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Paper 34
Entered: October 4, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

KONINKLIJKE KPN N.V.,
Patent Owner.

IPR2022-00557
Patent 9,667,669 B2

Before KEVIN F. TURNER, ROBERT J. WEINSCHENK, and RUSSELL E. CASS, *Administrative Patent Judges*.

Opinion for the Board filed by TURNER, *Administrative Patent Judge*.

Opinion dissenting-in-part and concurring-in-part filed by WEINSCHENK, *Administrative Patent Judge*.

TURNER, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining Some Claims Unpatentable
Denying Patent Owner's Motion to Amend
35 U.S.C. § 318(a)

I. INTRODUCTION

A. Background

Ericsson Inc. and Telefonaktiebolaget LM Ericsson ("Petitioner") filed a Petition (Paper 2, "Pet.") requesting institution of *inter partes* review of claims 1–3, 6, 8, 10–12, 21, 22, 24, and 25 of U.S. Patent No. 9,667,669 B2 (Ex. 1001, "the '669 Patent"). Koninklijke KPN N.V. ("Patent Owner") filed a Preliminary Response (Paper 5, "Prelim. Resp."). On October 8, 2022, we instituted an *inter partes* review of all challenged claims based on all grounds in the Petition. Paper 8 ("Inst. Dec."). Patent Owner filed a Response to the Petition (Paper 12, "PO Resp."), Petitioner filed a Reply (Paper 18, "Pet. Reply"), and Patent Owner filed a Sur-reply (Paper 22, "PO Sur-reply").

Patent Owner also filed a contingent Motion to Amend and a request for preliminary guidance (Paper 13, "MTA"), to which Petitioner filed an Opposition to the Motion to Amend (Paper 17, "Opp."). The Board issued preliminary guidance on the Motion to Amend. Paper 21 ("PG"). Patent Owner filed a Reply to the Opposition (Paper 23, "PO Reply"), and Petitioner filed a Sur-reply (Paper 27, "Pet. Sur-reply") thereto.

An oral hearing was held on July 13, 2023. A transcript of that hearing has been entered into the record. Paper 31.

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued under 35 U.S.C. § 318(a). For the reasons that follow, Petitioner has shown by a preponderance of the evidence that claims 1, 10–12, 21, 22, 24, and 25 are unpatentable, Petitioner has not shown by a preponderance of the evidence that claims 2, 3, 6, and 8 are unpatentable,

and we deny Patent Owner's contingent motion to amend with respect to proposed substitute claims 26–28.

B. Related Proceedings

Both parties identify the following judicial or administrative matter that would affect, or be affected by, a decision in this proceeding: *Versata Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson*, Case No. 2:21-cv-113 (E.D. Tex.). Pet. 2; Paper 4, 2.

C. The '669 Patent

The '669 Patent is titled "Managing Associated Sessions in a Network," and is asserted to provide "a method and a system for managing associated multimedia sessions in a network," including the provision of a composition session identifier. Ex. 1001, code (54), Abs. With the growth of IP Multi-Media Subsystem (IMS) architecture, IMS-enabled services are offered that combine sessions (also referred to as streams) from various sources such as audio, video, and other media. *Id.* at 1:23–37. According to the '669 Patent, IMS-enabled services permit an end user to be an active participant in a multimedia session having multiple underlying media sessions instead of a passive viewer. *Id.* at 1:38–40.

The '669 Patent also details that in prior art systems, the network element is unaware of the association between the various underlying media sessions that are combined to make up these multimedia services, such that the network element may not treat each underlying media session uniformly or in a manner conducive to the multimedia services, which could impact quality of service. Ex. 1001, 2:10–15. The '669 Patent discloses the use of a composition session to associate multiple underlying media sessions and

manages the associated sessions through one or more composition sessions. *Id.* at 3:25–43, 4:54–55.

In one embodiment, associated sessions are managed in an IMS-based Internet Protocol Television (IPTV) system, which uses Session Initiation Protocol (SIP) to setup and control media sessions between user equipment (UE) and a network element, such as a Service Control Function (SCF) or a Media Function (MF), with exemplary protocol flow illustrated in Figure 2, reproduced below. Ex. 1001, 7:39–42, 7:22–26, 7:29–30, 7:9–10.

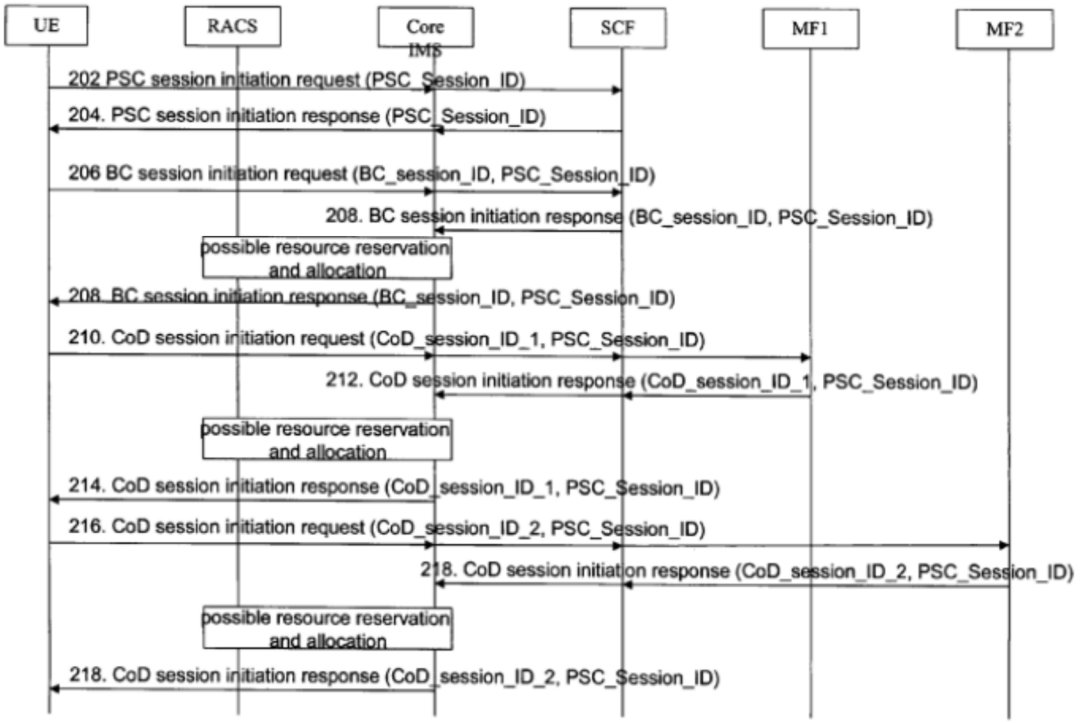


Figure 2

Figure 2 of the ’669 Patent illustrating a flow diagram

In Figure 2, the composition session is a personalized stream or service composition (PSC) session, and the composition session identifier is referred to as PSC_Session_ID. The composition session identifier may be generated or created by the UE or the network element, or provided by a

third party, such as an application server or an Electronic Programming Guide. Ex. 1001, 8:1–5. The method associates underlying media sessions by exchanging the composition session identifier between the UE and the network element (for example, network elements SCF or MF1/MF2), to initiate the composition session and to initiate the associated media sessions.

D. Challenged Claims

Claims 1 and 21 are the sole independent claims challenged in this proceeding, with each of challenged claims 2, 3, 6, 8, 10–12, 22, 24, and 25 dependent on one of those claims, directly or indirectly. Independent claim 1 is considered to be representative and is reproduced below:

> 1. [1p] A method for managing associated sessions in a network, the network having a network element configured for managing associated sessions between the network and at least one user equipment, the method comprising:
>
> [1a] providing a composition session identifier for associating sessions in the network;
>
> [1b] after providing the composition session identifier, exchanging the composition session identifier between a user equipment and the network element a first time;
>
> [1c] associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time, wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with the user equipment;
>
> [1d] initiating establishment of a composition session, the composition session being a signaling session for facilitating management of the two or more sessions and exchanging the composition session identifier between the user equipment and the network element as part of said establishment, the composition session being different from the two or more sessions; and

> [1e] modifying the composition session, wherein modifying the composition session comprises using signaling in the composition session to terminate all of the two or more sessions.

Ex. 1001, 12:30–50 (with annotations provided by Petitioner, Pet. 25–50).

E. Asserted Ground of Unpatentability & Evidence

Petitioner asserts the following ground of unpatentability (Pet. 6, 21–72):

Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1–3, 6, 8, 10–12, 21, 22, 24, 25	103(a)[1]	Foti,[2] RFC 3261,[3] RFC 4566,[4] RFC 2326,[5] Wright,[6] Lloyd[7]

In the Petition, Petitioner relied on the declaration of Mr. Anthony Wechselberger (Ex. 1003). Petitioner submitted additional declarations of Mr. Wechselberger with its Reply and its Opposition to the Motion to Amend. Exs. 1023, 1026. Mr. Wechselberger was cross-examined by Patent Owner, and a transcript of his deposition was entered into the record.

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[1] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), revised 35 U.S.C. § 103 effective March 16, 2013. Because the challenged patent claims priority to an application filed before March 16, 2013, we refer to the pre-AIA version of § 103.

[2] U.S. Patent Publication 2008/0151918 A1, filed Dec. 22, 2006, published Jun. 26, 2008 (Ex. 1006, "Foti").

[3] J. Rosenberg et al., SIP: Session Initiated Protocol, RFC 3261, June 2002 (Ex. 1007, "RFC 3261").

[4] M. Handley et al., SDP: Session Description Protocol, RFC 4566, Jul. 2006 (Ex. 1008, "RFC 4566").

[5] H. Schulzrinne et al., Real Time Streaming Protocol (RTSP), RFC 2326, Apr. 1998 (Ex. 1009, "RFC 2326").

[6] U.S. Patent Publication 2006/0039367 A1, filed Dec. 30, 2004, published Feb. 23, 2006 (Ex. 1010, "Wright").

[7] European Patent Application 1777969 A1, filed Oct. 10, 2005, published Apr. 25, 2007 (Ex. 1011, "Lloyd").

Ex. 2016. Patent Owner submitted declarations of Mr. Regis J. Bates, Jr. with its Response, its Motion to Amend, and its Reply. Exs. 2009, 2017, 2027. Mr. Bates was cross-examined by Petitioner, and transcripts of his deposition were entered into the record. Exs. 1022, 1035.

II. ANALYSIS

A. Level of Ordinary Skill in the Art

Petitioner, supported by Mr. Wechselberger's testimony, proposes that a person of ordinary skill in the art at the time of the invention "would be a person with a B.S. degree in electrical engineering, computer engineering, or equivalent training or job experience, with two years of experience in computer networking technology, or a Master's degree in electrical engineering, computer engineering, or other equivalent degree." Pet. 13 (citing Ex. 1003 ¶ 47). Patent Owner indicates that it does not challenge the qualifications proposed by Petitioner for a person of ordinary skill in the art. PO Resp. 14.

We find Petitioner's proposal consistent with the level of ordinary skill in the art reflected by the prior art of record, *see Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995); *In re Oelrich*, 579 F.2d 86, 91 (CCPA 1978), and, therefore, we continue to adopt Petitioner's unopposed position as to the level of ordinary skill in the art for purposes of this decision.

B. Claim Construction

In this *inter partes* review, claims are construed using the same claim construction standard that would be used to construe the claims in a civil action under 35 U.S.C. § 282(b). *See* 37 C.F.R. § 42.100(b) (2020). The claim construction standard includes construing claims in accordance with

the ordinary and customary meaning of such claims as understood by one of ordinary skill in the art at the time of the invention. *See id.*; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–14 (Fed. Cir. 2005) (en banc). In construing claims in accordance with their ordinary and customary meaning, we take into account the specification and prosecution history. *Phillips*, 415 F.3d at 1315–17.

Petitioner asserts that one claim term, "composition session," requires explicit construction (Pet. 20–21), whereas Patent Owner asserts that the same claim term, plus two additional claim elements, namely "associated sessions" and "exchanging the composition session identifier," should be construed expressly. PO Resp. 14–16. We consider the parties' proposed, express constructions below.

1. "associated sessions"

With respect to the limitation "associated sessions," Patent Owner asserted that the '669 Patent defines those sessions as those that "should not be managed independent from each another," and continues to assert the same in its Response. PO Resp. 14–15 (quoting Ex. 1001, 7:37–38). Based on the recitations of the Specification, we construe "associated sessions" as "sessions that should not be managed independent from each other," as proffered by Patent Owner. Ex. 1001, 7:37–38.

2. "composition session"

With respect to the limitation "composition session," Petitioner asserted that it should be construed as "a separate signaling session for managing the associated sessions that is initiated using a different signaling session than the associated sessions," which Petitioner asserts to be consistent with the definition in the Specification and the applicant's

statements made during prosecution. Pet. 20 (citing Ex. 1001, 3:61–4:1). Petitioner asserts that the patent applicant stressed during prosecution that the composition session is a session for management that is initiated separately and is different than the associated sessions, which differs from Patent Owner's asserted construction of the term in the litigation as a "signaling session separate from the associated sessions." *Id*. at 20–21 (citing Ex. 1002, 49–50, 52; Ex. 1017, ex. A, 32; Ex. 1020, 25–27).

Patent Owner asserts that the United States District Court for the Eastern District of Texas rejected Petitioner's proposed construction in the District Court Case, and following briefing and oral argument in that proceeding, the District Court concluded that "composition session" means "a signaling session that is separate from the associated sessions and that is for facilitating management of the associated sessions." PO Resp. 16. Having reviewed the District Court's determination, we do not discern a significant difference in scope between it and Petitioner's formulation, and we, thus, adopt its construction of "composition session" in the analysis below.

3. "exchange"

Claim 1 recites, in part, "exchanging the composition session identifier." In its arguments countering the ground of unpatentability laid out in the Petition, Patent Owner asserted that the "Petition's assertion that one-way transmission of one and only one SIP message is an 'exchange' as recited in Claim 1," is contrary to the disclosures of Foti and RFC 3261. Prelim. Resp. 48–52 (quoting *id*. at 50). Patent Owner argues that Foti teaches that the SIP INVITE message and the OK message back, taken together, constitute an exchange, and that RFC 3261 discloses a two-phase

exchange of SDP messages. *Id*. at 50–51 (citing Ex. 1006 ¶¶ 7, 25, claims 12, 24; Ex. 1007, 15, 16, 79). This argument, however, excludes consideration of the Specification of the '669 Patent, which discloses that "[t]he sending of such composition session identifier in either direction may be referred to as an 'exchange.'" Ex. 1001, 3:18–20. As such, the plain and ordinary meaning of "exchanging the composition session identifier," in the context of the Specification, is "sending the composition session identifier in either direction." Patent Owner has acknowledged that construction. PO Resp. 16. We apply that construction in the analysis below.

4. Other terms

We determine that it is not necessary to provide an express interpretation of any other claim terms. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Matal*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) ("[O]nly those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy.").

C. Legal Standards – Obviousness

The U.S. Supreme Court sets forth the framework for applying the statutory language of 35 U.S.C. § 103 in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17–18 (1966):

> Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

As explained by the Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*,

> Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.

550 U.S. 398, 418 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.")).

"Whether an ordinarily skilled artisan would have been motivated to modify the teachings of a reference is a question of fact." *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1327 (Fed. Cir. 2016) (citations omitted). "[W]here a party argues a skilled artisan would have been motivated to combine references, it must show the artisan 'would have had a reasonable expectation of success from doing so.'" *Arctic Cat Inc. v. Bombardier Recreational Prods. Inc.*, 876 F.3d 1350, 1360–61 (Fed. Cir. 2017) (quoting *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1068–69 (Fed. Cir. 2012)).

D. Obviousness over Foti in view of RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd

Petitioner asserts that the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd would have rendered the subject matter of claims 1–3, 6, 8, 10–12, 21, 22, 24, and 25 obvious to one of ordinary skill in the art at the time of the invention. Pet. 21–72. Patent Owner argues that

the Petition has failed to establish the requisite motivation to combine the cited references and the cited references do not teach or suggest at least limitations [1p], [1c], and [1d] of independent claim 1, and equivalent elements of independent claim 21. PO Resp. 20–35. Patent Owner also provides separate arguments regarding the patentability of dependent claims 2, 3, 6, 8, and 10 over the asserted references. *Id*. at 35–59. Additionally, Patent Owner argues that objective indicia of nonobviousness demonstrate that the challenged claims are not obvious over the asserted references. *Id*. at 59–63. We begin with brief discussions of the cited references, and then consider Petitioner's arguments with respect to the references' teachings applied to the instant claims as well as Patent Owner's arguments asserting deficiencies in this ground of unpatentability.

1. Foti

Foti describes a method for managing media sessions by associating a media session to a SIP signaling session. Ex. 1006, code (54), Abs. Foti details that in prior art systems, the SIP signaling session is not linked to the RTSP media session that it creates, such that reliable identification and authentication of the user is difficult and prohibits the correlation of accounting information with the user for billing purposes. *Id*. ¶ 4. Foti teaches that linking the RTSP session to the SIP session facilitates management of the RTSP sessions, such that network operators can more accurately identify users to be charged for media transactions, reconcile accounting records, and detect fraud. *Id*. ¶ 5. Foti's methods for establishing multimedia streaming sessions are embodied in an IPTV system that uses standard IMS and IETF protocols such as SIP, SDP, and RTSP. *Id*. ¶¶ 2, 3, 5.

When a user desires to watch content on UT 20, the "user issues an RTSP command from a remote control such as 'PLAY,' to start watching a movie." Ex. 1006 ¶ 30. UT 20 next issues a SIP INVITE 64 message to AS 40, which contains an identification of the user, a SIP session ID, and a Uniform Resource Locator (URL) that identifies a particular MCS 30 and/or media program being requested. *Id*. UT 20 initiates a media session by sending a SIP INVITE message to AS 40. *Id*. ¶ 25. The signaling flow to complete this process is shown in Figure 4, as reproduced below:

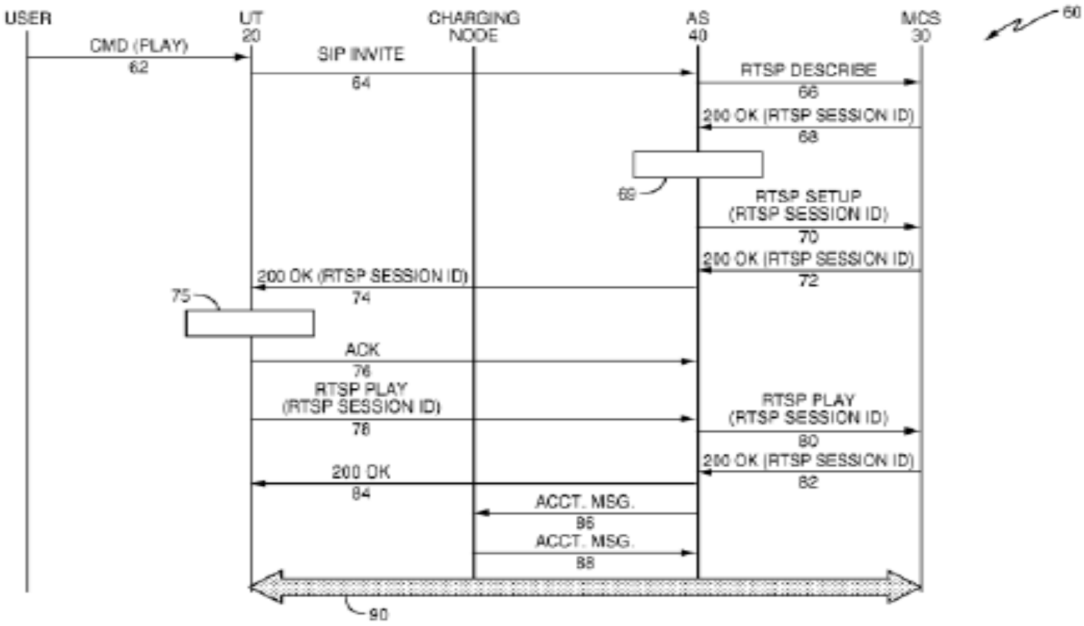


FIG. 4

Figure 4 of Foti illustrates the call flow according to one embodiment

Foti is directed to managing media sessions generally, and in certain embodiments, more than one RTSP session, through its RTSP session ID, may be linked to the same SIP session, through its SIP session ID. Ex. 1006 ¶ 28. Figure 3 illustrates that table 52 provides that RTSP2 and RTSP4, both RTSP session IDs, can be made to correspond to SIP2, a single SIP session

ID. *Id*. ¶ 28, Fig. 3. Table 52 may also store the user ID and the URL associated with the RTSP media session. *Id*. ¶ 28.

2. RFC 3261, RFC 4566, and RFC 2326

RFC 3261 is an IETF standard document describing the Session Initiated Protocol (SIP), which is a signaling protocol for creating, modifying, and terminating sessions. Ex. 1007, Abs. SIP is a component that can be used with other IETF protocols to build a multimedia architecture. *Id*. at 9–10.

RFC 4566 is an IETF standard document describing the Session Description Protocol (SDP), which is a protocol for describing media sessions for purposes of session initiation. Ex. 1008, Abs.

RFC 2326 is an IETF standard document describing the Real Time Streaming Protocol (RTSP). Ex. 1009, Abs. RTSP provides for the setup and teardown of real-time streaming media sessions, as well as providing mechanisms for real-time control of the streaming media such as PLAY and PAUSE. *Id.* at Abs., 33–37.

3. Wright and Lloyd

Wright describes methods for establishing media streams in IPTV systems using SIP messages. Ex. 1010 ¶ 8. Wright further discloses methods for terminating the media streams using SIP messages, whereby the termination includes the user equipment sending a SIP BYE message (as taught by RFC 3261), and the network responding to that message by terminating the media stream. *Id.* ¶¶ 8, 38, Fig. 6.

Lloyd is concerned with the transmission of video signals via a network, and describes methods for establishing media streams in video systems using SIP messaging and SDP to communicate information and

parameters that describe the media stream. Ex. 1011 ¶ 11. The SDP signaling can be used to reset the parameters of a video conferencing session and send them to the receiving end, including analyzing of network conditions, with periodic adjustments to the video frame rate being communicated to receivers via a "SDP message with new frame rate." *Id*. ¶ 12, Fig. 3.

4. Proffered Motivation to Combine Foti, RFC 3261, RFC 4566, RFC 2326,Wright, and Lloyd

Petitioner asserts that persons of ordinary skill in the art would have been motivated to combine Foti with RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd to arrive at the claimed invention. Pet. 21 (citing Ex. 1003 ¶¶ 79–85). Petitioner asserts that such skilled artisans would have been motivated to refer to these RFCs to implement the express teachings of Foti to manage RTSP sessions using a SIP session, SDP, and SIP session identifier, and would have had a reasonable expectation of success. *Id*. at 21–22. Additionally, Petitioner asserts that it would have been obvious to combine the teachings of Foti with those of Wright, since both Foti and Wright discuss establishing media sessions using SIP and RTSP protocols, and Wright discloses additional techniques for admission control whereby the network decides whether the session can be established based on the amount of available bandwidth. *Id*. at 23 (citing Ex. 1010¶¶ 5–7, 23, 36; Ex. 1003 ¶ 83).

Petitioner also asserts that Wright also teaches how to terminate the media session using a user-initiated SIP BYE message and that Foti discloses methods for continuing a media session in the event that the SIP session times out and the user desires to continue watching the media

session. *Id*. (citing Ex. 1010 ¶ 38, Fig. 6; Ex. 1006 ¶¶ 37–39). Petitioner asserts that skilled artisans would have been motivated to include Wright's ability to terminate unwanted media sessions using a SIP BYE message in Foti's system to complement Foti's disclosed processes, and as this would have been an expected functionality of an IPTV service. *Id*. at 23–24 (citing Ex. 1003 ¶ 84). Lastly, Petitioner asserts that person of ordinary skill in the art would have been motivated to follow the teachings of Lloyd to modify Foti to support the known technique of adaptive video frame rate media streams to achieve better perceived quality of service from AS 40 and to be able to accommodate changes in network transmission capacity and to meet "the challenge of consistent provision of QoS." *Id*. at 24–25 (citing Ex. 1011 ¶ 3; Ex. 1003 ¶ 85).

Patent Owner has asserted that there is no motivation to combine Foti, Wright, and RFC 3261 to arrive at [1e]. PO Resp. 34. Other than that, Patent Owner does not traverse the motivation to combined the asserted references. As such, we address Patent Owner's arguments with respect to motivation to combine in the section below addressing element [1e] of independent claim 1.

