

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

TOUCHSTREAM TECHNOLOGIES, INC.

Patent Owner

Case IPR2024-00326
Patent No. 11,086,934

**PETITIONER’S REQUEST FOR REHEARING PURSUANT TO
37 C.F.R. §42.71(d) ON DECISION INSTITUTING *INTER PARTES*
REVIEW**

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EXHIBITS

Previously Submitted:

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Ex. 1102:	Expert Declaration of David B. Lett
Ex. 1103:	Curriculum Vitae of David B. Lett
Ex. 1104:	Certified Prosecution History of the ’934 Patent
Ex. 1105-10:	Reserved
Ex. 1111:	U.S. Pub. No. 2004,0078812 (“Calvert”)
Ex. 1112:	U.S. Pat. No. 9,490,998 (“Danciu”)
Ex. 1113:	U.S. Prov. App. No. 61/411,386 (“Danciu Provisional”)
Ex. 1114:	U.S. Pub. No. 2009/0248802 (“Mahajan”)
Ex. 1115:	U.S. Pub. No. 2009/0172757 (“Aldrey”)
Ex. 1116-19:	Reserved
Ex. 1120:	Joint Claim Construction Statement, <i>Touchstream Technologies, Inc. v. Google LLC</i> , 6:21-cv-00569-ADA (WDTX) (Feb. 8, 2022)
Ex. 1121:	Exhibit 1 to Joint Disputed Claim Terms Charts, <i>Touchstream Technologies, Inc. v. Vizbee, Inc.</i> , 1:17-cv-06247-PGG-KNF (SDNY) (Aug. 6, 2018)
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Ex. 1123-29:	Reserved
Ex. 1130:	U.S. Pub. No. 2002/0104096 (“Cramer”)
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- Ex. 1133: U.S. Pub. No. 2004/0267899 (“Rahman”)
- Ex. 1134: U.S. Pub. No. 2004/0098533 (“Henshaw”)
- Ex. 1135: U.S. Pub. No. 2004/0172656 (“Kim”)
- Ex. 1136: Reserved
- Ex. 1137: U.S. Pat. No. 7,343,419 (“Robinson”)
- Ex. 1138-40: Reserved
- Ex. 1141: CODING OF MOVING PICTURES AND AUDIO, *MPEG-4 Overview* (Int’l Org. Standardisation 2002)
- Ex. 1142: ROBERT GODWIN-JONES, DIGITAL VIDEO UPDATE: YOUTUBE, FLASH, HIGH-DEFINITION, 11 LANGUAGE LEARNING & TECH. 16, 17 (2007)
- Ex. 1143: John C. Paolillo et al., *A Network View of Social Media Platform History: Social Structure, Dynamics and Content on YouTube*, PROC. 52ND HAWAII INT’L CONF. ON SYS. SCIS., 1, (2019)
- Ex. 1144: *YouTube Opens Internet Video to Masses; Serving 3 Million Videos Daily and Growing, YouTube Unveils a Fast, Fun, and Easy Service for Consumers to Broadcast Original Video*, MARKET WIRE, Dec. 15, 2005
- Ex. 1145: *Hulu Debuts via Private Beta and on Distribution Partners AOL, Comcast, MSN, MySpace and Yahoo!; Company Announces Major Licensing Deals with Metro-Goldwyn-Mayer Studios Inc. and Sony Pictures Television; Providence Equity Partners Makes Strategic Investment in News Corporation/NBC Universal Online Video Joint Venture*, BUS. WIRE, Oct. 29, 2007
- Ex. 1146: *Blockbuster Offers Cheaper Online Rental*, ASSOCIATED PRESS, Jun. 13, 2007
- Ex. 1147: *Adobe Delivers Flash Player 9 With H.264 Video Support; HD Quality Web Video and Audio Now Available With Adobe Flash Player Update*, BUS. WIRE, Dec. 4, 2007

