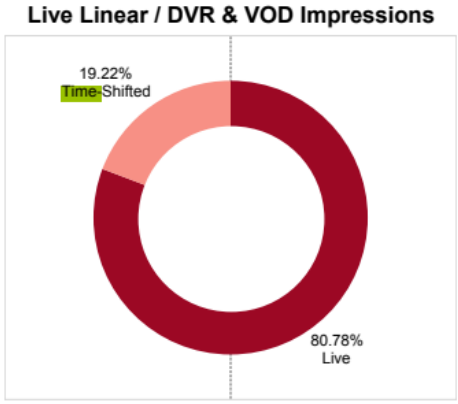
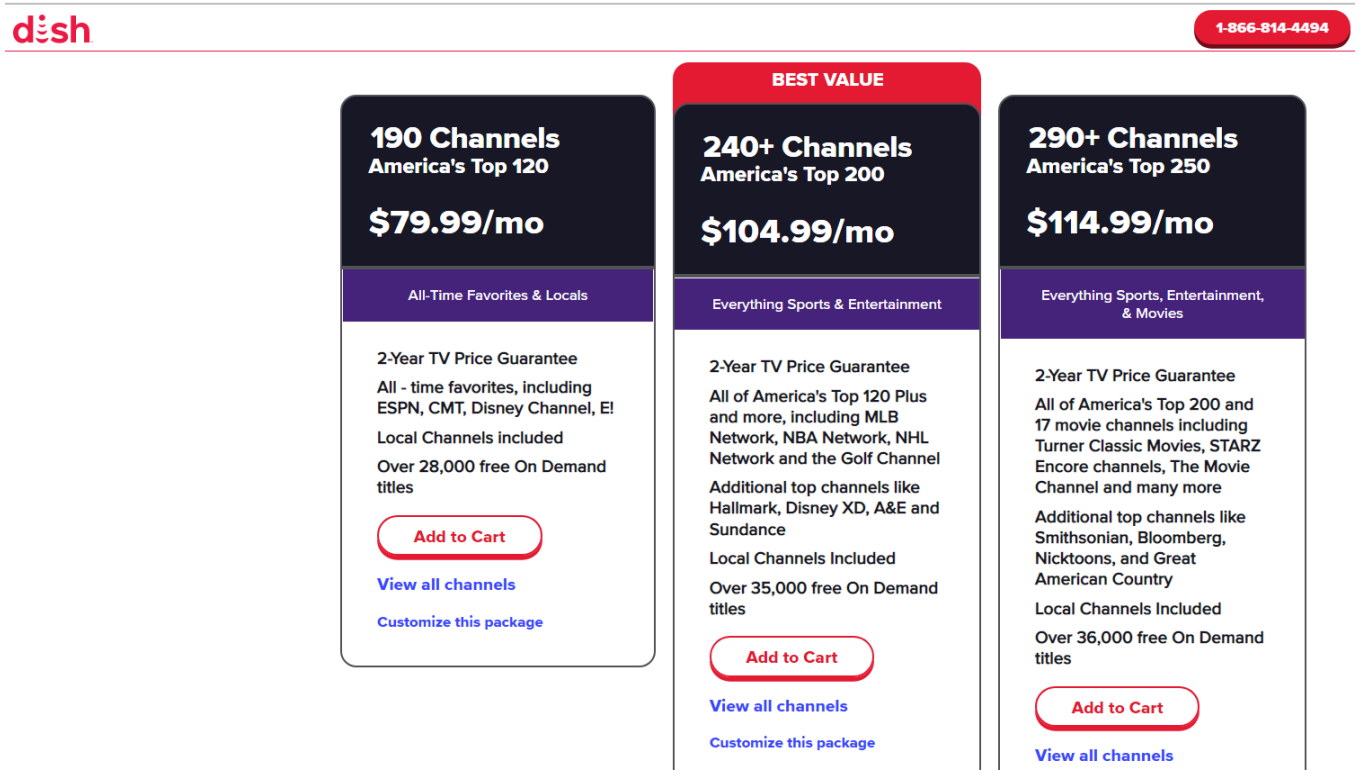
INFRINGEMENT CONTENTIONS