As such, we continue to determine that Petitioner has sufficiently established that an ordinarily skilled artisan would have had a rationale to combine the teachings of Foti with RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd, and would have had a reasonable expectation of success in achieving that combination, as we determined in the Institution Decision. *See* Inst. Dec. 17–18. We continue to be persuaded that one of ordinary skill in the art would have consulted and utilized disclosures in the RFC references to understand and implement the protocols disclosed by Foti. We

are further persuaded by Petitioner's arguments that such skilled artisans would have had a rationale to combine the teachings of Wright and Lloyd with those of Foti for the reasons provided. Petitioner has asserted that each of the supporting references would have been used by persons of ordinary skill in the art to modify or enhance the system described in Foti for the benefits described for the proposed changes. Absent reasons the references should not be combined, we determine that the motivation proffered by the Petition is sufficient to support the combination, under the preponderance of the evidence standard.

5. Claim 1

a. Element [1p]: Preamble

With respect to the preamble of claim 1, Petitioner asserts that Foti discloses a network which "includes a network element (AS 40) that manages media sessions between the network and at least one user equipment (user terminal (UT) 20)." Pet. 25 (citing Ex. 1006 ¶¶ 19–20, Fig. 1). Petitioner also asserts that Foti discloses associating the RTSP sessions and SIP session using AS40 to "link the RTSP session to the SIP signaling session used to setup the RTSP media session," and that AS40 "correlates the RTSP session ID to the SIP session using, for example, information included within the SIP INVITE message previously received from the UT 20." *Id*. at 26 (citing Ex. 1006 ¶¶ 26–27). Petitioner further asserts that Foti's disclosure of linking and correlating the RTSP sessions to the SIP session discloses that the managed sessions are "associated" as claimed, and that Foti's AS 40 performs specific management functions, such as identifying the user or its information. *Id*. at 26–27 (citing Ex. 1006 ¶¶ 18, 20; Ex. 1003 ¶ 88). Petitioner also asserts that persons of ordinary skill in

the art would have understood that Foti's system could be used to manage the associated RTSP sessions by setting up, modifying, or terminating the associated sessions, where those functions would have been understood as management functions. *Id*. at 26–27 (citing Ex. 1003 ¶ 89).

Patent Owner argues that the combination of references does not teach or suggest "associated sessions," as recited in the preamble of independent claim 1. PO Rep. 20. Patent Owner argues that the bulk of Foti considers the linking of one RTSP ID with one SIP ID, and all of Foti that can be relied upon with respect to linked sessions is disclosed in paragraph 28 and Figure 3 of Foti. *Id*. at 21. Patent Owner continues that the section of Foti cited in the Petition does not indicate associated sessions, such that those sessions should not be managed independent of each other. *Id*. at 21–22; PO Sur-reply 21–22. Additionally, Patent Owner argues that the testimony of Petitioner's declarant cites only to those portions of Foti and provides no other evidence that the linked IDs indicates sessions that are related to each other. PO Rep. 22–23. Lastly, Patent Owner argues that the remaining references also do not teach or suggest "associated sessions," such that the combination fails to teach or suggest the preamble of claim 1. *Id*. at 23–24.

Petitioner responds that the combination discloses "associated sessions" under Patent Owner's proposed construction, given that Foti discloses that sessions RTSP2 and RTSP4 are linked to the same SIP session ID, with "linking" and "associating" have the same meaning in this context. Pet. Reply 3–4 (citing Ex. 1026 ¶¶ 34–35; Ex. 1025, 29, 293). Petitioner also responds that Foti discloses how the RTSP sessions relate to each other on a higher level in that both media streams accessed by a user of UT are associated with the SIP session for management purposes (e.g.,

charging/accounting/fraud detection). *Id*. at 5 (citing Pet. 26–27; Ex. 1026 ¶ 37).

We are not persuaded by Patent Owner's arguments with respect to the preamble of independent claim 1. As we determined in the Institution Decision, Foti clearly discusses table 52, illustrated in Figure 3, as having the media sessions identified by RTSP2 and RTSP 4 [] both linked to the signaling session identified by SIP2. *See* Ex. 1006 ¶ 28. We continue to determine that the linking of the multiple RTSP IDs with a single SIP ID, via the exchanged "correlation information," would allow for facilitation of management of the two or more RTSP sessions, such that if the SIP session should terminate the AS would reject RTSP commands as invalid. *See* Inst. Dec. 24; Pet. 42; Ex. 1006 ¶¶ 36–37. We fail to determine a significant difference between "linking" two or more RTSP sessions with an SIP ID, as taught by Foti, and "associating two or more sessions with the composition session identifier," recited later in claim 1.

Thus, we determine, on the present record, that Petitioner has established that Foti meets the limitations of the preamble of claim 1 for the reasons explained by Petitioner, by a preponderance of the evidence.

b. Element [1a]: "providing a composition session identifier"

With respect to the method step of providing a composition session identifier for associating sessions in the network, Petitioner asserts that Foti discloses that UT 20 provides a composition session identifier for associating RTSP sessions in the network, by generating a SIP session ID, and that one of ordinary skill in the art would have understood that for UT 20 to send the SIP INVITE containing the SIP session ID to AS 40, UT 20 first would have generated or provided the SIP session ID. Pet. 28 (citing

Ex. 1006 ¶¶ 25–27, 30; Ex. 1003 ¶ 90). Petitioner notes that "[t]his is also consistent with the disclosure of the '669 Patent, which states 'the PSC ID may be implemented as a SIP Call ID (as defined in RFC 3261).'" *Id*. at 31 (quoting Ex. 1001, 9:44–45).

Patent Owner does not offer counter arguments with respect to this element of claim 1 in the Patent Owner Response. We determine, on the present record, that Petitioner has established that Foti meets the limitations of this element of claim 1 for the reasons explained by Petitioner, by a preponderance of the evidence.

c. Element [1b]: "exchanging the composition session identifier"

Claim 1 recites, in part, exchanging the composition session identifier between a user equipment and the network element a first time. Petitioner asserts that Foti discloses that after the UT 20 generates the SIP INVITE, including the composition session identifier, i.e., the SIP session ID, UT 20 sends the SIP INVITE to AS 40. Pet. 31–32 (citing Ex. 1006 ¶ 30, Fig. 4).

Patent Owner does not offer counter arguments with respect to this element of claim 1 in the Patent Owner Response. We determine, on the present record, that Petitioner has established that Foti meets the limitations of this element of claim 1 for the reasons explained by Petitioner, by a preponderance of the evidence.

d. Element [1c]: "associating two or more sessions"

Claim 1 recites, in part, associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time, wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with the user equipment. Petitioner

asserts that Foti, alone or in combination with RFCs 4566, 3261, and 3388, discloses associating two or more RTSP sessions using the composition session identifier (i.e., SIP session ID). Pet. 33. Petitioner asserts that Figure 3 of Foti illustrates that two RTSP sessions are associated with a single SIP session identifier, and that Foti states that "[m]ore than one RTSP session ID may be linked to the same SIP session ID." *Id*. at 35–36 (citing Ex. 1006 ¶ 27, Fig. 3).

Petitioner also asserts that Foti discloses that the 200 OK message to the UT 20 may contain the correlation information determined by AS40, which completes the association of the two or more sessions by AS 40 and allows the UT 20 to also associate the two or more sessions. Pet. 36–38 (citing Ex. 1006 ¶¶ 31–33, Fig. 4). As we discussed in the Institution Decision, the plain and ordinary meaning of "exchanging the composition session identifier," in the context of the Specification, is "sending the composition session identifier in either direction." Inst. Dec. 23. Given the description supplied in the Specification of the '669 Patent, we agree with the Petition that the one-way transmission of a single message may be referred to as an "exchange." Also, under the plain and ordinary meaning, the 200 OK message to the UT 20, would have been an exchange and would involve the exchange of the SIP session ID a second time in the timing diagram, i.e., Figure 4, of Foti.

Patent Owner argues that even considering the responsive 200 OK message, in Foti, as a possible second exchange, and, further positing that it meets the recited "exchanging . . . at least a second time," the alleged second exchange leads at best to only a single RTSP session linked to the SIP session ID. PO Resp. 25–26 (citing Ex. 2009 ¶¶ 131–133); PO Sur-reply

19–20. Patent Owner also argues that "[t]o argue that Foti allegedly renders [1c] obvious requires addressing the necessity of more than two exchanges and whether and how any such additional exchange(s) would link more than one RTSP session ID to the SIP session ID—and why a POSITA would have done so." *Id*. at 26.

Petitioner responds that two or more RTSP sessions are associated with the SIP session ID during the process shown in Foti's Figure 4, such that after the SIP INVITE is received by AS 40 (the first exchange), more than one RTSP session is linked using Table 52, the 200 OK message is sent to UT 20 (the second exchange), and UT 20 then re-creates a local copy of Table 52 (including the more than one linked RTSP sessions, as disclosed in Fig. 3). Pet. Reply 7 (citing Pet. 33–38). Based on this, Petitioner asserts that Patent Owner is wrong in arguing that the second exchange leads only to a single RTSP session being inked to a SIP session ID. *Id*. (citing Ex. 1026 ¶ 43). Petitioner also counters Patent Owner's argument that Foti never explains how the second RTSP session is setup, arguing that the claim does not require setting up sessions, only establishing a composition session to manage them. *Id*. at 8.

We are not persuaded by Patent Owner's arguments with respect to this element of independent claim 1. As discussed above, we remain persuaded that Foti discloses the associating of two or more sessions, and that it does so through what the '669 Patent would recognize as exchanges. Specifically, Foti teaches that AS 40 "correlates the RTSP session ID to the SIP session," and that "[m]ore than one RTSP session ID may be linked to the same SIP session ID." Ex. 1006 ¶¶ 27–28, Fig. 3. Foti also teaches that AS 40 "send[s] the correlation information to the UT 20" in a 200 OK

message. *Id.* ¶¶ 27, 32. Patent Owner asserts that "Foti does not teach anywhere *how* two RTSP session IDs can be linked to the *same* SIP session ID" (PO Sur-reply 19, emphases added), but Foti's Figure 3 illustrates two or more RTSP sessions *are* associated with a single SIP session ID. Foti does not disclose the precise signaling that is involved to arrive at the associated sessions, but Petitioner has explained that Foti in view of RFC 3261 would have taught or suggested that the message sent would have included the same SIP Session ID previously used to achieve the associated sessions. *See* Pet. 38.

We determine, on the present record, that Petitioner has established that Foti meets the limitations of this element of claim 1 for the reasons explained by Petitioner, by a preponderance of the evidence.

e. Element [1d]: "initiating establishment of a composition session"

Claim 1 recites, in part, initiating establishment of a composition session, the composition session being a signaling session for facilitating management of the two or more sessions and exchanging the composition session identifier between the user equipment and the network element as part of said establishment, the composition session being different from the two or more sessions. Petitioner asserts that a user interacts with UT 20 via a TV set to initiate the composition session (SIP signaling session) by sending a SIP INVITE to AS 40. Pet. 39 (citing Ex. 1006 ¶ 24). Petitioner also asserts that Foti discloses that the SIP signaling session is a composition session because the SIP signaling session is a separate session initiated by UT 20 using a SIP INVITE (64), while the RTSP session is a separate RTSP session set up by AS 40 and MCS 30 using different RTSP messages. *Id*. at

40 (citing Ex. 1006, Fig. 4). Petitioner further asserts that Foti's signaling session facilitates management of the two or more (RTSP) sessions, such that if the SIP session should terminate the AS would reject RTSP commands as invalid. *Id*. at 42 (citing Ex. 1006 ¶¶ 36–37). Petitioner also asserts that the composition session identifier is exchanged between the user equipment and the network as part of said establishment, as discussed above, and that Foti's SIP signaling session is different than the two or more (RTSP) sessions because the latter are initiated using different messages than the SIP signaling session, are set up using a different IETF protocol that is not SIP, and allow UT 20 to control the media stream using different messages. *Id*. at 45.

