatively connected to a subscriber device, the interactive mobile application being configured to obtain from a digital television service provider system and present to the subscriber, via the subscriber device, an electronic program guide including a templated video-on-demand display, which uses at least one display template to which the subscriber device has access, to enable the subscriber using the subscriber device to navigate in a drill-down manner, from a first level of a hierarchical structure of the electronic program guide based on category information to a second level of the hierarchical structure of the electronic program guide based on subcategory information in order to locate a particular one of a plurality of titles whose associated video content is desired for viewing on demand via the subscriber device”	Plain and ordinary meaning

SIGNED this 20th day of November, 2020.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE