

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

REALTIME ADAPTIVE STREAMING  
LLC,

Plaintiff,

v.

SLING TV L.L.C.,  
SLING MEDIA INC.,  
SLING MEDIA, L.L.C.,  
ECHOSTAR TECHNOLOGIES L.L.C.,  
DISH NETWORK L.L.C., AND  
ARRIS GROUP, INC.,

Defendants.

**Case No. 1:17-cv-02097-RBJ**

**PLAINTIFF REALTIME ADAPTIVE STREAMING LLC'S NOTICE OF  
SUPPLEMENTAL AUTHORITY REGARDING DEFENDANTS' MOTION TO  
DISMISS (D.I. 47) / MOTION FOR JUDGMENT ON THE PLEADINGS (D.I. 48)**

Plaintiff Realtime Adaptive Streaming LLC (“Realtime”) respectfully submits this Notice of Supplemental Authority to bring to the Court’s attention two recent, precedential Federal Circuit opinions: *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, No. 2016-2684 (Fed. Cir. Jan. 25, 2018) (Ex. A); and *Finjan, Inc. v. Blue Coat Sys., Inc.*, No. 2016-2520 (Fed. Cir. Jan. 10, 2018) (Ex. B). These opinions further compel a denial of Defendants’ motions (D.I. 47 and D.I. 48).

The *Finjan* court held eligible a patent for identifying suspicious computer virus. *Finjan* at 5. *Finjan*’s claim recited only three steps: (a) “receiving ... a Downloadable” computer program; (2) “generating ... security profile that identifies suspicious code;” and (3) “linking” the security profile to the computer program. *Id.* The claim did not specify *how* to “identif[y] suspicious code.” *Id.* While acknowledging that prior Federal Circuit precedent has held that “virus screening,” by itself, is an abstract idea, the court nevertheless held that *Finjan*’s patent claim was not abstract because it was not directed to just any “virus screening,” but instead limited to a particular type of virus screening, which constituted improvement in computer functionality. In so holding, the court rejected the same argument advanced by Defendants here, namely, that the claims “do not sufficiently describe how to implement” any idea. *Id.* at 8-9. On this point, the court held that the three recited claimed steps were all that was needed to render the claim patent-eligible. *Id.* at 9.

The Realtime claims here present an even clearer case for patent-eligibility than those at issue in *Finjan*. In contrast to the patent in *Finjan*, which was in the field of “virus screening” that previously was held to be abstract, Realtime’s claims are directed to particularized digital data compression methods and systems, which plainly is not abstract. *See DDR*, 733 F.3d at 1259. And the asserted claims are not just directed to digital data compression in general, but a *particularized* subset of novel digital data compression, which is directed to improving the capacity of a computer

system to store more data or to transfer data more efficiently across computer systems. Moreover, the asserted claims require even more specific steps and components than those held eligible in *Finjan*. These include: (i) the use of “a **plurality** of compression” algorithms or techniques; (ii) determining “parameter or attribute” of a digital data block; (iii) “selecting” specific techniques based upon that determination “and a throughput of a communication channel,” or a digital data “access profile,” (iv) requiring the selected techniques “being asymmetric,” and other novel elements. *E.g.*, ‘610 patent claim 1; *see also, e.g.*, ‘535 patent claims 1 & 15; D.I. 55 at 2-10.

The *Core Wireless* court affirmed eligibility of a patent in the field of summarizing and presenting information in electronic devices. *Core Wireless* at 9. In so doing, the court rejected defendants’ failure to acknowledge key claim elements and cautioned that courts “must be mindful that all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” *Id.* at 7. After applying the court’s precedent, it held that the patent claimed “an improvement in the functioning of computers” (*id.* at 7-10) because it was limited “to a **particular** manner of summarizing and presenting information in electronic devices.” As in *Core Wireless*, the patents at issue here claim specific and particular manners of selecting and compressing digital data to improve the capacity of a computer system to store more data or to transfer data more efficiently across computer systems. As the Federal Circuit did in *Core Wireless*, the Court should reject Defendants’ attempt to ignore key claim elements, which Defendants do to construct their flawed argument that the claims can be practiced in the “human mind.” D.I. 47 at 9-11. Like in *Core Wireless*, the claims here are patent-eligible.

Dated: February 2, 2018

Respectfully submitted,

/s/ C. Jay Chung

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served on all counsel of record via electronic service on February 2, 2018.

/s/ C. Jay Chung\_\_\_\_\_