Patent Owner does not offer counter arguments with respect to this element of claim 1 in the Patent Owner Response. We determine, on the present record, that Petitioner has established that the recited combination of references meets the limitations of this element of claim 1 for the reasons explained by Petitioner, by a preponderance of the evidence.

f. Element [1e]: "modifying the composition session"

Claim 1 recites, in part, modifying the composition session, wherein modifying the composition session comprises using signaling in the composition session to terminate all of the two or more sessions. Petitioner asserts that it would have been obvious to modify Foti's system in light of the media stream teardown procedure taught by Wright. Pet. 45. Petitioner asserts that a person of ordinary skill in the art would have understood that Foti discloses a network-initiated procedure for tearing down the RTSP sessions when the SIP session times out or for other policy reason. *Id*. at 46 (citing Ex. 1003 ¶ 113). Petitioner further asserts that a user may desire to

end the SIP session and associated RTSP sessions by pushing a button on a remote control, as taught by Wright, through a desire to stop watching the on demand video or to turn off the UT. *Id*. at 46–47 (citing Ex. 1010 ¶ 38, Fig. 6; Ex. 1003 ¶ 114). Petitioner reiterates that such procedures would have been known to ordinarily skilled artisans, would have had a reasonable expectation of success, and would have resulted in the natural and predictable result of having the user's desires be manifested. *Id*. at 49–50 (citing Ex. 1003 ¶¶ 116–117).

Patent Owner argues that Foti does not teach or suggest media session management by the SIP session, but rather discloses other methods, such as provided in the session illustrated in Figure 4 of Foti, with the session controlled by RTSP PLAY commands. PO Resp. 29–31 (citing Ex. 1006, Fig. 4; Ex. 2009 ¶¶ 149–151); PO Sur-reply 18. Patent Owner also argues that Wright does not expressly teach the use of a SIP BYE message to terminate two or more RTSP sessions, but rather only discloses that a customer may actuate a push button of a remote to terminate transmission of a media stream. *Id*. at 31 (citing Ex. 1010 ¶¶ 32, 38; Ex. 2009 ¶¶ 155–156). Patent Owner additionally argues that Petitioner's declarant is unhelpful in testifying that "in response to a SIP BYE command from UT 20, AS 40 could cause MCS 30 to terminate the sessions using an RTSP TEARDOWN message as taught by RFC 2326," because "could" is not the test for obviousness. *Id*. at 32–33 (citing Ex. 1003 ¶ 116; Ex. 2009 ¶¶ 160–162). Patent Owner also argues that the Petition's assertion of using a SIP BYE message, in view of Wright and RFC 3261, would have been redundant to the actual processes employed by Foti, and would contradict its actual disclosure. PO Resp. 34 (citing Ex. 1022 ¶¶ 166–167); PO Sur-reply 18–19.

Petitioner responds that Patent Owner focuses on the individual references in isolation and not in combination, such that Patent Owner fails to rebut the obviousness of this element. Pet. Reply 9 (citing *Hulu, LLC v. SITO Mobile R&D IP*, IPR2021-00158, Paper 34, *41 (PTAB Apr. 15, 2022)). Petitioner also responds that the Petition is clear that it relies on RFC 3261, RFC 2326, and Wright to render obvious modifying the composition session using signaling in the composition session (i.e., a SIP BYE message) to terminate any RTSP sessions associated with the SIP session. *Id*. Petitioner also asserts that the teardown methods of Foti and Wright are complementary and the user-initiated termination taught by Wright would have been considered a necessary IPTV feature. *Id*. at 9–10 (citing Ex. 1003 ¶¶ 83–84; Ex. 1026, ¶¶ 56–60). With respect to this latter argument by Petitioner, Patent Owner argues that it is raised for the first time in reply, such that we should not consider it, or that is based on unsupported testimony, such that we should give it little weight. PO Sur-reply 19 n.2.

Addressing Patent Owner's last argument first, we disagree with Patent Owner's assessment that Petitioner introduces this argument, i.e., the basic functionality of any IPTV service, for the first time in reply, such that we should disregard it. Mr. Wechselberger testified in his original testimony, filed with the Petition, that

> A person of ordinary skill in the art would have been motivated to include the basic ability for the user to discontinue watching unwanted media streams, as this would be an expected and basic functionality of any IPTV service. This would have had the predictable result and benefit of an IPTV service that permits the user to terminate the media session using a button on her remote control.

Ex. 1003 ¶ 84. Although it may not provide specific citations to other evidence, we are persuaded that the testimony is correct in that it accurately describes the expectations of a user, and would be a natural requirement of such presentation systems. Further, we remain persuaded that it would have been obvious to allow for the termination of sessions together after they have been associated in the composition session, as recited in independent claim 1. We agree with Petitioner that RFC 3261, RFC 2326, and Wright disclose the use of a SIP Bye message and that one of ordinary skill in the art would have had the reasonable expectation that this procedure would successfully complement Foti's techniques for continuing the media session in the event that the user would like to continue watching a timed-out SIP session. *See id*. Further, we agree with Petitioner that Patent Owner's arguments are largely directed to the teachings of the individual references, and we disagree with Patent Owner's arguments that ordinarily skilled artisans would not have had a reason to combine the processes of RFC 3261, RFC 2326, and Wright with Foti's system. *See* Pet. 21–25 (citing Ex. 1003 ¶¶ 79–85).

As such, we determine, on the present record, that Petitioner has established that the recited combination of references meets the limitations of this element of claim 1 for the reasons explained by Petitioner, by a preponderance of the evidence.

6. Proffered Evidence of Objective Indicia of Nonobviousness

With respect to the sole ground of unpatentability supplied in the Petition, we must also consider any objective evidence of nonobviousness put forward by the parties. Petitioner acknowledges, and Patent Owner emphasizes, that Patent Owner submitted a European Telecommunications

Standards Institute (ETSI) Telecommunications and Internet Converged Services and Protocols for Advanced Networking (TISPAN) Change Request related to the embodiments recited in the '669 Patent. PO Resp. 59 (citing Ex. 2008, 5; Ex. 2009 ¶ 259). Patent Owner further asserts that the standards agency adopted it and that adoption is industry praise and supports the nonobviousness of the challenged claims. Prelim. Resp. 59–60 (citing *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1334 (Fed. Cir. 2016)). Patent Owner also asserts that Petitioner's expert in the District Court Case, Dr. Jeffay, admitted that the Change Request was related to the invention claimed in the '669 Patent, and thus has nexus to the challenged claims, being reasonably commensurate with the scope of the challenged claims. *Id*. at 60 (citing Ex. 1015; Ex. 2009 ¶ 259).

In the Institution Decision, we asserted that we could not verify the nexus to the challenged claims merely through the testimony of Petitioner's expert in the District Court Case. Inst. Dec. 18–19. That expert testified: "I also *understand* that KPN and TNO submitted an ETSI TISPAN Change Request related to the invention claimed in the '669 Patent in January 2009." Ex. 2008, 5 (emphasis added). We further stated that although the expert's testimony is evidence, it is only weak evidence, as it is not supported by any underlying documentation, such as the Change Request itself or a comparison of that Change Request and the issued claims of the '669 Patent. Inst. Dec. 19. We provided that we remained open to further consideration of this evidence of nonobviousness through industry praise, but determined it to be insufficient to overcome the case for obviousness of the challenged claims provided in the Petition at that stage of the proceeding. *Id*.

In response, Patent Owner provides a showing that the Change Request "has nexus to and is reasonably commensurate with" independent claims 1 and 21. PO Resp. 60–63 (citing Ex. 1015, 2–4; Ex. 2009 ¶¶ 262–266). We agree with Patent Owner that its showing strengthens its case that there is nexus between the Change Request and independent claims 1 and 21, thus supplying industry praise, countering a determination of obviousness. We are not persuaded, however, that the evidence is sufficient in view of the strong case for the obviousness of independent claims 1 and 21. As discussed above, we are persuaded that the combination of references proffered in the Petition demonstrates the obviousness of the association of sessions, the establishment of a composition session, and modification thereof, as recited in the claim limitations in independent claims 1 and 21. Separate aspects of the Change Request are reflected in the dependent claims, discussed below, and are more relevant in showing the nonobviousness of those claims.

7. Conclusion Regarding Independent Claim 1

We have reviewed the arguments and evidence and we determine that Petitioner has established that the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd teaches or suggests all of the limitations of independent claim 1 for the reasons explained by Petitioner by a preponderance of the evidence.

8. Independent Claim 21

With respect to independent claim 21, Petitioner largely relies on its analysis provided for claim 1. *See* Pet. 64–66. With respect to the last limitation in claim 21, modifying, using signaling in the composition session, all of the two or more sessions, Petitioner argues that it has shown

that Foti and Wright teach or suggest terminating the SIP session. *Id*. at 65. Petitioner asserts that persons of ordinary skill in the art would have understood that terminating the two or more sessions is a form of modifying the sessions. *Id*. (citing Ex. 1003 ¶ 145). We concur with Petitioner's analysis, including how the '669 Patent describes terminating one or more sessions as being a type of modification of the composition session. *Id*. at 66 (citing Ex. 1001, 5:44–50). As such, we determine that Petitioner as sufficiently shown, by a preponderance of the evidence, that Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd teaches or suggests all of the limitations of independent claim 21.

9. Dependent Claim 6

Dependent claim 6 recites, in part, that the user equipment initiates the two or more associated sessions by sending two or more session initiation requests, with each request comprising the composition session identifier. Petitioner asserts that Foti teaches the subject matter of claim 6 through its discussion of element [1c] above, where more than one RTSP session ID may be linked to the same SIP session ID. Pet. 56. Petitioner further asserts that a second linked RTSP session would be established by repeating specific steps for each subsequent RTSP session, such as described in RFC 3261, by sending a new INVITE request, or re-INVITE, with a repeated SIP session ID. *Id*. at 56–57.

Patent Owner argues that Foti does not teach how to achieve "[m]ore than one RTSP session ID may be linked to the same SIP session ID." PO Resp. 44. As discussed above, we are persuaded that it does teach the association or linking through its disclosure of Figure 3 of Foti, although Foti itself does not detail the specific signaling that it employs to achieve

this. Patent Owner also argues that Petitioner's own obviousness theory involves more than repeating steps for establishing an RTSP session because it would require the use of a SIP re-INVITE having the same SIP session ID to establish each subsequent RTSP session, and RFC 3261 does not discuss using a SIP re-INVITE to add an RTSP session to an existing SIP session, but only adding a media stream. *Id*. at 46–48 (citing Ex. 2009 ¶¶ 210–216). Patent Owner also cites to the cross-examination testimony of Mr. Wechselberger that persons of ordinary skill in the art would have "to dive into the details" to implement the SIP re-INVITE in Foti. *Id*. at 49 (citing Ex. 2016, 109:12–14, 109:16–25).

In response, Petitioner asserts Patent Owner is merely asserting that Petitioner is wrong, without explaining why. Pet. Reply 12–13. Petitioner also asserts that it would have been obvious to add a second RTSP media session using a SIP re-INVITE identifying the URL of a second media stream, that Patent Owner misinterprets the Petition's arguments as relying on inherency, and that Patent Owner "creates an illusory distinction between adding a media stream versus adding an RTSP media session." *Id*. at 13–16 (citing Ex. 1026 79–82).

Patent Owner responds that Petitioner's Reply raises a new argument, presents unsupported testimony from Mr. Wechselberger, and denies what the Petition and Mr. Wechselberger said about Claim 6. PO Sur-reply 5. We agree with Patent Owner that the arguments raised in the Reply are not found in the Petition and they seek to expand what the Petitioner originally argued in the Petition. As Patent Owner points out, the Reply asserts that "[i]t would have been obvious to add a second RTSP session using a SIP re-INVITE identifying the URL of a second media stream," but this is different

from what the Petition asserts, regarding claim 6. *Id*. at 6; *compare* Pet. 56–57 *with* Pet. Reply 12–16. We are not persuaded that this is merely an explanation of what the Petition asserted; rather, we are persuaded that this is a new theory, or at least an expansion of its prior theory, expounded upon for the first time in the Reply.

Patent Owner also argues that Petitioner's assertion that there is no difference between a media stream and an RTSP session is unsupported, and we agree. PO Sur-reply 8. As Mr. Bates has testified, "adding a media stream is not the same as adding an RTSP session . . . . because a single RTSP session may be associated with multiple media streams by virtue of their inclusion in the session description (SDP)." Ex. 2009 ¶ 218 (citing Ex. 1008, 22). We are not persuaded by Mr. Wechselberger's responsive testimony that "[t]his is a distinction without a difference" (Ex. 1026 ¶ 79), because we agree with Patent Owner it does not appear to be supported by any evidence in the record. PO Sur-reply 8.

As such, we are not persuaded that the Petition has demonstrated, by a preponderance of the evidence, the obviousness of claim 6.

