UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISNEY ENTERTAINMENT & SPORTS LLC,
Petitioner

v.

ADEIA GUIDES INC.,
Patent Owner.

Case No. IPR2026-00056
U.S. Patent No. 10,165,324

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 10,165,324

I. INTRODUCTION 1
II. MANDATORY NOTICES UNDER 37 C.F.R. §42.8 1
III. FEE AUTHORIZATION 3
IV. GROUNDS FOR STANDING 3
V. PRECISE RELIEF REQUESTED 3
VI. THE CHALLENGED PATENT 3
VII. PROSECUTION HISTORY OF THE '324 PATENT 6
VIII. LEVEL OF ORDINARY SKILL IN THE ART 8
IX. PRIORITY DATE 8
X. CLAIM CONSTRUCTION 8
A. "[First/second] progress point" (Claim 1) 8
B. "Serial program" (Claims 1, 4-6) 9
C. "The summary region" (Claim 6) 9
XI. BRIEF DESCRIPTION OF THE APPLIED PRIOR ART 9
A. Tecot (Ex-1006) 9
B. Logan (Ex-1005) 11
C. Lee (Ex-1008) 12
D. McElhatten (Ex-1010) 14
E. Poslinski (Ex-1007) 16
XII. DETAILED EXPLANATION OF THE UNPATENTABILITY GROUNDS 17
A. Ground 1: Claims 1-5 are obvious over Tecot in view of Lee 17
1. A POSITA would have been motivated to combine Tecot's teachings with Lee's teachings and would have had a reasonable expectation of success. 17
2. Independent Claim 1 22
a. Element 1[pre]: A method for presenting media content based on a user's viewing progress within serial programs on user equipment, the method comprising: 22

b. Element 1[a][1]: creating, using control circuitry, a media profile comprising a first viewing progress within a first serial program and.....23

c. Element 1[a][2]: a second viewing progress within a second serial program; 28

d. Element 1[b]: storing the media profile in a storage device;.....30

e. Element 1[c][1]: determining, using the control circuitry, a first progress point in the first serial program based on the first viewing progress and.....32

f. Element 1[c][2]: a second progress point in the second serial program based on the second viewing progress;.....34

g. Element 1[d][1]: generating for display, on a display screen, a first user-selectable link corresponding to the first progress point in the first serial program 34

h. Element 1[d][2]: adjacent to a second user-selectable link corresponding to the second progress point in the second serial program, ...38

i. Element 1[d][3]: wherein selecting the first user-selectable link causes a first option for generating for display the first serial program at the first progress point to be displayed, and 41

j. Element 1[d][4]: wherein selecting the second user-selectable link causes a second option for generating for display the second serial program at the second progress point to be displayed; 44

k. Element 1[e][1]: receiving a user selection of the first link;.....44

l. Element 1[e][2]: in response to receiving the user selection of the first link, generating for display the first option;.....45

m. Element 1[e][3]: receiving a user selection of the first option; and.....47

n. Element 1[f]: in response to receiving the user selection of the first option, generating for display the serial program at the first progress point. 47

3. Dependent Claims 2-5 48

a. Claim 2: The method of claim 1, wherein the first link and the second link are associated with a first cell and a second cell, respectively 48

b. Claim 3: The method of claim 2, wherein the first cell and the second cell are included in a plurality of cells, wherein the plurality of cells are arranged in rows and columns. 49

c. Claim 4: The method of claim 1, further comprising automatically presenting an unwatched episode in the first serial program in response to a user selecting the first link. 51

d. Claim 5: The method of claim 1, further comprising presenting a summary region associated with the first serial program. 55

B. Ground 2: Claim 6 is obvious over Tecot-Lee in view of McElhatten. 57

1. Dependent Claim 6: The method of claim 1, wherein the summary region indicates a predefined viewing order for the first serial program. 57

C. Ground 3: Claims 1-5 are obvious over Logan in view of Poslinski. 62

1. A POSITA would have been motivated to combine Logan's teachings with Poslinski's teachings and would have had a reasonable expectation of success. 62

2. Independent Claim 1 65

a. Element 1[pre]: 65

b. Element 1[a][1]: 66

c. Element 1[a][2]: 69

d. Element 1[b]: 70

e. Element 1[c][1]: 71

f. Element 1[c][2]:....72
g. Element 1[d][1]:....74
h. Element 1[d][2]:....78
i. Element 1[d][3]:....80
j. Element 1[d][4]:....82
k. Element 1[e][1]:....83
l. Element 1[e][2]:....84
m. Element 1[e][3]:....85
n. Element 1[f]:....85
3. Dependent Claims 2-5....86
a. Claim 2: 86
b. Claim 3: 88
c. Claim 4: 91
d. Claim 5: 92
D. Ground 4: Claim 6 is obvious over Logan-Poslinski in view of McElhatten. 92
1. Dependent Claim 6: 92
XIII. CONCLUSION....96

LIST OF EXHIBITS[1]

Ex. No.	Description
Ex-1001	U.S. Patent No. 10,165,324 ("the '324 Patent")
Ex-1002	Declaration of Dr. Henry Houh
Ex-1003	Curriculum Vitae of Dr. Henry Houh
Ex-1004	Prosecution History of U.S. Patent No. 10,165,324
Ex-1005	U.S. Patent No. 5,732,216 to Logan ("Logan")
Ex-1006	U.S. Patent Publication No. 2005/0097623 to Tecot ("Tecot")
Ex-1007	U.S. Patent Publication No. 2006/0048184 to Poslinski ("Poslinski")
Ex-1008	U.S. Patent No. 7,127,735 to Lee ("Lee")
Ex-1009	INTENTIONALLY LEFT BLANK
Ex-1010	U.S. Patent Publication No. 2003/0220100 to McElhatten ("McElhatten")
Ex-1011	INTENTIONALLY LEFT BLANK
Ex-1012	INTENTIONALLY LEFT BLANK
Ex-1013	INTENTIONALLY LEFT BLANK
Ex-1014	INTENTIONALLY LEFT BLANK
Ex-1015	INTENTIONALLY LEFT BLANK
Ex-1016	INTENTIONALLY LEFT BLANK

[1] Four-digit pin citations that begin with 0 are to the branded numbers added by Disney in the bottom right corner of the exhibits. All other pin citations are to original page, column, paragraph, or line numbers.

Ex. No.	Description
Ex-1017	INTENTIONALLY LEFT BLANK
Ex-1018	INTENTIONALLY LEFT BLANK
Ex-1019	INTENTIONALLY LEFT BLANK
Ex-1020	Claim Mapping Table
Ex-1021	U.S. Patent Publication No. 2004/0128317 to Sull ("Sull")
Ex-1022	U.S. Patent Publication No. 2006/0010467 to Segel ("Segel")
Ex-1023	U.S. Patent Publication No. 2003/0067554 to Klarfeld ("Klarfeld")
Ex-1024	U.S. Patent No. 7,836,473 to Tecot ("Tecot'473")
Ex-1025	U.S. Patent Publication No. 2003/0208767 to Williamson ("Williamson")
Ex-1026	U.S. Patent Publication No. 2002/0174430 to Ellis ("Ellis")
Ex-1027	U.S. Patent Publication No. 2003/0023427 to Cassin ("Cassin")
Ex-1028	U.S. Patent Publication No. 2003/0149988 to Ellis ("Ellis-2")
Ex-1029	U.S. Patent Publication No. 2004/0154039 to Simms ("Simms")
Ex-1030	U.S. Patent Publication No. 2005/0251827 to Ellis ("Ellis-4")
Ex-1031	U.S. Patent No. 7,747,132 to Poslinski ("Poslinski'132")
Ex-1032	U.S. Patent Publication No. 2002/0144264 to Broadus ("Broadus")
Ex-1033	U.S. Patent Publication No. 2005/0050103 to Kesteloot ("Kesteloot")
Ex-1034	U.S. Patent Publication No. 2008/0320523 to Morris ("Morris")
Ex-1035	U.S. Patent Publication No. 2001/0010094 to Moir ("Moir")
Ex-1036	U.S. Patent Publication No. 2005/0273815 to Orr ("Orr")

Ex. No.	Description
Ex-1037	U.S. Patent Publication No. 2005/0283810 to Ellis ("Ellis-3")
Ex-1038	U.S. Patent Publication No. 2006/0248557 to Stark ("Stark")
Ex-1039	IMDB, Episode listing for Reading Rainbow, Season 1 (1983), available at https://www.imdb.com/title/tt0085075/episodes/?season=1&ref_=tt_eps_sn_1
Ex-1040	IMDB, Episode listing for General Hospital, Season 1 (1963), available at https://www.imdb.com/title/tt0056758/episodes/?year=1963&ref_=tt_eps_yr_1963
Ex-1041	INTENTIONALLY LEFT BLANK
Ex-1042	Terry Ulick, Windows XP Media Center Edition (2005)
Ex-1043	Prosecution History of U.S. Patent No. 9,860,595
Ex-1044	*Adeia Techs., Inc. v. The Walt Disney Co.*, No. 1:24-cv-01231, Defendants' Supplemental Disclosure of Proposed Claim Constructions (D. Del. Sept. 16, 2025)
Ex-1045	*Adeia Techs., Inc. v. The Walt Disney Co.*, No. 1:24-cv-01231, Plaintiffs' Initial Proposed Claim Constructions (D. Del. Sept. 5, 2025)

I. INTRODUCTION

Disney Entertainment & Sports LLC ("Petitioner") requests *inter partes* review ("IPR") of Claims 1-6 of U.S. Patent No. 10,165,324 ("the '324 Patent") (Ex-1001), currently assigned to Adeia Guides Inc. ("PO").

II. MANDATORY NOTICES UNDER 37 C.F.R. §42.8

Real Parties-in-Interest: Petitioner identifies the following real parties-in-interest: Disney Entertainment & Sports LLC, The Walt Disney Company, Disney Media and Entertainment Distribution LLC, Disney DTC LLC, Disney Streaming Services LLC, Disney Platform Distribution, Inc. Bamtech, LLC, Hulu, LLC, and ESPN, Inc.

Related Matters: PO has asserted the '324 Patent against Petitioner in *Adeia Technologies, Inc., et al. v. The Walt Disney Company, et al.*, No. 1:24-cv-01231-MN (D. Del.) ("Disney litigation").

Lead and Back-Up Counsel:

- Lead Counsel:

Benjamin M. Haber (Reg. No. 67,129)
O'Melveny & Myers LLP
400 South Hope Street, 18th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
Fax: (213) 430-6407
Email: bhaber@omm.com

- Back-Up Counsel:

William M. Fink (Reg. No. 72,332)
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300
Fax: (202) 383-5414
Email: tfink@omm.com

Xin-Yi Zhou (Reg. No. 63,366)
O'Melveny & Myers LLP
400 South Hope Street, 18th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
Fax: (213) 430-6407
Email: vzhou@omm.com

Caitlin P. Hogan (Reg. No. 61,515)
O'Melveny & Myers LLP
1301 Avenue of the Americas, Suite 1700
New York, NY 10019
Telephone: (212) 326-2000
Fax: (212) 326-2061
Email: chogan@omm.com

Service Information: Petitioner consents to electronic service by email to the following addresses:

- bhaber@omm.com
- tfink@omm.com
- vzhou@omm.com
- chogan@omm.com
- ommdisneyadeia@omm.com

III. FEE AUTHORIZATION

The PTO is authorized to charge any fees due during this proceeding to Deposit Account No. LA500639.

IV. GROUNDS FOR STANDING

Petitioner certifies that the '324 Patent is available for review, and Petitioner is not barred or estopped from requesting review.

V. PRECISE RELIEF REQUESTED

Petitioner requests review and cancellation of Claims 1-6 as unpatentable based on the following grounds, supported by a declaration from Dr. Henry Houh. Ex-1002 ¶¶1-48; Ex-1003.

Ground	Summary
1	Claims 1-5 are obvious over Tecot (Ex-1006) in view of Lee (Ex-1008)
2	Claim 6 is obvious over Tecot-Lee in view of McElhatten (Ex-1010)
3	Claims 1-5 are obvious over Logan (Ex-1005) in view of Poslinski (Ex-1007)
4	Claim 6 is obvious over Logan-Poslinski in view of McElhatten

VI. THE CHALLENGED PATENT

The '324 Patent relates to "methods for monitoring a user's viewing progress of media in a series." Ex-1001, Abstract. The '324 Patent concedes that conventional interactive media environments allowed users to customize their media experience

using "interactive television program guides," which "display program reminders, record media content," and provide other interactive features. Ex-1001, 1:22-52. The '324 Patent proposes an interactive media monitoring application, which monitors "a user's viewing progress of a user-selected series of related programs … consistent with the user's viewing progress." *Id.*, 2:21-26, 2:30-34.

As shown in annotated[2] Figure 6 below, the '324 Patent teaches creating a media profile using control circuitry 606 (red), which tracks a user's viewing progress within multiple serial programs, and storing the media profile in a storage device (blue). Ex-1001, Fig. 6, Cl. 1. User-selectable links corresponding to the user's viewing progress points within the multiple serial programs are then displayed on a display screen (orange), which the user may select to resume viewing from the progress points. *Id.*

[2] Throughout, emphasis and annotations are added unless otherwise specified.

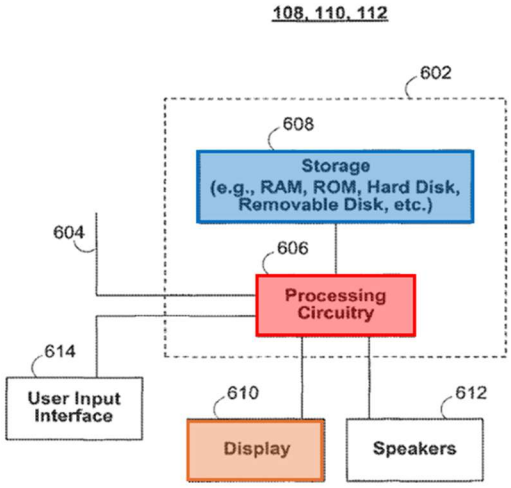


FIG. 6

Figure 12 below illustrates an exemplary user media viewing progress screen 1200. Ex-1001, 25:36-38, Fig. 12 (annotated). The '324 Patent teaches that "the user's current viewing progress may be listed in progress column 1206." Ex-1001, 25:59-61. In the example below, the user watched through season 3, episode 3 of the TV series "24" (green) and through season 2, episode 1 of the TV series "Desperate Housewives" (yellow). Ex-1001, 25:63-66. If the user stops viewing a program before it ends, "the 'Interrupted' status may be displayed in last action column 1208 along with the time or position within the program where the user was interrupted or stopped viewing the program" and "[a] link to start the program where the user left off" (not shown). Ex-1001, 26:47-53; Ex-1002 ¶¶49-51.

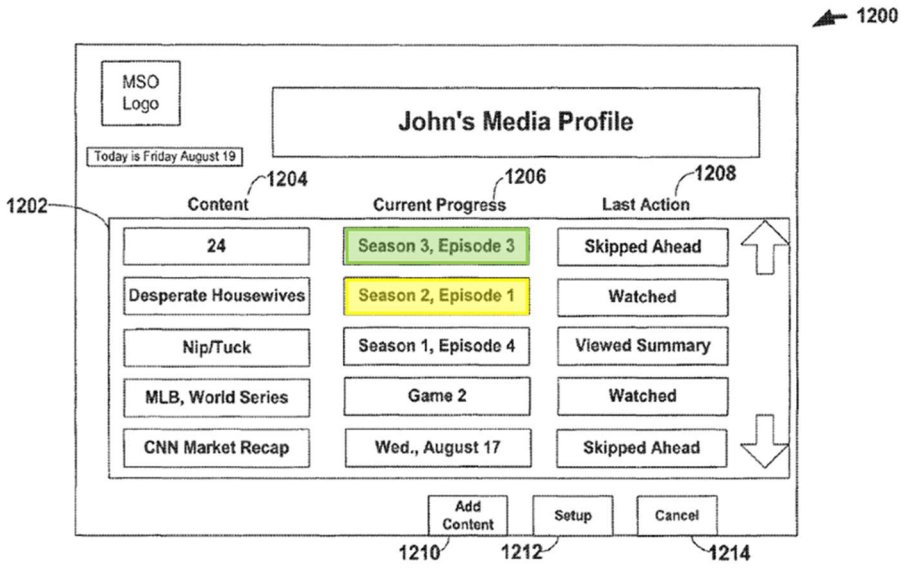


FIG. 12

VII. PROSECUTION HISTORY OF THE '324 PATENT

The '324 Patent was filed on December 19, 2017, and claims priority through a chain of 3 continuation applications (now issued patents), the earliest of which was filed on December 9, 2005.[3] The Examiner did not issue any substantive prior art rejections during prosecution, only a double patenting rejection based on the related '595 Patent, which Applicant overcame by filing a terminal disclaimer. Ex-1004, 145-55, 174-76.

During prosecution of the parent '595 Patent, Applicant submitted a sixteen-page IDS, which cited 373 references including the Logan reference (Ex-1005) applied in Grounds 3-4 herein. Ex-1043, 144-161. The Examiner crossed out

[3] One of those continuation applications is U.S. Patent No. 9,860,595 ("the '595 Patent"), which has substantially similar claims that are being challenged in IPR2026-00055, filed concurrently with this IPR petition.

Applicant's sixteen-page IDS, including the page listing the Logan reference, indicating that none of the references were considered. Ex-1043, 294-309; *see* MPEP §609.05(a) ("If none of the information listed on a PTO/SB/08 form is considered, a diagonal line or 'X' should also be drawn across the form and the form made of record in the application file."). The Examiner did not provide any explanation for declining to consider any of the 373 references, including Logan. Moreover, the Examiner did not issue any prior art rejections during prosecution of the '595 Patent, and did not further address any of the references that he noted were not considered.

During prosecution of the '324 Patent, the Applicant did not submit a single IDS. Ex-1004. Because the Logan reference was explicitly not considered during prosecution of the '595 and '324 Patents, the prior art combinations and arguments in this Petition were not before the PTO during prosecution. Ex-1004; 1043; Ex-1002 ¶¶52-54. The Examiner materially erred by not considering the Logan reference during prosecution because, as demonstrated in Grounds 3-4 below, Logan in combination with Poslinski and McElhatten, respectively, renders obvious each limitation of Claims 1-6. Ex-1002 ¶54. It was a material error to refuse to even consider the Logan reference, or any of the 373 other references that were submitted with it, and that error carries over to the '324 Patent because Logan was not considered here either.

VIII. LEVEL OF ORDINARY SKILL IN THE ART

A person of ordinary skill in the art at the relevant time ("POSITA") would have had a bachelor's degree in electrical engineering, computer science, computer engineering, or a related field, and two-to-three years of experience in the research, design, development, or testing of interactive entertainment streaming technologies, user interfaces, and video platforms, with additional education substituting for experience and vice versa. Ex-1002 ¶¶26-28.

IX. PRIORITY DATE

For purposes of this proceeding only, Petitioner applies the earliest alleged priority date of the '324 Patent: December 9, 2005.[4] Accordingly, pre-AIA 35 U.S.C. §102 applies and the '324 Patent was never eligible for PGR.

X. CLAIM CONSTRUCTION

For the purposes of this Petition, Petitioner identifies the following claim construction issues. Ex-1002 ¶¶55-58. Petitioner does not currently believe that any other terms require express construction. Consolidated Trial Practice Guide, 44, 45.

A. "[First/second] progress point" (Claim 1)

In the litigation, Petitioner has proposed that the recited "[first/second] progress point" is the "user's time position within an episode." Ex-1044, 2. PO has

[4] Petitioner respectfully reserves the right to challenge the priority date in other proceedings.

proposed that "plain and ordinary meaning" should apply. Ex-1045, 2. As explained below, there is no meaningful difference between these constructions as applied to the prior art references at issue in this Petition.

B. "Serial program" (Claims 1, 4-6)

In the litigation, Petitioner has proposed that the recited "serial program" is "related programming containing a temporal component connecting episodes." Ex-1044, 2. PO has proposed that the recited "serial program" is a "program containing a temporal component, such as a recommended order of viewing." Ex-1045, 2. As explained below, there is no meaningful difference between these constructions as applied to the prior art references at issue in this Petition.

C. "The summary region" (Claim 6)

In the litigation, Petitioner has proposed that the recited "the summary region" is indefinite for lacking antecedent basis. *See* Ex-1044, 2. For the purposes of this proceeding only, Petitioner has interpreted this limitation to mean a summary region as in Claim 5. Ex-1002 ¶58.

XI. BRIEF DESCRIPTION OF THE APPLIED PRIOR ART

A. Tecot (Ex-1006)

Tecot (U.S. Patent Publication No. 2005/0097623) published on May 5, 2005 and is prior art under 35 U.S.C. §102(a). Ex-1002 ¶¶59-61.

Tecot teaches "resuming a bookmarked presentation of multimedia content … at another location." Ex-1006 ¶131. Tecot teaches that "[w]hen a bookmark command is received while a multimedia content is being presented," such as the user pressing a "pause" key using a graphical user interface (GUI), the "multimedia presentation system 210 … stores a 'bookmark' indicative of that point in the presentation." Ex-1006 ¶¶81, 111-116. Each bookmark identifies, for example, a "relative time within the content" and "the user who 'bookmarked' the content." Ex-1006 ¶¶82-87. When the user later "queries for information about a particular multimedia content (herein, 'program'), a resume option is provided if there is a bookmark stored for that program." Ex-1006 ¶94.

As shown in Figure 10 annotated below, Tecot teaches displaying a plurality of bookmarked programs such as bookmarks for "The Little Princess" (yellow) and "The Cook, the Thief, His Wife & Her Lover" (green). Ex-1006 ¶¶167-169, Fig. 10. The user may select a bookmarked program "to continue watching" it from the bookmarked position. *Id*.

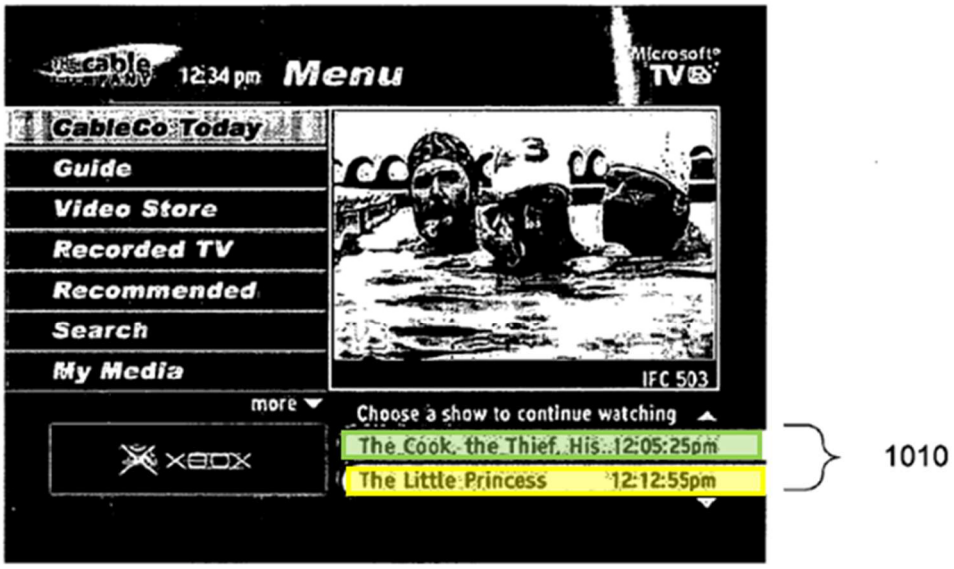


Fig. 10

B. Logan (Ex-1005)

Logan (U.S. Patent No. 5,732,216) issued on March 24, 1998 and is prior art under §102(b). Ex-1002 ¶¶62-65.

