

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.,
Petitioner,

v.

QURIO HOLDINGS, INC.,
Patent Owner.

Case IPR2016-00080
Patent 8,879,567 B1

Before BARBARA A. BENOIT, KERRY BEGLEY, and
JASON J. CHUNG, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

DISH Network L.L.C. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 20, 21, 24, and 25 (“challenged claims”) of U.S. Patent No. 8,879,567 B1 (Ex. 1003, “the ’567 patent”). Paper 1 (“Pet.”). Qurio Holdings, Inc. (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 5 (“Prelim. Resp.”).

Pursuant to 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” Having considered the Petition and the Preliminary Response, we conclude that the information presented shows that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 20, 21, 24, and 25 of the ’567 patent. Accordingly, we institute *inter partes* review of these claims.

I. BACKGROUND

A. THE ’567 PATENT

The ’567 patent is directed to “[a] gateway interconnecting a high speed Wide Area Network (WAN) and a lower speed Wireless Local Area Network (WLAN).” Ex. 1003, [57], 1:55–57. The disclosed gateway is intended to improve the architecture of traditional residential gateways in which “overall performance” is limited to the WLAN bandwidth. *Id.* at 1:45–51. Figure 1, reproduced below, illustrates system 10 according to one embodiment. *See id.* at 2:23–27, 2:53–56.

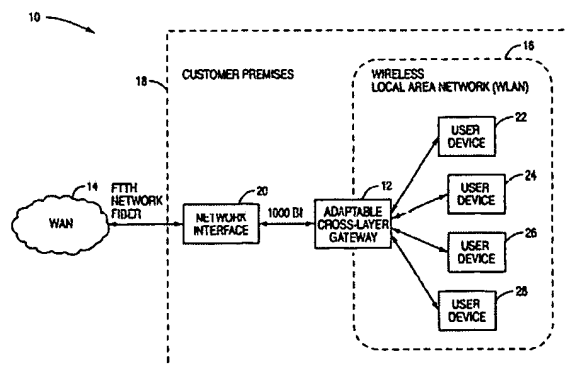


FIG. 1

Figure 1 depicts system 10 with “adaptable cross-layer gateway 12,” “interconnecting” high speed WAN 14 and lower speed WLAN 16. *Id.*

Gateway 12, along with network interface 20 and WLAN 16, is included in customer premises 18. *Id.* at 3:1–5. WLAN 16 includes user devices 22–28, which “may be, for example, personal computers” or “Personal Digital Assistants (PDAs).” *Id.* at 3:27–33.

The ’567 patent discloses that the gateway includes an “adaptable cross-layer offload engine” “to manage bandwidth between the high speed WAN and the lower speed WLAN.” *Id.* at [57], 1:60–62; *see id.* at 3:34–43. The patent explains that the use of “cross-layering techniques” in gateway 12 “improves the performance of . . . WLAN 16” to take advantage of the high speed WAN 14. *Id.* at 2:59–62. As data enter the gateway “at the high speed data rate of the WAN, the offload engine stores the data in a non-secure data cache” “in order to take advantage of the high data rate provided by . . . high speed WAN 14.” *Id.* at [57], 1:62–65, 2:56–59.

In addition, the ’567 patent discloses that the gateway also includes a “rule check engine” that inspects the data in the non-secure data cache. *Id.* at [57], 1:65–66. With reference to a specific embodiment, the ’567 patent explains that this inspection is made according to a number of rules, which may include “Digital Rights Management (DRM) rules 46.” *Id.* at 4:8–12. The DRM rules “may be rules for protecting media files . . . stored on . . . user devices 22-28 within . . . WLAN 16 when transmitted over . . . WAN 14,” and “may include rules for identifying incoming content to be encoded as a security feature to prevent unauthorized viewing of the specified content . . . within . . . WLAN 16.” *Id.* at 4:16–23.

After inspection by the rule check engine, the data are “moved from the non-secure data cache to a secure data cache.” *Id.* at [57], 1:66–2:3. With reference to a particular embodiment, the ’567 patent explains that the secure data cache “is used to temporarily store data from the non-secure data

cache . . . that has been inspected and cleared for transmission prior to transmission to . . . user devices 22-28 in . . . WLAN 16.” *Id.* at 4:3–7.

Finally, the data are “transmitted to an appropriate user device in the WLAN at the lower data rate of the WLAN.” *Id.* at [57]; *see id.* at 2:1–3.

B. ILLUSTRATIVE CLAIM

Claim 20, reproduced below, is the only independent claim of the challenged claims and is illustrative of the recited subject matter:

20. A method of interconnecting a first network and a second network comprising:

- receiving content from the first network at a first data rate;
- offloading the content to a data cache;
- transmitting the content from the data cache to a corresponding one of a plurality of user devices within the second network at a second data rate of the second network that is less than the first data rate of the first network, wherein the content is offloaded to the data cache such that the first and second data rates are supported;
- inspecting the content in the data cache based on at least one Digital Rights Management (DRM) rule to identify data to be processed by a DRM function;
- encod[ing] the identified data using the DRM function such that the encoded data is transmitted to the corresponding one of the plurality of user devices within the second network; and
- providing license keys for decoding the encoded data to desired ones of the plurality of user devices having permission to consume the encoded data.

Id. at 9:22–42, Certificate of Corr.

C. ASSERTED PRIOR ART

The Petition relies upon the following asserted prior art references:

U.S. Patent No. 8,908,699 B2 (filed Mar. 30, 2005, issued Dec. 9, 2014)
(Ex. 1006, “Karaoguz”);

IPR2016-00080

Patent 8,879,567 B1

U.S. Patent No. 7,647,614 B2 (filed June 7, 2005, issued Jan. 12, 2010)

(Ex. 1007, “Krikorian”);

U.S. Patent No. 7,573,820 B2 (filed June 29, 2005, issued Aug. 11, 2009)

(Ex. 1008, “Krishnaswamy”); and

U.S. Patent Application Publication No. 2006/0200415 A1 (filed Feb. 16, 2006, published Sept. 7, 2006) (Ex. 1018, “Lu”).

In addition to these references, the Petition supports its contentions with the Declaration of Kevin Negus, Ph.D. (Ex. 1005).

D. ASSERTED GROUNDS OF UNPATENTABILITY

Petitioner challenges claims 20, 21, 24, and 25 of the ’567 patent under 35 U.S.C. § 103¹ based on the following asserted grounds. Pet. 4.

Challenged Claim(s)	Basis	References
20, 24, and 25	§ 103	Karaoguz and Lu
21	§ 103	Karaoguz, Lu, and Krishnaswamy
20, 24, and 25	§ 103	Karaoguz and Krikorian
21	§ 103	Karaoguz, Krikorian, and Krishnaswamy

II. ANALYSIS

A. CLAIM CONSTRUCTION

In an *inter partes* review, the Board interprets claims in an unexpired patent using the “broadest reasonable construction in light of the specification of the patent in which [they] appear[.]” 37 C.F.R. § 42.100(b). Under this standard, we presume a claim term carries its “ordinary and customary meaning,” which “is the meaning that the term would have to a person of ordinary skill in the art in question” at the time of the invention.

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), revised 35 U.S.C. § 103, effective March 16, 2013. Because the ’567 patent was filed before March 16, 2013, our references to § 103 in this decision are to the pre-AIA version.



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.