- Ex. 1148: *Microsoft Unveils Silverlight to Power the Next Generation of Media Experiences on the Web; Leading Media Companies and Solution Providers Announce Support for New Solution for Video and Interactivity on Mac- and Windows-Based Web Browsers*, PR NEWswire US, Apr. 16, 2007
- Ex. 1149: *Former Apple Multimedia Pioneers Unveil WebTV; New Company Brings Internet to Television Viewers*, PR NEWswire, Jun. 12, 1996
- Ex. 1150: *Netflix, TiVo Team Up After 4-Year Courtship*, ASSOCIATED PRESS, Oct. 30, 2008
- Ex. 1151: *TiVo and Amazon.com Announce New Service Enabling Amazon Unbox Video Download to TiVo; TiVo Subscribers Will Soon Be Able to Watch Amazon Unbox Movies and TV Shows on Their TVs*, BUS. WIRE, Feb. 7, 2007
- Ex. 1152: *Wall Crumbling Between Televisions and Computers*, AGENCE FRANCE PRESSE – ENGLISH, Jan. 8, 2009
- Ex. 1153: *Enhanced TV Binary Interchange Format 1.0, ETV (OpenCable Specifications)*, Nov. 25, 2009
- Ex. 1154: *Award-Winning Sonos™ Digital Music System Begins Shipping to Customers*, PR NEWswire US, Jan. 27, 2005
- Ex. 1155: *Sonos Introduces the Sonos™ ZonePlayer ZP80*, PR NEWswire, Jan. 4, 2006
- Ex. 1156: *Sonos Introduces the Sonos Controller for iPhone; Free Application Lets Music Lovers Control Leading Multi-Room Music System from Their iPhone*, PR NEWswire, Oct. 28, 2008
- Ex. 1157: *AT&T Opens R&D Lab in Cambridge, England*, BUS. WIRE, Feb. 10, 1999
- Ex. 1158: *Microsoft Releases Windows NT 4.0 Terminal Server Edition*, M2 PRESSWIRE, Jun 16, 1998

- Ex. 1159: *TeamViewer: TeamViewer 3.0 Beta Published; Next Generation of the Popular Remote Support Software*, M2 PRESSWIRE, Aug. 27, 2007
- Ex. 1160: *3am Labs Announces \$10 Million Series A Financing; McNamee Lawrence & Co. Acts as Exclusive Financial Advisor to 3am Labs*, BUS. WIRE, Nov. 16, 2004
- Ex. 1161: *Expertcity's GoToMyPC Product Wins A People's Choice Award At Upside Events' Showcase 2001*, INTERNET WIRE, Feb. 1, 2001
- Ex. 1162: *TV2Me(R) Goes Global By Partnering With Leading Asian Online Entertainment Company; Manila-Based ESL Adds Sales and Marketing Muscle to Bring Pioneering Place Shifting Technology to Wider Market*, PR NEWswire US, May 16, 2006
- Ex. 1163: *CES Innovations 2005 Award and Red Herring Finalist for 100 Most Innovative Companies are Latest Commendations for Sling Media*, BUS. WIRE, Nov. 11, 2004
- Ex. 1164: Final Written Decision, IPR2022-00795 (Sep. 27, 2023)
- Ex. 1165: Patent Owner Response, IPR2022-00795 (Jan. 13, 2023)
- Ex. 1166: Reserved
- Ex. 1167: *Progressive Networks Launches the First Commercial Audio-On-Demand System Over the Internet*, BUS. WIRE, Apr. 10, 1995
- Ex. 1168: *Progressive Networks' RealVideo Launched With Wide Industry Support*, PR NEWswire EUROPE, February 10, 1997
- Ex. 1169: Reserved
- Ex. 1170: U.S. Pat. Application No. 61/477,998
- Ex. 1171: U.S. Pat. No. 8,904,289 to Strober (“the ’289 Patent”)
- Ex. 1172: Certified Copy of Prosecution History of U.S. Pat No. 8,904,289

Ex. 1173:	U.S. Pat. No. 9,767,195 (“the ’195 Patent”)
Ex. 1174:	Certified Copy of Prosecution History of U.S. Pat. No. 9,767,195
Ex. 1175:	U.S. Pat. No. 11,048,751 to Strober (“the ’751 Patent”)
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Ex. 1177:	U.S. Pat. No. 8,356,251 to Strober (“the ’251 Patent”)
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Ex. 1179:	Reserved
Ex. 1180:	Lett analysis of Danciu Claim 1 in view of Danciu Provisional
Ex. 1181:	Annotated Copy of Danciu Provisional in view of Danciu
Ex. 1182:	Stipulation Regarding Invalidity Defenses