10. Dependent Claims 2, 3, and 8

Dependent claim 2 requires the user equipment generating the composition session identifier, and requesting the initiation of the composition session with that identifier. The Petition asserts that its analysis of claim 2 is made "with respect to Claim 6 and is incorporated by reference here." Pet. 51–52. Petitioner also provides that Patent Owner's arguments, made with respect to claim 6, "appl[y] to both Claim 2 and 6, and for that reason both claims are addressed together in this section." Pet. Reply 12. Given the discussion of claim 6, above, we find Patent Owner's arguments

to be similarly persuasive with respect to claim 2. As such, we are not persuaded that Petition has demonstrated, by a preponderance of the evidence, the obviousness of claim 2. Dependent claim 3 depends from dependent claim 2, and thus recites the same elements by virtue of its dependence. For similar reasons, we are not persuaded that Petition has demonstrated, by a preponderance of the evidence, the obviousness of claim 3.

With respect to dependent claim 8, the Petition once again relies on the assertion that one of ordinary skill in the art "would have understood that the two linked RTSP sessions would be established using two or more 200 OK messages containing the SIP session identifier," and would "merely require repeating steps 62 through 74 for each subsequent RTSP session." Pet. 58 (citing Ex. 1003 ¶ 133). We agree with Patent Owner that the reasoning and asserted support are the same as the Petition makes with respect to claim 6, i.e., achieve the linking of more than one RTSP session ID to the same SIP session ID by merely repeating steps for each subsequent RTSP session. PO Resp. 55. Petitioner acknowledges that Patent Owner's arguments regarding claim 8 are a repeat of "its arguments already addressed above with respect to Claims 2 and 6." Pet. Reply 19. As such, we are not persuaded that Petition has demonstrated, by a preponderance of the evidence, the obviousness of claim 8.

11. Dependent Claim 10

Dependent claim 10 recites that the combined streams of the two or more associated sessions are presented to the user equipment as a personalized composed multimedia stream. Petitioner asserts that Foti discloses that its media streams may be media components of an IPTV

service including video on demand (VOD), web access, VOIP, and mobile voice. Pet. 59–60 (citing Ex. 1006 ¶ 2). Petitioner also asserts that persons of ordinary skill in the art "would have understood that VOD programs are delivered on demand to particular subscribers, web access is also specific to a subscribers' choice of web access, and VOIP and voice servers are also specific to each subscriber's calling choices." *Id*. at 60 (citing Ex. 1003 ¶ 134). Petitioner also asserts that ordinarily skilled artisans would have understood that media streams are a personalized composition of services dictated by the choices of each individual subscriber. *Id*.

Patent Owner argues that Foti does not disclose a "personalized composed multimedia stream," and that "Foti does not teach or suggest any relationship between RTSP2 or RTSP4 or any other RTSP sessions." PO Resp. 56. Patent Owner also asserts that Petitioner's assertions regarding how skilled artisans would have perceived that media streams "are nothing more than improper hindsight." *Id*. at 57 (Ex. 2009 ¶ 248).

Petitioner responds that Patent Owner does not offer a claim construction for "personalized composed multimedia stream," and Petitioner also responds that Patent Owner's arguments that Foti does not each or suggest any relationship between its RTSP media streams are the same as those made with respect to independent claim 1. Pet. Reply 20–21.

We agree with Petitioner. Neither party has construed "personalized composed multimedia stream," such that we construe it according to the plain and ordinary meaning. It is reasonable that persons of ordinary skill in the art would have understood that media streams are a personalized composition of services dictated by the choices of each individual subscriber. *See* Ex. 1003 ¶ 134. Based on the assertions of the Petition, Foti

provides for the same. We are not persuaded that Patent Owner has distinguished the meaning of the claim limitation from the reasonable meaning that Petitioner has asserted in the Petition.

We also agree with Petitioner that Patent Owner's arguments regarding whether Foti discloses a relationship between RTSP sessions has been addressed above, and we are persuaded that Foti does disclose such a relationship through its establishment of media streams using SIP and RTSP messages as disclosed in Figure 4 of Foti. As such, we agree with Petitioner it would have been obvious to present a personalized composed multimedia stream, as Petitioner has asserted, and that the Petition has demonstrated the obviousness of claim 10 by a preponderance of the evidence.

12. Dependent Claim 11

Claim 11 recites that the network includes storage and the composition session identifier and associated session identifiers are stored in that storage. Petitioner asserts that Foti teaches that Table 52, which stores the correlation between SIP session ID and RTSP Session ID(s), can be stored as AS 40 and/or database 50. Pet. 61 (citing Ex. 1006 ¶ 28). Patent Owner does not raise arguments specifically against the obviousness of claim 11. *See* PO Resp. We agree with Petitioner that Foti discloses the stage recited in the claim and that the Petition has demonstrated the obviousness of claim 11 by a preponderance of the evidence.

13. Dependent Claim 12

Claim 12 recites modifying the composition session by modifying sessions therein or transferring one or more of the associated sessions. Petitioner asserts that RFC 3261 discloses that SIP protocols can be used to modify sessions by adding or deleting media streams or modifying the

parameters of a session. Pet. 62 (citing Ex. 1007, 86). Petitioner further asserts that it would have been considered a basic component of an IPTV service at the time to have allowed the user to change the media program being watched and/or downloaded, for example to change the bandwidth. *Id*. (citing Ex. 1003 ¶ 138). Patent Owner does not raise arguments specifically against the obviousness of claim 12. *See* PO Resp. We agree with Petitioner it would have been obvious to have allowed for the modification of the composition session, as Petitioner has asserted, and that the Petition has demonstrated the obviousness of claim 12 by a preponderance of the evidence.

14. Dependent Claim 22

Claim 22 recites that the modifying step includes modifying at least one of the two or more sessions based on a determined change in bandwidth availability. Petitioner asserts that such a modification would have been obvious over the combination in view of Lloyd's disclosure of a technique for adjusting the transmitted video frame rate as a function of network capacity. Pet. 66–70 (citing Ex. 1011 ¶¶ 8, 149, Fig. 3). Patent Owner does not raise arguments specifically against the obviousness of claim 22. *See* PO Resp. We agree with Petitioner it would have been obvious to have allowed for the modification based on network capacity, as Petitioner has asserted, and that the Petition has demonstrated the obviousness of claim 22 by a preponderance of the evidence.

15. Dependent Claim 24

Claim 24 recites that the modifying includes signaling in the composition session for a duration for all of the two or more sessions. Petitioner asserts that Foti discloses that the SIP session may be of a finite

duration and it may time-out, and that one of ordinary skill in the art would have understood that a duration of the session(s) would have been specified in the SIP/SDP message from the UT and would cause that session to be modified or timed-out. Pet. 70–71 (citing Ex. 1006 ¶ 36; Ex. 1003 ¶¶ 154–155). Patent Owner does not raise arguments specifically against the obviousness of claim 24. *See* PO Resp. We agree with Petitioner it would have been obvious to have utilized signaling to set a duration of the sessions, as Petitioner has asserted, and that the Petition has demonstrated the obviousness of claim 24 by a preponderance of the evidence.

16. Dependent Claim 25

Claim 25 recites that the modifying includes signaling in the composition session of a bandwidth requirement for the sessions. Petitioner asserts that specifying the bandwidth of the session and media was a known element of the standard SDP offer, it would have been obvious to include the bandwidth requirement for a session, and it would have been obvious in light of Lloyd to modify at least one session based on a change in bandwidth availability. Pet. 71–72 (citing Ex. 1003 ¶¶ 156–157). Patent Owner does not raise arguments specifically against the obviousness of claim 25. *See* PO Resp. We agree with Petitioner it would have been obvious to have utilized signaling to set a bandwidth requirement for the sessions, as Petitioner has asserted, and that the Petition has demonstrated the obviousness of claim 25 by a preponderance of the evidence.

17. Conclusions Regarding Ground of Unpatentability

We determine that Petitioner has shown by a preponderance of the evidence that the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd would have rendered the subject matter of claims 1, 11–

12, 21, 22, 24, and 25 obvious. We determine that Petitioner has not shown by a preponderance of the evidence that the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd would have rendered the subject matter of claims 2, 3, 6, and 8 obvious.

III. CONTINGENT MOTION TO AMEND

Patent Owner filed a Motion to Amend proposing to substitute original claims 1, 12, and 21 with claims 26–28, contingent upon a finding of unpatentability of the original claims. MTA 1. As discussed below, we are persuaded by the arguments and evidence presented by Petitioner that proposed substitute claims 26–28 are not patentable.

A. Requirements under 35 U.S.C. § 316(d) and 37 C.F.R.§ 42.121

In this section, we determine whether the Motion to Amend meets the statutory and regulatory requirements set forth in 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121. Under those requirements, Patent Owner must show that: (1) the amendment responds to a ground of unpatentability involved in the trial; (2) the amendment does not seek to enlarge the scope of the claims of the patent or introduce new subject matter; (3) the amendment proposes a reasonable number of substitute claims; and (4) the proposed claims are supported in the original disclosure. 37 C.F.R. § 42.121; *Lectrosonics, Inc. v Zaxcom, Inc.*, IPR2018-01129, Paper 15 (PTAB Feb. 25, 2019) (precedential).

1. Responsive to a Ground of Unpatentability

For the reasons that follow, the Motion responds to a ground of unpatentability involved in the trial. 37 C.F.R. § 42.121(a)(2)(i).

Patent Owner's Motion responds to the ground of unpatentability on which we instituted trial—that the combination of Foti, RFC 3261, RFC

4566, RFC 2326, Wright, and Lloyd would have rendered the challenged claims obvious. MTA 1–2, 15–25. Upon review of Patent Owner's Motion, we agree that proposed substitute independent claims 26 and 28 and proposed substitute dependent claim 27 recite new elements, and new combinations of elements, constituting a *bona fide* response to the instituted ground. *See id.*

Petitioner contends that "Patent Owner ('PO') merely adds words to the Substitute Claims without explaining how they change claim scope or distinguish the prior art of record or known to PO," and that "[t]he Substitute Claims are obvious under 35 U.S.C. § 103 in view of the Petition's Ground 1: Foti in view of RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd ('Petitioner's combination')." Opp. 1 (citing Pet. 21); *see also, e.g.*, *id.* at 3 ("The MTA proposes amendments to specify the claimed sessions are 'media sessions,' but fails to include any argument as to how or why that amendment distinguishes the prior art."), 5 ("PO's amendment fails to distinguish any concept described by the '669 Patent from Petitioner's combination because Foti's RTSP media sessions are the same types of 'sessions' described as being managed in the '669 Patent."), 20 ("PO attempts to distinguish Petitioner's combination based on a limitation that it did not propose").

We are persuaded, however, that the proposed substitute claims recite new elements that were not in the originally challenged claims, nor addressed in either the Petition[8] or Institution Decision—for example, (1) specifying the type of sessions as "media" sessions (claims 26, 27, 28), (2) introducing "two or more media sessions" and "management as a group

[8] Paper 2 ("Petition" or "Pet.").

in the network" in the "providing" step as antecedent basis for further recitations of these terms in the "associating" and "initiating" steps (claim 26), (3) specifying that modifying at least one of the two or more media sessions "comprises sending a modification request comprising the composition session identifier" (claim 27), and (4) specifying that modifying all of the two or more media sessions "comprises pausing a data stream of each of the two or more media sessions" (claim 28). Moreover, in response to these newly recited elements, Petitioner presented new arguments and citations to address these elements in its Opposition, as well as Mr. Wechselberger's updated, expert testimony. *See* Opp. 1–25 (citing Ex. 1023 as well as additional portions of Exs. 1006–1011). Petitioner's contention that the proposed substitute claims are unpatentable over the same combination of prior art references does not mean Patent Owner's proposed amendments fail to respond to a ground of unpatentability on which we instituted trial.

For at least these reasons, on this record, we determine that Patent Owner's Motion responds to the ground of unpatentability on which we instituted trial.

2. Scope of the Claims

For the reasons that follow, the substitute claims do not broaden a challenged claim in any respect that enlarges the scope of the claims of the patent. 35 U.S.C. § 316(d)(3); 37 C.F.R. § 42.121(a)(2)(ii).