U.S. PATENT NO. 9,392,302 B2

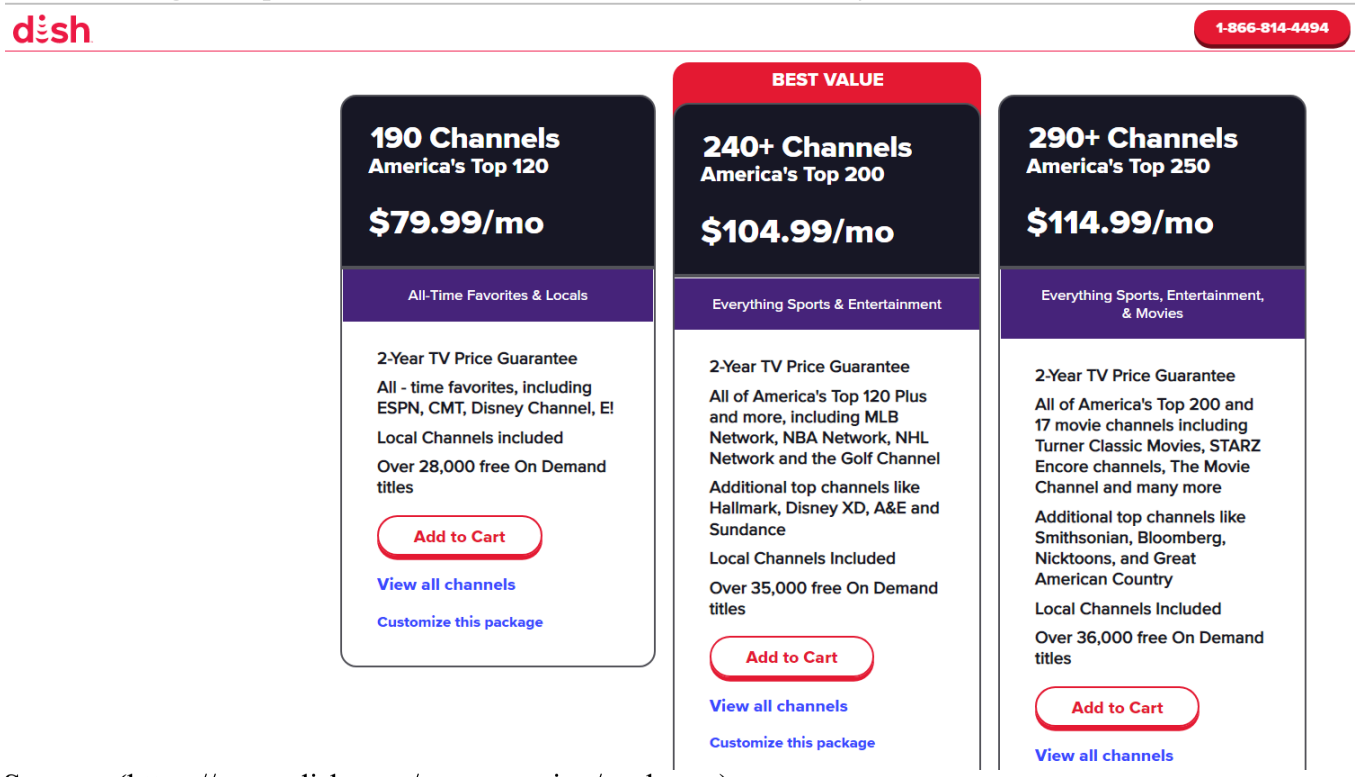
Claim 1	Corresponding Structure in Accused Systems – Dish Network Corporation
[1a] A system for automating compliance with local broadcasting regulations laid down by a broadcasting authority and applicable to advertisements, said advertisements being provided during time-shifted viewing/listening comprises:	Dish Network Corporation ("Dish") provides an addressable TV platform that delivers household-specific TV advertising based on advertiser-defined target audience in a privacy-complaint manner known as Dish Media. The Dish Media platform together with various equipment, services, components, and/or software utilized in providing the Dish Media platform collectively include a system as described by the meaning of this claim. The Dish Media platform is made available by a system owned and/or operated by Dish. Dish Media provides advertisers with "intelligent solutions to efficiently maximize exposure," utilizing "innovative platforms, viewer measurement tools, and access to custom audiences." *See* https://media.dish.com/about-us/our-story/. Dish Media provides compliance with local broadcasting regulations, as "advertising on DISH TV follows strict guidelines set forth by the FCC." *See* https://media.dish.com/advertising-policies/. Dish Media is provided during time-shifted viewing; nearly 20% of Dish Media's views come from time-shifted viewing. *See* https://media.dish.com/downloads/dish_media_sales_addressable_guidebook.pdf. The following exemplifies this limitation's existence in Accused Systems:  **Source:** (https://media.dish.com/downloads/dish_media_sales_addressable_guidebook.pdf)

	Importantly, Dish Media specifically provides advertisements via Set Top Boxes (PVR machines), having announced in 2020 that its "set-top box Video On Demand (VOD) ads are [now] available for purchase programmatically and in real time." *See* https://about.dish.com/2020-04-22-DISH-Media-Evolves-to-Meet-New-Demands-of-Landscape-Offers-Set-Top-Box-VOD-Inventory-Programmatically.
[1b] programme supply means to supply broadcast digital video/audio programmes having therein periodic breaks for the insertion of advertisements;	Dish is an on-demand and live TV streaming service that supplies broadcast digital video programs with differing levels of access depending on the Dish package that a user subscribes to. Dish offers various programs having periodic breaks for the insertion of advertisements. The following exemplifies this limitation's existence in Accused Systems:  **Source: (**https://www.dish.com/programming/packages)