Pursuant to 37 C.F.R. § 42.71(d), Petitioner Comcast Cable Communications, LLC (“Petitioner”) respectfully requests rehearing of the Patent Trial and Appeal Board’s July 26, 2024 Institution Decision (“ID”) (Paper 13) finding that Petitioner failed to provide compelling evidence of unpatentability of any of claims 3, 4, and 8-20 of U.S. Patent No. 11,086,934 (“the ’934 Patent”) in view of Danciu-Mahajan, Danciu-Mahajan-Calvert, and Aldrey-Mahajan (Grounds A, B, and D).¹ Rehearing is requested because, in finding that the Petition failed to present compelling evidence that Mahajan taught the “converting” limitations of the claims, the Board relied on the Patent Owner’s misinterpretation of the claims and failed to properly apply Petitioner’s argument regarding Mahajan’s teachings.

I. LEGAL STANDARDS

Pursuant to 37 C.F.R. § 42.71(d), a party may request rehearing of a decision not to institute trial by the Board. The party requesting rehearing has the burden of showing that the decision from which rehearing is sought should be modified, and “[t]he request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.” 37 C.F.R. § 42.71(d); *Apple Inc.*,

¹ “Danciu” refers to Exhibit 1112, “Mahajan” refers to Exhibit 1114, “Aldrey” refers to Exhibit 1115, and “Calvert” refers to Exhibit 1111.

et al. v. Uniloc Luxembourg S.A., IPR2017-00225, Paper 31, at 2 (P.T.A.B. Sept. 6, 2018) (“The burden here, therefore, lies with [the requester] to show we misapprehended or overlooked the matters it requests that we review.”).

In this proceeding, the Board applied a “compelling merits” standard that is met if “the evidence, if unrebutted in trial, would plainly lead to a conclusion that one or more claims are unpatentable by a preponderance of the evidence.” ID, 14, *citing* Guidance Memo, 4². As noted by the Board, a Petitioner meets this standard “if it is highly likely that the petitioner would prevail with respect to at least one challenged claim.” ID, 14, *citing OpenSky Indus., LLC v. VLSI Tech. LLC*, IPR2021-01064, Paper 102 at 49 (PTAB Oct. 4, 2022) (precedential) (“*OpenSky*”).

II. PRECISE RELIEF REQUESTED

Petitioner requests rehearing of the Board’s Decision to not institute trial because the Board erroneously relied on a mischaracterization of the claims put forward by the Patent Owner, which further led the Board to fail to properly consider Petitioner’s argument as to the claims, including a failure to consider Mahajan’s

² While the Petition has compelling merit as discussed below, the *Fintiv* framework should not be followed because it is legally invalid as it (1) exceeds the Director’s authority, (2) is arbitrary and capricious, and (3) was adopted without notice-and-comment rulemaking.

general teachings of command conversion *in combination* with the primary references rather than an examination of Mahajan as an independent reference.

To summarize the grounds at issue, Petitioner requests rehearing of the Board's Decision to not institute trial on the ground that independent claims 8 and 17 of the '934 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Danciu in view of Mahajan (Ground A), Danciu in view of Mahajan and Calvert (Ground B), and Aldrey in view of Mahajan (Ground D). Pet., 19. Petitioner also requests rehearing of the Board's Decision to not institute trial on the grounds that dependent claims 3, 4, 9-16, and 18-20 of the '934 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Danciu in view of Mahajan (Ground A), Danciu in view of Mahajan and Calvert (Ground B), and Aldrey in view of Mahajan (Ground D). Pet., 19.³

³ Independent claim 1 and dependent claims 2 and 5-7 were disclaimed by the Patent Owner subsequent to filing of the Petition. Ex. 2023. This effectively renders claims 3 and 4 independent claims for purposes of this proceeding, and renders Ground C (asserted against claims 1-2 and 5-7) irrelevant save for application of its argument to Ground D.

