IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TV GUIDE ONLINE, INC. and TV GUIDE ONLINE, LLC, Plaintiffs and Counterclaim Defendants, v. TRIBUNE MEDIA SERVICES, INC., Defendant and Counterclaim Plaintiff.	)	C.A. No.: 05-725-***

TRIBUNE MEDIA SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 5,988,078

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant/Counterclaim Plaintiff Tribune Media Services, Inc. ("TMS") moves for judgment as a matter of law that each asserted claim of U.S. Patent No. 5,988,078 is invalid as obvious under 35 U.S.C. § 103.

Each asserted claim relates to receiving television programming information for a specific geographic location. The undisputed facts of record, including the deposition testimony and expert report of TV Guide's technical expert, demonstrate that each asserted claim is obvious in light of: (a) the general knowledge of one of ordinary skill in the art as of TV Guide's claimed invention date; and (b) CompuServe and U.S. Patent No. 4,706,121, both of which taught receiving television programming information specific to a geographic location years before the '078 patent was filed.

In its recent, landmark decision in *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), the Supreme Court clarified the law on obviousness and emphasized there are numerous ways to demonstrate a patent claim is obvious. The asserted '078 patent claims cannot survive the obviousness test demanded by *KSR*. As further explained in TMS' accompanying memorandum in support of this motion: obviousness is a question of law for the Court to decide; the

undisputed facts demonstrate the asserted '078 patent claims are the epitome of obvious; and TMS should receive judgment in its favor as a matter of law that the asserted '078 patent claims are invalid.

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