[1c] advertisement supply means to supply advertisements within the periodic breaks, each advertisement having associated therewith a header comprising a first field related to a local broadcasting time regulation laid down by the broadcasting authority, which local broadcasting time regulation restricts the time of day at which said advertisement may be shown, and a second field related to the number of times said advertisement has previously been shown during time-shifted viewing:	Dish, via Dish Media, provides "custom targeting" for advertisers through "live TV, VOD, and DVR." *See* https://media.dish.com/downloads/dish_media_sales_addressable_guidebook.pdf. As referenced above in limitation [1a], Dish provides customizable ads that comply with local broadcasting regulations laid down by the broadcasting authority. For example, the Federal Communications Commission ("FCC") regulates local broadcasting times depending on the content shown. *See* below. **Indecent Material.** Indecent material is protected by the First Amendment, so its broadcast cannot constitutionally be prohibited at all times. However, the courts have upheld Congress' prohibition of the broadcast of indecent material during times of the day when there is a reasonable risk that children may be in the audience, which the Commission has determined to be between the hours of 6 a.m. and 10 p.m. Indecent programming is defined as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities." Broadcasts that fall within this definition and are aired between 6 a.m. and 10 p.m. may be subject to enforcement action by the FCC. **Profane Material.** Profane material also is protected by the First Amendment so its broadcast cannot be outlawed entirely. The Commission has defined this program matter to include language that is both "so grossly offensive to members of the public who actually hear it as to amount to a nuisance" and is sexual or excretory in nature or derived from such terms. This material may be the subject of possible Commission enforcement action if it is broadcast within the same time period applicable to indecent programming: between 6 a.m. and 10 p.m. **Source: The Public and Broadcasting, FCC, Revised September 2021** (https://www.fcc.gov/media/radio/public-and-broadcasting) For each advertisement, Dish would provide a header or synonymous element to be associated with each advertisement so as to identify the advertisement. The header can include a first field relating to the above-noted FCC time regulations. Additionally, Dish, via its ReachBooster product, "stabilizes [the] frequency" with which ads are shown; this necessitates inclusion of a second field as described in SafeCast's patent. *See* https://media.dish.com/solutions/reach-booster/. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.

[1d] rules database means containing rules relating to said local broadcasting time regulation;	Dish's advertisements are automatically configured to comply with FCC regulations as referenced above in limitation [1a] and therefore must provide a rules database for ensuring compliance. *See* https://media.dish.com/advertising-policies/. Dish, via its Dish Media program, provides customizable advertising through "dynamically served ads and customizable targeting." *See* https://media.dish.com/solutions/addressable/. As referenced above with limitation [1a] and [1c], Dish provides advertisements in compliance with local advertising practices, FCC regulations, and privacy regulations. To organize and retrieve advertisements for display, Dish must confirm that a particular advertisement is compliant with local broadcasting regulations. To confirm compliance, Dish can compare the data associated with the advertisement to the requisite broadcasting time regulations stored in a Dish database. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
[1e] clock means to Supply a real-time clock signal; and control means arranged to read said first field and said clock signal and said rules database and to apply said local broadcasting time regulation to each advertisement before said advertisement is shown;	Dish provides a clock means and control means because its Dish Media program includes a proprietary algorithm that allows advertisers to "reach the right audience at the right time." *See* https://media.dish.com/downloads/dish_media_sales_addressable_guidebook.pdf. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
[1f] wherein the control means is further arranged to update the second field in the header of said advertisement when said advertisement is again shown during time-shifted viewing.	Dish's control means counts the number of times an advertisement is viewed, because, as referenced above in limitation [1c], its ReachBooster product "stabilizes [the] frequency" with which an ad is shown. This necessitates the inclusion of a second field as described by the limitation. *See* https://media.dish.com/solutions/reach-booster/. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
Claim 2	**Corresponding Structure in Accused Systems-**

[2a] The system according to claim 1	*See* claim 1, above.
[2b]in which each header includes a keyword, and the control means checks the keyword against the rules database during application of said local broadcasting time regulation to said advertisement.	As referenced above with limitation [1a] and [1c], Dish provides advertisements in compliance with local advertising practices, FCC regulations, and privacy regulations. To organize and retrieve advertisements for display, Dish can confirm that a particular advertisement is compliant with local broadcasting regulations. The header or synonymous element in Dish as described in [1c] can contain a keyword which is associated with each advertisement. The keyword can describe the material as either "Profane" or "Indecent." To confirm compliance, Dish can compare the data associated with the advertisement, including the keyword present in the header, to the requisite broadcasting regulations stored in a Dish database. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
Claim 3	**Corresponding Structure In Accused Systems**
[3a] The system according to claim 2 in which a further local broadcasting regulation forbids the provision of certain types of advertisement on certain days of the week and each header further indicates a day of the week validity.	*See* claim 2, above. As referenced above with limitation [1a] and [1c], Dish provides advertisements in compliance with local advertising practices, FCC regulations, and privacy regulations. One such FCC regulation prohibits the length certain advertising can be played depending on the day of the week: "FCC rules limit the amount of commercial matter that can be aired in children's television programming for an audience of children 12 years old and younger to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays." *See* https://www.fcc.gov/consumers/guides/childrens-educational-television To organize and retrieve advertisements for display, Dish can confirm that a particular advertisement is compliant with local broadcasting regulations. To confirm compliance, Dish can compare the data associated with the advertisement to the requisite broadcasting time regulations stored in a Dish database. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.