Logan teaches "[a]n audio program and message distribution system," which compiles a usage log "to record the subscriber's use of the provided program[s]" and "modify the subscriber's preferences based on actual usage." Ex-1005, Abstract. Logan's system is illustrated in annotated Figure 1 below. Logan teaches that its host server 101 (green) "stores and maintains a user data and usage log database" 143 (blue), which "stores uploaded usage data received from the store 109" (blue) in player 103 (purple). Ex-1005, 5:34-38, Fig. 1. Player 103 is implemented by a

processor (CPU 105) (red) and has a screen display (orange). Ex-1005, 3:24-26, 11:43-44.

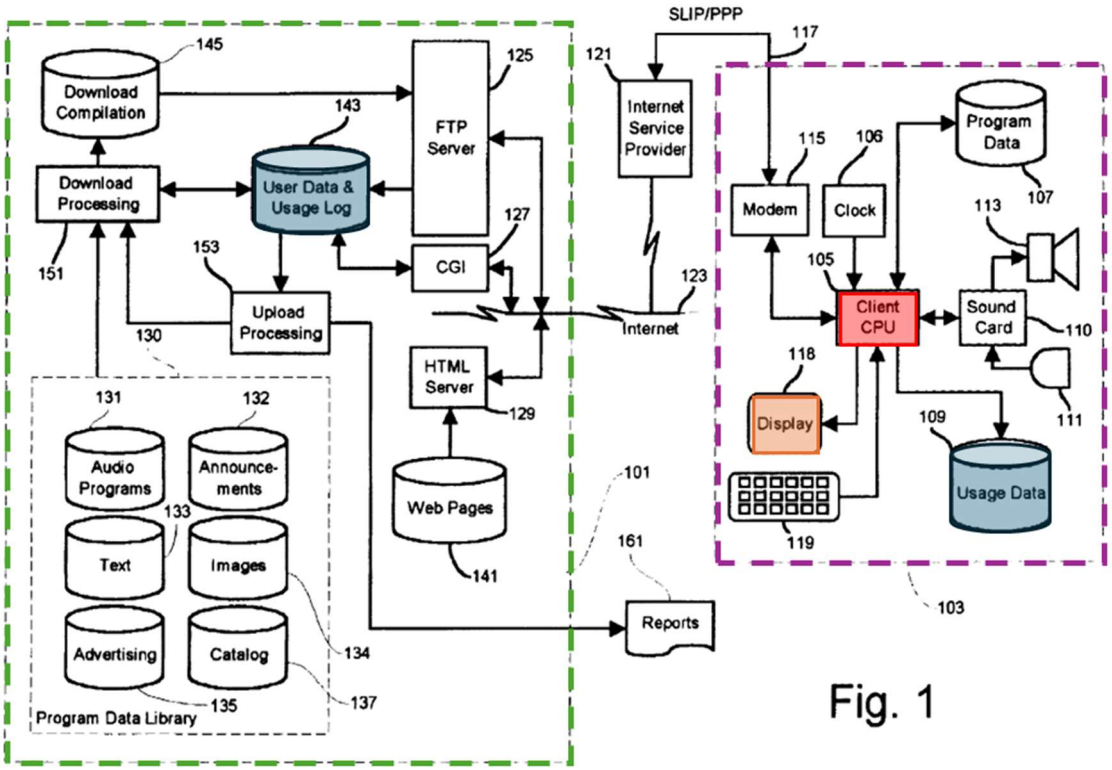


Fig. 1

Logan teaches that a "playback session begins with the presentation of an audio (and/or displayed) menu which allows the user to jump to any program segment within that sequence to start (or resume) playback." Ex-1005, 11:16-20.

C. Lee (Ex-1008)

Lee (U.S. Patent No. 7,127,735) was filed on May 19, 2000 and is prior art under §102(e). Ex-1002 ¶¶66-68.

Lee teaches a video-on-demand (VOD) "method which efficiently enables a user to resume viewing of a video program from an interrupted position." Ex-1008,

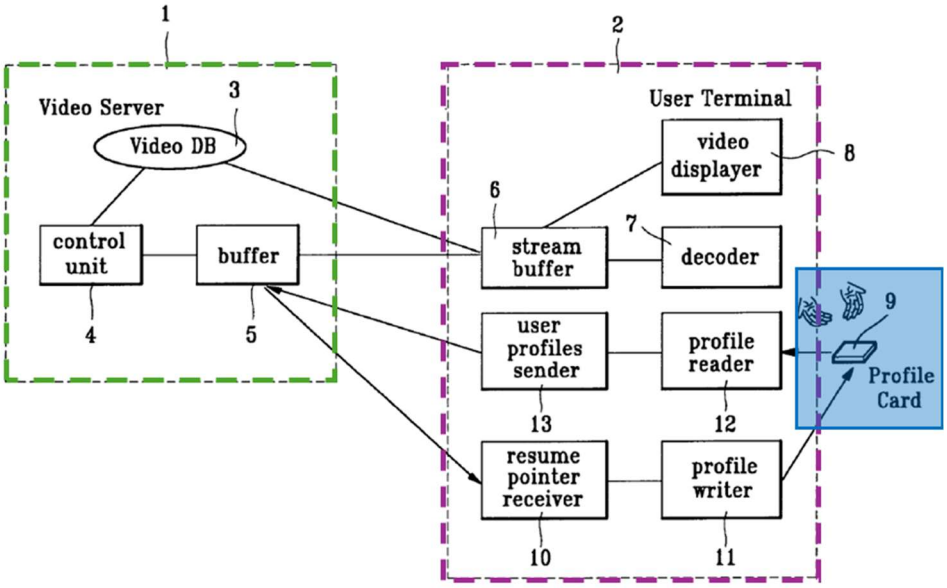
Abstract. Lee teaches that "when a user interrupts viewing of a video program, the video server transmits … user profile information which includes the characteristic information related to the viewing of the video program" so that if the user later "requests resumption of the interrupted video program using the user profile information, the video server re-transmits the video program from the interrupted position." Ex-1008, Abstract. As shown in Figure 3A below, Lee's user profile includes "a position information field (POSITION: #10325) of an interrupted video program." Ex-1008, 5:1-7, Fig. 3A.

FIG.3A

Video ID	POSITION
P13 (RED)	#10325

Lee further teaches that the user profile "is stored in a storage means provided in a user terminal registered in the VOD system or a local storage such as a smart card inserted in the user terminal." Ex-1008, 3:27-32. The user profile may be stored in profile card 9. Ex-1008, 4:17-33, 4:59-60, Fig. 2 (annotated (blue)).

FIG.2



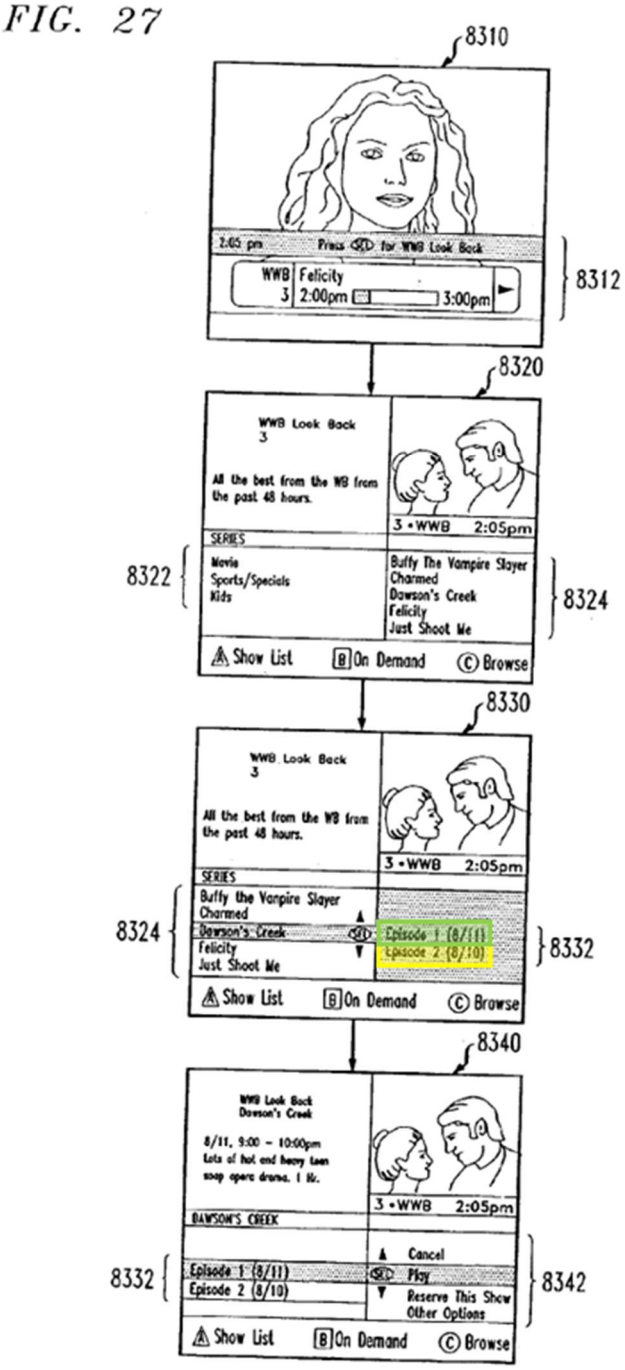
D. McElhatten (Ex-1010)

McElhatten (U.S. Patent Publication No. 2003/0220100) published on November 27, 2003 and is prior art under §102(b). Ex-1002 ¶¶69-70.

McElhatten teaches techniques for reserving and accessing programming content including "in-progress programs, future programs and previously broadcast programs" using an interactive program guide. Ex-1010, Abstract. As shown in annotated Figure 27 below, McElhatten teaches "Lookback Programming GUI 8330," which "lists programs 8324 that are available" for a given program category and "[a]s the user highlights a listed program, episodes 8332 that are available through the Lookback feature are listed on the right side of GUI 8330." Ex-1010 ¶164, Fig. 27. When the user selects a program, the GUI lists on the left side "episodes 8332 that are available for the selected program." Ex-1010 ¶165. In the

example below, when the user selects the Dawson's Creek series, Episode 1 (green) and Episode 2 (yellow) are displayed. Ex-1010, Fig. 27.

FIG. 27



E. Poslinski (Ex-1007)

Poslinski (U.S. Patent Publication No. 2006/0048184) was filed on August 26, 2004 and is prior art under §102(e). Ex-1002 ¶¶71-72.

Poslinski teaches methods for "controlling the display of information relative to the playback of programming content." Ex-1007 ¶6. Specifically, Poslinski teaches "progress bar generators 350 … for generating status bars according to the status of one or more programs being recorded, played back, and/or otherwise accessed by a user." Ex-1007 ¶42. For example, as shown in annotated Figure 20 below, progress bar 2030 is "displayed showing the status of the main program 2022," including "the amount of the main program already viewed 2032, and the amount of the main program remaining to be viewed 2034." Ex-1007 ¶97, Fig. 20 (yellow). Poslinski teaches that "one or more additional progress bars 2040 is/are further displayed showing a lapsed time 2042 and a remaining time 2044 for one or more secondary programs 2024" (green). Ex-1007 ¶97. Moreover, "[t]he user can switch the focus to other playback … applications by shifting the focus/highlighting [] to other progress bars … using up and/or down arrow keys." Ex-1007 ¶¶106-107.

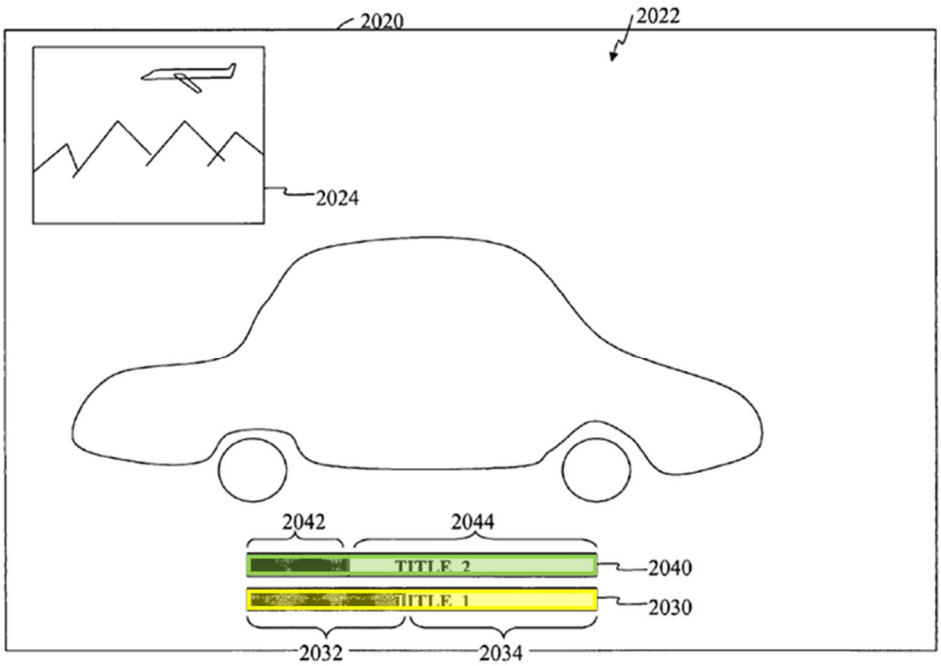


FIG. 20

XII. DETAILED EXPLANATION OF THE UNPATENTABILITY GROUNDS

A. Ground 1: Claims 1-5 are obvious over Tecot in view of Lee.

1. A POSITA would have been motivated to combine Tecot's teachings with Lee's teachings and would have had a reasonable expectation of success.

A POSITA would have been motivated to combine the teachings of Tecot and Lee and had a reasonable expectation of success in doing so because each relates to methods for presenting multimedia content, enabling a user to resume viewing such content from an interrupted position. Ex-1006, Abstract; Ex-1008, Abstract; Ex-1002 ¶73.

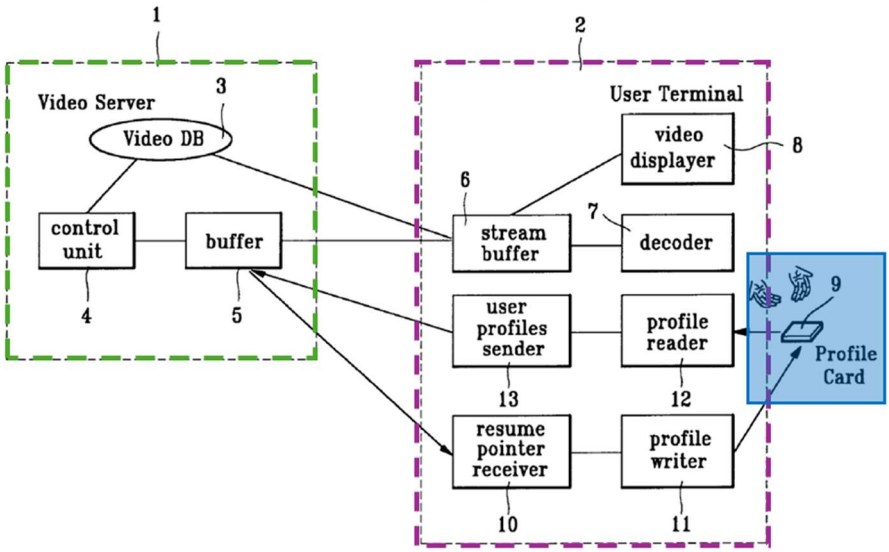
Tecot teaches a multimedia presentation method allowing a user to resume watching content at a later time from a bookmarked position. Ex-1006, Abstract.

Tecot teaches that each bookmark stored in response to a user command identifies, for example, "the particular multimedia content that is 'bookmarked,'" a "relative time within the content," and "the user who 'bookmarked' the content." Ex-1006 ¶¶82-87. For instance, "a bookmark for Program X may indicate that ***'John' bookmarked*** the presentation … in the 'living room' ***at a relative time of 1:05:35 into the presentation*** … on Tuesday, Sep. 23, 2003 at 8:43 pm." Ex-1006 ¶88. Moreover, "when presented on GUI, the bookmarks have visible characteristics so that they are differentiated from each other" such as displaying "bookmarks for 'Jane'" in red and "bookmarks of 'John'" in blue. Ex-1006 ¶89. When the user later wants to restart a program "a resume option is provided if there is a bookmark stored." Ex-1006 ¶94. Tecot explains that its teachings apply to stored programs, VOD programs, and broadcast media programs. Ex-1006 ¶¶111-126. Tecot does not explicitly describe a "media profile" that stores the user's bookmarks, but a POSITA would have been motivated to implement user profiles because each stored bookmark identifies the user who bookmarked the content and the GUI distinguishes between bookmarks created by different users. Ex-1002 ¶74.

Lee teaches a VOD method that "enables a user to resume viewing of a video program from an interrupted position." Ex-1008, Abstract. Lee teaches that "when a user interrupts viewing of a video program, the video server transmits … user profile information which includes the characteristic information related to the viewing of

the video program" so that if the user later "requests resumption of the interrupted video program using the user profile information, the video server re-transmits the video program from the interrupted position." Ex-1008, Abstract, 5:1-7, Fig. 3A. As shown in annotated Figure 2 below, the user profile may be stored in profile card 9 (blue), which "may be any type of portable storage such as a magnetic card, an IC card, or a smart card." Ex-1008, 4:17-33, 4:59-60, Fig. 2; Ex-1002 ¶75.

FIG.2



A POSITA would have been motivated to store Tecot's bookmarks in a media profile, such as a user profile as taught by Lee, because this was a common way to store settings and other information associated with a user in an interactive multimedia system. Ex-1002 ¶76. Storing Tecot's bookmarks in a media profile would allow the system to track and adapt to the user's preferences over time, providing a more customized experience. *Id.* Additionally, Tecot teaches that its

system is beneficial for households having at least two users where one user may bookmark a program and resume it at the paused point from another location in the home while the other user continues watching it at the original location. Ex-1006 ¶130. Creating and storing a media profile for each user would further this goal by ensuring differentiation between the two users' bookmarks. Ex-1002 ¶76. Lee teaches that "[s]ince the user manages the interruption position information of the video programs in the form of a video profile, the load of the video server can also be greatly reduced." Ex-1008, 7:5-8. Thus, a POSITA would have been motivated to store Tecot's bookmarks in a user profile to decrease the work load of the video servers. Ex-1002 ¶76.

A POSITA would have also been motivated to store the media profile in a storage device, as taught by Lee, because this is where user profiles are traditionally stored. Ex-1002 ¶77. Indeed, as shown in annotated Figure 13 below, Tecot's system already includes a storage media component, which would store the media profile when the combined teachings are applied. Ex-1006, Fig. 13 (blue). In the Tecot-Lee combination Tecot's bookmarks corresponding to the user's viewing progress in multiple programs would be stored in a media profile, which would itself be stored in a storage device, as taught by Lee. Ex-1002 ¶77.

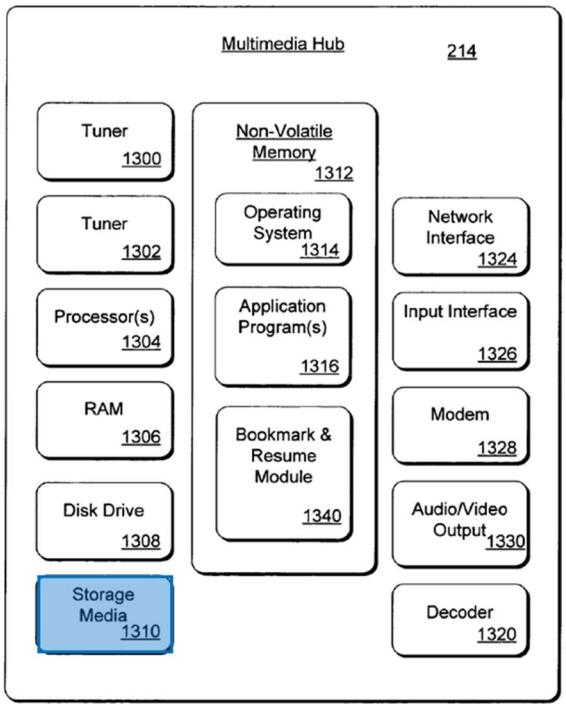


Fig. 13

A POSITA would have had a reasonable expectation of success in combining the teachings of Tecot and Lee. Ex-1002 ¶78. Both describe methods for enabling a user to resume viewing multimedia content from an interrupted or bookmarked position using similar hardware and software components. Ex-1006, Abstract, Fig. 13; Ex-1008, Abstract, Fig. 2. A POSITA would thus have understood that these references disclose interrelated teachings based on well-understood technologies that would have been amenable to various well-understood and predictable combinations. Ex-1002 ¶78.

2. Independent Claim 1

a. Element 1[pre]: A method for presenting media content based on a user's viewing progress within serial programs on user equipment, the method comprising:

Tecot in view of Lee ("Tecot-Lee") teaches[5] the preamble, to the extent it is limiting. Ex-1002 ¶¶79-80.

Tecot teaches "multimedia presentation resumption." Ex-1006, Title. Specifically, Tecot describes a scenario where "a home may have multiple television sets" in different rooms and a person watching a movie in the living room relocates to the bedroom but wants "to continue watching the same multimedia content at the new locus exactly ***at the point where she ceased viewing the content*** at the previous locus." Ex-1006 ¶¶10, 13. Tecot teaches a method for solving this problem, where "a viewer is able to continue watching such content at a new location … from the point that she bookmarked the content at an original location." Ex-1006 ¶26; *see also id.*, ¶131.

The '324 Patent defines "serial programming" broadly as "any programming containing a temporal component, such as a recommended order of viewing." Ex-

[5] Petitioner uses the term "teaches" to include both express teachings and those fairly suggested to a person of ordinary skill in the art. *In re Baird*, 16 F.3d 380, 383 (Fed. Cir. 1994); *In re Keller*, 642 F.2d 413, 425 (CCPA, 1981) ("The test for obviousness is...what the combined teachings of the references would have suggested to those of ordinary skill in the art." (citations omitted)).