III. THE BOARD ERRONEOUSLY RELIED ON PATENT OWNER’ S MISCHARACTERIZATION OF CLAIMS 3 AND 4 IN ITS ANALYSIS

Petitioner proposed combinations citing Danciu in view of Mahajan, Danciu in view of Mahajan and Calvert, and Aldrey in view of Mahajan for teaching limitations related to translating between commands in claims 3 and 4. *See* Pet., 38-41, 59, 70-75. Patent Owner mischaracterized the claims by (1) requiring commands be “received in a first format,” (2) requiring a particular location and time for conversion of commands, and (3) implying an unduly narrow construction of “recognizable by the first type of media playing application.” The Board, relying on these mischaracterizations, concluded that the Petitioner did not meet the “compelling merits” standard with regard to any of the challenged claims. ID, 23. Absent these errors, “it is highly likely that the petitioner would prevail with respect to at least one challenged claim,” including at least claim 3 or 4, and institution should be granted. *OpenSky* at 49.

A. The Patent Owner Mischaracterized the Claims as Requiring Commands “Received in a First Format”

First, the Board erred by stating they “agree with Patent Owner’s assessment that ‘Mahajan teaches that the client receives the generic commands alleged to be in a *universal format*; it does not disclose commands that are *receive[d] in a first format that corresponds to [or is recognizable by] the first type of media playing application*, as the claims recite.’” ID, 22-23, *citing* Prelim. Resp., 28 (emphasis

original). In doing so, the Board impermissibly read nonexistent limitations into the claims. First, claim 1, and dependent claims 3 and 4, does not require that the commands must be “receive[d] in a first format.” While “receiving... at least one command in a first format” may be a limitation in other proceedings, it is not a limitation in this proceeding.⁴ Indeed, “first format” does not appear in claims 1, 3 or 4.

B. The Patent Owner Mischaracterized the Claims as Requiring a Particular Location and Time for Conversion of Commands

Second, the Board erred by stating they “agree with Patent Owner that any

⁴ The limitation of “receiving, from the remote server device, a first message that includes at least one command in a first format...” is recited in claim 1 of related U.S. Pat. No. 11,048,751. In a related IPR, the Board preliminarily found (in part by refusing to read a limitation into the claim that conflicts with its dependent claim 3) that Danciu in view of Mahajan likely teaches that limitation as to the ’751 Patent. *Decision*, IPR2024-00324, 29-31. But it appears that Patent Owner, by erroneously regurgitating their arguments from other proceedings in this proceeding, may have misled the Board as to the claim language at issue here. *Compare* Prelim. Resp., 32-34, *with* Prelim. Resp. in IPR2024-00322, 23-27, *and* Prelim. Resp. in IPR2024-00324, 20-27.

conversion of generic commands into platform-specific commands for Mahajan's client 204's media platform 212 (as colorized green in Figure 3 by Patent Owner) is performed on the client 204 side, not on the server 202 side." ID, 22. This was in response to Patent Owner's argument that "Mahajan describes a two-part server-client architecture where the relevant conversion is done *by the client after* it receives the alleged *commands*, not by the source of those commands (*i.e.*, Mahajan's server)." ID, 19, *citing* Prelim. Resp., 25. Here again the Board impermissibly read limitations into the claims. Rather, as explained below, the claims do not require the conversion to be performed outside of the client or before receipt.

Claim 4 (as depending from claim 1) recites "receiving a set of messages from the other computing device... including a set of commands that corresponds to the first type of media playing application," "wherein the set of commands is defined in a universal format and converted to a particular format recognizable by the first type of media playing application." The plain meaning of this language 1) does not require the conversion be performed by any particular device, and 2) does not require the conversion to be performed before receipt.⁵ Rather, the claim recites receiving a set of messages, which includes a set of commands that are "defined in a universal

⁵ Petitioner's arguments on the teachings of the prior art, discussed below in Sections IV and V, are consistent with this meaning.

format” and which are “converted to a particular format recognizable by the first type of media playing application.” Petitioner submits that the best way to apply claim 4 is for the commands to be “defined in a universal format” when received, and “converted to a particular format” after receipt. Otherwise, they would not be defined in a universal format when received. Requiring that the conversion to a particular format must occur before receipt impermissibly reads a nonexistent limitation into the claim (one that contradicts the explicit requirement that the received commands be “in a universal format”).