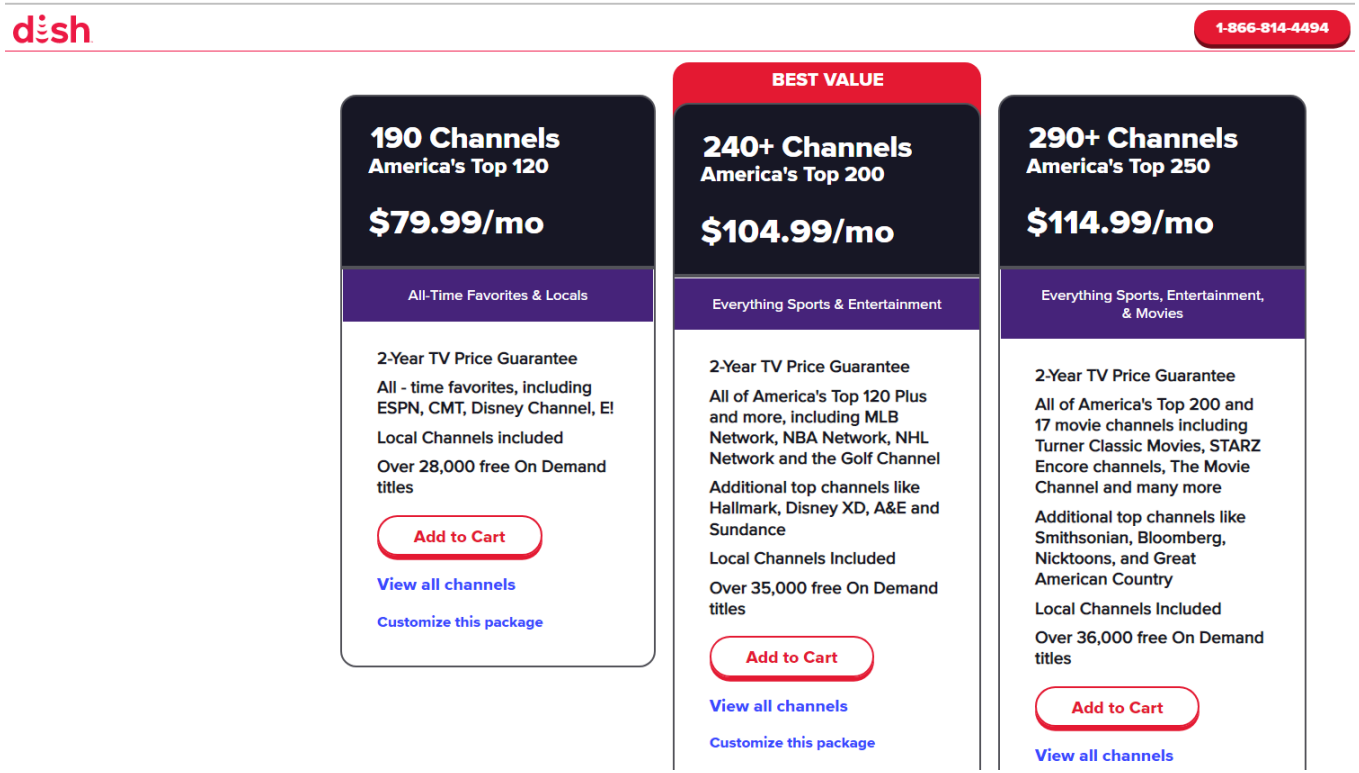
Claim 4	Corresponding Structure In Accused Systems
[4a] The system according to claim 1 in which the advertisements include interactive advertisements to which a response by a consumer is requested.	*See* claim 1, above. On information and belief, Dish provides the system as described by limitation [4a], because Dish Media supports interactive advertisements. *See* https://media.dish.com/solutions/interactive/ SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
Claim 6	**Corresponding Structure In Accused Systems**
[6a] The system according to claim 1 in which the broadcast video/audio programme is arranged to contain information including the duration of each segment of programme between periodic breaks and the duration of the next periodic break.	*See* claim 1, above. Dish provides an on-demand and live TV streaming service that supplies broadcast digital video programs with differing levels of access depending on the Dish package that a user subscribes to. On information and belief, Dish offers various programs having periodic breaks for the insertion of advertisements. The following exemplifies this limitation's existence in Accused Systems:  **Source:** (https://www.dish.com/programming/packages)