Each of the proposed substitute claims include narrowing limitations. For example, each of proposed substitute claims 26, 27, and 28 is narrower than its corresponding original claim because it newly recites that the two or more sessions are "media" sessions. MTA 2, Claims App. A. As another

example, proposed substitute claim 26 is narrower because it establishes a new relationship between "providing a composition session identifier for associating two or more media sessions with each other for management as a group," "associating *the* two or more media sessions," and "initiating establishment of a composition session . . . for facilitating the management of the two or more media sessions as a group." *Id.* And, as yet another example, proposed substitute claim 28 is narrower because it newly recites "wherein the modifying comprises pausing a data stream of each of the two or more media sessions." *Id.*

Petitioner argues that Patent Owner fails to explain how (1) "adding 'two or more' narrows the scope of 'sessions,' which already is plural," (2) "adding 'with each other' narrows the scope of 'associating,'" and (3) "managing the sessions 'as a group' narrows the claimed managing of the associated sessions." Opp. 8–10 (citing MTA 19–23). But even accepting Petitioner's assertions as true, adding these terms does not broaden the scope of the claims, nor does their inclusion negate the other narrowing amendments of the proposed substitute claims discussed above.

For at least these reasons, on this record, we determine that proposed substitute claims 26, 27, and 28 do not enlarge the scope of the claims of the challenged patent.

3. Reasonable Number of Substitute Claims

Patent Owner proposes no more than 1 substitute claim for each of the challenged claims. MTA 1–2, Claims App. A (proposing substitute claims 26–28). Petitioner does not argue otherwise. *See generally* Opp. As such, we determine that Patent Owner has proposed a reasonable number of substitute claims. *See* 35 U.S.C. § 316(d)(1)(B).

4. Support in the Original Disclosure

On this record, we determine that Patent Owner has met its burden to show written-description support for the substitute claims. *See* 35 U.S.C. § 316(d)(3); 37 C.F.R. § 42.121(a)(2)(ii). Patent Owner appears to have identified adequate written description support for proposed substitute claims 26–28 in the '385 application, the '278 application, and the EP '661 applications. *See* MTA 3–14 (citing various parts of the '385 application, the '278 application, and the EP '661 applications).

Petitioner argues that "[t]o the extent PO contends Petitioner's combination does not disclose 'media' sessions" or "associating 'two or more media sessions with each other,'" "PO has not met its burden to demonstrate that it is entitled to these amendments." Opp. 5–8, 15. Petitioner similarly argues that "to the extent PO later argues that [claim 28's 'wherein the modifying comprises pausing a data stream of each of the two or more media sessions' amendment] requires pausing a Media Stream A of Session 1 and pausing Media Stream B of Session 2 in attempting to distinguish Petitioner's combination, then PO's amendment is not supported by the written description." *Id.* at 25. Petitioner further argues that "PO has not demonstrated written description support for its 28[e] amendment 'wherein the modifying comprises pausing a data stream of each of the two or more media sessions'" because "PO cites and the '669 Patent discloses two pausing embodiments: (1) collectively pausing multiple streams and (2) pausing an individual stream," but "PO fails to [provide] support for its proposed amendment to pause individual data streams of each of the two or more media sessions." Opp. 23; *see also id.* at 23–25. For the reasons below, we are not persuaded by Petitioner's argument.

It does appear that the disputed limitation is broadly recited such that it covers both (1) collectively pausing multiple streams and (2) pausing an individual stream for each session. Contrary to Petitioner's arguments, however, it also appears there is adequate written description support for both of these embodiments. *See* MTA 13–14 (citing Ex. 1002, 581:3–10, 581:14–20, 583:22–30, 586:13–18, 593:13–19, 647:3–10, 647:14–10, 649:22–30, 652:13–18, 659:13–19, 695:3–10, 695:14–20, 702:21–26, 703:21–26); Ex. 1001, 20:18–22 (claim 23). For example, as cited by Patent Owner, the '385 application discusses that "the group of sessions *may* be manipulated as if there [were] only one session[,] [f]or example," via "collective [pausing] . . . of the data streams associated with the group of sessions." Ex. 1002, 583:25–30. While this passage teaches that associated streams *may* be paused collectively, it also appears to teach that the associated streams may be paused individually. In other words, given the cited passage, one of ordinary skill in the art would understand that, in the '385 system, streams may be paused not only collectively but alternatively on an individual basis. Consistent with our understanding of the '385 disclosure and the embodiment recited in proposed substitute claim 28, claim 23 of the '669 patent recites a method for managing associated sessions in a network wherein modifying the two or more sessions comprises "selectively pausing data streams of the two or more sessions." *See* Ex. 1001, 20:18–22 (claim 23). This too appears to teach that each stream may be paused individually rather than collectively.

In addition, the '385 application describes a network pausing a number of streams related to personalized television experiences, but not pausing a number of streams related to the background or recording

sessions. *See* Ex. 1002, 581:12–20; *see also id.* at 586:11–21 (describing a network element configured to pause a plurality of associated multimedia sessions related to a personalized TV service, but at the same time a downloading session is left untouched). This appears to teach "pausing a data stream of each of the two or more media sessions" as well because it describes the ability to selectively pause streams of multiple media sessions on an individual basis, and we find no disclosure that limits such selectivity to no more than a single stream or a single session.

Petitioner additionally argues that the "(2) pausing an individual stream" "embodiment contradicts PO's construction of 'associated media sessions' as sessions that 'should not be managed independent from each other' because it manages (pauses) sessions independently." Opp. 24 (citing Ex. 1023 ¶ 127). But the mere fact that the streams are paused individually does not necessarily mean that their corresponding sessions are being managed independently from each other. Nor does Petitioner or its expert present any persuasive evidence to support the assertion that pausing streams of two or more sessions individually would require managing the sessions independently from each other. *See* Opp. 24; Ex. 1023.

As such, for at least these reasons, on this record, we do not find that the amendments in claims 26–28 seek to add new subject matter.

B. Patentability of the Substitute Claims

For the reasons discussed below, we are persuaded that Petitioner has demonstrated, by a preponderance of the evidence, that proposed substitute claims 26–28 are unpatentable over the art of record.

Petitioner asserts that proposed substitute claims 26–28 are unpatentable under 35 U.S.C. § 103 for obviousness based on the

combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd. Opp. 1. Notably, Petitioner relies on the same prior art references as those asserted in the Petition, in response to which we instituted trial. *See, e.g.*, Pet. 6; Inst. Dec. 2, 26–27, 32. On this record, we determine that Petitioner (or the record) has shown, based on a preponderance of the evidence, that the proposed substitute claims are unpatentable.

1. Proposed Substitute Independent Claim 26

Proposed substitute independent claim 26 replaces original independent claim 1 and adds new elements. *See* MTA 1, Claims App. A.

> 26. (*As Amended from Claim 1*) A method for managing associated media sessions in a network, the network having a network element configured for managing associated media sessions between the network and at least one user equipment, the method comprising:
>
> providing a composition session identifier for associating two or more media sessions with each other for management as a group in the network;
>
> after providing the composition session identifier, exchanging the composition session identifier between a user equipment and the network element a first time;
>
> associating the two or more media sessions with the composition session identifier by exchanging the composition session identifier at least a second time, wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with the user equipment;
>
> initiating establishment of a composition session, the composition session being a signaling session for facilitating the management of the two or more media sessions as a group by the network element, and exchanging the composition session identifier between the user equipment and the network element as part of said establishment, the composition session being different from the two or more media sessions; and

> modifying the composition session, wherein modifying the composition session comprises using signaling in the composition session to terminate all of the two or more media sessions.

MTA, Claims App. A 27–28.

Petitioner contends the subject matter of proposed substitute claim 26, including the following added elements: "media sessions," "for associating two or more media sessions with each other for management as a group," "associating the two or more media sessions," and "for facilitating the management of the two or more media sessions as a group by the network element," are rendered obvious by the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd. Opp. 2–5, 8–14, 15–16.

First, Petitioner contends that Foti discloses "media" sessions with its discussions of Real Time Streaming Media (RTSP) media sessions. Opp. 3–4 (citing Ex. 1006, Abstract, ¶¶ 1, 4–8, 10–11, 14, 16–17, 21–22, 25–29, 32–39, 41, Figs. 2B, 3, 6A–B; Ex. 1023 ¶¶ 31–38). We have reviewed the cited descriptions of Foti, and we agree with Petitioner's contention that Foti discloses "media" sessions as recited. For example, Foti's invention relates to "methods of managing *media* sessions," and Foti explains that its "invention links a Real Time Streaming Protocol (RTSP) *media* session that streams media content to a User Terminal (UT) to a Session Initiation Protocol (SIP) session used to set up the RTSP *media* session." Ex. 1006 ¶¶ 1, 5. Patent Owner also appears to acknowledge that the sessions described in Foti are "media" sessions. *See* MTA 16 ("Foti discloses '[l]inking the RTSP media session to the SIP session'"), 19 (discussing "the media sessions identified by RTSP2 and RTSP4" in paragraph 28 of Foti).

Second, Petitioner contends that Foti discloses "for associating two or more media sessions with each other," and "associating the two or more media sessions." Opp. 4, 8–10. Petitioner asserts that "Foti's RTSP media sessions are 'two or more media sessions,'" and "[i]f two [RTSP media sessions] are linked to the same object (here, the SIP session ID), they are associated with each other," noting that "link and associate are synonyms." Opp. 8–9 (citing Ex. 1006 ¶ 28, Fig. 3; Ex. 1023 ¶¶ 43; Ex. 1025, 29, 193). Petitioner adds that "Foti's disclosure aligns with that of the '669 Patent, which also discloses associating multimedia sessions" with each other "by assigning them to the same identifier," "specifically disclos[ing] that 'the multimedia session may be associated . . . with a composition session identifier'" so it "*may be associated with other multimedia sessions* that may have already been assigned to that same . . . identifier." *Id.* at 9–10 (citing Ex. 1001, 3:17–34; Ex. 1022, 58:4–60:4; Ex. 1023 ¶¶ 45–47). Accordingly, Petitioner asserts that "[b]y linking two or more RTSP media sessions to the same SIP session ID, Foti discloses associating 'two or more media sessions with each other' in the same manner as described by the '669 Patent." *Id.* at 10 (citing Ex. 1006 ¶¶ 4, 26–29, Fig. 4; Ex. 1023 ¶ 47); *see also id.* at 4 (additionally citing Ex. 1023 ¶ 37 and asserting that "Foti's RTSP sessions are 'associated [media] sessions' by virtue of more than one of them being linked to the same SIP session ID within table 52").

We have reviewed the cited descriptions of Foti, and we determine that they support Petitioner's contention that Foti discloses "associating the two or more media sessions with each other" as recited. For example, Figure 3 of Foti is reproduced below.



RTSP SESSION ID	SIP SESSION ID
RTSP1	SIP1
RTSP2	SIP2
RTSP3	SIP3
RTSP4	SIP2
⋮	⋮
RTSPn	SIPn

Figure 3 depicts "an exemplary table 52 that could be used to correlate the RTSP media session information to the SIP session information." Ex. 1006 ¶ 28, Fig. 3. As can be plainly seen, RTSP2 and RTSP4, both RTSP session IDs, correspond to SIP2, a single SIP session ID and, thus, relate to each other. *Id.* Accordingly, we agree with Petitioner that this figure and its associated description, which show linking of the multiple RTSP session IDs with a single SIP session ID, discloses "associating" the two or more media sessions "with each other" as recited. We also agree with Petitioner that Foti's disclosure is consistent with the '669 patent, which discusses that a single composition session identifier may be associated with multiple multimedia sessions. *See, e.g.*, Ex. 1001, 3:17–34. For at least these reasons, we are not persuaded by Patent Owner's arguments that Foti fails to disclose or render obvious this feature, including the assertion that "[p]aragraph [0028] of Foti does not teach or suggest any relationship between RTSP2 or RTSP4 or any other RTSP sessions." MTA 19.