The claims’ indifference to the location of conversion is even more apparent in claim 3. The relevant portion of claim 3 (as depending from claim 1) recites: “receiving a set of messages from the other computing device... including a set of commands that corresponds to the first type of media playing application” “wherein the set of commands is converted via an API adapter to be recognizable by the first type of media playing application.” Nothing in the claim requires that the conversion take place at any particular location. Moreover, the claims recite “is converted,” not “was converted,” suggesting that the set of commands is converted *after* receipt. In distinguishing Mahajan, the Board relied on a nonexistent limitation of claims 3 and 4 (requiring conversion before receipt), and thus fundamentally misapprehended the scope of the claims. *See* ID, 22-23, *citing* Prelim. Resp., 27–28.

C. The Patent Owner Mischaracterized the Claims by Applying an Unduly Narrow Interpretation of “recognizable by the first type of

media playing application”

Finally, the Board further erred by applying an unduly narrow interpretation of a command “recognizable by the first type of media playing application” when stating they “agree with Patent Owner’s assessment that ‘Mahajan teaches that the client receives the generic commands alleged to be in a *universal format*; it does not disclose commands that are *receive[d] in a first format that corresponds to [or is recognizable by] the first type of media playing application*, as the claims recite.” ID, 22-23, *citing* Prelim. Resp., 28 (emphasis original).

A command in a universal format is “recognizable by the first type of media playing application” if it can be recognized by virtue of conversion to a specialized command. Indeed, to say otherwise would be contrary to the plain meaning of dependent claim 4, which recites “*wherein the set of commands is defined in a universal format and converted to a particular format recognizable by the first type of media playing application.*”⁶ A plain reading of claim 4 clearly contemplates that

⁶ While the Board cites to the Petition at 29-31 regarding claim 1 as applicable Petitioner argument, claim 1 was disclaimed likely in part because that claim does not include any limitation regarding conversion. Rather, recitations that a command is “converted” appear in dependent claims 3 and 4, and thus Petitioner’s argument is in the context of those claims. *See* Pet., 38-41.

the limitations are interchangeable with no temporal limitation – it could also be read that a command “converted to a particular format recognizable by the first type of media playing application” is a command “defined in a universal format” because, for example, the command was converted into the (universal) format at some point. Petitioner showed such a reading was taught by the references. *See* Section IV; Pet., 41, 74-75. Claim 3 is even broader, reciting “the set of commands is converted via an API adapter to be recognizable by the first type of media playing application” without any temporal limitation or recitation of any “format.”

Thus, the Board misconstrued the claims, and as a result erroneously faulted Petitioner for allegedly failing to show limitations that are not required by the claims. Rehearing is therefore warranted so that the Board can consider whether compelling evidence was presented as to whether the proffered Grounds teach the claims as properly interpreted. As set forth below, the Petition did include such evidence.

IV. THE BOARD FAILED TO PROPERLY APPLY PETITIONER ARGUMENT IN VIEW OF THE MISCHARACTERIZATION OF CLAIMS 3 AND 4

In its Decision, the Board acknowledges that Petitioner put forward arguments regarding converting commands as to claim 3 (ID, 18-19, *citing* Pet., 39-40) and at least two distinct arguments regarding conversion of commands as to claim 4 (ID, 19, *citing* Pet., 41). However, the Board considered only whether these citations addressed Patent Owner’s erroneous argument that “the relevant

conversion is done by the client after it receives the alleged commands, not by the source of those commands (i.e., Mahajan’s server).” ID, 19, *citing* Prelim. Resp., 25. The Board failed to consider the Petition for what it *did* show – namely that the actual limitations of claims 3 and 4 are taught by Danciu (or Aldrey) in view of Mahajan.