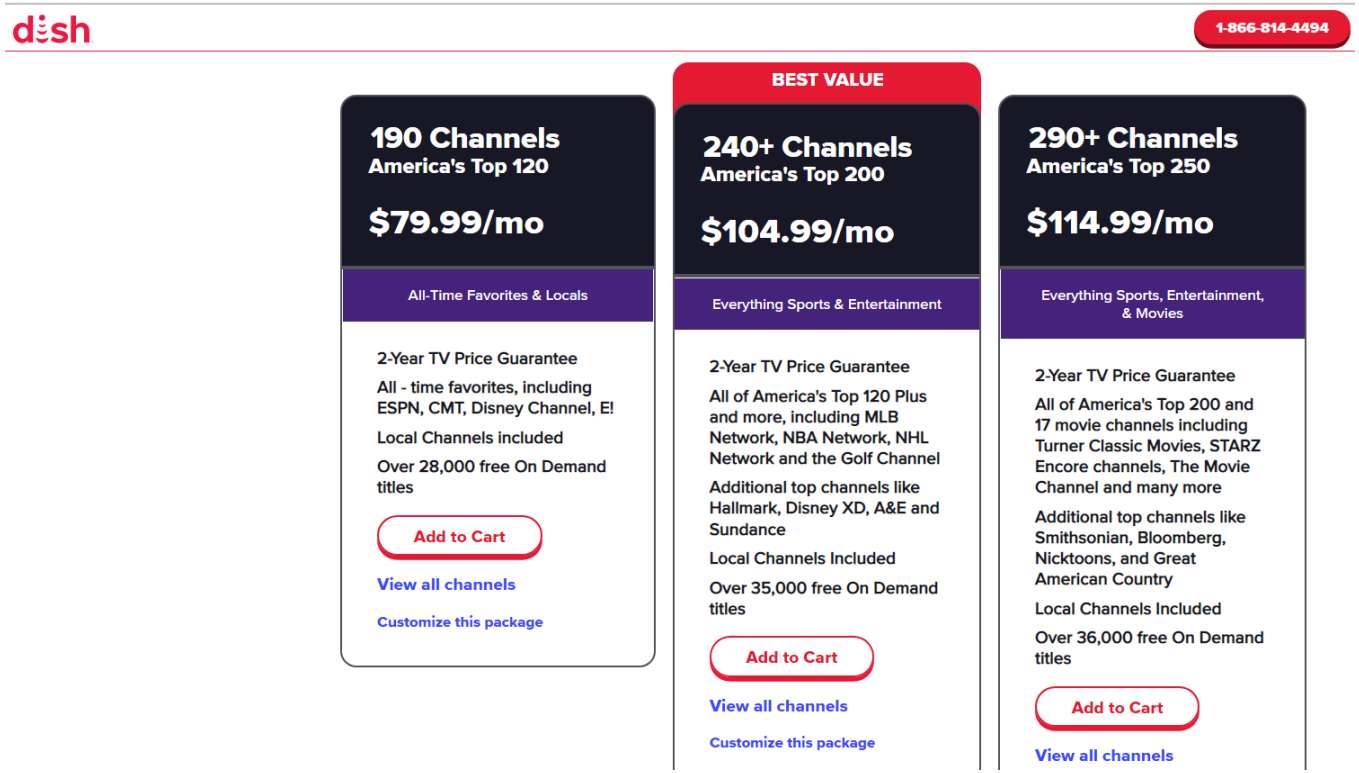
	SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
Claim 7	**Corresponding Structure In Accused Systems**
[7a] The system according to claim 1, wherein the system is a personal video recorder (PVR), and wherein the rules database means is a rules database stored locally in the PVR.	*See* claim 1, above. Dish provides customers with a PVR system, offering support for over a dozen different machines. *See* https://my.dish.com/support/receivers/overview. On information and belief, Dish stores information regarding rules and regulations, comprising a rules database, locally in its PVR machines. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
Claim 8	**Corresponding Structure In Accused Systems**
[8a] The system according to claim 1, wherein the control means is further arranged to, when the application of said local broadcasting time regulation to a particular advertisement indicates that showing the particular advertisement would violate the local broadcasting time regulation,	*See* claim 1, above. As referenced above with limitations [1a] and [1c], Dish provides advertisements in compliance with local advertising practices, FCC regulations, and privacy regulations. To organize and retrieve advertisements for display, Dish must confirm that a particular advertisement is compliant with local broadcasting regulations relating to time. To confirm compliance, Dish can compare the data associated with the advertisement to the requisite broadcasting time regulations stored in a Dish database. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
[8b] search the advertisements stored in the advertisement supply means	In order to provide advertisements in compliance with local time regulations, as referenced in limitation [8a], Dish's control means can search, or otherwise analyze, the available advertisements stored in the advertisement supply means as described in limitation [1c].

