

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 IPR2020-01268
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

TABLE OF CONTENTS

I. INTRODUCTION1

II. THE '026 PATENT3

 A. Overview of the '026 Patent.....3

 1. Web-Based Content Management System5

 2. Drill Down Navigation6

 3. Templatized VOD Displays7

III. THE BOARD SHOULD EXERCISE ITS DISCRETION TO DENY
THE PETITION UNDER 35 U.S.C. §§ 314(A) AND 325(D).....9

 A. Applying the *NHK-Fintiv* framework under § 314(a), each
Fintiv factor weighs in favor of denying institution;
collectively, the factors weigh *heavily* in favor of denial.12

 1. Factor 1 favors denial because the parallel litigation has
not been stayed and the evidence indicates that Judge
Albright will not grant a stay.14

 2. Factor 2 strongly favors denial because trial will begin
between two and three months before the FWD deadline,
and Judge Albright confirmed, “We’re going to go to
trial.”16

 3. Factor 3 strongly favors denial because, by the projected
institution deadline, the parties and the district court will
have made significant investment in the parallel
litigation.22

 4. Factor 4 strongly favors denial because there is
significant overlap between the issues that will be tried in
the different tribunals; DISH’s Petition mirrors the
invalidity contentions.....24

 5. Factor 5 strongly favors denial because the parties
involved in this IPR are the same as in the district court
proceeding.....27

 6. Factor 6 strongly favors denial because DISH’s Petition
suffers procedural defects, the merits are weak, and the

| | |
|--|----|
| Board would need to invest significant time to duplicate the district court’s claim construction..... | 27 |
| a) Considerations implicated by § 325(d) favor denial. | 27 |
| b) The merits favor denial..... | 28 |
| c) The Petition suffers serious procedural deficiencies, favoring denial..... | 28 |
| d) Claim construction issues favor denial..... | 29 |
| B. Applying the <i>Becton, Dickinson-Advanced Bionics</i> framework under § 325(d) further supports discretionary denial..... | 30 |
| 1. Part One: DISH advances the same or substantially the same art and arguments that were previously presented to the Office..... | 32 |
| a) Hecht is cumulative with and substantively weaker than Gonder, which was presented to the Office during prosecution of the ’026 patent..... | 33 |
| b) DISH admits that CableLabs was previously presented to the Office..... | 35 |
| c) Scheffler, relied on by DISH for the same claim features as CableLabs, is cumulative of CableLabs..... | 35 |
| d) The disclosure of Son relied on by DISH is substantially the same as Novak and arguments already presented to the Office..... | 37 |
| 2. Part Two: DISH fails to identify material error in the Office’s previous evaluation of the art and arguments..... | 39 |
| IV. LEVEL OF A PERSON HAVING ORDINARY SKILL IN THE ART..... | 42 |
| V. SUMMARIES OF THE ASSERTED REFERENCES | 42 |
| A. Hecht..... | 42 |
| B. Son..... | 43 |
| C. Scheffler | 45 |
| D. CableLabs..... | 46 |

VI. DISH FAILS TO MEET ITS BURDEN TO IDENTIFY WITH PARTICULARITY THE REFERENCES RELIED UPON FOR EACH GROUND IN THE PETITION.47

VII. DISH’S GROUNDS REQUIRE COMBINING EMBODIMENTS IN HECHT BUT FAIL TO IDENTIFY SUFFICIENT RATIONALE FOR DOING SO, RENDERING THE COMBINATION DEFICIENT.49

VIII. THE COMBINATION OF HECHT, SON, SCHEFFLER, AND CABLELABS FAILS TO DISCLOSE EACH AND EVERY ELEMENT OF THE CLAIMS.53

 A. Hecht’s nodes are not templates and therefore Hecht fails to disclose [1.b].54

 B. Hecht fails to tie any aspect of its disclosure to video-on-demand content or metadata used in an electronic program guide.60

 C. Hecht does not describe how metadata is used to generate the menus, nor can Son, Scheffler, and CableLabs fill in the gaps.64

IX. CONCLUSION.....67

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 September 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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