A. The Petition Set Forth Compelling Evidence that Danciu or Aldrey in View of Mahajan Taught the Converting Limitations Under the Proper Interpretation of the Claims

Claims 3 and 4 require that “the set of commands is converted via an API adapter to be recognizable by the first type of media playing application” or “converted to a particular format recognizable by the first type of media playing application.” The Board itself noted that “conversion of generic commands into platform-specific media commands for Mahajan’s client 204’s media platform 212 (as colorized green in Figure 3 by Patent Owner) is performed on the client 204 side.” ID, 22. Given that claims 3 and 4 allow conversion to occur after receipt (Section III, *supra*), the Petition did set forth compelling evidence that the limitations of claims 3 and 4 are met.

B. The Petition Set Forth Compelling Evidence that Danciu or Aldrey in View of Mahajan Taught the Converting Limitations Even Under Patent Owner’s Erroneous Claim Interpretation

Even if claims 3 and 4 require that a command be converted before being received, the Petition alternatively provided compelling evidence that Danciu (or

Aldrey) in view of Mahajan teach this limitation. Pet., 38-41, 70-75. Importantly, claims 3 and 4, even if requiring conversion before receipt, do not limit precisely *where*, before receipt, conversion must take place (for example, conversion may be performed at Danciu’s remote control, or at its server). Thus, Petitioner argued regarding Danciu in view of Mahajan that “[t]he genericized commands are ‘converted to a particular format recognizable by the first type of media playing application’ when they are converted from the server’s platform-specific media command (which the client may not be able to understand) to a genericized media command (which the client can receive and recognize) via the RTS media abstraction module of the server.” Pet., 41, *citing* Ex. 1102, ¶ 182; *see also* Pet., 75, *citing* Ex. 1102, ¶¶ 268-269. When a command is converted into a generic command by a server as taught by Mahajan, that is conversion prior to receipt. And, because the genericized command is recognizable by the client application incorporating an RTS media abstraction module, it is “recognizable by the first type of media playing application.” That the command is *further* converted into a specialized command does not mean that the genericized command cannot meet the limitation, only that multiple versions of the command may meet the limitations

of the claim (which is why Petitioner also argued in the alternative that the further converted command also meets the limitation). Pet., 41, 75.⁷

The Board misapprehended the Petition's arguments in this regard. For at least this reason also, rehearing is warranted.

V. THE BOARD FAILED TO CONSIDER MAHAJAN'S GENERAL TEACHINGS AS APPLIED TO ALL CLAIMS

The Board asserts that, regarding Danciu (or Aldrey) in view of Mahajan, "Petitioner relies solely on Mahajan for teaching the converted commands." ID, 18. However, this misunderstands Petitioner's argument, which relies on Danciu or Aldrey as the primary reference teaching commands (and the sending and receiving thereof), and Mahajan for general teachings regarding the conversion of commands. *See* Pet., 25-34, 38-41, 63-65, 70-75.

In the Danciu grounds, Petitioner primarily relies on Danciu for teaching commands. This is clearly set forth in the onset of Petitioner's argument regarding "receiving a set of messages... including a set of commands":

⁷ Mahajan teaches commands in at least three formats, with at least two conversions: a platform-specific command for the server, a first conversion to a generic command, and a second conversion to a platform-specific command for the client. Pet., 31.

Danciu's remote control 14 (**blue**) provides commands ("for example, fast forward, reverse, skip ahead or back, play, stop, move to new content, etc.") for content being played on controlled device 18 (**red**). Ex. 1112, 5:29-37. In doing so, the controlled device 18 ("the computing device") receives commands ("set of messages... including a set of commands") from the remote control ("the other computing device") to alter content displayed on the display of the controlled device. Ex. 1112, 5:64-6:2, 10:45- 53; Ex. 1102, ¶ 153.

Pet., 25-26. Petitioner further argues that Danciu teaches "[t]he servers then direct the messages in that session from the remote control to the controlled device." Pet., 27, *citing* Ex. 1112, 6:50-60, 7:17-29, 10:45-53, 16:24-17:12.