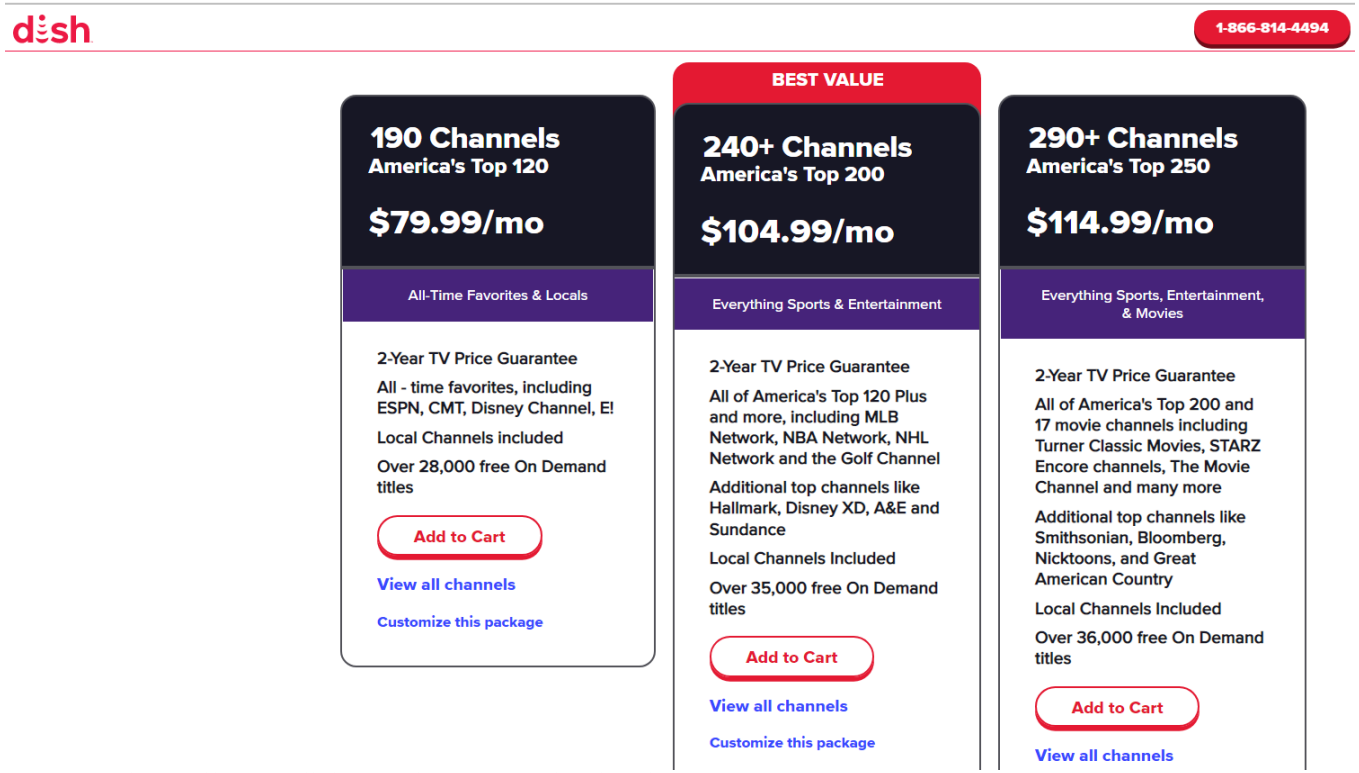
[8c] until either an advertisement is found that does not violate the local broadcasting time regulation or it is determined that no advertisement stored in the advertisement supply means is suitable for showing under the local broadcasting time regulation.	In order to provide advertisements in compliance with local time regulations, as referenced in limitations [8a] and [8b], Dish's control means can search, or otherwise analyze, the available advertisements stored in the advertisement supply means as described in limitation [1c]. This search by definition results either in success, and the finding of an advertisement that "does not violate the local broadcasting time regulation," or in failure, and the determination that no advertisement stored in the advertisement supply means is suitable for showing under the local broadcasting time regulation".
Claim 9	**Corresponding Structure In Accused Systems**
[9a] The system according to claim 8, wherein the advertisements stored in the advertisement supply means include advertisements that were broadcast live with a programme being shown during time-shifted viewing	*See* claim 8, above. On information and belief, Dish's PVR system includes an advertisement supply means as described in limitation [1c], which is configured to provide advertisements both broadcasted live and later supplied during time-shifted viewing. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish's Dish Media back-end system architecture and/or certain source code occurs.
[9b] and also include advertisements that were received by the system other than in the live broadcast of the programme being shown in time-shifted viewing,	Dish, via its Dish Media program, provides customizable advertising through "dynamically served ads and customizable targeting." *See* https://media.dish.com/solutions/addressable/. This necessitates the inclusion of advertisements that were not aired live, but added ex post facto by the control means of this system. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.