1001, 1:65-66. Tecot teaches that its programs may include serial programs such as, for example, General Hospital, which is a serially-presented soap opera TV series with many episodes. *See, e.g.*, Ex-1006, Fig. 11 (showing bookmark icon for General Hospital episode in the TV guide). Lee also teaches serial programs: when the "requested program is a series, i.e. comes in a plurality of video programs … the last position of the video program viewed by the user is written in the profile, even if one video program has been viewed without interruption." Ex-1008, 5:10-15. The user may "continuously view the remaining video programs to complete viewing the whole series." Ex-1008, 5:15-17, Fig. 3B. Tecot-Lee thus teaches the "serial program" limitation under either parties' construction, because the General Hospital series is "related programming containing a temporal component connecting episodes" with "a recommended order of viewing" by season and episode number. Ex-1040; Ex-1002 ¶¶81-82.

b. Element 1[a][1]: creating, using control circuitry, a media profile comprising a first viewing progress within a first serial program and

Tecot-Lee teaches Element 1[a][1]. Ex-1002 ¶¶83-84.

Tecot teaches keeping track of viewing progress in serial programs by using bookmarks. Specifically, Tecot teaches that "[w]hen a bookmark command is received while a multimedia content is being presented, the centralized multimedia presentation system 210 … stores ***a 'bookmark' indicative of that point in the***

presentation." Ex-1006 ¶81. Tecot further teaches that "[e]ach bookmark will be associated with a particular multimedia content" and include a "***relative time within the content***," "***the user who 'bookmarked' the content***," and "absolute chronological time/date." Ex-1006 ¶¶82-87. For instance, "a bookmark for Program X may indicate that ***'John' bookmarked*** the presentation … in the 'living room' ***at a relative time of 1:05:35 into the presentation*** … on Tuesday, Sep. 23, 2003 at 8:43 pm." Ex-1006 ¶88. Moreover, "when presented on GUI, the bookmarks have visible characteristics" to differentiate them from each other such as displaying "bookmarks for 'Jane'" in red and "bookmarks of 'John'" in blue. Ex-1006 ¶89.

Tecot also teaches that its programs may include serial programs such as, for example, General Hospital, The Kitchen Sessions with Charlie Trotter, and Reading Rainbow. *See, e.g.*, Ex-1006, Figs. 9 (showing bookmarks for The Kitchen Sessions and Reading Rainbow), 11 (showing bookmark icon for a General Hospital episode in the TV guide, with 47 minutes remaining); *see also* Ex-1002 ¶85 (citing, e.g., Ex-1039 (episode list for season 1 of Reading Rainbow); Ex-1040 (episode list for season 1 of General Hospital)).[6]

[6] Tecot's bookmarking functions are performed using the processors and control circuitry of the media hub. Ex-1006 ¶193; Ex-1002 ¶85 n.4.

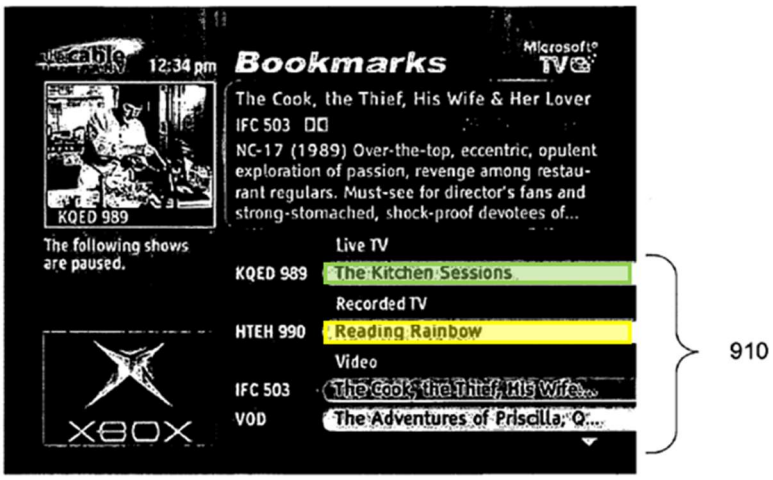


Fig. 9

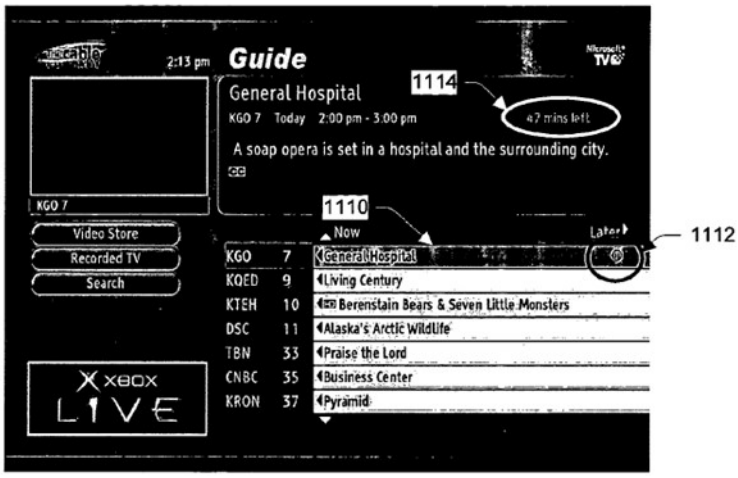


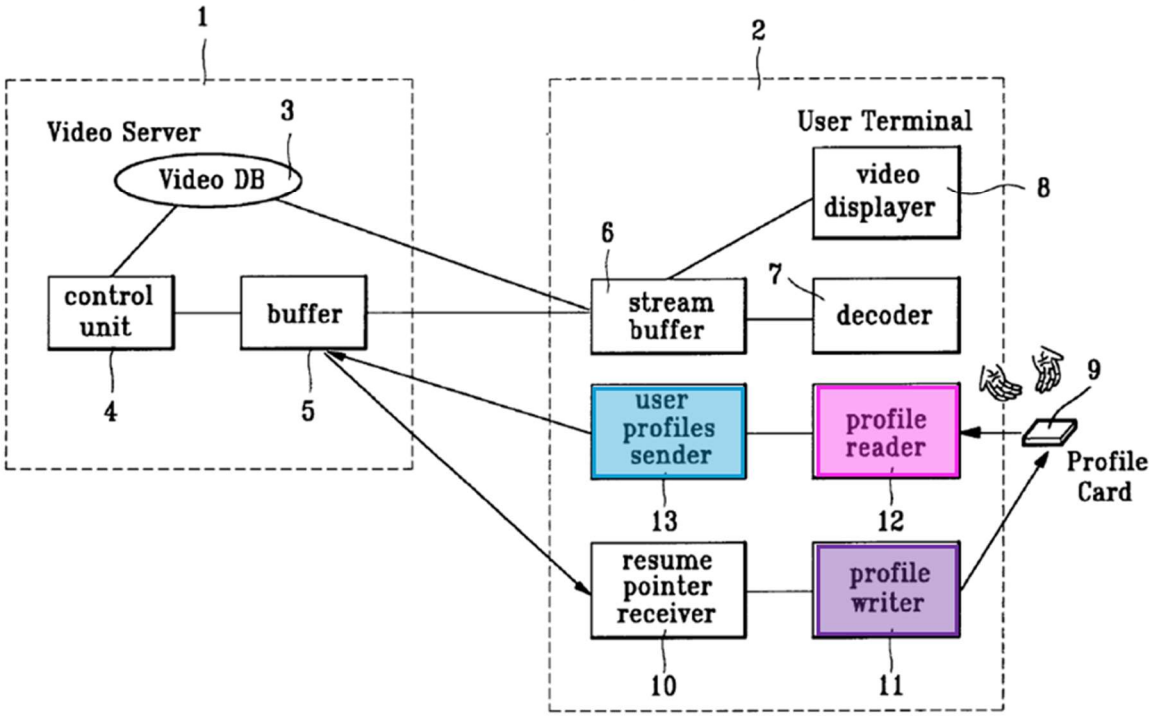
Fig. 11

Tecot is silent on whether its user's viewing progress information is stored in a "media profile," but a POSITA would have been motivated to do so because, as described above, Tecot teaches that each stored bookmark identifies the user who bookmarked the content and the GUI distinguishes between bookmarks created by different users. An obvious and routine way to store such user-specific information

would have been to create a user profile for user. Ex-1002 ¶¶86-88. Additionally, Lee provides teachings regarding user-specific "media profiles" which store program interruption and resumption information for serial programs.

Lee teaches creating a user profile (i.e., media profile) comprising an interrupted position of a video program. As shown in annotated Figure 2 below, Lee teaches that each user terminal includes "a profile writer [(purple)] for writing the user profile information in a specified local storage, a profile reader [(pink)] for reading the user profile information, and a user profile sender [(blue)] for sending the user profile information read out by the profile reader." Ex-1008, 3:4-11.

FIG.2



Lee further teaches that its user profiles should include information about "***when a user interrupts viewing of a video program***" so that if the user later "requests resumption of the interrupted video program using the user profile information, ***the video server re-transmits the video program from the interrupted position***." Ex-1008, Abstract. Moreover, Lee teaches that when the "requested program is a series … the last position of the video program viewed by the user is written in the profile, even if one video program has been viewed without interruption." Ex-1008, 5:10-15. The user may thus "continuously view the remaining video programs to complete viewing the whole series." Ex-1008, 5:15-17. As shown in Figure 3B below, "the first row of the profile structure indicates that a video program 'P13 (RED)' … has been viewed up to '#10325'' and "[t]he second row of the profile structure indicates that a video program 'S02(RED)' of a Series is to be viewed next and from the beginning, i.e. the user completed viewing the video programs in the series prior to the 'S02(RED).'" Ex-1008, 5:17-23, Fig. 3B.

FIG.3B

Video Type	Video ID	POSITION
Type 1	P13 (RED)	#10325
Series	S02(RED)	#0

In the Tecot-Lee combination, Tecot's bookmark corresponding to a first progress point in a first serial program would be stored in a media profile as taught by Lee. Ex-1002 ¶89; *see also* Section XII.A.1.

c. Element 1[a][2]: a second viewing progress within a second serial program;

Tecot-Lee teaches Element 1[a][2]. Ex-1002 ¶90.

Tecot teaches tracking a second viewing progress, using a bookmark, within a second serial program. As shown in annotated Figures 9-10 below, Tecot teaches a plurality of programs that each contains a respective viewing progress stored in a respective bookmark. Ex-1006 ¶¶167-169, Figs. 9 (first program (green), second program (yellow)), 10 (first program (green), second program (yellow)). Tecot teaches that "the GUI may list a subset of ***all of the bookmarks***." Ex-1006 ¶170. As explained in the previous section, General Hospital, The Kitchen Sessions, and Reading Rainbow are all examples of serial programs taught by Tecot. Ex-1002 ¶91

(citing Exs-1039-1040). Tecot thus teaches multiple user progress bookmarks for multiple serial programs using control circuitry as described in the previous section. Ex-1002 ¶91.

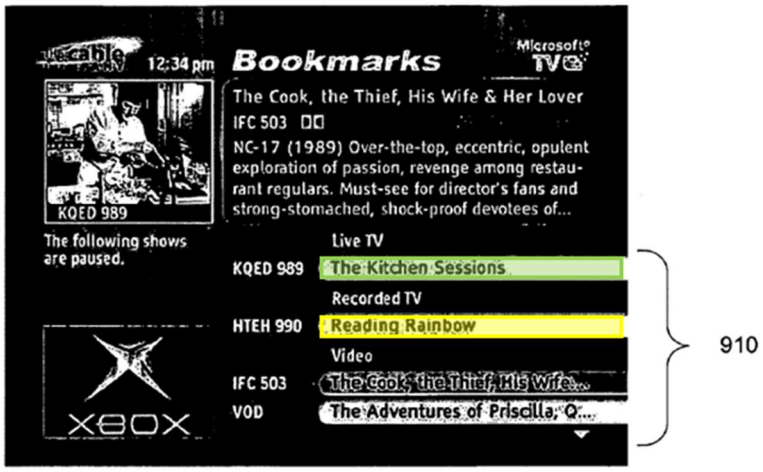


Fig. 9

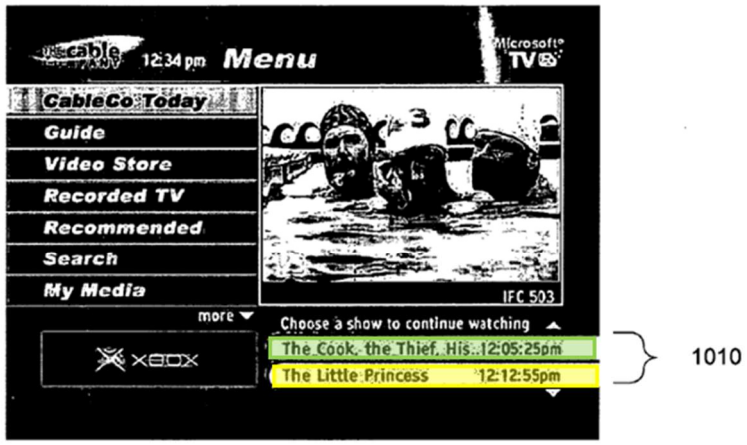


Fig. 10

As noted in Section XII.A.2.b, Lee provides further teachings regarding user profiles and serial programs. In the Tecot-Lee combination, Tecot's bookmark

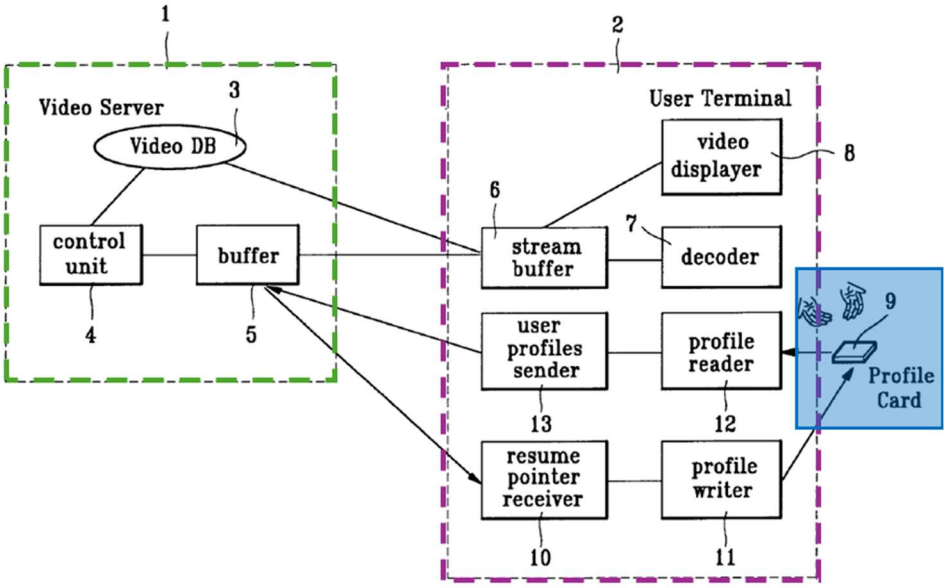
corresponding to a second progress point in a second serial program would be stored in a media profile, as taught by Lee. Ex-1002 ¶92.

d. Element 1[b]: storing the media profile in a storage device;

Tecot-Lee teaches Element 1[b]. Ex-1002 ¶¶93-94.

Lee teaches that the user profile "is stored in a storage means provided in a user terminal." Ex-1008, 3:27-32. As shown in annotated Figure 2 below, user terminal 2 (purple) comprises "***a profile writer 11 which writes an identifier (ID) of the interrupted video program and the position information of the interrupted video program in a profile card 9*** [(blue)]." Ex-1008, 4:17-33, Fig. 2. Lee further teaches that "profile card 9 may be any type of portable storage." Ex-1008, 4:59-60; *see also id.*, 4:61-63 ("Alternatively, a local storage may be implemented in the user terminal 2 to record the profile information.").

FIG.2



Tecot itself also includes such a storage device on the user terminal (i.e., "Multimedia Hub" 214), where a profile would have been stored: storage media 1310 (blue). Ex-1006, Fig. 13.

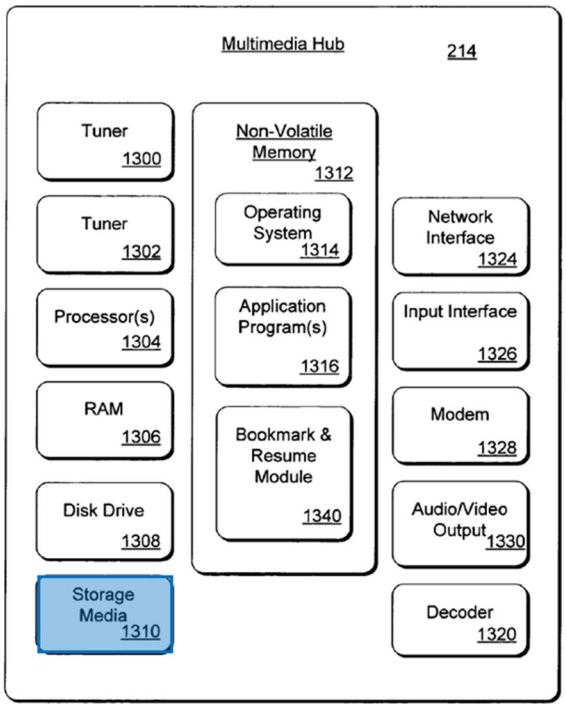


Fig. 13

Thus, in the Tecot-Lee combination, Tecot's progress-indicating bookmarks would be included in a media profile, as taught by Lee, which is then stored in a storage device such as Tecot's storage media 1310 or Lee's profile card 9, either of which would have been suitable for this purpose. Ex-1002 ¶95.

e. Element 1[c][1]: determining, using the control circuitry, a first progress point in the first serial program based on the first viewing progress and

Tecot-Lee teaches Element 1[c][1]. Ex-1002 ¶¶96-97.

Tecot teaches determining, using control circuitry, a first progress point in the first serial program based on the first viewing progress. As shown in Figure 3 below, Tecot teaches "exemplary resumption architecture," which "may be performed in

software, hardware, or a combination thereof." Ex-1006 ¶108. Figure 3's method focuses "on bookmarking multimedia content … in response to a viewer's action (such as bookmarking a presentation)" "in the current point of presentation." Ex-1006 ¶109; *see also id.*, Fig. 5.

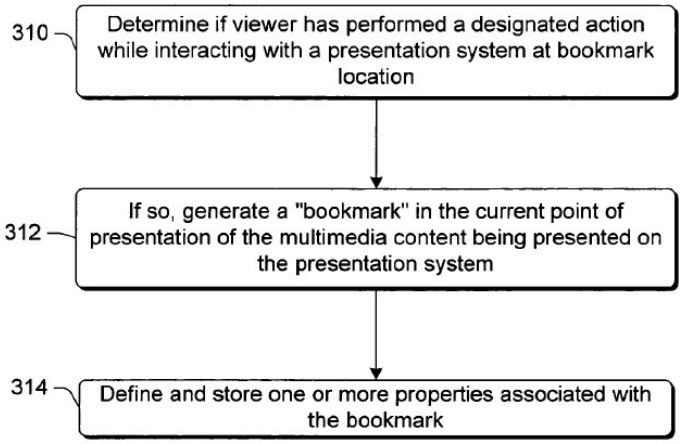


Fig. 3

At step 310, the system "determines if the viewer has performed one of the designated actions while interacting with a presentation system." Ex-1006 ¶110. Examples of designated actions include: "the user presses the 'pause' key or a dedicated 'bookmark' key (on a remote control, on the system, or via a GUI)." Ex-1006 ¶¶111-116; *see also id.*, ¶¶117-122 (for VOD programs), 123-126 (for

broadcast media programs). If a designated action such as the user pressing "pause" occurs, at step 312, the system "***generates a 'bookmark' in the current point of presentation***." Ex-1006 ¶127. The user pausing the presentation results in bookmarking the content at the-current progress point in the program. *See also* Section XII.A.2.b (both Tecot and Lee teach serial programs). Tecot-Lee thus teaches the "[first/second] progress point" limitation under any construction, because its bookmark corresponds to the "user's time position within an episode," meeting the plain and ordinary meaning of the term "progress point." Ex-1002 ¶¶98-99.

f. Element 1[c][2]: a second progress point in the second serial program based on the second viewing progress;

Tecot-Lee teaches Element 1[c][2]. Ex-1002 ¶¶100-101.

Tecot teaches determining, using control circuitry, a second progress point in the second serial program based on the second viewing progress for the reasons described in the previous section and Section XII.A.2.c because Tecot teaches determining a progress point in a plurality of programs based on any of multiple potential users pausing any available program, as shown in Tecot's GUI. Ex-1006 ¶¶167-169, Figs. 9-10.

g. Element 1[d][1]: generating for display, on a display screen, a first user-selectable link corresponding to the first progress point in the first serial program

Tecot-Lee teaches Element 1[d][1]. Ex-1002 ¶¶102-103.

Tecot teaches generating for display, on a display screen, a user-selectable link. Tecot teaches that its multimedia hub includes "a user interface application and … ***buttons, controls, etc. to facilitate viewer interaction*** with the device" such as the GUIs in Figures 7-13. Ex-1006 ¶198. Moreover, Tecot teaches that input interface 1326 and network interface 1324 "allow the hub to interact and communicate with other electronic and computing devices via ***various communication links***" and "ultimately ***allow a user to provide input*** into the hub." Ex-1006 ¶199.

The '324 Patent does not define "user-selectable link" but teaches that the patent's display screens "use commonly-used application selection objects such as hyperlinks, buttons, lists, drop-down boxes, and checkboxes" for making selections. Ex-1001, 23:6-13. A POSITA would thus have understood that Tecot's buttons and controls, such as in Figures 9-10 below, that allow the user to provide input to the hub by selecting a bookmarked program "to continue watching" correspond to the recited "user-selectable link[s]." Ex-1002 ¶104; Ex-1006, Figs. 9-10.

