

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COMCAST CABLE COMMUNICATIONS, LLC,  
Petitioner

v.

ROVI GUIDES, INC.  
Patent Owner

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Case IPR2019-00299  
Patent 9,294,799

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**PATENT OWNER'S NOTICE OF APPEAL OF FINAL  
WRITTEN DECISION AND ORDER DENYING PATENT  
OWNER'S REQUEST ON REHEARING**

via PTAB E2E  
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®  
Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

via CM/ECF  
United States Court of Appeals for the Federal Circuit

## **INTRODUCTION**

Rovi Guides, Inc.’s (“Patent Owner”) appeal stems from the Patent Trial and Appeal Board’s Judgement Final Written Decision Determining All Challenged Claims Unpatentable 35 U.S.C. § 318(a) entered on June 29, 2020 (Paper 45, “Final Written Decision”), and the Order Denying Patent Owner’s Request on Rehearing 37 C.F.R. § 42.71 entered on March 25, 2020 (Paper 41, “Rehearing Request Denial”) in the above-captioned *inter partes* review of United States Patent No. 9,294,799 (“the ’799 Patent”). This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

## **PATENT OWNER’S APPEAL**

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 45) and the Rehearing Request Denial (Paper 41).

## **PATENT OWNER’S ISSUES ON APPEAL**

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner’s issues on appeal include at least (Paper 45, 107-108): (i) the Board’s finding that claims 1-4 and 6 of the ’799 Patent are unpatentable as obvious over the combination of Lee and Wang; (ii) the Board’s finding that claims 5 and 9 of the ’799 Patent are

unpatentable as obvious over the combination of Lee, Wang, and Bonomi; (iii) the Board's finding that claim 7 of the '799 Patent is unpatentable as obvious over the combination of Lee, Wang, and Noble; (iv) the Board's finding that claims 8, 10-13, 15, 17, 19-22, 24, 26, and 28 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, and Yukie; (v) the Board's finding that claims 14, 18, 23, and 27 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, Yukie, and Bonomi; (vi) the Board's finding that claims 16 and 25 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, Yukie, and Noble; (vii) the Board's finding that claims 1-4 and 6 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, and Vanzini; (viii) the Board's finding that claims 5 and 9 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, Vanzini, and Bonomi; (ix) the Board's finding that claim 7 of the '799 Patent is unpatentable as obvious over the combination of Lee, Wang, Vanzini, and Noble; (x) the Board's finding that claims 8, 10-13, 15, 17, 19-22, 24, 26, and 28 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, Vanzini, and Yukie; (xi) the Board's finding that claims 14, 18, 23, and 27 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, Vanzini, Yukie, and Bonomi; (xii) the Board's finding that claims 16 and 25 of the '799 Patent are unpatentable as obvious over the combination of Lee, Wang, Vanzini, Yukie, and Noble; (xiii) the Board's denial of Patent Owner's Request for

Rehearing of the Board's Denial of Authorization to File a Motion to Stay or Terminate This Proceeding in Light of *Arthrex*; and (xiv) any finding or determination supporting or related to the aforementioned issues, including claim constructions, as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Patent Owner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/

Jason D. Eisenberg  
Registration No. 43,447  
Attorney for Patent Owner

Date: August 26, 2020  
1100 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-2600

**CERTIFICATION OF FILING**

The undersigned certifies that, along with being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PATENT OWNER'S REQUEST ON REHEARING** is being filed by U.S.P.S. Priority Mail Express® with the Director on August 26, 2020 at:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PATENT OWNER'S REQUEST ON REHEARING** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on August 26, 2020.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
/Jason D. Eisenberg/  
Jason D. Eisenberg  
Registration No. 43,447  
Attorney for Patent Owner

Date: August 26, 2020  
1100 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-2600

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PATENT OWNER'S REQUEST ON REHEARING** was served electronically via e-mail on August 26, 2020, in its entirety on the following:

Frederic M. Meeker (Lead Counsel) [fmeeker@bannerwitcoff.com](mailto:fmeeker@bannerwitcoff.com)  
Bradley C. Wright (Back-up Counsel) [bwright@bannerwitcoff.com](mailto:bwright@bannerwitcoff.com)  
H. Wayne Porter (Back-up Counsel) [wporter@bannerwitcoff.com](mailto:wporter@bannerwitcoff.com)  
John Fleming (Back-up Counsel) [jfleming@bannerwitcoff.com](mailto:jfleming@bannerwitcoff.com)  
John H. Curry (Back-up Counsel) [jcurry@bannerwitcoff.com](mailto:jcurry@bannerwitcoff.com)  
Shambhavi Patel (Back-up Counsel) [spatel@bannerwitcoff.com](mailto:spatel@bannerwitcoff.com)  
Blair A. Silver (Back-up Counsel) [bsilver@bannerwitcoff.com](mailto:bsilver@bannerwitcoff.com)

BANNER & WITCOFF, LTD.  
[ComcastIPRService@bannerwitcoff.com](mailto:ComcastIPRService@bannerwitcoff.com)

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/

Jason D. Eisenberg  
Registration No. 43,447  
Attorney for Patent Owner

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Washington, D.C. 20005  
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