[9c] and wherein the control means is further arranged to show during time-shifted viewing of the programme a mix of advertisements that were received during the live broadcast of the programme and advertisements that were received other than in the live broadcast of the programme being shown during time-shifted viewing.	On information and belief, Dish's PVR system includes an advertisement supply means as described in limitation [1c], which is configured to provide advertisements both broadcasted live and later supplied during time-shifted viewing. Dish customers are shown this "mix of advertisements" during time-shifted viewing. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish's Dish Media back-end system architecture and/or certain source code occurs.
Claim 12	**Corresponding Structure In Accused Systems**
[12a] A Personal Video Recorder (PVR) for use in a system for automating compliance with local broadcasting regulations laid down by a broadcasting authority and applicable to advertisements, said advertisements being provided during time-shifted viewing/listening, the PVR comprising:	Dish Media specifically provides advertisements via Set Top Boxes (PVR machines), having announced in 2020 that its "set-top box Video On Demand (VOD) ads are [now] available for purchase programmatically and in real time." *See* https://about.dish.com/2020-04-22-DISH-Media-Evolves-to-Meet-New-Demands-of-Landscape-Offers-Set-Top-Box-VOD-Inventory-Programmatically.
[12b] data storage means storing a programme episode database, an advertisement database, and a rules database,	On information and belief, Dish-provided PVR machines, as described above with limitation [7a], utilize data storage means including an episode database, advertisement database, and rules database. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
[12c] each stored advertisement having associated therewith a header comprising a first field related to a local broadcasting time regulation laid down by the broadcasting authority, which local broadcasting	As referenced above in limitations [1a] and [1c], Dish provides customizable ads that comply with local broadcasting regulations laid down by the broadcasting authority. For example, the Federal Communications Commission ("FCC") regulates local broadcasting times depending on the content shown. *See* below.

time regulation restricts the time of day at which said advertisement may be shown,	**Indecent Material.** Indecent material is protected by the First Amendment, so its broadcast cannot constitutionally be prohibited at all times. However, the courts have upheld Congress' prohibition of the broadcast of indecent material during times of the day when there is a reasonable risk that children may be in the audience, which the Commission has determined to be between the hours of 6 a.m. and 10 p.m. Indecent programming is defined as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities." Broadcasts that fall within this definition and are aired between 6 a.m. and 10 p.m. may be subject to enforcement action by the FCC. **Profane Material.** Profane material also is protected by the First Amendment so its broadcast cannot be outlawed entirely. The Commission has defined this program matter to include language that is both "so grossly offensive to members of the public who actually hear it as to amount to a nuisance" and is sexual or excretory in nature or derived from such terms. This material may be the subject of possible Commission enforcement action if it is broadcast within the same time period applicable to indecent programming: between 6 a.m. and 10 p.m. **Source: The Public and Broadcasting, FCC, Revised September 2021** (https://www.fcc.gov/media/radio/public-and-broadcasting) For each advertisement, Dish would provide a header or synonymous element to be associated with each advertisement so as to identify the advertisement. The header can include a first field relating to the above-noted FCC time regulations. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.

[12d] and a second field related to the number of times said advertisement has previously been shown during time-shifted viewing, wherein the rules database contains rules relating to said local broadcasting time regulation, and wherein the stored programme episodes have periodic breaks for the insertion of advertisements;	Dish, via its ReachBooster product, "stabilizes [the] frequency" with which ads are shown; this necessitates inclusion of a second field as described in SafeCast's patent. *See* https://media.dish.com/solutions/reach-booster/. Dish provides an on-demand and live TV streaming service that supplies broadcast digital video programs with differing levels of access depending on the Dish package that a user subscribes to. On information and belief, Dish offers various programs having periodic breaks for the insertion of advertisements. The following exemplifies this limitation's existence in Accused Systems:  **Source: (**https://www.dish.com/programming/packages) SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.

[12e] input connection means for connection to a source of video/audio signals and a real-time clock signal;	Dish-provided PVR machines, as described with limitations [1b] and [7a], supply broadcast digital video programs with differing levels of access depending on the Dish package that a user subscribes to. The following exemplifies this limitation's existence in Accused Systems:  **Source: (**https://www.dish.com/programming/packages) On information and belief, this product necessitates inclusion of a connection to a source to provide these video and audio signals. Additionally, Dish-provided PVR machines, as described with limitations [1e] and [7a], utilize a clock means and control means because its Dish Media program includes a proprietary algorithm that allows advertisers to "reach the right audience at the right time." *See* https://media.dish.com/downloads/dish_media_sales_addressable_guidebook.pdf. On information and belief, this necessitates inclusion of a connection to a source of a real-time clock signal.