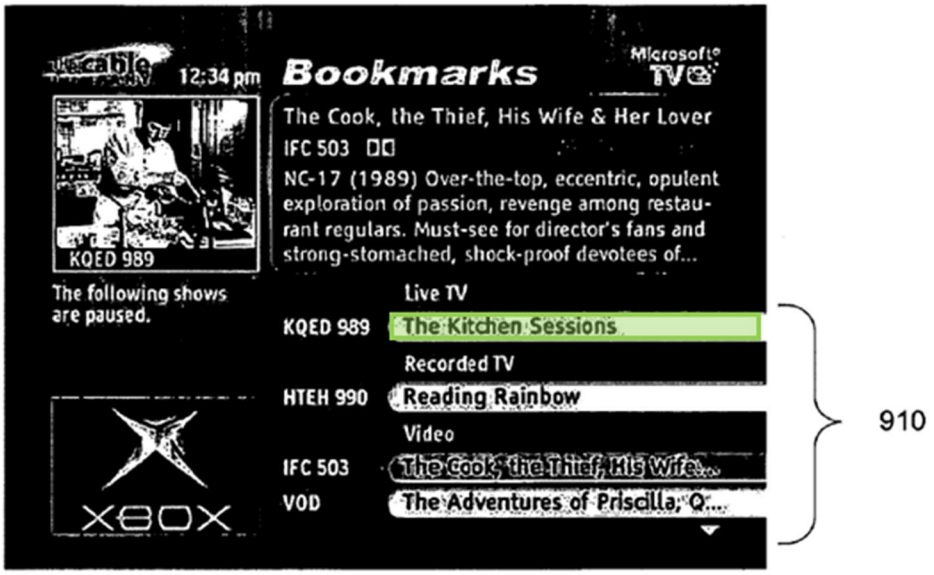


Fig. 9

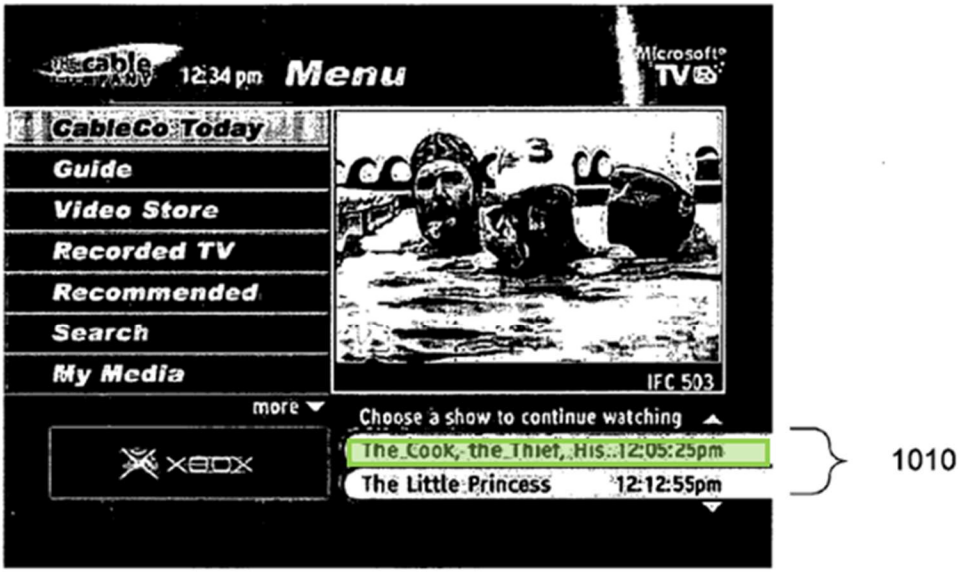


Fig. 10

Tecot also teaches that a first-user selectable link corresponds to the first progress point in the first serial program. Tecot teaches that "[w]hen a user … queries for information about a particular multimedia content … a resume option is

provided if there is a bookmark stored for that program." Ex-1006 ¶94; *see also id.*, ¶99 (for live broadcast programs). Tecot's Figure 4 below describes "resuming a bookmarked presentation of multimedia content." Ex-1006 ¶131. At step 410, "a presentation system at the" resume-locus system presents a GUI. Ex-1006 ¶132. At step 412, the resume-locus system "***receives an indication based on the user's interaction with the GUI that the user wishes to view a particular program that has been bookmarked***." Ex-1006 ¶133. At step 414, "the resume-locus system requests … the particular program to start from the point of the selected bookmark." Ex-1006 ¶134. And at step 416, "***the resume-locus system*** receives … the particular program from the point of the selected bookmark" and "***presents the program from that point***." Ex-1006 ¶135; *see also id.*, ¶¶184-185 ("The 'resume from . . . ' GUI may be a simple message (such as 'Resume Bookmarked Program?') presented on the screen" with "simple 'OK' and 'cancel' options" or be "more graphic and interactive."). In Figure 9-10's annotated GUI examples above, the first user-selectable link corresponding to the first progress point in the first serial program would correspond to the button to select the bookmark for "The Kitchen Sessions" (green)[7] and the button "to continue watching" "The Cook, the Thief, His Wife & Her Lover" (green), respectively. Ex-1002 ¶¶105-106.

[7] Tecot teaches that "in FIG. 9, this screen of the GUI shows four programs that are

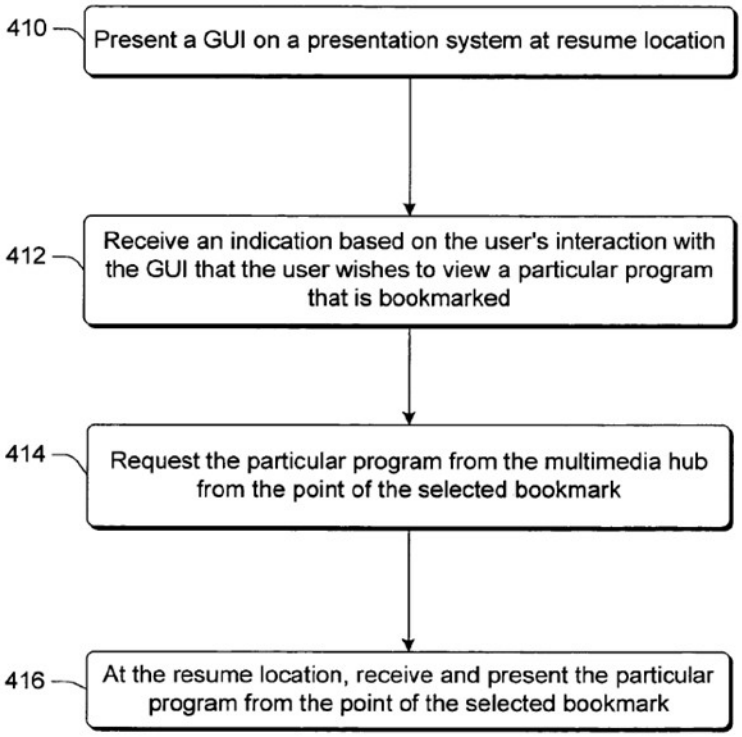


Fig. 4

h. Element 1[d][2]: adjacent to a second user-selectable link corresponding to the second progress point in the second serial program,

Tecot-Lee teaches Element 1[d][2]. Ex-1002 ¶107.

---

bookmarked." Ex-1006 ¶169. Thus, a POSITA would have understood that while "The Kitchen Sessions" is on "Live TV" in this example, it is a program that has been bookmarked at a position that the user may resume viewing from at a later time. Ex-1002 ¶105 n.5. Tecot further teaches that "there may be more [programs] that the user may scroll up or down to see" (Ex-1006 ¶169) and that its teachings apply to VOD (Ex-1006 ¶¶117-122). It would thus have been obvious that this same show would be under the "Recorded TV" section of the GUI if it was recorded by the user. Ex-1002 ¶105 n.5.

Tecot teaches generating for display on a display screen an adjacent second user-selectable link corresponding to the second progress point in the second serial program for the reasons described in the previous section. As shown in Figures 9-10, Tecot's GUI provides multiple user-selectable links corresponding to bookmarked positions in multiple serial programs, which the user selects "to continue watching" the programs from their bookmarked positions. Ex-1006, Figs. 9-10. In Figure 9-10's GUI examples below, the second user-selectable link corresponding to the second progress point in the second serial program would be the button to select the bookmark for the serial program "Reading Rainbow" (yellow) and the button "to continue watching" "The Little Princess" program (yellow), which is positioned on the GUI adjacent to the first user-selectable link described in the previous section for "The Cook, the Thief, His Wife & Her Lover" (green). Ex-1002 ¶108. To the extent PO argues that Figure 10's programs are not "serial programs," it would have been obvious that multiple bookmarked "Live TV" or "Recorded TV" serial programs would be displayed adjacent to each other in Figure 9's example because Tecot teaches that "there may be more [programs] that the user may scroll up or down to see" (Ex-1006 ¶169) and "variations of these exemplary GUIs may be employed." Ex-1006 ¶155; Ex-1002 ¶108. Thus, Figure 10's exemplary GUI displaying two adjacent bookmarked films would be employed

with two serial recorded TV programs such as "The Kitchen Sessions" and "Reading Rainbow." Ex-1002 ¶108.

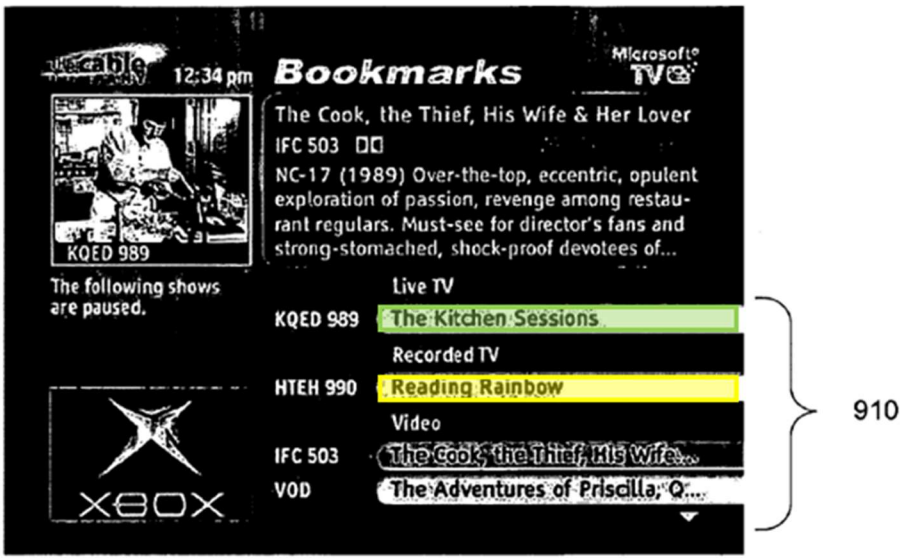


Fig. 9

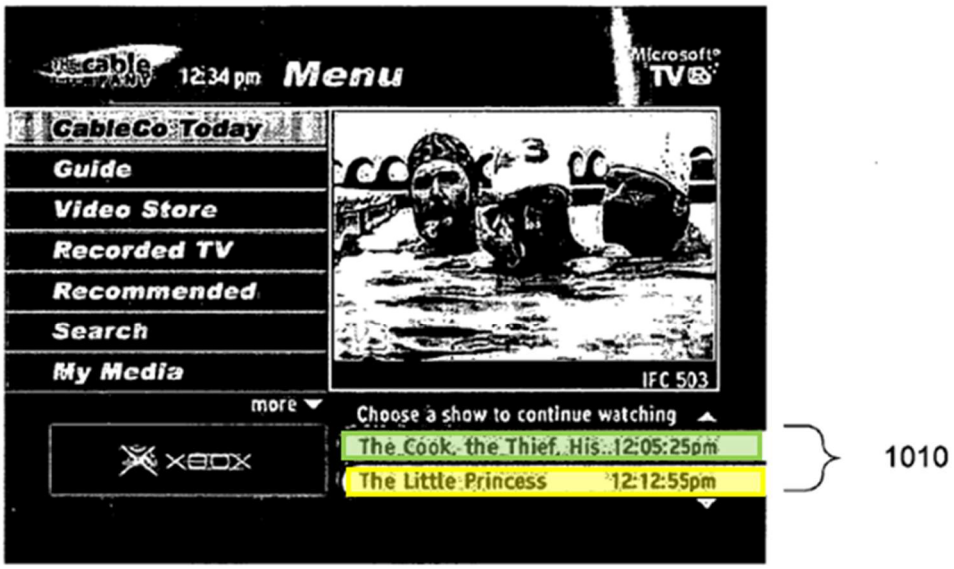


Fig. 10

i. Element 1[d][3]: wherein selecting the first user-selectable link causes a first option for generating for display the first serial program at the first progress point to be displayed, and

Tecot-Lee teaches Element 1[d][3]. Ex-1002 ¶¶109-110.

Tecot teaches that selecting the first user-selectable link causes a first option for generating for display the first serial program at the first progress point to be displayed for the reasons described in Section XII.A.2.g. *See also* Ex-1006 ¶¶147-152, Fig. 6. Additionally, Tecot teaches that when a user "queries for information about a particular multimedia content," "a resume option is provided if there is a bookmark stored for that program," and "[i]f there is more than one bookmark … then option to 'resume from…' is provided so that the user may select which bookmark." Ex-1006 ¶94. "If the user selects the 'resume from…' option, an interface containing the list of locations is presented," as shown in Figure 7 below. Ex-1006 ¶94, Fig. 7.

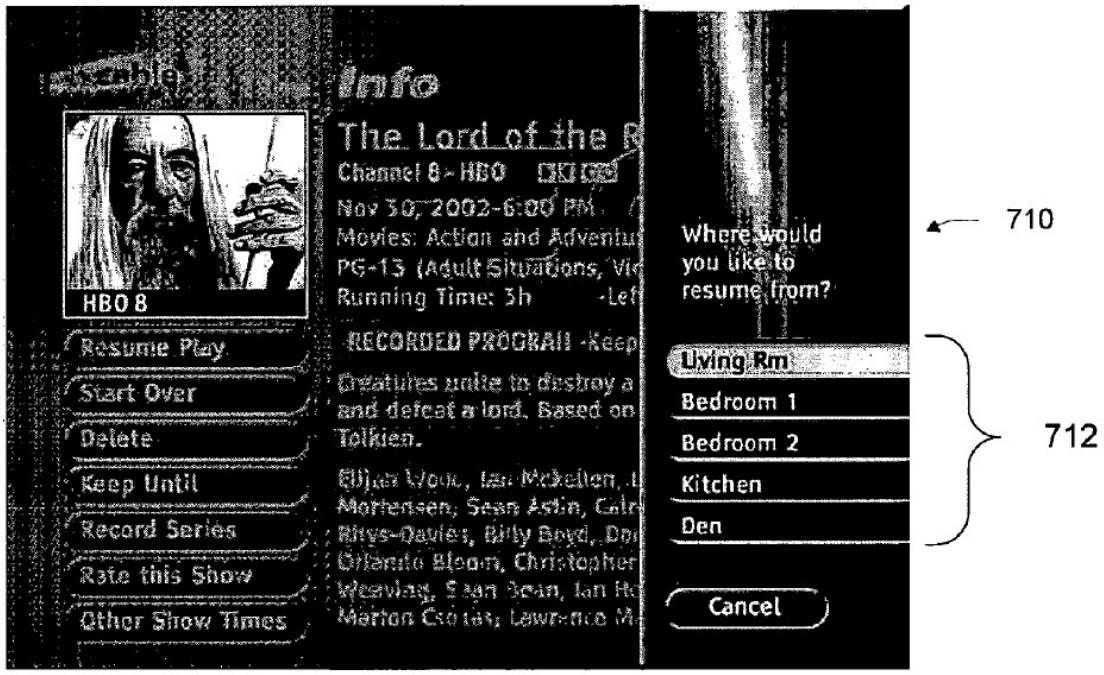


Fig. 7

A POSITA would thus have understood that when the user selects the first user-selectable link shown in Figures 9-10 (green, below), a first option for generating for display the first serial program at the first progress point is displayed such as in Figure 7 above, where the user can choose a location to resume viewing from, given Tecot's teaching that "FIGS. 7-13 illustrate examples of GUIs" and "variations … may be employed." Ex-1006 ¶155; Ex-1002 ¶¶111-112.

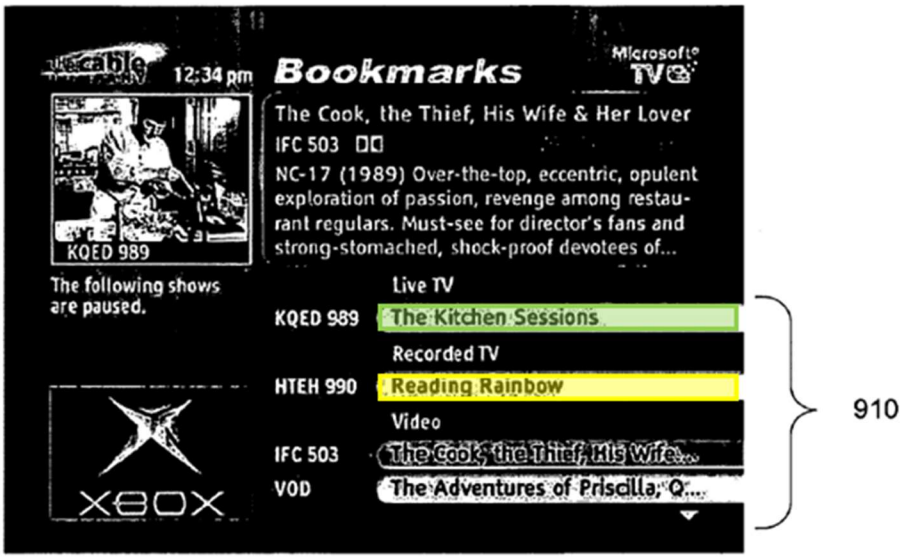

cable
12:34 pm
Bookmarks
Microsoft TV
The Cook, the Thief, His Wife & Her Lover
IFC 503
NC-17 (1989) Over-the-top, eccentric, opulent exploration of passion, revenge among restaurant regulars. Must-see for director's fans and strong-stomached, shock-proof devotees of...
KQED 989
The following shows are paused.
Live TV
KQED 989
The Kitchen Sessions
Recorded TV
HTEH 990
Reading Rainbow
Video
IFC 503
The Cook, the Thief, His Wife...
VOD
The Adventures of Priscilla, Q...
XBOX
910

Fig. 9

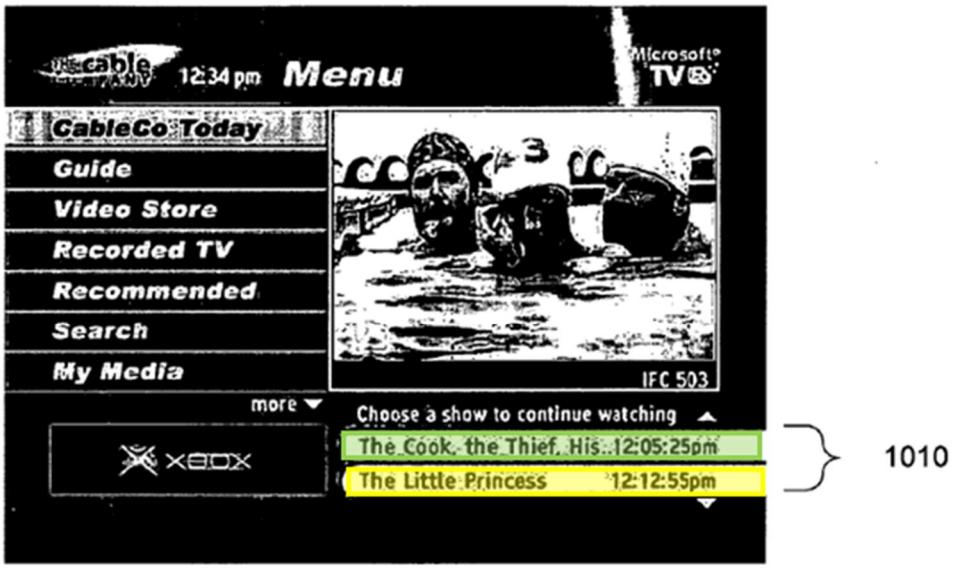

cable
12:34 pm
Menu
Microsoft TV
CableCo Today
Guide
Video Store
Recorded TV
Recommended
Search
My Media
more
IFC 503
Choose a show to continue watching
XBOX
The Cook, the Thief, His... 12:05:25pm
The Little Princess 12:12:55pm
1010

Fig. 10

j. Element 1[d][4]: wherein selecting the second user-selectable link causes a second option for generating for display the second serial program at the second progress point to be displayed;

Tecot-Lee teaches Element 1[d][4] for the reasons described in the previous section and Section XII.A.2.h. Ex-1002 ¶113. Selecting either displayed program in Figures 9-10 will cause the system to respond in the same way, namely displaying a second option for generating for display the second serial program at the second progress point such as the display in Figure 7.

k. Element 1[e][1]: receiving a user selection of the first link;

Tecot-Lee teaches Element 1[e][1]. Ex-1002 ¶¶114-115.

Tecot teaches receiving a user selection of the first link for the reasons described in Sections XII.A.2.g and XII.A.2.i. Specifically, Tecot teaches that the "system ***receives an indication based on the user's interaction that the user is ready to continue the bookmarked program***." Ex-1006 ¶150, Fig. 6. As shown in Figures 9-10 below, the user selects the first link "to continue watching" "The Kitchen Sessions" (green) and "The Cook, the Thief, His Wife & Her Lover" (green), respectively. Ex-1006, Figs. 9-10.

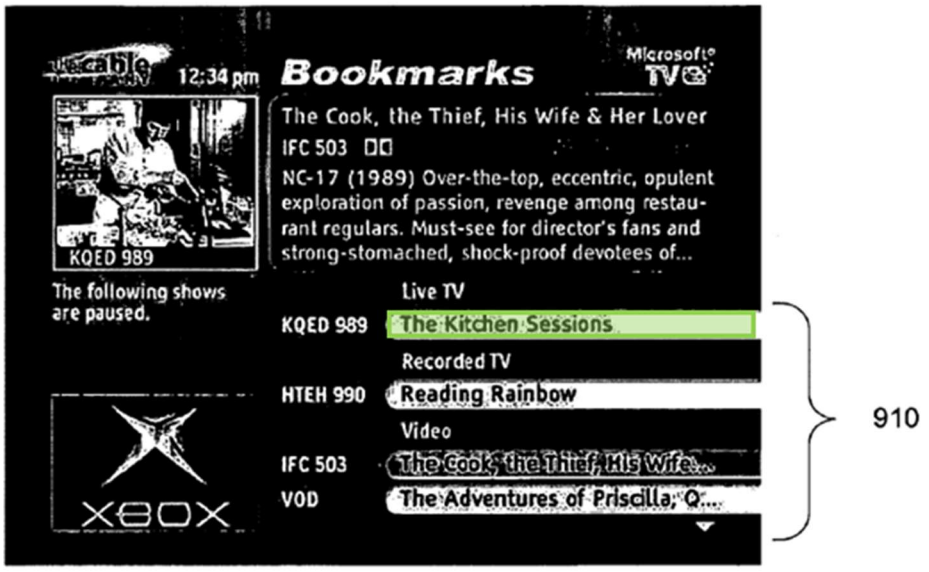


Fig. 9

Fig. 10

l. Element 1[e][2]: in response to receiving the user selection of the first link, generating for display the first option;

Tecot-Lee teaches Element 1[e][2]. Ex-1002 ¶116.

Tecot teaches in response to receiving the user selection of the first link, generating for display the first option for the reasons described in Section XII.A.2.i. Tecot teaches that "[i]f the user selects the 'resume from…' option," for a serial program, "an interface containing the list of [bookmarked] locations is presented." Ex-1006 ¶94. As shown in Figure 7 below, "each different bookmark" for Lord of the Rings "is identified by the location where the presentation was bookmarked" and "the GUI asks from where the user would like to resume." Ex-1006 ¶158, Fig. 7. A POSITA would thus have understood that when the user selects the first link shown in Figures 9-10 to continue watching the first serial program, a first option is generated for display, where the user can choose a bookmarked location to resume viewing. Ex-1006 ¶155, Fig. 7; Ex-1002 ¶117.