Third, Petitioner contends that the proposed combination discloses or renders obvious that the associating of two or media sessions with each other is "for management as a group." Opp. 10–14. In support of this contention, Petitioner makes the following assertions:

(1) Foti discloses "for management as a group" because "[t]he very purpose of associating Foti's media sessions is so that they can be managed 'as a group,'" Opp. 11 (citing Ex. 1006 ¶ 1);
(2) Foti discloses that [application server] AS 40 (a network element) manages the associated media sessions as a group," *id.* at 10–11 (citing Ex. 1006 ¶¶ 1, 5, 17–20, 26–28, Fig. 1);
(3) "Foti's disclosure of billing, reconciling, and detecting fraud for the associated sessions for the user is managing those associated sessions as a group for that user," *id.* at 11 (citing Ex. 1006 ¶¶ 5, 17, 31; Ex. 1023 ¶ 50);
(4) "Foti expressly discloses that the 'AS stores the correlation between the RTSP and SIP sessions in memory, and uses it to identify and/or authenticate a user, bill the user, and reconcile new SIP sessions with existing RTSP sessions and new RTSP sessions with existing SIP sessions,'" "[a]ll of these activities [being] examples of managing the RTSP sessions 'as a group,'" *id.* at 12 (citing Ex. 1006 ¶ 6; Ex. 1023 ¶ 51);
(5) "Foti also discloses management functions through its revival method, which establishes a new SIP session and links it to an existing RTSP media session to revive the existing RTSP session(s)," thereby "modifying the session," which "PO concedes, . . . is a form of management," *id.* (citing Ex. 1006 ¶ 37; Ex. 1007, Abstract, 9; Mot. 22; Ex. 2017 ¶ 129);
(6) "To the extent Patent Owner asserts that Foti's revival method only revives a single RTSP session, it would have been obvious to a POSITA to revive the two sessions taught by Fig. 3 using the same revival method Foti discloses for one RTSP session," *id.* at 12–13 (citing Ex. 2016, 133:19–135:22; Ex. 1023 ¶ 52);
(7) "Foti in view of RFC 3261 and Wright also discloses managing the associated sessions as a group" because RFC 3261 discloses "setting up, modifying, or terminating the associated sessions using signaling

in the SIP session (i.e., a SIP BYE message)," "Wright discloses terminating all of the associated sessions, such as when the user turns off the television," and "PO concedes that session modification or termination of RTSP sessions is a management (or at least 'management-like') function," *id.* at 13 (citing Ex. 1007, Abstract, 9; Ex. 1010 ¶ 38, Fig. 6; Ex. 1023 ¶ 53; Mot. 22; Ex. 2017 ¶¶ 129, 130, 133);

(8) contrary to Patent Owner's position that Foti's RTSP PLAY command applies only to one RTSP session, "[a] POSITA would have understood that in Foti's system of managing multiple associated sessions, the RTSP PLAY command would be applied to multiple associated sessions," and "similar management commands like PAUSE were well known," as taught by RFC 2326, "and readily incorporated into Foti's system," *id.* at 13–14 (citing Ex. 1009, 6, 7–8, 34–37; Ex. 1023 ¶ 54; Mot. 22; Ex. 2017 ¶ 129); and

(9) "[a] POSITA would have been motivated to apply the PAUSE feature of pausing a 'group of streams' disclosed in RFC 2326 to Foti's system of managing multiple associated streams to pause or manage the associated streams 'as a group'" because they "would have been motivated to refer to the RFCs to implement Foti and would have had a reasonable expectation of success because the protocols are intended to work together," *id.* (citing Ex. 1023 ¶ 55).

We have reviewed the cited descriptions of Foti, RFC 3261, RFC 2326, and Wright, as well as the proposed motivations for combining the asserted teachings, and we determine that they support Petitioner's contention that the proposed combination discloses or renders obvious that the associating of two or media sessions with each other is "for management as a group" as recited. For example, as Petitioner asserts, the very purpose of Foti is for managing media sessions (Ex. 1006 ¶ 1), more than one RTSP session ID may be correlated or linked to a single SIP session ID (*id.* ¶¶ 27–28, Fig. 3), and the AS 40 may employ such a correlation "to identify and/or authenticate the user, to bill the user for media services, to reconcile existing

RTSP sessions with newly established SIP sessions, and to reconcile charging records" (*id.* ¶ 27). We agree with Petitioner that these descriptions disclose or suggest managing the RTSP sessions "as a group." *See* Opp. 11–12. RFC 2326 also discloses or suggests "for management as a group" because it describes a "protocol . . . intended to control multiple data delivery sessions," in which a pause function may cause delivery of all currently active streams within a group to be halted. Ex. 1009, 1 (Abstract), 36. Petitioner's proposed motivation to combine the asserted teachings of RFC 2326 with Foti is reasonable as well, and, Patent Owner does not present a persuasive rebuttal. *See* Opp. 14.

For reasons similar to those above, we agree with Petitioner that the proposed combination discloses or suggests "facilitating the management of the two or more media sessions as a group by the network element," as further recited in proposed substitute claim 26. *See* discussion *supra*; Opp. 15–16. As Petitioner explains, "Foti's RTSP sessions disclose the media sessions," and "Petitioner's combination discloses the management of the sessions as a group by the network element." Opp. 15–16 (citing *id.* at 3–4, 10–14). Moreover, given Foti's purpose of managing media sessions (Ex. 1006 ¶ 1), that more than one RTSP session ID may be correlated or linked to a single SIP session ID (*id.* ¶¶ 27–28, Fig. 3), and the many different management-related applications discussed in Foti and identified by Petitioner (*see* discussion *supra*; Opp. 10–14), it appears that implementing one or more of these applications would disclose or at least suggest "facilitating the management of the two or more media sessions as a group by the network element" as recited. *See, e.g.*, Opp. 15 ("Foti's revival method *facilitates* management of the linked sessions as a group, consistent

with Foti's purpose."); Ex. 1023 ¶¶ 63–68. And, as we stated in the Institution Decision, "[w]e agree with Petitioner that the linking of the multiple RTSP [session] IDs with a single SIP [session] ID, via the exchanged "correlation information," would allow for facilitation of management of the two or more RTSP sessions, such that if the SIP session should terminate the AS would reject RTSP commands as invalid." Inst. Dec. 24 (citing Pet. 42; Ex. 1006 ¶¶ 36–37).

Patent Owner argues that Foti fails to disclose or render obvious this claim feature, citing various isolated disclosures of Foti as well as its expert declaration. *See, e.g.*, MTA 21 ("Foti's description of more accurately identifying users to be charged for media transaction, reconciling accounting records, and detecting fraud, EX1006, ¶¶[0005], [0017], is not 'facilitating the management of the two or more media sessions as a group by the network element'"); Ex. 2017 ¶ 127; *see also id.* at 22 (focusing solely on Foti's disclosure of a single RTSP session controlled by RTSP PLAY commands); Ex. 1027 ¶ 129. These arguments are not persuasive because they lack sufficient supporting evidence and they do not fully appreciate what all the cited descriptions of Foti and the other asserted prior art, including the RFC protocols, in combination, would have taught or suggested to one of skill in the art. Non-obviousness cannot be established by attacking particular teachings individually where the rejection is based upon a combination of prior art teachings. *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986) (citing *In re Keller*, 642 F.2d 413, 425 (CCPA 1981)).

Accordingly, based on the current record, we determine that Petitioner has shown by a preponderance of the evidence that the combination of Foti,

RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd renders obvious the added limitations in proposed substitute independent claim 26.

2. Proposed Substitute Dependent Claim 27

Patent Owner also moves to replace original dependent claim 12 with proposed substitute dependent claim 27, which depends from proposed substitute claim 26, and adds new elements. *See* MTA 1, Claims App. A. In particular, proposed substitute dependent claim 27 amends original claim 12 to recite:

> 27. (*As Amended from Claim 12*) The method according to claim ~~1~~ 26, the method further comprising:
>
> modifying the composition session by at least one of (i) modifying at least one of two or more media sessions in the composition session, wherein the modifying at least one of two or more media sessions comprises sending a modification request comprising the composition session identifier, or (ii) transferring at least one of the two or more media sessions from the composition session to a further composition session or outside the composition session.

MTA, Claims App. A 29.

Petitioner contends the subject matter of proposed substitute claim 27, including the following added elements: "wherein the modifying at least one of two or more media sessions comprises sending a modification request comprising the composition session identifier," are rendered obvious by the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd. Opp. 16–19.

Petitioner contends that "PO's proposed amendment to Claim 27 fails to overcome Petitioner's combination . . . , as it merely recites well-known functionality described in the SIP protocol." Opp. 16 (citing Ex. 1023 ¶¶ 73–83). In particular, Petitioner asserts that "RFC 3261 discloses

modifying sessions by sending a SIP re-INVITE, which is a modification request." *Id.* (citing Ex. 1007, 9, 16, 86). Petitioner reasons "[i]t would have been obvious to the POSITA to include the ability to modify the SIP session to add or remove RTSP media sessions," and "it would have been a common design goal to allow the user of UT 20 to 'flip the channels' to watch different media programs stored by MCS 30." *Id.* at 17 (citing Ex. 1023 ¶ 77).

Petitioner further asserts that its "combination discloses the modification request comprising the composition session identifier" because "Foti expressly contemplates sending subsequent SIP messages with the RTSP session ID," and "one well known 'subsequent SIP message' disclosed by the IETF standard is the SIP re-INVITE," which "would have included the composition session identifier." *Id.* at 17–18 (citing Ex. 1006 ¶¶ 30, 33, Fig. 4; Ex. 1007, 86; Ex. 1023 ¶ 78). Petitioner reasons that "[a] POSITA would have understood Foti's revival disclosure as including the composition session identifier in Foti's 'new SIP INVITE message' (*i.e.*, the SIP re-INVITE)" in view of "RFC 3261['s] . . . disclos[ure] that the 're-INVITE references the existing dialog so that the other party knows that it is to modify an existing session instead of establishing a new session.'" *Id.* at 18 (citing Ex. 1006 ¶ 39; Ex. 1007, 16; Ex. 1023 ¶ 78). Petitioner further reasons that "[a] POSITA would have understood that the re-INVITE applied to Foti's system with multiple RTSP streams would include the composition session identifier so that Foti's UT knows to modify the existing session." *Id.* (additionally citing Ex. 1023 ¶ 79).

Petitioner also points out that "[s]ubstitute Claim 27 (amending Claim 12) recites two options for modifying the composition session separated by

an 'or,' and, other than adding the term 'media' as addressed above, PO only attempts to amend the first option but not the second option"—i.e., "transferring at least one of the two or more media sessions from the composition session to a further composition session or outside the composition session." Opp. 19 (citing Mot. 29). Accordingly, Petitioner asserts that "option (ii), which is recited in the original claim, is disclosed or rendered obvious by Petitioner's combination" as asserted in the Petition. *Id.* (citing Petition 63; Ex. 1003 ¶ 139; Ex. 1006 ¶¶ 37–39).

We have reviewed the cited descriptions of Foti and RFC 3261, as well as the proposed motivations for combining the asserted teachings, and we determine that they support Petitioner's contention that the proposed combination discloses or suggests "wherein the modifying at least one of two or more media sessions comprises sending a modification request comprising the composition session identifier," as recited.

For example, RFC 3261 discloses sending a modification request with its descriptions of (1) "SIP [as a] . . . tool for creating, modifying, and terminating sessions" (Ex. 1007, 9), (2) how to modify an actual, existing session (*id.* at 86), and (3) modifying an existing session by sending a SIP re-INVITE message (where modifying can involve changing addresses or ports, adding a media stream, deleting a media stream, or modifying the dialog and parameters) (*id.* at 16, 86). We also determine that Petitioner is correct in asserting that RFC 3261's "[d]isclosure of adding and deleting media streams confirms that the modification by the SIP re-INVITE applies to 'at least one of two or more media sessions.'" Opp. 17.

Furthermore, "Foti discloses the UT storing the correlation between the RTSP session [ID] and the SIP session used to create the RTSP media

session in order *to use the RTSP session ID in future SIP messages*," which appears to disclose or suggest "a modification request comprising the composition session identifier." Opp. 17 (citing Ex. 1006 ¶ 33) (emphasis added).

Petitioner's proposed reasons to combine the asserted teachings of RFC 3261 with Foti appear to be reasonable as well (Opp. 17–19), and Patent Owner does not present a persuasive rebuttal. Patent Owner argues that Foti does not teach or suggest "the modifying . . . comprises sending a modification request comprising the composition session identifier" because the disclosed revival method uses a new SIP session ID. MTA 24. But, as Petitioner points out, and a person of ordinary skill would have recognized, "[w]hile Foti says the AS '*might* correlate a new SIP session ID,' Foti's use of 'might' recognizes and leaves open the possibility that the same SIP session ID may also be used." Opp. 18–19 (citing Ex. 1036 ¶ 38; Ex. 1023 ¶ 81). In addition, we agree with Petitioner (Opp. 19) that because Foti appears to teach modifying a session using either a new SIP session ID or the same SIP session ID, Patent Owner is incorrect in asserting that Foti's revival teachings undermine other claim limitations, including [26e]. MTA 24 (citing Ex. 2017 ¶¶ 152–153).