[12f] output means for connection to a consumer's viewing/listening unit;	Dish-provided PVR machines, as described with limitations [1b] and [7a], supply broadcast digital video programs with differing levels of access depending on the Dish package that a user subscribes to. The following exemplifies this limitation's existence in Accused Systems:  **Source: (**https://www.dish.com/programming/packages) These programs are viewed on consumers' viewing/listening units, necessitating inclusion of a connection between Dish-provided PVR machines and these devices (upon which the programs are viewed).

[12g] and control means arranged to read said first field and said clock signal and said rules database and to apply said local broadcasting time regulation to each advertisement before said advertisement is shown during one of the periodic breaks;	Dish's product necessitates inclusion of a clock means and control means because the Dish Media program includes a proprietary algorithm that allows advertisers to "reach the right audience at the right time." *See* https://media.dish.com/downloads/dish_media_sales_addressable_guidebook.pdf. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
[12h] wherein the control means is further arranged to update the second field in the header of said advertisement when said advertisement is again shown during time-shifted viewing.	Dish's control means counts the number of times an advertisement is viewed, because, as referenced above in limitation [1c], its ReachBooster product "stabilizes [the] frequency" with which an ad is shown. This necessitates the inclusion of a second field as described by the limitation. *See* https://media.dish.com/solutions/reach-booster/. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
Claim 13	**Corresponding Structure In Accused Systems**
[13a] The PVR according to claim 12 arranged to read the real-time clock, to read the first field in the header of an advertisement, to read the rules database, and to	*See* claim 12, above. Dish's product necessitates inclusion of a control means that reads and interprets the clock input because the Dish Media program includes a proprietary algorithm that allows advertisers to "reach the right audience at the right time." *See* https://media.dish.com/downloads/dish_media_sales_addressable_guidebook.pdf. Additionally, Dish's product necessitates inclusion of a control means that reads and interprets the first field in the header of an advertisement and compare it to the rules database; as referenced above in limitation [1a], Dish provides customizable ads that comply with local broadcasting regulations laid down by the broadcasting authority. For example, the Federal Communications Commission ("FCC") regulates local broadcasting times depending on the content shown. *See* below.

	Indecent Material. Indecent material is protected by the First Amendment, so its broadcast cannot constitutionally be prohibited at all times. However, the courts have upheld Congress' prohibition of the broadcast of indecent material during times of the day when there is a reasonable risk that children may be in the audience, which the Commission has determined to be between the hours of 6 a.m. and 10 p.m. Indecent programming is defined as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities." Broadcasts that fall within this definition and are aired between 6 a.m. and 10 p.m. may be subject to enforcement action by the FCC. **Profane Material.** Profane material also is protected by the First Amendment so its broadcast cannot be outlawed entirely. The Commission has defined this program matter to include language that is both "so grossly offensive to members of the public who actually hear it as to amount to a nuisance" and is sexual or excretory in nature or derived from such terms. This material may be the subject of possible Commission enforcement action if it is broadcast within the same time period applicable to indecent programming: between 6 a.m. and 10 p.m. **Source: The Public and Broadcasting, FCC, Revised September 2021** (https://www.fcc.gov/media/radio/public-and-broadcasting) SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.
[13b] provide that advertisement to a consumer's viewing/listening unit only when its header and the rules database do not indicate that the advertisement may not be viewed at the real time of day indicated by the clock signal.	As shown above with limitation [13a], Dish provides advertisements in compliance with local regulations via a control means that reads and interprets various pieces of information, including an advertisement's header and a rules database; this results in the provision of the resulting time-compliant advertisement to consumers.
Claim 14	**Corresponding Structure In Accused Systems**

[14a] The PVR according to claim 13 further arranged to supply to the viewing unit interactive advertisements which request a response from the viewer, and to record such a response.	*See* claim 13, above. On information and belief, Dish provides the system as described and as referenced above with limitation [4a], because Dish Media supports interactive advertisements. *See* https://media.dish.com/solutions/interactive/ SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish's Dish Media back-end system architecture and/or certain source code occurs.
Claim 15	**Corresponding Structure In Accused Systems**
[15a] The PVR according to claim 13, further arranged to update the second field in the header when said advertisement is provided to the consumer's viewing/listening unit.	*See* claim 13, above. Dish's control means counts the number of times an advertisement is viewed, because, as referenced above in limitations [1c] and [1f], its ReachBooster product "stabilizes [the] frequency" with which an ad is shown. This necessitates the inclusion of a second field as described by the limitation. *See* https://media.dish.com/solutions/reach-booster/. SafeCast's investigation is ongoing. SafeCast cannot provide complete and finalize its contentions as to this limitation until the claims have been construed and/or until discovery and inspection as to Dish's source code for its system and/or technical information regarding Dish Media's back-end system architecture and/or certain source code occurs.