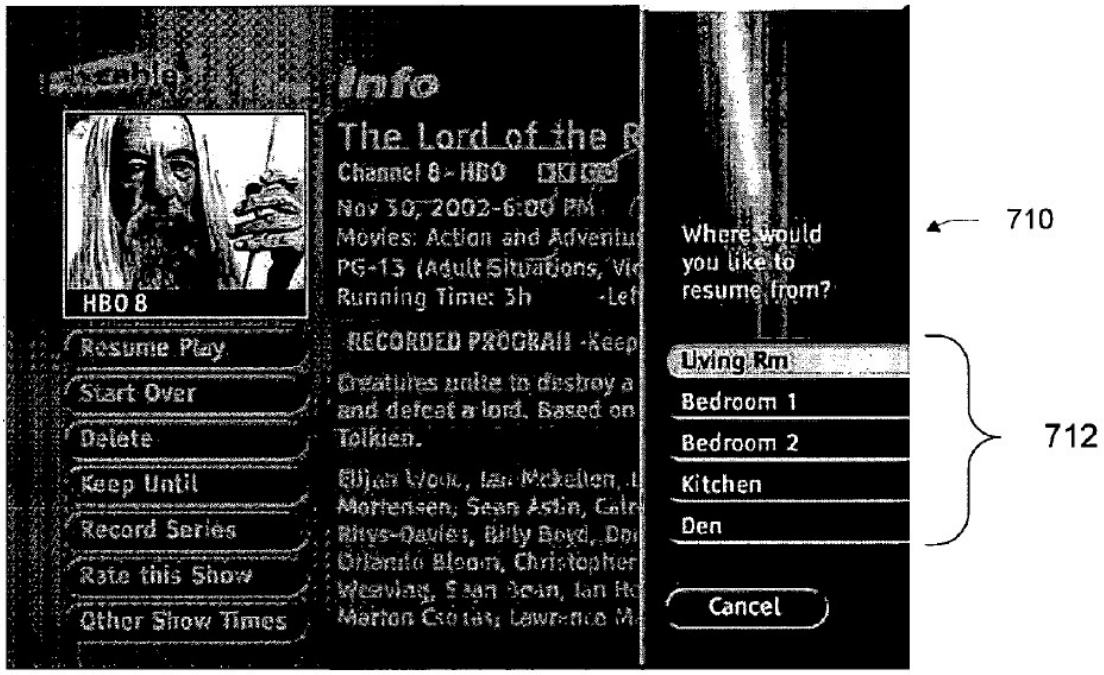


Fig. 7

m. Element 1[e][3]: receiving a user selection of the first option; and

Tecot-Lee teaches Element 1[e][3]. Ex-1002 ¶¶118-119.

Tecot teaches that Figure 7's GUI includes "selectable option[s]" for the user to choose from to resume the bookmark. Ex-1006 ¶164. Tecot further teaches that the "'resume from…' GUI may be a simple message (such as 'Resume Bookmarked Program?') presented on the screen … and have simple 'OK' and 'cancel' options." Ex-1006 ¶185.

n. Element 1[f]: in response to receiving the user selection of the first option, generating for display the serial program at the first progress point.

Tecot-Lee teaches Element 1[f]. Ex-1002 ¶¶120-122.

Tecot teaches in response to receiving the user selection of the first option, generating for display the first serial program at the first progress point for the reasons described in Sections XII.A.2.g, XII.A.2.i, and XII.A.2.k-XII.A.2.m. Specifically, upon receiving the user's selection "to continue watching" a bookmarked program on the GUI such as Figures 9-10, the system "requests the bookmarked program from the multimedia hub from the point of the bookmark," "receives from the hub the particular program from the point of the bookmark," and "***presents the program from that point***." Ex-1006 ¶¶151-152, Figs. 6, 9-10.

Thus, Tecot-Lee renders obvious Claim 1.

3. Dependent Claims 2-5

a. Claim 2: The method of claim 1, wherein the first link and the second link are associated with a first cell and a second cell, respectively.

Tecot-Lee teaches Claim 2. Ex-1002 ¶123.

Tecot teaches that the first and second link are associated with a first and second cell, respectively. The term "cell" does not appear anywhere in the '324 Patent other than certain dependent claims, nor does the specification define it. However, in connection with Figure 12, the '324 Patent explains that "current viewing progress" for a number of programs are displayed in "column 1206." Ex-1001, 26:27-29. A POSITA would have thus understood that organizing the progress links into columns, in which each program's progress entry is a "cell," would have

been covered by these claims. Ex-1002 ¶¶124-125. Accordingly, Tecot's first and second links at 1010 in Figure 10 below, which are organized together in the same column and may be selected by the user to start the respective program, correspond to the recited "first cell" and "second cell" because they are designated buttons in a column, as in the '324 Patent. *Id.*; *see also* Ex-1006, Figs. 7-13 (GUI presentations of bookmarked programs); Section XII.A.2.h (Tecot's serial programs may be displayed in any of the exemplary GUI formats).

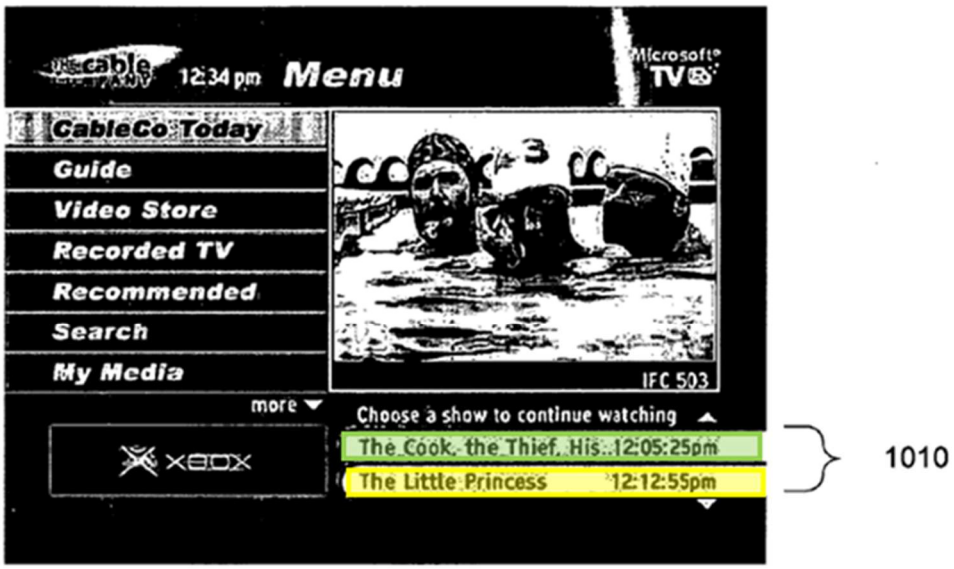


Fig. 10

b. Claim 3: The method of claim 2, wherein the first cell and the second cell are included in a plurality of cells, wherein the plurality of cells are arranged in rows and columns.

Tecot-Lee teaches Claim 3. Ex-1002 ¶¶126-127.

Tecot teaches that the first and second cells are included in a plurality of cells arranged in rows and columns. As shown in Figures 11-12, below, Tecot teaches that the GUI may "display a grid of broadcast media programming," which includes "a 'bookmark' icon for the broadcast media that is currently bookmarked." Ex-1006 ¶¶181-182. In Figure 11's GUI, for example, "KGO (channel 7) is currently showing 'General Hospital' at 1110," which is a serial program that has been bookmarked (*see* bookmark icon 1112 circled on the grid) and "the amount of time left from the bookmarked location in the bookmarked broadcast media program" is displayed at 1114. Ex-1006 ¶182, Fig. 11; *see also id.*, Fig. 12 (bookmark icon 1212 in "multiple grid view").

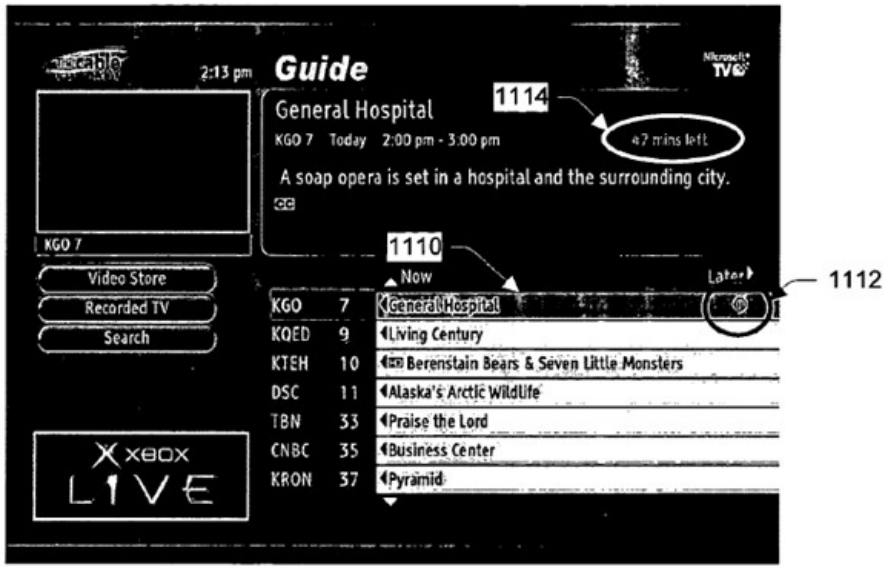


Fig. 11

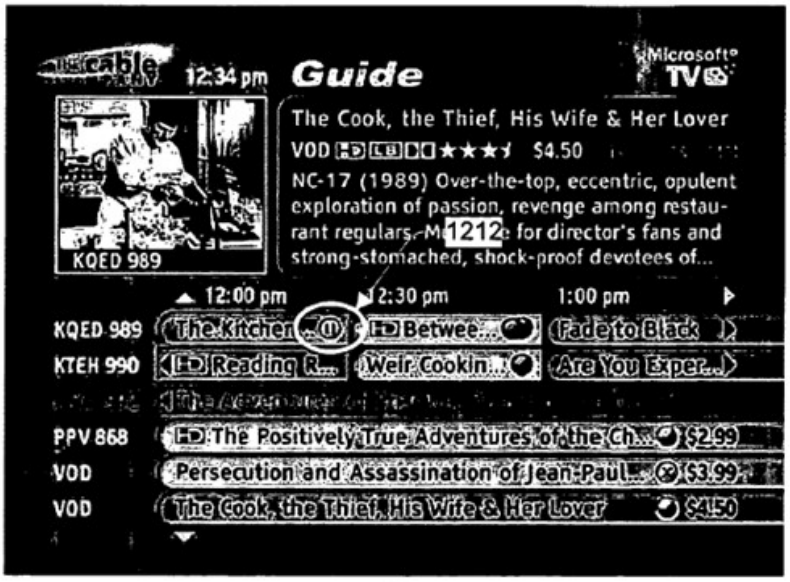


Fig. 12

The grid view comprises a plurality of cells arranged in rows and columns. For example, the rows correspond to the programs' channel numbers and the columns correspond to their timeslots. Ex-1002 ¶128. When the user selects a bookmarked serial program on the guide, such as "The Kitchen Sessions," the user is brought to the bookmarked location in the program to resume viewing. Ex-1002 ¶128. Thus, the first and second cells are included in a plurality of cells arranged in rows and column. Ex-1002 ¶¶128-129.

c. Claim 4: The method of claim 1, further comprising automatically presenting an unwatched episode in the first serial program in response to a user selecting the first link.

Tecot-Lee teaches Claim 4. Ex-1002 ¶130.

Tecot teaches a user selecting the first link for the reasons described in Section XII.A.2.k. Moreover, as explained for Claim 1 (e.g., Sections XII.A.2.b-XII.A.2.c and XII.A.2.g-XII.A.2.h), Tecot teaches bookmarking progress points in a plurality of serial programs such as General Hospital, The Kitchen Sessions, and Reading Rainbow for the user to resume viewing from later and that its bookmarking teachings apply to VOD. Specifically, Tecot teaches designated actions that may trigger a bookmark to be created at the current point in a program for later resumption including if "***[w]hile watching a VOD program***, the user chooses to watch a broadcast media channel; … ***the user goes to a VOD menu and selects to watch another VOD program***; … ***the user presses the 'pause' key or a dedicated 'bookmark' key*** (on a remote control, on the system, or via a GUI)." Ex-1006 ¶¶117-122, 169, Fig. 9 (displaying bookmarks for "Recorded TV" serial programs such as "Reading Rainbow"). Additionally, as shown in Figure 7 below, Tecot allows the user to record an entire series, with a "Record Series" button shown on the GUI for Lord of the Rings movie trilogy. Ex-1006, Fig. 7. It would have been obvious that Figure 7's "Record Series" button would also be provided for serial TV programs such as "Reading Rainbow." Ex-1002 ¶¶131-132. Tecot is silent on how a subsequent recorded or VOD episode in a series will begin, but that teaching comes from Lee.

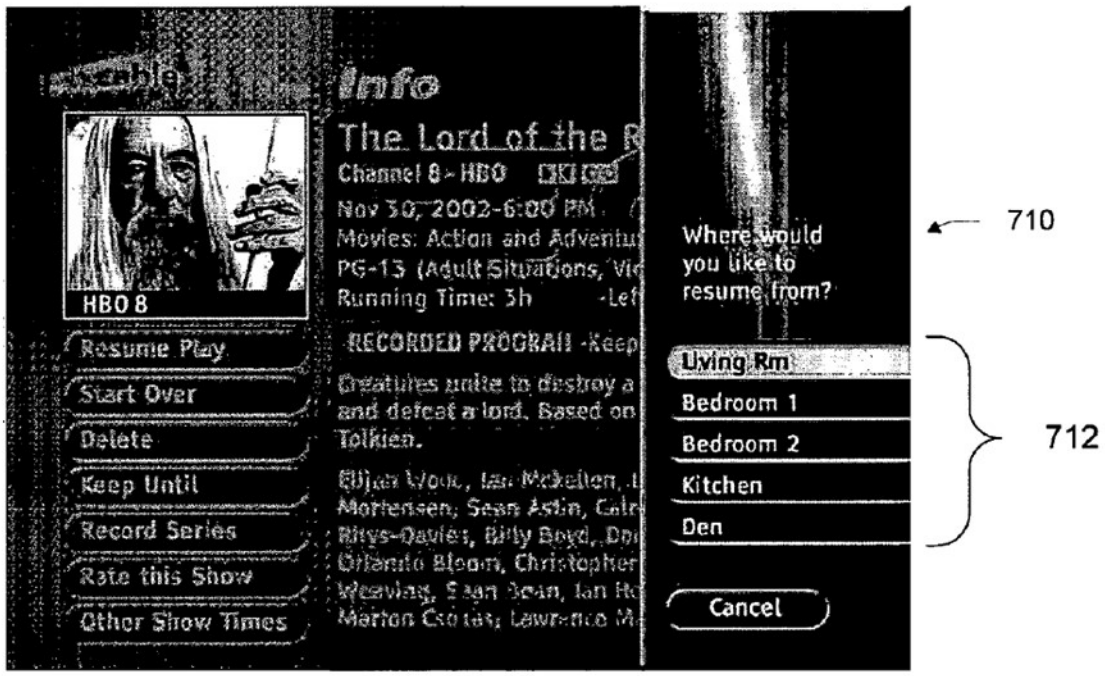


Fig. 7

Lee teaches automatically presenting the next unwatched episode in the first serial program. Specifically, Lee teaches that when the "requested program is a series," "the last position of the video program viewed by the user is written in the profile, even if one video program has been viewed without interruption." Ex-1008, 5:10-15. Therefore, "the user can continuously view the remaining video programs to complete viewing the whole series." Ex-1008, 5:15-17. As shown in Figures 3A-3B below, "the first row of the profile structure indicates that a video program 'P13 (RED)' … has been viewed up to '#10325.'" Ex-1008, 5:17-19. And "[t]he second row of the profile structure indicates that a video program 'S02(RED)' of a series is

to be viewed next and from the beginning, i.e. the user completed viewing the video programs in the series prior to the 'S02(RED).'" Ex-1008, 5:19-23.

FIG.3A

Video ID	POSITION
P13 (RED)	#10325

FIG.3B

Video Type	Video ID	POSITION
Type 1	P13 (RED)	#10325
Series	S02(RED)	#0

In the Tecot-Lee combination, when the user has recorded two episodes of a serial program, or when the user is watching a VOD presentation of a serial program, such as "Reading Rainbow," and the user selects the first user-selectable link corresponding to the first episode of the program, which the system determines has been viewed without interruption, the next unwatched episode in the series will be automatically presented, as taught by Lee. Ex-1002 ¶¶133-134. In addition to the reasons described in Section XII.A.1, a POSITA would have been motivated to implement this feature in Tecot's system, because it streamlines the user's experience by avoiding having to navigate back through links on the GUI to the main program series page to select the next episode in the series. *Id*.

d. Claim 5: The method of claim 1, further comprising presenting a summary region associated with the first serial program.

Tecot-Lee teaches Claim 5. Ex-1002 ¶135.

Tecot teaches presenting a summary region associated with the first serial program. As shown in Figures 11-12 below, a summary region is presented at the top of the GUI, which summarizes the currently highlighted first serial program, "General Hospital" and the film "The Cook, the Thief, His Wife & Her Lover," respectively. Ex-1006, Figs. 11-12. A POSITA would have understood that the summary region for "General Hospital" would provide a longer summary, such as in Figure 12, because Tecot teaches that "variations of these exemplary GUIs may be employed." Ex-1006 ¶155. A POSITA would have been motivated to include a longer summary for General Hospital, because serial programs by their nature have long running storylines that often span multiple episodes, lending themselves to longer and more detailed summaries. Ex-1002 ¶136.

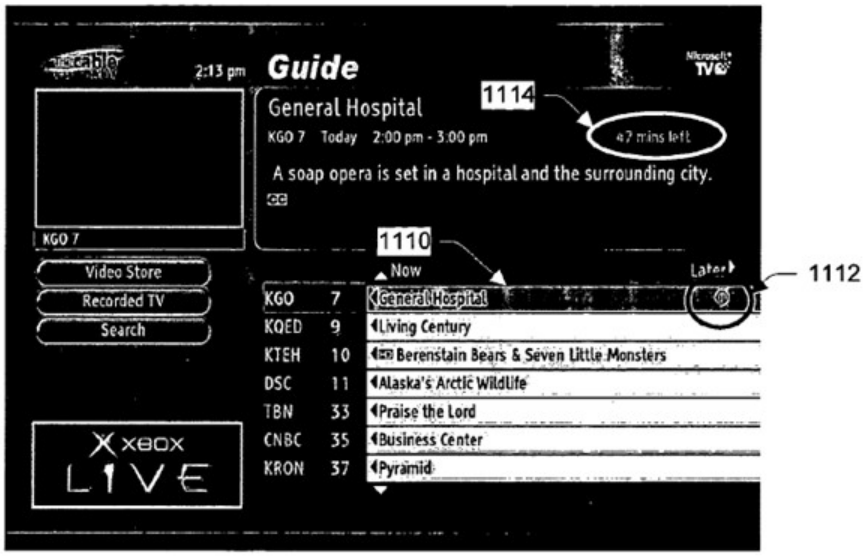

2:13 pm
Guide
1114
General Hospital
KGO 7 Today 2:00 pm - 3:00 pm
47 mins left
A soap opera is set in a hospital and the surrounding city.
CC
KGO 7
1110
Now
Later
1112
Video Store
Recorded TV
Search
KGO 7 General Hospital
KQED 9 Living Century
KTEH 10 Berenstain Bears & Seven Little Monsters
DSC 11 Alaska's Arctic Wildlife
TBN 33 Praise the Lord
CNBC 35 Business Center
KRON 37 Pyramid
XBOX LIVE

Fig. 11

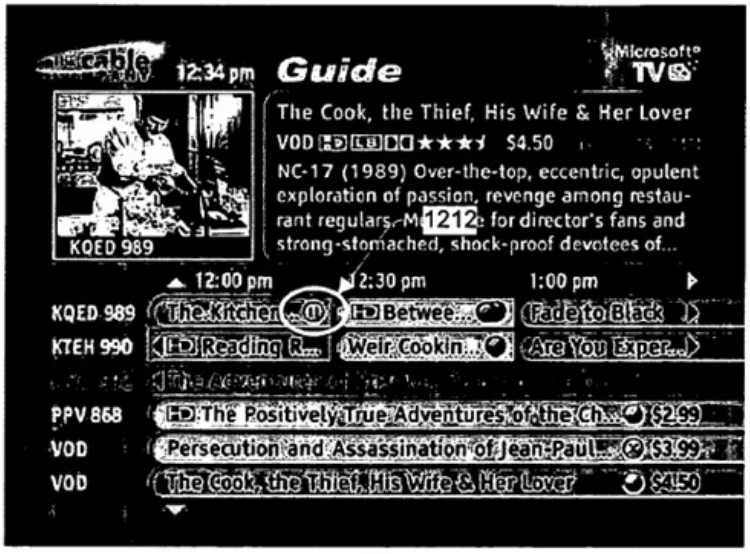

12:34 pm
Guide
Microsoft TV
KQED 989
The Cook, the Thief, His Wife & Her Lover
VOD $4.50
NC-17 (1989) Over-the-top, eccentric, opulent exploration of passion, revenge among restaurant regulars. M 1212 for director's fans and strong-stomached, shock-proof devotees of...
12:00 pm
2:30 pm
1:00 pm
KQED 989 The Kitchen... Betwee... Fade to Black
KTEH 990 Reading R... Weir Cookin... Are You Exper...
PPV 868 The Positively True Adventures of the Ch... $2.99
VOD Persecution and Assassination of Jean-Paul... $3.99
VOD The Cook, the Thief, His Wife & Her Lover $4.50

Fig. 12

B. Ground 2: Claim 6 is obvious over Tecot-Lee in view of McElhatten.

1. Dependent Claim 6: The method of claim 1, wherein the summary region indicates a predefined viewing order for the first serial program.

Tecot-Lee in view of McElhatten ("Tecot-Lee-McElhatten") teaches Claim 6. Ex-1002 ¶¶137-138.

Tecot does not explicitly teach that the summary region indicates a predefined viewing order for the first serial program but this is taught by Lee and McElhatten.

Lee teaches that video server 1 "***utilizes a digest information*** when a user wishes ***to view a summary*** before resuming to view a program." Ex-1008, 5:55-57. The "***digest information is constructed in advance*** for each video program" so that the system "***transmits the summary*** to the user terminal 2 … ***when the user resumes viewing of the program***." Ex-1008, 5:57-65. Lee's Figure 4 below, illustrates "digest information" where "***each segment summarizes the contents of a corresponding time segment*** of a program, thereby summarizing the whole program." Ex-1008, 6:1-5, Fig. 4. Moreover, "***as the level increases*** from 01 to 03, ***the detail of the summary in each segment rises***, increasing the display time of the digest information." Ex-1008, 6:5-8; *see also id.*, Fig. 5, 6:34-37. As also explained in Sections XII.A.2.b-XII.A.2.c, Lee's teachings apply to "series" programs such that "the user can continuously view the remaining video programs to complete viewing the whole series." Ex-1008, 5:10-23. Thus, a POSITA would have understood that

Lee's program summary constructed in advance, when applied to a series, indicates a predefined viewing order for the first serial program. Ex-1002 ¶¶139-140.