Accordingly, based on the current record, we determine that Petitioner has shown by a preponderance of the evidence that the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd renders obvious the added limitations in proposed substitute dependent claim 27.

2. Proposed Substitute Independent Claim 28

Proposed substitute independent claim 28 seeks to replace original claim 21 and adds new elements. *See* MTA 1, Claims App. A. In particular, proposed substitute independent claim 28 amends original claim 21 to recite:

> 28. (*As Amended from Claim 21*) A method for managing associated media sessions in a network, the network having a network element configured for managing associated media sessions between the network and at least one user equipment, the method comprising:
>
> providing a composition session identifier for associating two or more media sessions with each other for management as a group in the network;
>
> after providing the composition session identifier, exchanging the composition session identifier between a user equipment and the network element a first time;
>
> associating the two or more media sessions with the composition session identifier by exchanging the composition session identifier at least a second time, wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with the user equipment;
>
> initiating establishment of a composition session, the composition session being a signaling session for facilitating the management of the two or more media sessions as a group by the network element, and exchanging the composition session identifier between the user equipment and the network element as part of said establishment, the composition session being different from the two or more media sessions; and
>
> modifying, using signaling in the composition session, all of the two or more media sessions, wherein the modifying comprises pausing a data stream of each of the two or more media sessions.

MTA, Claims App. A 30–31.

Many of the amendments in proposed substitute claim 28 are similar to the amendments in proposed substitute claim 26, including "media sessions," "for associating two or more media sessions with each other for management as a group," "associating the two or more media sessions," and "for facilitating the management of the two or more media sessions as a group by the network element." *Compare* Mot., Claims App. A 30–31, *with id.* at Claims App. A 27–28.

For these similar elements, Petitioner relies on the same arguments and evidence as were submitted for claim 26. Opp. 2–5, 8–14, 15–16. Accordingly, for the same reasons as discussed above for claim 26, we determine that Petitioner's arguments and evidence show that the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd discloses or renders obvious these added elements of claim 28, by a preponderance of the evidence. *See* discussion *supra*, claim 26.

Proposed substitute claim 28 additionally recites "wherein the modifying comprises pausing a data stream of each of the two or more media sessions." Petitioner contends its proposed combination discloses or renders obvious this claim element. Opp. 21–22. In particular, Petitioner asserts that "Wright discloses pausing a data stream," and "RFC 2326 further discloses pausing a data stream in the scenario of multiple media streams (such as audio and video)." *Id.* at 21 (citing Ex. 1009, 33–37; Ex. 1010 ¶¶ 8, 32, 38). Petitioner reasons that "[i]t would have been obvious to a POSITA, applying Wright and RFC 2326's pausing functions to Foti, to pause a data stream of each of the two or more media sessions," "for example, if the user wanted to mute all audio across all associated media sessions." *Id.* at 21–22 (citing Ex. 1023 ¶ 111). Petitioner further asserts

that "RFC2326 also discloses collectively pausing multiple media streams, such as audio and video." *Id.* at 22 (citing Ex. 1009, 6, 7–8, 36).

We have reviewed the cited descriptions of Foti, Wright, and RFC 2326, as well as the proposed motivations for combining the asserted teachings, and we determine that they support Petitioner's contention that the proposed combination discloses or suggests "wherein the modifying comprises pausing a data stream of each of the two or more media sessions," as recited. For example, RFC 2326 discloses pausing multiple media sessions with its descriptions that "the client may issue a single play or pause message to control both the audio and video feeds," and that a pause function may be used to halt delivery of all currently active streams within a group. Ex. 1009, 6, 36. Petitioner's reasons to combine the asserted teachings of Foti, Wright, and RFC 2326 are persuasive, based on determinations we have made for the challenged, original claims, and Patent Owner does not present a persuasive rebuttal. *See* Opp. 21–22.

Patent Owner argues that Wright alone fails to teach or suggest "pausing a data stream of each of the two or more media sessions." This argument, however, falls short because it attacks Wright individually where Petitioner relies on the combined teachings of Foti, Wright, and RFC 2326 for teaching or suggesting this claim element. *See Merck*, 800 F.2d at 1097; *Keller*, 642 F.2d at 425. Accordingly, based on the current record, we determine that Petitioner has shown, by a preponderance of the evidence, that the combination of Foti, RFC 3261, RFC 4566, RFC 2326, Wright, and Lloyd renders obvious the added limitations in proposed substitute independent claim 28.

IV. CONCLUSION

Petitioner has met its burden to show that claims 1, 10–12, 21, 22, 24, and 25 are unpatentable. Petitioner has not met its burden to show that claims 2, 3, 6, and 8 are unpatentable. Patent Owner's contingent Motion to amend is denied, as summarized in the table below.

Claims	35 U.S.C. §	Reference(s)/Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–3, 6, 8, 10–12, 21, 22, 24, 25	103	Foti, RFC 3261, RFC 4566, RFC 2326, Wright, Lloyd	1, 10–12, 21, 22, 24, 25	2, 3, 6, 8
Overall Outcome			1, 10–12, 21, 22, 24, 25	2, 3, 6, 8

Motion to Amend Outcome	Claim(s)
Original Claims Cancelled by Amendment	
Substitute Claims Proposed in the Amendment	26–28
Substitute Claims: Motion to Amend Granted	
Substitute Claims: Motion to Amend Denied	26–28
Substitute Claims: Not Reached	

V. ORDER

Accordingly, it is:

ORDERED that claims 1, 10–12, 21, 22, 24, and 25 of U.S. Patent 9,667,669 B2 are unpatentable;

FURTHER ORDERED that claims 2, 3, 6, and 8 of U.S. Patent 9,667,669 B2 are not determined to be unpatentable;

FURTHER ORDERED that Patent Owner's contingent Motion to Amend is denied; and

FURTHER ORDERED that, because this is a Final Written Decision, parties to this proceeding seeking judicial review of the Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

KONINKLIJKE KPN N.V.,
Patent Owner.

IPR2022-00557
Patent 9,667,669 B2

Before KEVIN F. TURNER, ROBERT J. WEINSCHENK, and RUSSELL E. CASS, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*, dissenting-in-part and concurring-in-part.

I respectfully dissent from the majority's decision that Petitioner has shown that claims 1, 10–12, 21, 22, 24, and 25 are unpatentable, and I concur with the majority's decision that Petitioner has not shown that claims 2, 3, 6, and 8 are unpatentable. I also concur with the majority's decision denying Patent Owner's contingent motion to amend.

Independent claim 1 recites "exchanging the composition session identifier between a user equipment and the network element a first time," and "associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second

time." Ex. 1001, 16:44–52. Independent claim 21 recites similar limitations. *Id.* at 19:26–20:3. Petitioner identifies the SIP INVITE message 64 in Foti's Figure 4 as the first exchange of a SIP session ID, and the 200 OK message 74 in Foti's Figure 4 as the second exchange of the SIP session ID. Pet. 31–34, 38. Petitioner argues that the 200 OK message 74 in Foti's Figure 4 includes information linking two or more RTSP session IDs to the SIP session ID. *Id.* at 34–38.

In my view, Petitioner does not show sufficiently that the 200 OK message 74 in Foti's Figure 4 includes information linking two or more RTSP sessions IDs with the SIP session ID. Foti teaches that a user terminal sends a SIP INVITE message to an application server. Ex. 1006 ¶ 30, Fig. 4. The SIP INVITE message may include a SIP session ID and a URL that identifies a requested media program. *Id.* ¶ 30. Foti teaches that the application server communicates with a media content server in order to establish an RTSP session and link the RTSP session ID to the SIP session ID received from the user terminal. *Id.* ¶¶ 30–31, Fig. 4. The application server then returns a 200 OK message to the user terminal that includes correlation information linking the RTSP session ID to the SIP session ID. *Id.* ¶¶ 32–33, Fig. 4. Foti teaches that the user terminal may store correlation information in a table, such as the table shown in Foti's Figure 3. *Id.* ¶¶ 28, 33, Fig. 3.

For independent claims 1 and 21, Petitioner relies on Foti's teaching that the aforementioned table may include information linking "[m]ore than one RTSP session ID . . . to the same SIP session ID." Pet. 36; Ex. 1006 ¶ 28. For example, Foti's Figure 3 shows a table linking RTSP2 and RTSP4 to SIP2. Pet. 36; Ex. 1006, Fig. 3. Petitioner asserts that Foti's user

terminal populates the table in Figure 3 in the following manner: "[A]fter the SIP INVITE is received by AS 40 (the first exchange), more than one RTSP session is linked using Table 52, the 200 OK message is sent to UT 20 (the second exchange), and UT 20 then re-creates a local copy of Table 52 (including the more than one linked RTSP sessions, as disclosed in Fig. 3)." Pet. Reply 7; *see also* Pet. 36–37 ("AS 40 'returns a 200 OK message to the UT (line 74).' . . . Foti describes that this message may contain the correlation information determined by AS 40, which completes the association [of] the two or more sessions by AS 40 and allows the UT 20 to also associate the two or more sessions.").

I am not persuaded by Petitioner's assertion. As discussed above, Foti teaches that a single 200 OK message includes information linking one RTSP session ID to one SIP session ID. Ex. 1006 ¶ 32 ("The 200 OK message sent to the UT 20 may include the information that the AS 40 used to link *the* RTSP session and *the* SIP session.") (emphases added); *id.* ¶ 33 ("Upon receipt of the 200 OK message, the UT 20 extracts the correlation information and uses that information to link *the* RTSP session to *the* SIP session.") (emphases added); *id.* at Fig. 4. Neither Petitioner nor Petitioner's declarant identify any portion of Foti that expressly teaches a single 200 OK message with information linking two RTSP session IDs to one SIP session ID. *See* Pet. 33–38, 64; Pet. Reply 7–9; Ex. 1003 ¶¶ 97–102; Ex. 1026 ¶¶ 41–48. And neither Petitioner nor Petitioner's declarant provide any specific reason why a person of ordinary skill in the art would have known or found

it obvious that Foti's process works in that manner.[9] *See* Pet. 33–38, 64; Pet. Reply 7–9; Ex. 1003 ¶¶ 97–102; Ex. 1026 ¶¶ 41–48. In fact, at the oral hearing, Petitioner acknowledged that the information in a single 200 OK message only populates one row of the table in Foti's Figure 3. Paper 31, 17:13–25.

I note that Petitioner presents a different theory for dependent claim 6. Pet. 55–57. Namely, Petitioner argues that "a POSITA would have understood that establishing a second linked RTSP session would merely require repeating steps 62 through 74 [in Foti's Figure 4] for each subsequent RTSP session." *Id.* at 56. In other words, for claim 6, Petitioner asserts that a person of ordinary skill in the art would have understood that Foti uses two SIP INVITE messages 64 and two 200 OK messages 74 (i.e., repeats step 62 to 74 in Foti's Figure 4) to link two RTSP session IDs to one SIP session ID. *Id.* At the oral hearing, Petitioner seemed to argue that this theory applies to independent claims 1 and 21 as well. Paper 31, 17:13–18:5. But Petitioner did not present this theory for claims 1 and 21 in the Petition or Reply. *See* Pet. 33–38, 64; Pet. Reply 7–9; *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016); *Sanofi-Aventis Deutschland GmbH v. Mylan Pharm. Inc.*, 66 F.4th 1373, 1379 (Fed. Cir. 2023). Instead, in the Petition and Reply, Petitioner relies solely on its assertion that the single 200 OK message 74 in Foti's Figure 4 includes

[9] Petitioner's declarant asserts that it would have been "notoriously obvious" to a person of ordinary skill. Ex. 1026 ¶ 46. But, in my view, Petitioner's declarant does not explain sufficiently *why* it would have been obvious, especially in light of Foti's teaching that a single 200 OK message includes information linking one RTSP session ID to one SIP session ID. *See id.*

information linking two or more RTSP sessions IDs with the SIP session ID. Pet. 33–38, 64; Pet. Reply 7–9.

For the foregoing reasons, in my view, Petitioner does not show sufficiently that the asserted combination teaches all the limitation of independent claims 1 and 21. Further, because dependent claims 2, 3, 6, 8, 10–12, 22, 24, and 25 depend, directly or indirectly, from claims 1 or 21, Petitioner also does not show sufficiently that the asserted combination teaches the limitations of those claims. Thus, I would determine that Petitioner does not show by a preponderance of evidence that any of the challenged claims are unpatentable, and I would deny Petitioner's contingent motion to amend as moot.

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