

**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

---

U.S. Patent No. 10,028,026  
Issue Date: July 17, 2018

Title: SYSTEM FOR ADDRESSING ON-DEMAND TV PROGRAM  
CONTENT ON TV SERVICES PLATFORM OF A DIGITAL TV  
SERVICES PROVIDER

Case No. IPR2020-01267

---

**DECLARATION OF DR. SAMUEL H. RUSS, PH.D.**

DISH Ex. 1002, p. i  
DISH v. BRiTV

## TABLE OF CONTENTS

	<b>Page</b>
TABLE OF CONTENTS.....	ii
I. INTRODUCTION .....	1
II. EDUCATION BACKGROUND, PROFESSIONAL EXPERIENCE, AND OTHER QUALIFICATIONS .....	2
III. ASSIGNMENT AND MATERIALS CONSIDERED .....	5
IV. THE '026 PATENT'S EFFECTIVE FILING DATE .....	7
V. UNDERSTANDING OF THE LAW .....	17
A. Claim Construction .....	17
B. Obviousness.....	18
VI. CLAIM INTERPRETATION .....	22
A. “Web-based content management system” .....	22
B. “Hierarchically-arranged category information associated with the respective title” .....	24
C. “Internet Protocol TV (IPTV) system” .....	24
VII. OVERVIEW OF THE '026 PATENT .....	25
A. Disclosure of the '026 Patent .....	25
B. Prosecution History of the '026 Patent .....	34
C. Claims of the '026 Patent .....	38
VIII. UNPATENTABILITY ANALYSIS .....	41
A. Level of Skill in the Art.....	42
B. Overview of the Prior Art.....	43
1. Gonder.....	43
2. Son.....	55
3. Kelts .....	60
C. Ground 1: Claims 1-16 Are Obvious in view of Gonder, Son and/or Kelts .....	64

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>
1. Claim 1 .....	67
[1.preamble] An Internet-connected digital device 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, .....	68
[1.a] 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 drill-down manner through titles by category information in order to locate a particular one of the 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 .....	79
[1.b] wherein the templated video-on-demand display has been generated in a plurality of layers, comprising: .....	89
(a) a first layer comprising a background screen to provide at least one of a basic color, logo, or graphical theme to display; .....	91
(b) a second layer comprising a particular display template from the plurality of different display templates layered on the background screen, wherein the particular display template comprises one or more reserved areas that are reserved for displaying content provided by a different layer of the plurality of layers; and .....	96

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>
(c) a third layer comprising reserved area content generated using the received video content, the associated metadata, and an associated plurality of images to be displayed in the one or more reserved areas in the particular display template as at least one of text, an image, a navigation link, and a button; .....	100
[1.c] wherein the navigating through titles in a drill-down manner comprises navigating from a first level of the hierarchical structure of the video-on-demand content menu to a second level of the hierarchical structure to locate the particular one of the titles, and.....	109
[1.d] wherein a first template of the plurality of different display templates is used as the particular display template for the templatized display for displaying the first level of the hierarchical structure and wherein a second template of the plurality of different display templates is used as the particular display template for the templatized display for displaying the second level of the hierarchical structure .....	110

**TABLE OF CONTENTS**  
(continued)

**Page**

	[1.e] wherein the received video content was uploaded to a Web-based content management system by a content provider device associated with the video content provider via the Internet in a digital video format, along with associated metadata including title information and category information, and along with the associated plurality of images designated by the video content provider, the associated metadata specifying a respective hierarchical location of a respective title of the video content within the electronic program guide to be displayed on the Internet-connected digital device using the respective hierarchically-arranged category information associated with the respective title .....	112
	[1.f] wherein at least one of the uploaded associated plurality of images designated by the video content provider is displayed with the associated respective title in the templated video-on-demand display. ....	116
2.	Claim 2 .....	117
3.	Claim 3 .....	118
4.	Claim 4 .....	119
5.	Claim 5 .....	122
6.	Claim 6 .....	123
7.	Claim 7 .....	126
8.	Claim 8 .....	127
9.	Claim 9 .....	129
10.	Claim 10 .....	130
11.	Claim 11 .....	133
12.	Claim 12 .....	137
13.	Claim 13 .....	138

DISH Ex. 1002, p. v  
DISH v. BBTV

# 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.