FIG.4

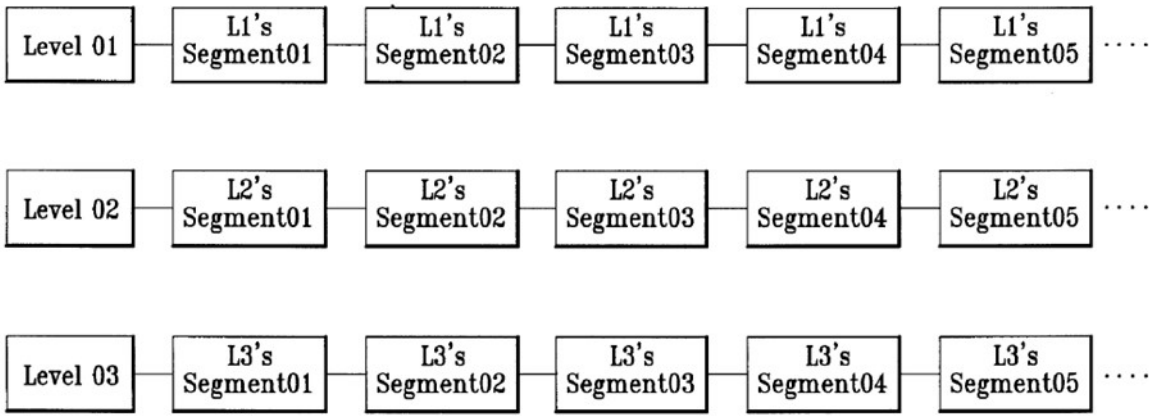
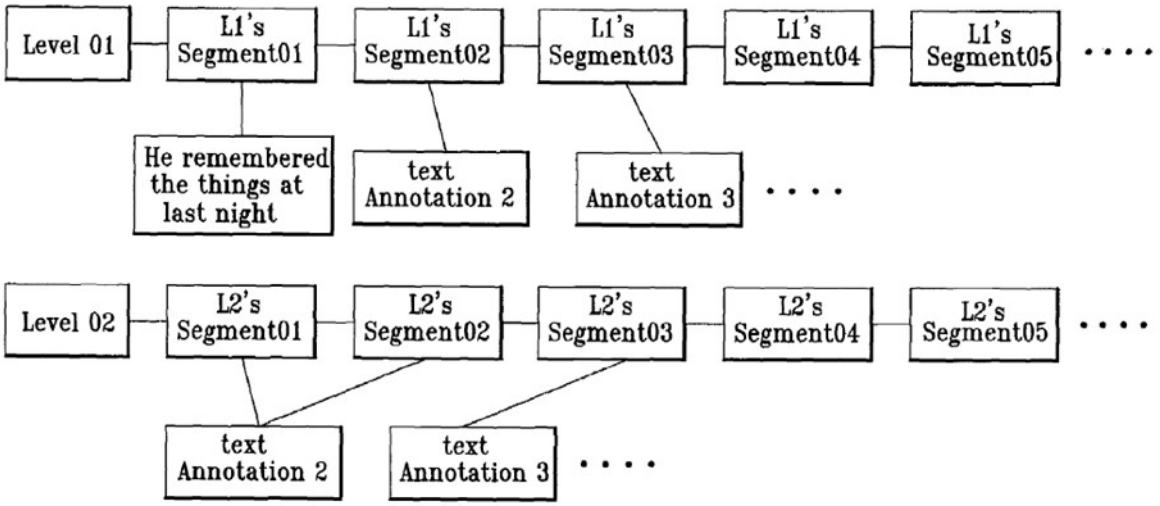


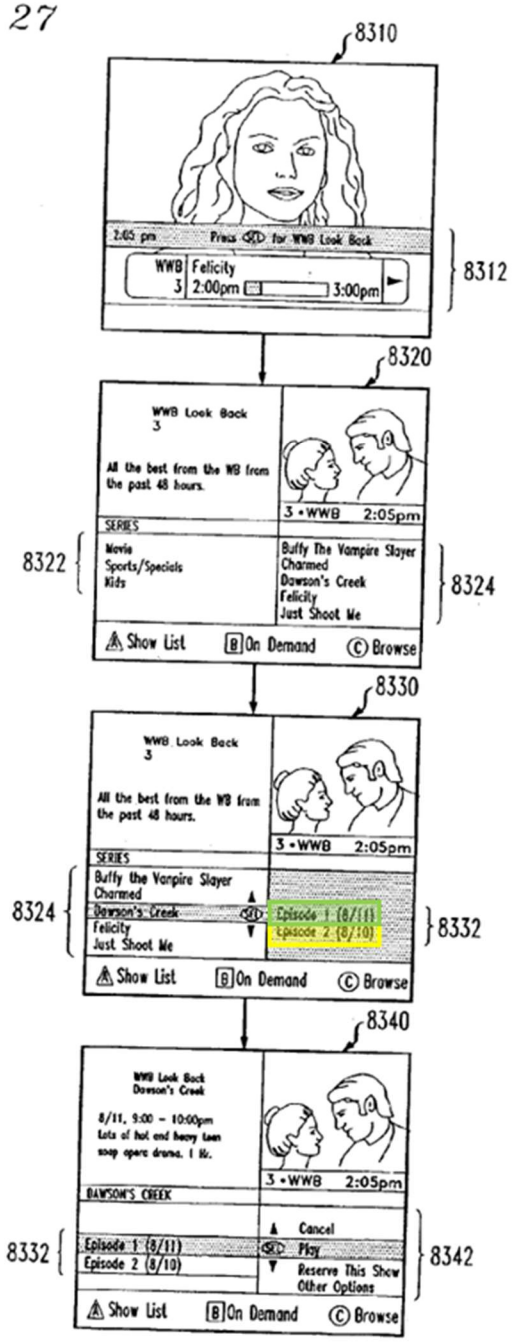
FIG.5



To the extent PO argues that the predefined order must include an episode number, this is taught by McElhatten. As shown in annotated Figure 27 below,

McElhatten teaches "Lookback Programming GUI 8330," which lists available programs. Ex-1010 ¶164, Fig. 27. When the user selects a program, the GUI lists on the left side "episodes 8332 that are available for the selected program" and "[a]s the user highlights a listed episode, reservation/play options 8344 that are available through the Lookback feature are listed on the right side of GUI 8340," such as "playing the selected episode, reserving the selected episode, etc." Ex-1010 ¶165. In the example below, when the user selects the Dawson's Creek series, Episode 1 (green) and Episode 2 (yellow) are displayed. Ex-1010, Fig. 27.

FIG. 27



In the Tecot-Lee-McElhatten combination, Tecot's summary region shown in Figures 11-12 (*see* Section XII.A.3.c) would indicate a predefined viewing order for the first serial program by providing an episode-specific summary, as taught by Lee,

and an episode number, as taught by McElhatten. Ex-1002 ¶141. For example, the General Hospital summary region in Tecot's Figure 11 would include details pertaining to the specific episode that was bookmarked in the series and an episode number indicating a predefined order. Ex-1002 ¶141.

A POSITA would have been motivated to implement these features in Tecot's system because they "would refresh the user's memory for a more enjoyable viewing of the" remainder of the program (Ex-1008, 5:51-54), avoid spoilers for content the user has not yet viewed, and allow the user to watch the series in order. Ex-1002 ¶142. Indeed, Tecot already teaches that its GUI may list the "identity of the multimedia content" (Ex-1006 ¶¶170-171) and provides a textual summary of the series (Ex-1006, Fig. 11). A POSITA would have understood that an episode number is another way to identify the content and would have found it obvious to include with the summary. Ex-1002 ¶142.

A POSITA would have been motivated to combine the teachings of Tecot-Lee and McElhatten and had a reasonable expectation of success in doing so because all three relate to methods for presenting multimedia content, enabling a user to resume viewing such content from an interrupted position, using similar hardware and software components. Ex-1006, Abstract; Ex-1008, Abstract; Ex-1010 ¶¶77-78; Ex-1002 ¶143. Moreover, all three provide similar interactive services to the users including the ability to view stored programs, VOD programs, and/or broadcast

media programs. Ex-1006 ¶¶111-126, Abstract; Ex-1008, Abstract; Ex-1010, Abstract, ¶84; Ex-1002 ¶143. A POSITA would thus have understood that these references disclose interrelated teachings based on well-understood technologies that would have been amenable to various well-understood and predictable combinations. Ex-1002 ¶¶143-144.

C. Ground 3: Claims 1-5 are obvious over Logan in view of Poslinski.

1. A POSITA would have been motivated to combine Logan's teachings with Poslinski's teachings and would have had a reasonable expectation of success.

A POSITA would have been motivated to combine the teachings of Logan and Poslinski and had a reasonable expectation of success in doing so because each relates to methods for presenting multimedia content, enabling a user to resume viewing such content from an interrupted position. Ex-1005, Title, 30:55-31:2; Ex-1007, Abstract; Ex-1002 ¶145.

In Logan, each "playback session begins with the presentation of an audio (and/or displayed) menu which allows the user to jump to any program segment within that sequence to start (or resume) playback." Ex-1005, 11:16-20. Moreover, "a session usage log is recorded during the playback session to identify every segment actually played." Ex-1005, 8:3-7. Logan further teaches that programming options presented to the user "include serialized sequences of programs" such as "an episode in a series." Ex-1005, 18:43-45. While Logan does not explicitly describe

generating a ***video*** program such as a TV series for display, it would have been obvious that Logan's system would have been able to do so, given Logan's teaching that its CPU is "preferably connected to a conventional personal computer video display." Ex-1005, 4:17-18; Ex-1002 ¶¶146-147.

Poslinski teaches methods for "controlling the display of information relative to the playback of programming content." Ex-1007 ¶6. As shown in annotated Figure 20 below, Poslinski teaches that progress bar 2030 is "displayed showing the status of the main program 2022," including "the amount of the main program already viewed 2032, and the amount of the main program remaining to be viewed 2034." Ex-1007 ¶97, Fig. 20 (yellow). Poslinski further teaches that "one or more additional progress bars 2040 is/are further displayed showing a lapsed time 2042 and a remaining time 2044 for one or more secondary programs 2024." Ex-1007 ¶97, Fig. 20 (green). Moreover, "[t]he user can switch the focus to other playback (and/or record) applications by shifting the focus/highlighting [] to other progress bars." Ex-1007 ¶106. Poslinski's embodiments include digital video recorder ("DVR") applications "that allow the recording and playback of received programming content" (Ex-1007 ¶98) such as television programming and movies (Ex-1007 ¶2).

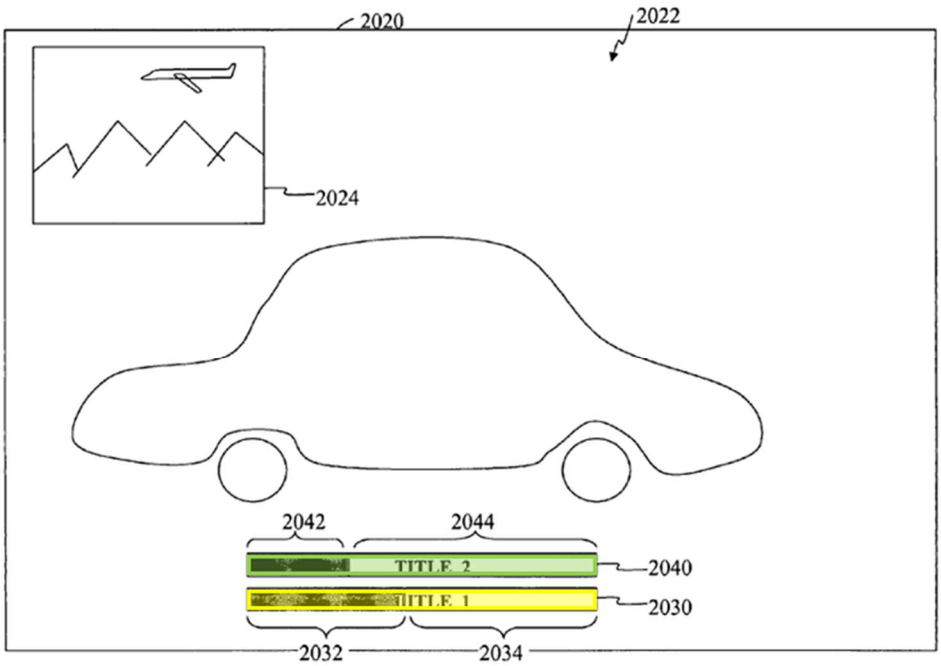


FIG. 20

A POSITA would have been motivated to generate a serial ***video*** program for display in Logan's system, as taught by Poslinski, because as Logan acknowledges, "a rich collection of data files which digitally record text, graphic, audio and video information" was already available on the Internet. Ex-1005 1:9-11. And, as explained above, Logan's system includes video display capabilities. Additionally, to the extent PO argues that Logan's serial "programs" do not explicitly recite "a ***second*** serial program," a POSITA would have been motivated to implement Poslinski's teachings to track, store, and display for selection the user's viewing progress of both a main and secondary program in Logan's system. Ex-1002 ¶148. This would allow the user the flexibility to view multiple programs at once on their own schedule, pausing and resuming at their leisure, thus enhancing the user's

experience. *Id*. In the Logan-Poslinski combination, Logan's serial "programs" teachings would explicitly include multiple serial programs, as taught by Poslinski. *Id*.

A POSITA would have had a reasonable expectation of success in combining the teachings of Logan and Poslinski. Ex-1002 ¶149. Both describe enabling a user to resume viewing such content from an interrupted position using similar hardware and software components. Ex-1005, Title, 30:55-31:2, Fig. 1; Ex-1007, Abstract, Fig. 2. A POSITA would thus have understood that these references disclose interrelated teachings based on well-understood technologies that would have been amenable to various well-understood and predictable combinations. Ex-1002 ¶149.

2. Independent Claim 1

a. Element 1[pre]:

Logan in view of Poslinski ("Logan-Poslinski") teaches the preamble. Ex-1002 ¶150.

Logan teaches that each "playback session begins with the presentation of an audio (and/or displayed) menu which allows the user to jump to any program segment within that sequence to start (or resume) playback." Ex-1005, 11:16-20. Logan further teaches that the programming options presented to the user "include serialized sequences of programs" such as "an episode in a series." Ex-1005, 18:43-45. The user views the programs on a "player device" such as "a conventional laptop

or desktop personal computer." Ex-1005, 3:24-32. Logan thus teaches the "serial program" limitation regardless of which construction is applied, because an episode in a serialized sequence program is "related programming containing a temporal component connecting episodes" and has "a recommended order of viewing." Ex-1002 ¶¶151-153.

Poslinski teaches a method for displaying multimedia content "such as television programming" and "movies." Ex-1007 ¶¶1-2. Moreover, Poslinski teaches displaying progress bars corresponding to a main program and secondary program on a display screen, which indicate the amount of program that has already been viewed and the amount of the program remaining to be viewed. Ex-1007 ¶97, Fig. 20. A POSITA would have been motivated to combine Logan-Poslinski and had a reasonable expectation of success in doing so for the reasons described in Section XII.C.1.

b. Element 1[a][1]:

Logan-Poslinski teaches Element 1[a][1]. Ex-1002 ¶¶154-156.

Logan teaches that a prospective subscriber establishes a new account by using "a conventional web browser program," which executes in the user's CPU "to establish a conventional HTTP request/response dialog with" the server. Ex-1005, 9:6-10. The user completes a web form using the user's CPU, which is then transmitted "using a HTTP post method directed at a form processing CGI script

executed by the server … to place descriptive information about the user in an assigned user data file," which is then downloaded to the user's device. Ex-1005, 9:10-20.

Logan further teaches that the host server 101, annotated in green in Figure 1 below, "stores and maintains a user data and usage log database indicated at 143" (blue), "which ***stores uploaded usage data received from the store 109***" (blue) in player 103 (purple). Ex-1005, 5:34-38, Fig. 1. User data 143 also includes data describing the user's "preferences, demographic characteristics and program selections unique to each subscriber which is developed largely from user-supplied data obtained when users submit HTML form data." Ex-1005, 5:38-44.

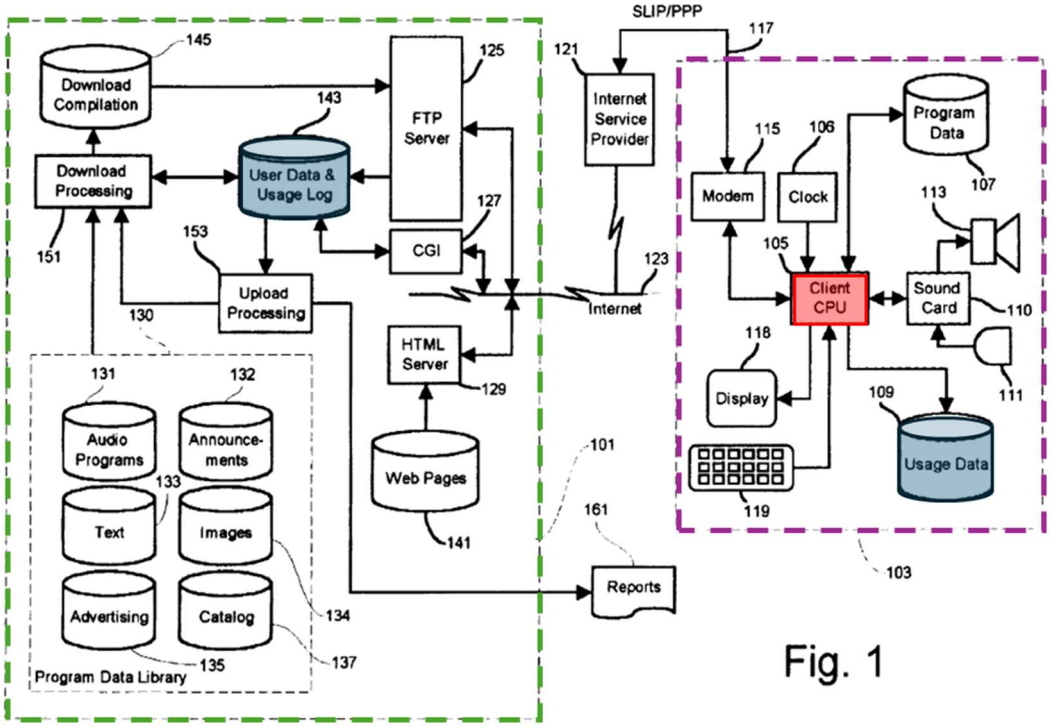


Fig. 1

Usage data 109 at player 103 and user data and usage log database 143 at server 101 together correspond to the recited "media profile" because, like the '324 Patent, they "track[] a user's viewing progress as the user advances through a series of related programming or a collection of media content." Ex-1001, 2:35-38; *see also id.*, 9:32-35. For example, Logan teaches that "the playback utility program executing on the client CPU 105" "begins the session by requesting the entry of a password … for access to the utility programs used to modify the subscriber's personal data, future program selections, ***and current program selections and sequencing***." Ex-1005, 10:42-53. The user is then presented with "an audio (and/or displayed) menu which ***allows the user to*** jump to any program segment within that sequence to start (or ***resume) playback***." Ex-1005, 11:16-20. Moreover, "a session usage log is recorded during the playback session to identify every segment actually played." Ex-1005, 8:3-7. The programming options presented to the user "include serialized sequences of programs" such as "an episode in a series." Ex-1005, 18:43-45. The media profile located in usage data 109 at player 103 is created using control circuitry. Ex-1005, 3:24-26, Fig. 1 (red).

While Logan teaches that the first serial program is an audio program, it would have been obvious to implement Logan's system to track a user's viewing progress in a video program, as taught by Poslinski. *See* Section XII.C.1. Ex-1002 ¶¶157-158.

Poslinski teaches "the recording and playback of received programming content" (Ex-1007 ¶98) such as TV and movies (Ex-1007 ¶2).

c. Element 1[a][2]:

Logan-Poslinski teaches Element 1[a][2]. Ex-1002 ¶159.

Logan teaches that its "playback session begins with the presentation of an audio (and/or displayed) menu which allows the user to ***jump to any program segment within that sequence to*** start (or ***resume***) ***playback***." Ex-1005, 11:16-20. Moreover, "a session usage log is recorded during the playback session to ***identify every segment actually played***." Ex-1005, 8:3-7. The usage log contents are uploaded from the player to the server at the end of the session (Ex-1005, 8:39-42) and stored in usage log database 143. A POSITA would thus have understood that Logan teaches tracking the progress of "programs" (plural) in a session, meaning that the media profile tracks the viewing progress of at least a first and second serial program. Ex-1002 ¶¶160-161.

Additionally, Poslinski explicitly teaches tracking the viewing progress of a second video program. As shown in annotated Figure 20 below, Poslinski teaches that progress bar 2030 is "displayed showing the status of the main program 2022," including "the amount of the main program already viewed 2032, and the amount of the main program remaining to be viewed 2034." Ex-1007 ¶97, Fig. 20 (yellow). Poslinski further teaches that "***one or more additional progress bars 2040*** is/are

further displayed showing a lapsed time 2042 and a remaining time 2044 ***for one or more secondary programs 2024***." Ex-1007 ¶97, Fig. 20 (green); *see also id.*, ¶99.

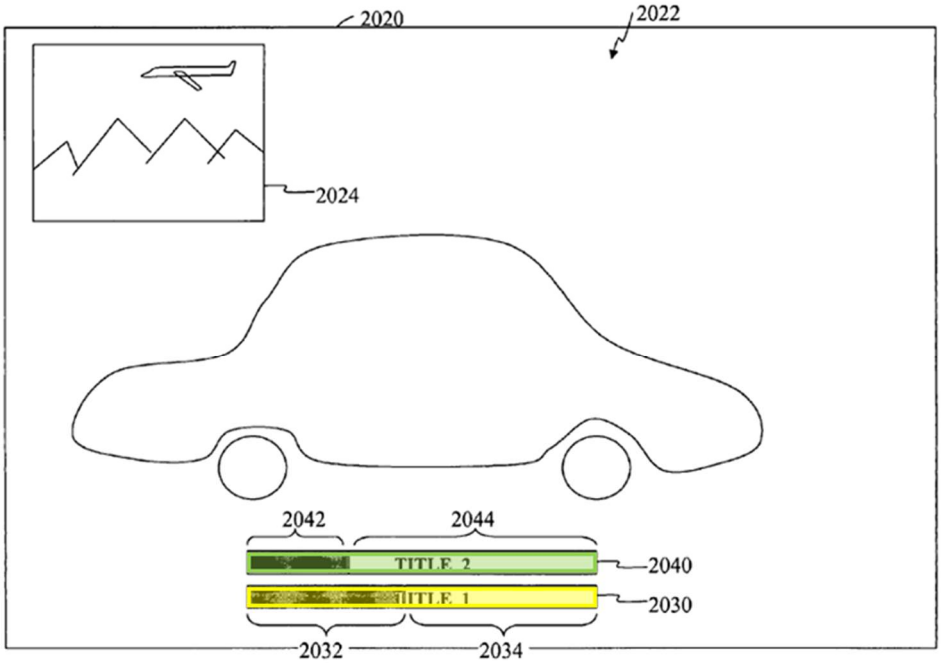


FIG. 20

In the Logan-Poslinski combination, Logan's suggestion to apply its teachings to programs (plural) would have been implemented in view of Poslinski's express teaching to track the viewing progress of at least two different video programs. For example, Logan's usage data 109 and user data and usage log database 143 (i.e., media profile) would explicitly include the user's second viewing progress within a second serial program, as taught by Poslinski (e.g., first and second progress bars 2030/2040). Ex-1002 ¶162.

d. Element 1[b]:

Logan-Poslinski teaches Element [b]. Ex-1002 ¶¶163-164.

