

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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OPENTV, INC.

Petitioner

v.

CISCO SYSTEMS, INC., CISCO TECHNOLOGY INC., SCIENTIFIC-  
ATLANTA, LLC, SCIENTIFIC-ATLANTA, INC. AND NDS AMERICAS INC.

Patent Owner

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CASE: Unassigned

Patent No. 6,744,892 B2

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**TRANSMITTAL LETTER FOR PETITION FOR *INTER PARTES* REVIEW**

Patent Trial and Appeal Board,

Petitioner and Real Party in Interest OpenTV, Inc. hereby submits the following documents for filing a petition for *inter partes* review of U.S. Patent No. 6,744,892 B2 entitled “Method and Apparatus for Geographically Limiting Service in a Conditional Access System” which issued June 1, 2004.

Petitioner requests review and rejection of all claims, claims 1-38, of the U.S. Patent No. 6,744,892 B2 and cancellation of U.S. Patent No. 6,744,892 B2.

## **I. List of Documents Filed with This Petition**

1. Transmittal Letter for Petition for *Inter Partes* Review (5 pages);
2. Petition for *Inter Partes* Review of U.S. Patent No. 6,744,892 B2
  - 2.1. Table of Contents (2 pages)
  - 2.1. Exhibit List (1 page)
  - 2.3. Main Body of Petition (60 pages)
  - 2.4. Certificate of Service (1 page)
  - 2.5. Eight (8) Exhibits in Support of the Petition:
    - Ex. 1001: U.S. Patent No. 6,744,892 B2 to Akins, III et al. (“the 892 Patent”) (50 pages)
    - Ex. 1002: Wasilewski, A. J., “ISO/IEC JTC1/SC20/WG11, Requirements and Method for High-Level Multiplexing of MPEG and Other Digital Service Bitstreams with Universal Transport Layer”, Nov. 1992 (“Wasilewski ’92”) (29 pages)
    - Ex. 1003: U.S. Patent No. 5,506,904 to Sheldrick et al. (“Sheldrick”) (24 pages)
    - Ex. 1004: U.S. Patent No. 5,432,542 to Thibadeau et al. (“Thibadeau”) (17 pages)
    - Ex. 1005: Portions of the prosecution file history of related U.S. Patent No. 6,252,964 B1 (69 pages)
    - Ex. 1006: Declaration of Alan Young (92 pages)
    - Ex. 1007: Claim charts identifying specific sections of prior art references that support invalidity of claims 1, 12, 20 and 26 of the 892 Patent (12 pages)
    - Ex. 1008: U.S. Patent No. 5,870,474 to Wasilewski et al. (“the 474 Patent”) (34 pages)
3. Power of Attorney Executed by Petitioner OpenTV, Inc. (2 pages)

## **II. Citation Convention in This Petition**

Exhibits are sequentially numbered in the 1001-1999 range and labeled in the lower right hand corner with the petitioner's name, exhibit number and page number, as required.

References to Exhibits made within this Petition follow the following formats:

- References to Exhibits 1001 and 1003 to 1005: XX:yy-zz; where XX is the column number, and yy and zz are line numbers; for example, 4: 23-25 refers to Col. 4, lines 23-25;
- References to Exhibit 1002: Sec. X, par. Y, where X is the section number and Y is the paragraph number;
- References to Exhibit 1006 are made using paragraph numbers;
- References to Exhibit 1007 are made using Table numbers.

## **III. Payment of Fees**

The Office is authorized to charge \$35,800.00 to Deposit Account No. 50-5252 as required under 37 C.F.R. § 42.15(a) and pursuant to the official fee schedule effective on March 19, 2013. The above total fee of \$35,800.00 includes \$9,000.00 in *inter partes* review request fee for up to 20 claims, \$3,600.00 excess claim fees for the *inter partes* review request, \$14,000.00 post-institution fee for up to 15 claims and \$9,200.00 post-institution excess claim fees.

The Office is further authorized to charge any other fees, or apply any credit in connection with this Petition, to the Deposit Account No. 50-5252.

#### IV. Counsel for Petitioner

Petitioner appoints the following counsel and information for service:

LEAD COUNSEL	BACK-UP COUNSEL
Nicholas T. Bauz USPTO Reg. No. 41,604 Perkins Coie LLP 11988 EL Camino Real, Suite 200 San Diego, CA 92130 Phone: 858-720-5706 Fax: 858-720-5799 opentv-cisco-ipr@perkinscoie.com	Bing Ai USPTO Reg. No. 43,312 Perkins Coie LLP 11988 EL Camino Real, Suite 200 San Diego, CA 92130 Phone: 858-720-5707 Fax: 858-720-5799 opentv-cisco-ipr@perkinscoie.com
	Amy E. Simpson USPTO Reg. No. 54,688 Perkins Coie LLP 11988 EL Camino Real, Suite 200 San Diego, CA 92130 Phone: 858-720-5702 Fax: 858-720-5799 opentv-cisco-ipr@perkinscoie.com

Pursuant to 37 C.F.R. § 42.10(b), a Power of Attorney for appointing the above designated counsel for this Petition by OpenTV, Inc. is concurrently filed.

## V. Compliance Statements

This submission meets statutory requirements under 35 U.S.C. §§ 311 and 312 and complies with requirements under relevant patent rules, inter alia, 35 C.F.R. §§ 42.6, 42.8, 42.22 and 42.100 through 42.106. In addition, this submission complies with requirements under *The Office Patent Trial Practice Guide* issued on August 12, 2012.

Dated: June 4, 2013

PERKINS COIE LLP  
11988 El Camino Real, Suite 200  
San Diego, CA 92130  
(858) 720-5700

Respectfully submitted,

/Nicholas T. Bauz/

Nicholas T. Bauz , Reg. No. 41,604

Bing Ai, Reg. No. 43,312

Amy E. Simpson, Reg. No. 54,688

Attorneys for Petitioner OpenTV, Inc.