Petitioner then cites Mahajan for teaching "implementation details for transmission of commands for controlling a client." Pet., 30. In doing so, Petitioner discusses how Mahajan's system, *not* the combination of Danciu in view of Mahajan, operates regarding the translation of commands:

Thus, 1) commands for a type of media playing application on the server are received at Mahajan's server, 2) the commands are translated into a universal command, 3) the universal command is transmitted to the client, 4) the client re-translates the universal command, and 5) the new specific command is executed. Ex. 1114, [0035]-[0036], Figs. 1-2; Ex. 1102, ¶ 159.

Pet., 31. In view of those teachings, Petitioner argued that "a POSITA would have been motivated to implement Danciu's system, comprising a remote control sending commands to a controlled device via a server, using known techniques for sending commands for media playback between a server and a client, such as is taught by Mahajan." Pet., 34. This is a *general* teaching regarding the conversion

of commands between remote devices including a remote control, a server, and a client – not a teaching strictly limited to the *particular* client-server arrangement of Mahajan as Patent Owner alleges. As such, Patent Owner’s argument confining the location of conversion as to a particular server or client in *Mahajan’s* Figure 3 is misguided. *See* ID, 19-23, *citing* Prelim. Resp. 25-27.

Petitioner’s argument is consistent with the Board findings from related IPRs regarding how to apply Mahajan’s teachings. In IPR2024-00324, the Board preliminarily found that Patent Owner’s argument, distinguishing Mahajan as teaching a two-part server-client architecture, is “unavailing” to their case:

This argument also is unavailing. Petitioner expressly states that it relies on Mahajan for teaching “implementation details for transmission of commands for controlling a client.” Pet. 27. Petitioner does not rely on Mahajan for teaching a “first computing device,” a “second computing device,” or a “remote server device”; as Patent Owner acknowledges, Petitioner relies instead on Danciu for these claim elements. *See id.* at 23–24; Prelim. Resp. 32. Thus, Patent Owner’s focus on the architecture of Mahajan’s system is misplaced.

Decision, IPR2024-00324, 34. Here, as there, the Board should focus on Mahajan’s teachings as a whole, and not limit the combination to the architecture of the secondary reference (Mahajan).

The question the Petition presented was not whether Mahajan disclosed that messages sent *between Mahajan’s devices* are converted consistent with the claims. The question is whether it would have been *obvious* for *Danciu’s* messages, when converted according to the general *teachings* of Mahajan, to have been

converted consistent with the claims. And, a POSITA would have understood that conversion of commands would have occurred between any two devices of Danciu's remote control, server, or controlled device. *See* Pet., 28-35, 38-41. For example, Petitioner argued that commands "are converted from the server's platform-specific media command (which the client may not be able to understand) to a genericized media command (which the client can receive and recognize) via the RTS media abstraction module of the server." Pet., 41, *citing* Ex. 1102, ¶ 182.

Petitioner's argument likewise modified Aldrey in view of Mahajan's general teachings, and the Board's consideration of Mahajan's particular architecture in that combination was thus erroneous for the same reasons. Pet., 63-65, 70-75.

In short, the Board improperly focused on Mahajan's teachings in isolation, rather than its teachings as applied to Danciu or Aldrey as set forth in the Petition. For this reason also, rehearing is warranted.

VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully submits that rehearing of the denial of Grounds A, B, and D of the Decision Instituting *Inter Partes* Review is warranted and that Grounds A, B, and D should be included in the instituted review of claims 3, 4, and 8-20 of the '934 Patent.

Respectfully submitted,

Dated: August 23, 2024

By: /Frederic M. Meeker/

Frederic M. Meeker
Reg. No. 35,282

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(1), I hereby certify that I caused a true and correct copy of the **PETITIONER'S REQUEST FOR REHEARING PURSUANT TO 37 C.F.R. § 42.71(d)** to be served via electronic mail to the following:

Kyle E. Friesen - kfriesen@shb.com
Jason R. Mudd - jmudd@shb.com
Ryan Dykal - rdykal@shb.com
Robert H. Reckers - rreckers@shb.com
SHBTSComcastIPR@shb.com.

Dated: August 23, 2024

By: /Frederic M. Meeker/

Frederic M. Meeker
Reg. No. 35,282