Logan teaches storing the media profile in a storage device because player 103 includes a "data storage system consisting of both high speed RAM storage and a persistent mass storage device, such as a magnetic disk memory … for storing usage data at 109 which records the nature of the programming reproduced by the player 103." Ex-1005, 3:24-32, Fig. 1 (blue). Moreover, user data and usage log 143 is a database, which a POSITA would have understood is housed in a storage device. Ex-1005, 5:35-45, Fig. 1 (blue); *see also id.*, 6:36-7:2.

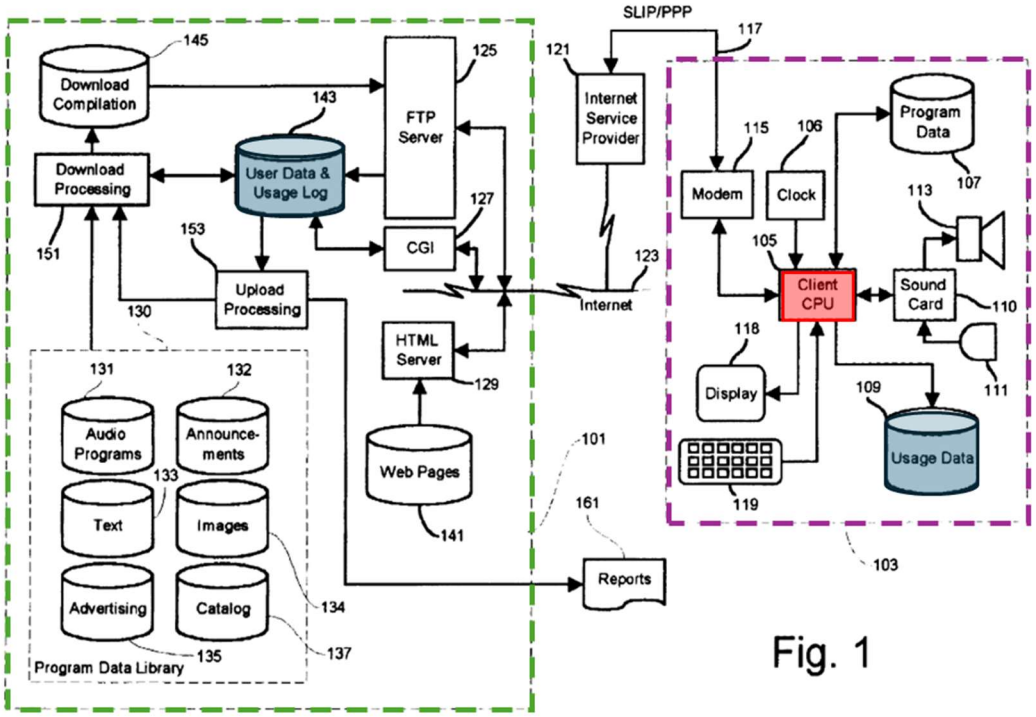


Fig. 1

e. Element 1[c][1]:

Logan-Poslinski teaches Element 1[c][1]. Ex-1002 ¶165.

Logan teaches determining a first progress point in the first serial program based on the first viewing progress. Logan teaches that "***a session usage log is***

recorded during the playback session ***to identify every segment actually played*** … and the start and end times." Ex-1005, 8:3-7. Additionally, Logan teaches that "***[a]s playing progresses***, ***the current playback position may be advantageously indicated*** by a variety of means" such as "***by a simple numerical readout*** indicating the position on a scale of 1-100." Ex-1005, 11:35-40. The determination of the first progress point is made using control circuitry, as Logan teaches that its player 103 is implemented by a personal computer including a processor (CPU) running the appropriate software. Ex-1005, 3:24-26, 9:18-27. Logan thus teaches the "[first/second] progress point" limitation under any construction, because its numerical readout of the playback position corresponds to the "user's time position within an episode," which would meet the plain and ordinary meaning of the term "progress point." Ex-1002 ¶166.

As explained in Sections XII.C.1 and XII.C.2.b, it would have been obvious to implement Logan's system to track a user's viewing progress in a video program, as taught by Poslinski. Ex-1002 ¶¶167-168; Ex-1007 ¶¶2, 98.

f. Element 1[c][2]:

Logan-Poslinski teaches Element 1[c][2]. Ex-1002 ¶169.

Logan teaches determining a second progress point in the second serial program based on the second viewing progress for the reasons described in Sections XII.C.2.c and XII.C.2.e, namely, because it tracks the progress of "programs"

(plural) in a session, meaning that player 103's control circuitry determines at least a second progress point in the second serial program based on the second viewing progress. Ex-1002 ¶¶170-171.

Additionally, Poslinski explicitly teaches tracking the viewing progress of a second video program. Specifically, Poslinski teaches a processor that includes "***progress bar generators 350*** … ***for generating status bars according to the status of one or more programs*** being recorded, played back, and/or otherwise accessed by a user." Ex-1007 ¶42. As shown in annotated Figure 20 below, Poslinski teaches that progress bar 2030 is "displayed showing the status of the main program 2022," including "the amount of the main program already viewed 2032, and the amount of the main program remaining to be viewed 2034." Ex-1007 ¶97, Fig. 20 (yellow). Poslinski further teaches that "***one or more additional progress bars 2040*** is/are further displayed showing a lapsed time 2042 and a remaining time 2044 ***for one or more secondary programs 2024***." Ex-1007 ¶97, Fig. 20 (green); *see also id.*, ¶¶99, 115.

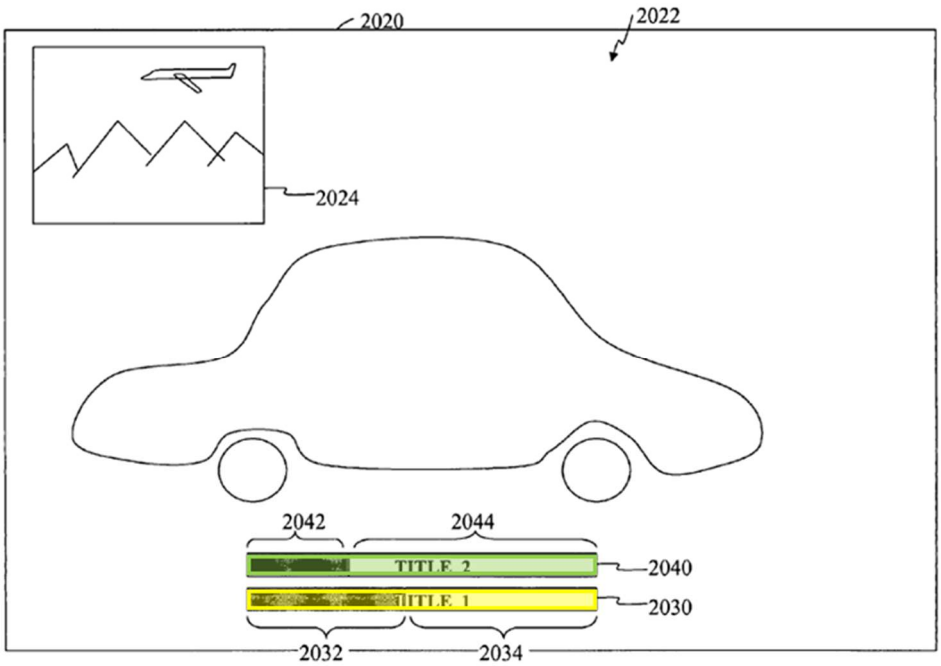


FIG. 20

In the Logan-Poslinski combination, Logan's suggestion to apply its teachings to programs (plural) would have been implemented in view of Poslinski's express teaching to track the viewing progress of at least two different video programs. For example, Logan's usage data 109 and user data and usage log database indicated at 143 (i.e., media profile) would explicitly include the user's second viewing progress within a second serial program, as taught by Poslinski (e.g., first and second progress bars 2030/2040). Ex-1002 ¶172.

g. Element 1[d][1]:

Logan-Poslinski teaches Element 1[d][1]. Ex-1002 ¶¶173-174.

Logan teaches that on "***a screen display***, ***the current playback position*** may be advantageously ***indicated by displaying the program segment topic descriptions***

in a scrolling listing, with the description of the program currently being displayed being ***highlighted***." Ex-1005, 11:43-48, Fig. 1 (orange). Moreover, "***the elapsed time remaining to be played*** in the currently playing segment" may be displayed "to enable the user to more easily determine when to skip the remainder of the currently playing segment." Ex-1005, 11:48-52. Logan also teaches "respond[ing] to ***the users selection of a given program on the scrollable listing by*** means of ***a mouse*** or the like." Ex-1005, 11:53-57; *see also id.*, 13:29-33.

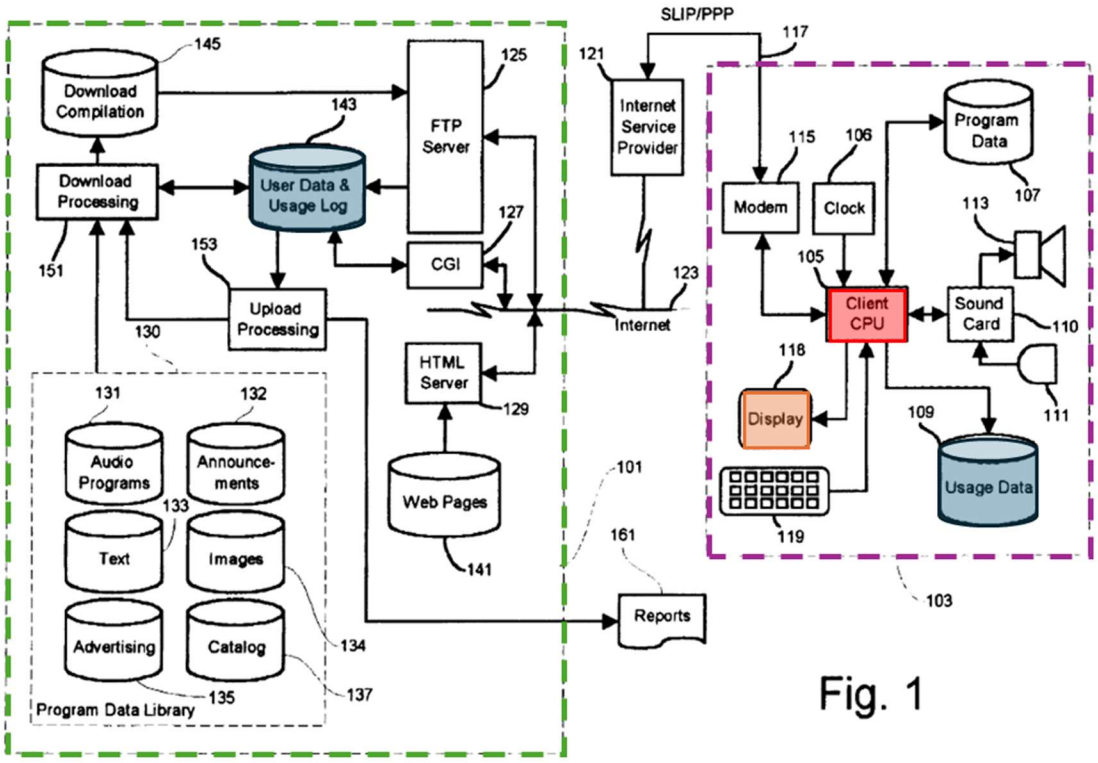


Fig. 1

As explained in Section XII.A.2.g, the '324 Patent does not define "user-selectable link" but teaches that its display screens "use commonly-used application selection objects such as hyperlinks, buttons, lists, drop-down boxes, and

checkboxes" for making selections. Ex-1001, 23:6-13. A POSITA would have understood that the scrolling listing of programs generated on the display screen that highlights the currently playing segment, displays the elapsed time remaining to be played for that segment, and allows the user to select a program using a mouse corresponds to the recited "first user-selectable link." Ex-1002 ¶175. Indeed, Logan teaches that the record for a program segment includes a URL field that "specifies the location of the file containing the program segment in the file storage facility." Ex-1005, 17:62-67.

Logan further teaches that the program files may contain "'hyperlink' passages, which may take the form of announced cross references to other materials … which describe related information contained elsewhere in the download compilation but which do not follow immediately in the sequence." Ex-1005, 30:20-26. For example, the programming sequence may identify "anchor" passages for the user using "an audible cue signal of some type," which "are further associated with a reference to hyperlinked material to which the playback may jump upon the listener's request." Ex-1005, 30:32-38. Logan further teaches a ***"special key,"*** "which, when activated, ***causes a 'return' to*** be made to the playing sequence at ***the point of the original anchor from which the hyperlink was performed***." Ex-1005, 30:55-61. In this way, "***a hyperlink may be executed*** from within a hyperlinked narrative … with the listener retaining the ability to execute a like sequence of

returns ***to resume the playing sequence at the point of the first hyperlink call***." Ex-1005, 30:61-31:2. The "special key" generated on the display screen and executed like a hyperlink, corresponds to the recited "first user-selectable link," which returns the user to the first progress point in the first serial program. Ex-1002 ¶¶176-178.

As explained in the previous section, Poslinski teaches displaying a progress bar "showing the status of the main program 2022," including "the amount of the main program already viewed 2032, and the amount of the main program remaining to be viewed 2034." Ex-1007 ¶97, Fig. 20 (green). In the Logan-Poslinski combination, the first user-selectable link generated for display on Logan's display screen would correspond to a first progress point in a first video program, as taught by Poslinski. Ex-1007 ¶2.

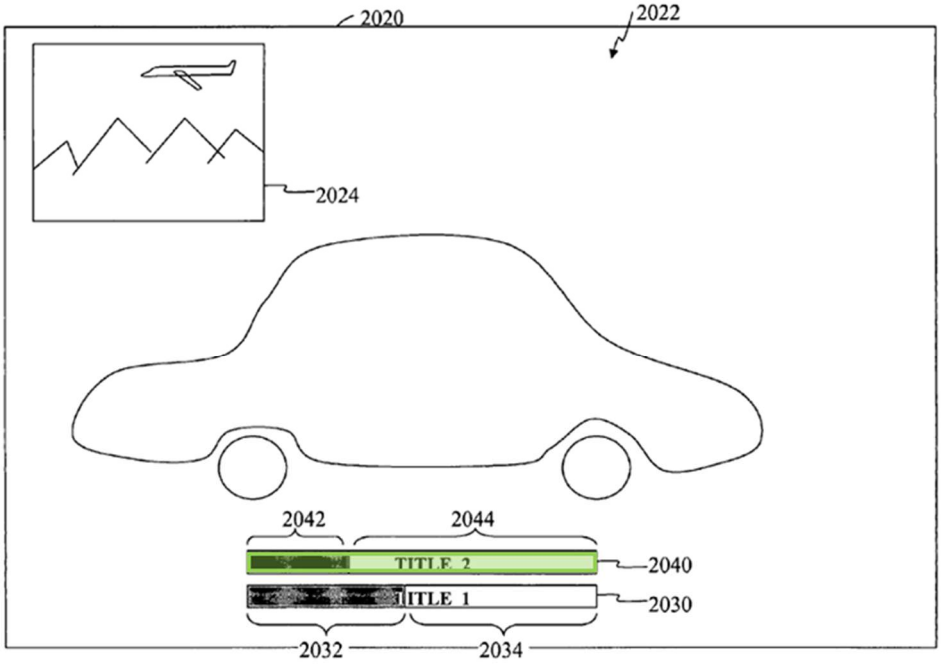


FIG. 20

h. Element 1[d][2]:

Logan-Poslinski teaches Element 1[d][2]. Ex-1002 ¶179.

Logan teaches generating for display on a display screen a second user-selectable link corresponding to the second progress point in the second serial program adjacent to the first user-selectable link for the reasons described in Sections XII.C.2.c, XII.C.2.f, and XII.C.2.g, namely, because it tracks the progress of "programs" plural in a session (i.e., first and second serial programs), the ability to "return" to the progress point in a given program when interrupted by an "anchor" passage by the user's selection of a "special key" (i.e., user-selectable link), and the user's ability to select a program from a scrolling listing of programs using a mouse (i.e., another user-selectable link). Ex-1002 ¶180. A POSITA would have understood that in a scrolling listing of programs a first serial program and a second serial program are adjacent to each other in the listing, like in a conventional TV guide. Ex-1002 ¶¶180-181.

Additionally, Poslinski explicitly teaches tracking the viewing progress of a second video program in addition to the first, and displaying links to both programs adjacent to each other. Specifically, Poslinski teaches that "a user initiates the display of the progress bar/bars through the remote and/or manual controls." Ex-1007 ¶100. The remote control includes "a progress bar button and/or a button," which functions to initiate "displaying one or more progress bars." Ex-1007 ¶100.

Poslinski further teaches that "[w]hen ***multiple progress bars are displayed***, they are displayed ***one above the other***." Ex-1007 ¶100. For example, as shown in Figure 20 below, "the main program progress bar 2030 by default is highlighted as the focus application" (yellow) and "[t]he user simply shifts the highlighting to another progress bar to shift the focus to an alternate playback or record application" like the secondary program (green). Ex-1007 ¶107, Fig. 20. Poslinski also teaches that the user can view multiple progress bars at once by pressing a "select" button on the remote control and "up arrow key" to shift to select a second progress bar. Ex-1007 ¶107. Poslinski's second progress bar 2040 that displays the second progress point in the second serial program corresponds to the recited "adjacent" "second user-selectable link" because it is located directly above the main program 2030's progress bar and when the user selects progress bar 2040 using a key on the remote control, the progress for the second program is generated on the display.

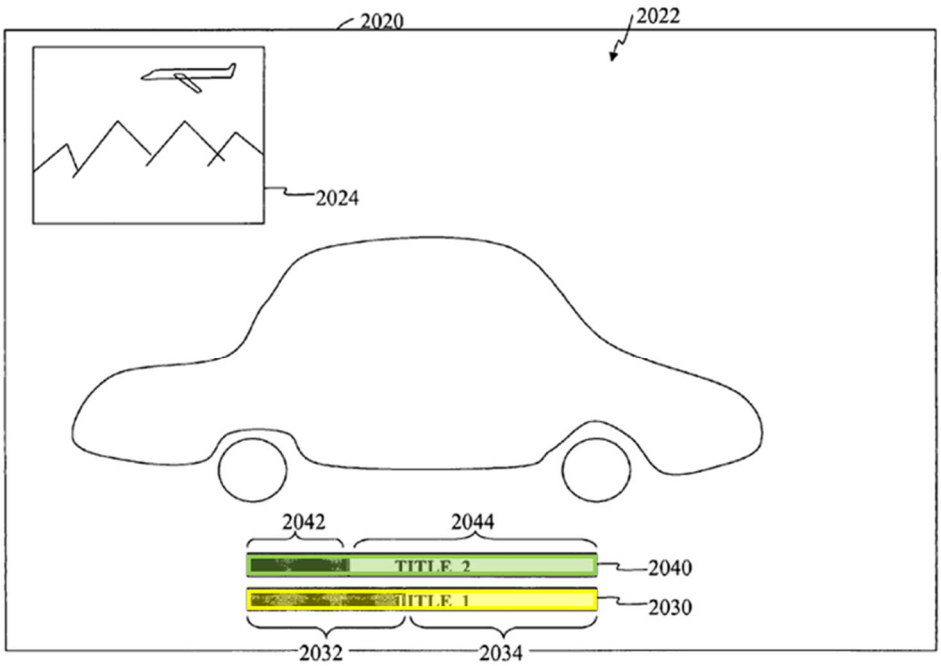


FIG. 20

In the Logan-Poslinski combination, Logan's display screen would generate for display a second user-selectable link corresponding to the second progress point in the second serial video program adjacent to the first user-selectable link, as taught by Poslinski. Ex-1002 ¶182.

i. Element 1[d][3]:

Logan-Poslinski teaches Element 1[d][3]. Ex-1002 ¶¶183-184.

As explained in Sections XII.C.2.g-XII.C.2.h, the Logan-Poslinski combination teaches displaying adjacent first and second user-selectable links on the display screen. Poslinski further teaches that selecting the first user-selectable link causes a first option for generating for display the first serial program at the first progress point to be displayed. Poslinski teaches that the system "receives a

command to display one or more progress bars (e.g., detects the selection of a progress bar button at the remote control)." Ex-1007 ¶113. The main program "is identified," its playback status is determined, and "a first progress bar (e.g., progress bar 2030) is displayed for the first main program." Ex-1007 ¶113. Poslinski further teaches that the process then "determines whether a command has been received" and, in particular, "whether the command is a selection command to initiate the selection and/or highlighting of one or more of the progress bars and thus focusing trick commands on associated playback and/or record applications." Ex-1007 ¶¶117-118. "If a selection is received, the selection is implemented." Ex-1007 ¶118. The process then continues to determine whether trick commands should be applied to the program (*see* Section XII.C.2.m). Ex-1007 ¶118.

As explained in Section XII.C.2.g, the first serial program generated for display in the Logan-Poslinski combination would include a video program, as taught by Poslinski. Ex-1002 ¶185. In the Logan-Poslinski combination, Logan's display screen would generate for display a first user-selectable link corresponding to the first progress point in the first serial program and selecting the first user-selectable link would cause a first option for generating for display the first serial program at the first progress point to be displayed, as taught by Poslinski. Ex-1002 ¶¶185-186.

j. Element 1[d][4]:

Logan-Poslinski teaches Element 1[d][4]. Ex-1002 ¶187.

Logan-Poslinski teaches Element 1[d][4] for the reasons described in the previous section and Section XII.C.2.h. Ex-1002 ¶188. Specifically, selecting the main or secondary program progress bar in Poslinski's Figure 20 will cause the system to respond in the same way described in the previous section, namely displaying a second option for generating for display the second serial program at the second progress point. Ex-1007 ¶118 ("If there is more than one bar displayed, … the process determines which of the plurality of bars are focused and/or selected."). Additionally, Poslinski teaches that "[t]he ***user can switch the focus to other playback … applications*** by shifting the focus/highlighting [] to other progress bars, for example, ***by using up and/or down arrow keys to shift the focus between progress bars***." Ex-1007 ¶106. As shown in Figure 20 below, "the main program progress bar 2030 by default is highlighted as the focus application" (yellow) and "[t]he user simply shifts the highlighting to another progress bar to shift the focus to an alternate playback or record application" like the secondary program (green). Ex-1007 ¶107, Fig. 20. Poslinski teaches that the process then continues to determine whether trick commands should be applied to the program (*see* Section XII.C.2.m). Ex-1007 ¶118.

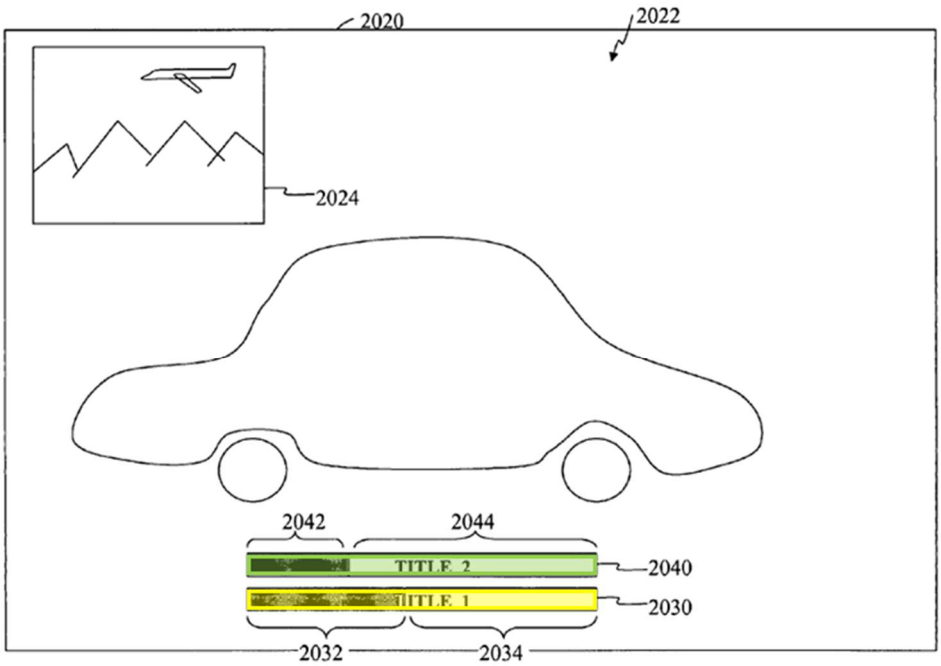


FIG. 20

In the Logan-Poslinski combination, Logan's display screen would generate for display a second user-selectable link corresponding to the second progress point in the second serial program and selecting the second user-selectable link would cause a second option for generating for display the second serial program at the second progress point to be displayed, as taught by Poslinski. Ex-1002 ¶189.

k. Element 1[e][1]:

Logan-Poslinski teaches Element 1[e][1]. Ex-1002 ¶¶190-192.

Logan teaches receiving a user selection of the first link. Logan teaches "allow[ing] the user to ***jump to any program segment*** within" the playback session "sequence to start (or resume) playback." Ex-1005, 11:16-20. Logan also teaches "respond[ing] to ***the users selection of a given program on the scrollable listing by***

means of ***a mouse*** or the like." Ex-1005, 11:53-57; *see also id.*, 13:29-33. Logan further teaches a ***"special key,"*** "which, ***when activated, causes a 'return' to*** be made to the playing sequence at the point of the original anchor from which the hyperlink was performed." Ex-1005, 30:55-61.

Poslinski also teaches this for the reasons described in Sections XII.C.2.i-XII.C.2.j. Ex-1007 ¶¶113, 117-118.

l. Element 1[e][2]:

Logan-Poslinski teaches Element 1[e][2]. Ex-1002 ¶¶193-194.

Poslinski teaches in response to receiving the user selection of the first link, generating for display the first option for the reasons described in Section XII.C.2.i. Specifically, Poslinski teaches that the system "receives a command to display one or more progress bars (e.g., detects the selection of a progress bar button at the remote control)." Ex-1007 ¶113. The main program "is identified," its playback status is determined, and "a first progress bar (e.g., progress bar 2030) is displayed for the first main program." Ex-1007 ¶113. The process then "determines whether a command has been received" and, in particular, "whether the command is a selection command to initiate the selection and/or highlighting of one or more of the progress bars and thus focusing trick commands on associated playback and/or record applications." Ex-1007 ¶¶117-118. "If a selection is received, the selection is implemented." Ex-1007 ¶118.

m. Element 1[e][3]:

Logan-Poslinski teaches Element 1[e][3]. Ex-1002 ¶¶195-196.

Poslinski teaches that following the selection step described in the previous section, the process determines "if the command received was a trick command" and "applies the requested trick commands to each playback and/or record application selected and/or highlighted." Ex-1007 ¶118; *see also id.*, ¶106. Trick commands "are utilized to control one or more active playback and/or record applications" and include commands such as "pause, replay/rewind, fast-forward." Ex-1007 ¶105.

n. Element 1[f]:

Logan-Poslinski teaches Element 1[f]. Ex-1002 ¶197.

Logan teaches in response to receiving the user selection, generating for display the first serial program at the first progress point for the reasons described in Section XII.C.2.k. For example, Logan teaches a ***"special key,"*** "which, when activated, ***causes a 'return' to*** be made to the playing sequence at ***the point of the original anchor from which the hyperlink was performed***." Ex-1005, 30:55-61. As explained in Sections XII.C.2.i-XII.C.2.j and XII.C.2.k-XII.C.2.m, Poslinski teaches an additional "first option" display and selection step before the first serial program is generated for display from the first progress point where the system determines if trick commands should be applied to the selected program. In the Logan-Poslinski combination, selecting Logan's first user-selectable link would cause a first option

to be generated for display, as taught by Poslinski, and in response to receiving the user selection of the first option, Logan's first serial program would be generated for display at the first progress point. Ex-1002 ¶198

Moreover, as explained in Section XII.C.2.g, the first serial program generated for display in the Logan-Poslinski combination would include a video program such as a TV show or movie, as taught by Poslinski. Ex-1002 ¶¶199-200.

Thus, Logan-Poslinski renders obvious Claim 1.

3. Dependent Claims 2-5

a. Claim 2:

Logan-Poslinski teaches Claim 2. Ex-1002 ¶201.

Logan does not explicitly teach the manner in which the first user-selectable link and second-user selectable link are displayed to the user but it would have been obvious that the links would be associated with a first cell and a second cell, respectively, because this is the way that channel/program selections are typically formatted and displayed on a TV programming guide. Ex-1002 ¶¶202-203. This is also taught by Poslinski.

As shown in Figure 20 below, Poslinski teaches that "[w]hen multiple progress bars are displayed," i.e., the first and second user-selectable links, "they are displayed one above the other." Ex-1007 ¶100, Fig. 20. Poslinski further teaches that "[t]he user can switch the focus to other playback … applications by shifting the

focus/highlighting [] to other progress bars … using up and/or down arrow keys to shift the focus between progress bars." Ex-1007 ¶106.

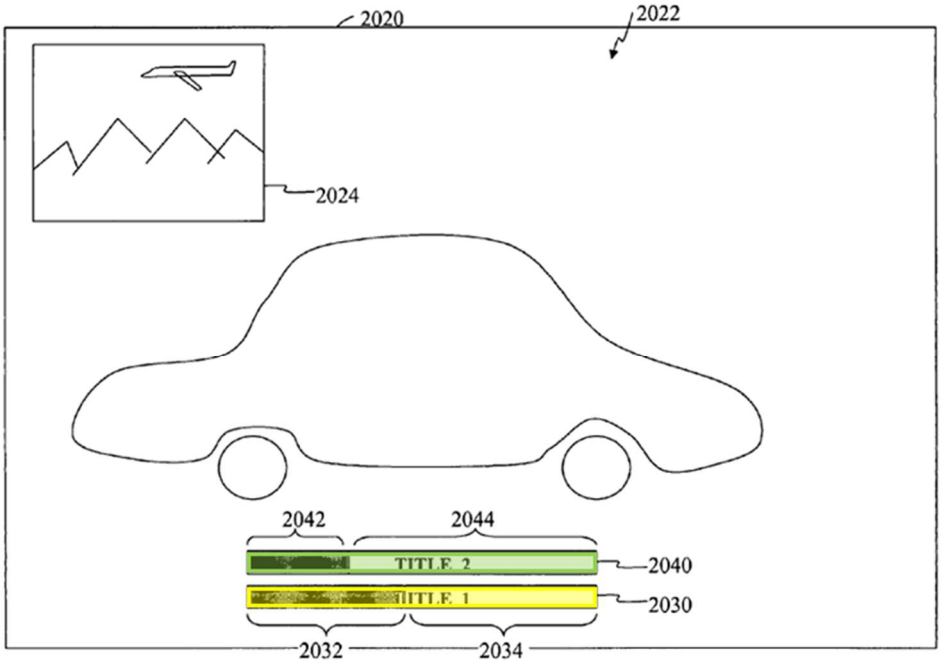


FIG. 20

As explained in Section XII.A.3.a, the '324 Patent does not define "cell" but a POSITA would have understood that Poslinski's progress bars 2030/2040, which may be selected by the user to generate on the display the viewing progress for the first and second serial program, respectively, correspond to the recited "first cell" and "second cell" because they are designated buttons on different regions of the display that when activated by the user using the remote control perform a corresponding function. Ex-1002 ¶204. In addition to the reasons described in Section XII.C.1, a POSITA would have been motivated to associate Logan's first and second links with first and second cells, as taught by Poslinski, because this was

a typical GUI design implementation to facilitate user interaction and perform corresponding functions accurately. Ex-1002 ¶¶204-205.

b. Claim 3:

Logan-Poslinski teaches Claim 3. Ex-1002 ¶206.

Logan does not explicitly teach the manner in which the links are displayed to the user but it would have been obvious that the links would be associated with a first cell and a second cell arranged in rows and columns. Ex-1002 ¶207. This is also taught by Poslinski.

As described in the previous section, Poslinski teaches that "[w]hen multiple progress bars are displayed, they are displayed ***one above the other***." Ex-1007 ¶100, Fig. 20. Poslinski also teaches that "the bars can be divided horizontally along the screen; displayed proximate the PIPs 2024; ***and other such placements***." Ex-1007 ¶100. A POSITA would thus have understood that the progress bars would be arranged in rows and columns because this is the way that channel/program selections are typically formatted and displayed on a TV programming guide, as explained below. Ex-1002 ¶208.

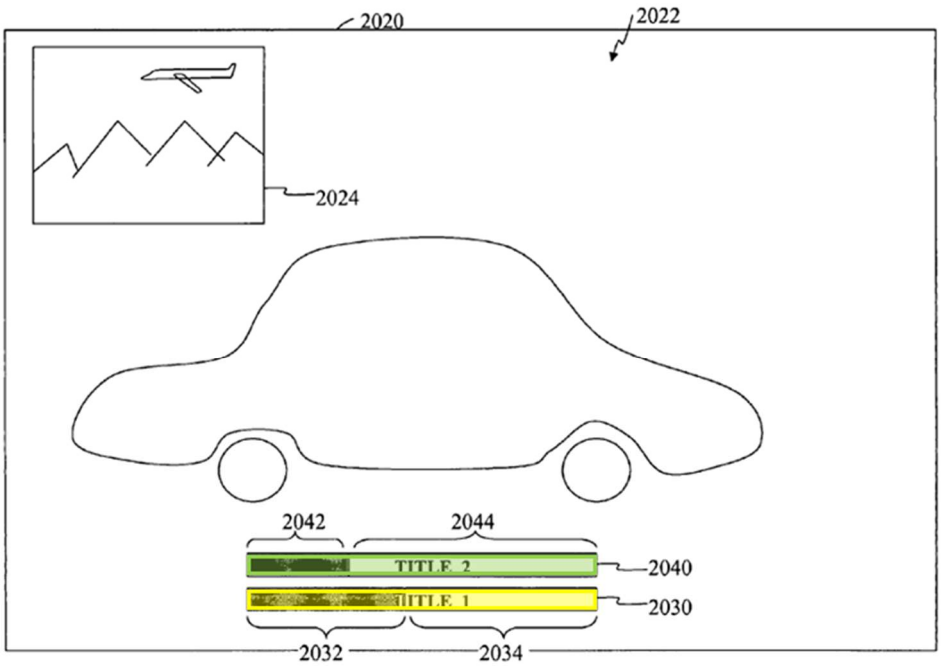


FIG. 20

Poslinski further teaches, as shown in Figure 19 below, that the progress bars may be associated with the programming guide and displayed concurrently with the guide. Poslinski teaches that "the programming guide includes ***one or more status or progress bars*** that define the state of programs currently being accessed by the STB for viewing, recording and/or playback." Ex-1007 ¶95. For example, "programming guide 1920 includes listings of channels 720 and the titles of programs 722 that can be accessed on the prescribed channels at the specified time 724" as well as "***progress bar 1922*** … that ***identifies the channel 1930 that is currently being viewed***, the time elapsed 1932 in the program and the time remaining 1934 for the program." Ex-1007 ¶95. Poslinski also teaches that "the program guide is traversed by the user (for example ***user scrolls up or down to display additional***

channels, or scrolls right or left to display other times (and thus other programs))."

Ex-1007 ¶60. The programming guide comprises a plurality of cells arranged in rows and columns. For example, the rows correspond to the programs' channel numbers and the columns correspond to their timeslots. Ex-1002 ¶209. When the user selects a channel on the guide, the corresponding progress bar for the channel is displayed. Ex-1002 ¶209. Thus, the first and second cells (i.e., progress bars) are included in a plurality of cells arranged in rows and column. Ex-1002 ¶209.

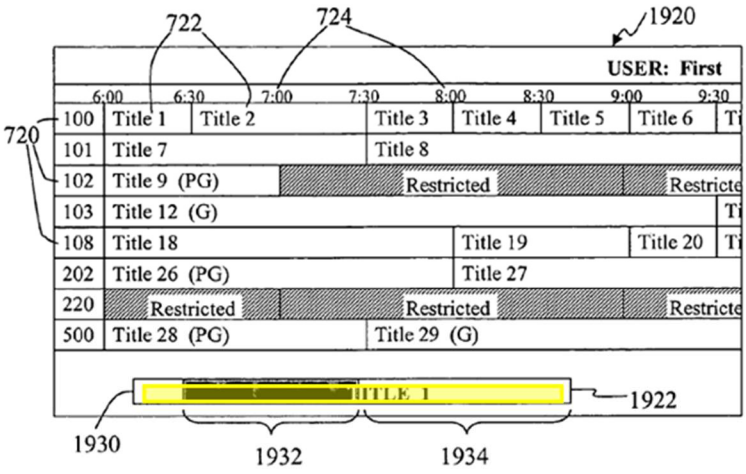


FIG. 19

In addition to the reasons described in the previous section, a POSITA would have been motivated to arrange Logan's links into cells in this manner, as taught by Poslinski, because like a traditional TV guide it would allow the user to view multiple program options at once on the display and easily navigate using up/down and left/right controls to select a program for viewing. Ex-1002 ¶¶210-211.

c. Claim 4:

Logan-Poslinski teaches Claim 4. Ex-1002 ¶¶212-214.

Logan teaches automatically presenting an unwatched episode in the first serial program in response to a user selecting the first link if the user completed the previous episode in the series. Logan teaches that its programming includes "serialized sequences of programs" such that "[a] given program segment may represent an episode in a series which is selected as a group by the subscriber, or a subscriber may select an individual program in a serial sequence and the host may then further installments or related programs within the series to the catalog or session content thereafter." Ex-1005, 18:43-50. Logan further teaches that "[w]hen a subscriber selects and plays a given program segment … ***without having expressly selecting the entire series, the host may then add the next installment to the catalog or the next proposed session***." Ex-1005, 18:58-62. Moreover, "[i]f desired, a hyperlink … may be placed at the conclusion of each installment which specifies the next installment as the linked program segment" so that "***the listener may request that the next installment be played immediately (if it is available)*** or included in the next installment (if it is unavailable and the hyperlink fails)." Ex-1005, 18:62-67; *see also id.*, 39:6-15 ("Using hyperlinks, ***the listener may be given the option to continue listening at the next episode of the serial sequence***.").

d. Claim 5:

Logan-Poslinski teaches Claim 5. Ex-1002 ¶¶215-216.

Logan teaches presenting a summary region associated with the first serial program. Logan teaches that "***[e]ach program segment begins with*** a 'topic' announcement which consists of ***a brief, summary description of the content of the program segment*** to follow." Ex-1005, 29:5-7; *see also id.*, 30:38-42.

D. Ground 4: Claim 6 is obvious over Logan-Poslinski in view of McElhatten.

1. Dependent Claim 6:

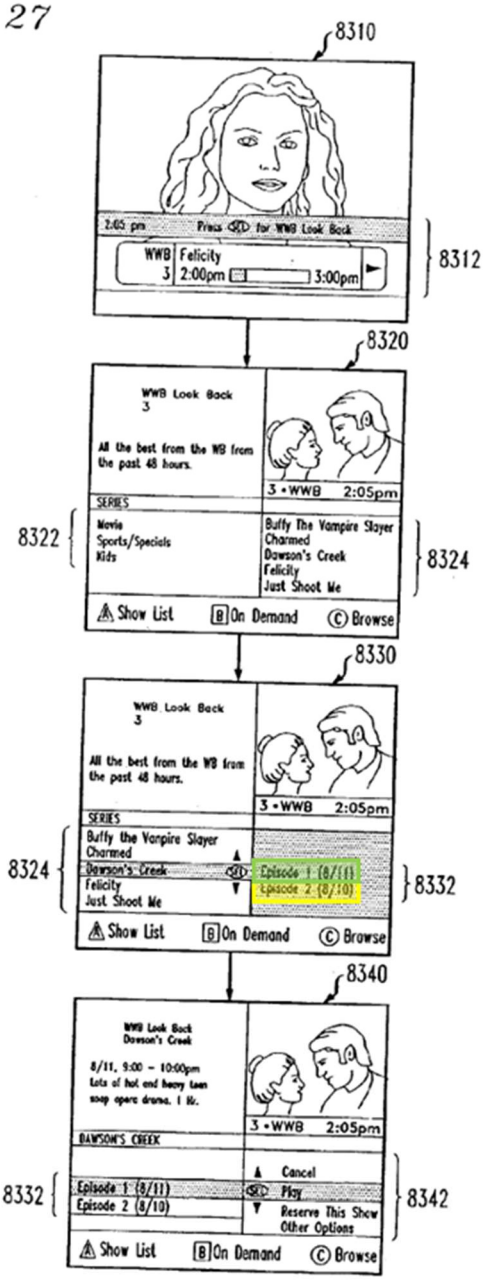
Logan-Poslinski in view of McElhatten ("Logan-Poslinski-McElhatten") teaches Claim 6. Ex-1002 ¶217.

Logan teaches that the summary region indicates a predefined viewing order for the first serial program because in addition to teaching that each program segment begins with a summary description (*see* Section XII.C.3.d), Logan teaches that "[t]he ***playback operation*** itself continues from the designated playback point in the selections file … which ***follows a program sequence initially created by the host server*** and downloaded with the program segments themselves." Ex-1005, 11:21-25. Moreover, Logan teaches that the player automatically advances to the next summary description with an increasing level of detail. Specifically, Logan teaches that "if the user upon hearing the topic announcement elects to skip that program segment, ***the player automatically advances to the entry point preceding the next***

topic announcement" so that "the user can skip from topic to topic to select only the program segments of interest." Ex-1005, 29:5-13; *see also id.*, 30:38-42. As also explained in Section XII.C.3.c, Logan's teachings apply to "serialized sequences of programs." Ex-1005, 18:58-62. Thus, a POSITA would have understood that Logan's summary descriptions constructed in advance, when applied to a series, indicates a predefined viewing order for the first serial program. Ex-1002 ¶¶218-219.

To the extent PO argues that the predefined order must include an episode number, this is taught by McElhatten for the reasons described in Section XII.B.1. Ex-1010, Fig. 27, ¶¶164-165.

FIG. 27



In the Logan-Poslinski-McElhatten combination, Logan's summary descriptions would indicate a predefined viewing order for the first serial program by providing an episode number, as taught by McElhatten. Ex-1002 ¶220. A POSITA would have been motivated to implement these features in Logan's system

for the reasons described in Section XII.B.1, namely, because they would allow the user to avoid spoilers for content the user has not yet viewed and watch the series in order. Ex-1002 ¶220. Indeed, Poslinski already teaches that its programming guide provides a summary including "substantially any information associate[d] with the selected program that is supplied by the broadcaster/distributor." Ex-1007 ¶56; *see also id.*, ¶71. A POSITA would have understood that an episode number is information associated with a selected program that would have been supplied by the broadcaster and would have found it obvious to include with Logan's summary, as taught by McElhatten. Ex-1002 ¶220.

A POSITA would have been motivated to combine the teachings of Logan-Poslinski and McElhatten and had a reasonable expectation of success in doing so because all three relate to methods for presenting multimedia content, enabling a user to resume viewing such content from an interrupted position using similar hardware and software components. Ex-1005, Title, 30:55-31:2, Fig. 1; Ex-1007, Abstract, Fig. 2; Ex-1010 ¶¶77-78; Ex-1002 ¶221. Moreover, all three provide similar interactive services to the users including the ability to access stored programs, DVR/VOD programs, and/or broadcast media programs. Ex-1005, 4:46-52, 37:65-38:10; Ex-1007 ¶34; Ex-1010, Abstract, ¶84; Ex-1002 ¶221. A POSITA would thus have understood that these references disclose interrelated teachings

based on well-understood technologies that would have been amenable to various well-understood and predictable combinations. Ex-1002 ¶¶221-224.

XIII. CONCLUSION

Petitioner requests institution of IPR for Claims 1-6 of the '324 Patent based on each of the grounds in this Petition.

Respectfully Submitted,

/s/ *Benjamin M. Haber*
Benjamin M. Haber (Reg. No. 67,129)

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. §42.24(d), Petitioner certifies that this petition includes 13,990 words, as measured by Microsoft Word, exclusive of the table of contents, mandatory notices under §42.8, certificates of service, word count, and exhibits.

CERTIFICATE OF SERVICE (37 C.F.R. §42.6(e)(1))

The undersigned hereby certifies that the above document was served on October 31, 2025, by filing this document through the Patent Trial and Appeal Board P-TACTS System, as well as delivering a copy via express mail upon the following attorneys of record for the Patent Owner:

Haley Guiliano LLP
75 Broad Street
Suite 510
New York, NY 10004-3222

A courtesy copy was sent to the below counsel via electronic mail:

Bradley W. Caldwell
Jason D. Cassady
John Austin Curry
Brian D. Johnston
Caldwell Cassady & Curry PC
2121 N Pearl St., Suite 1200
Dallas, TX 75201
Telephone: (214) 888-4848
bcaldwell@caldwellcc.com
jcassady@caldwellcc.com
acurry@caldwellcc.com
bjohnston@caldwellcc.com

Brian E. Farnan
Michael J. Farnan
Farnan LLP
919 N. Market St., 12th Floor
Wilmington, Delaware 19801
Telephone: (302) 777-0300
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

Dated: October 31, 2025

Respectfully submitted,

/s/ Benjamin M. Haber

Benjamin M. Haber (Reg. No. 67,129)
O'Melveny & Myers LLP
400 South Hope Street, 18th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
Fax: (213) 430-6407
Email: bhaber@omm.com
Attorney for Petitioner