

**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.

Civil Action No. 1:17-cv-02097-RBJ

LEAD CASE

REALTIME ADAPTIVE STREAMING LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 1:17-cv-02869-RBJ

CONSOLIDATED CASE

**APPLE INC'S ANSWER, DEFENSES, AND COUNTERCLAIMS TO
REALTIME'S AMENDED COMPLAINT**

Defendant, Apple Inc. ("Apple") answers the Amended Complaint for Patent Infringement of Plaintiff Realtime Adaptive Streaming LLC ("Realtime") (ECF No. 40) (the "Amended Complaint") as follows:

PARTIES

1. Apple lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 1 of the Amended Complaint.

2. Apple admits that it is a corporation organized and existing under the laws of the State of California with its principal place of business located in Cupertino, California. Apple admits that it offers consumer electronics for sale throughout the United States, including retail stores at 3000 East 1st Avenue, Denver, Colorado 80206 and 1755 29th Street, Boulder, Colorado 80301. Apple denies that it has committed any act of infringement of any valid patent. Apple admits that an agent for service of process is maintained at The Corporation Company, 7700 E. Arapahoe Road, Suite 220, Centennial, Colorado 80112-1268. Apple denies the rest of paragraph 2 of the Amended Complaint.

JURISDICTION AND VENUE

3. Apple admits that Realtime purports to allege an action for patent infringement arising under the patent laws of the United States and that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Apple admits that it sells products and offers services to consumers within the District of Colorado, including certain products and services accused of infringement in the Amended Complaint. Apple denies the remaining allegations of paragraph 4 of the Amended Complaint.

5. Apple admits that it has a regular and established place of business in the District of Colorado, but denies that it has committed any act of patent infringement. Apple denies any remaining factual allegations in paragraph 5 of the Amended Complaint.

THE PATENTS-IN-SUIT

6. Apple admits Realtime alleges causes of action arising under 35 U.S.C. § 271, but denies that they state a claim upon which relief can be granted. Apple denies that it has committed any act of patent infringement and denies any remaining factual allegations in paragraph 6 of the Amended Complaint.

7. Apple admits that the document attached to the Amended Complaint as Exhibit A purports to be a copy of U.S. Patent No. 7,386,046 (the “‘046 Patent”), and admits that Exhibit A bears on its face an issue date of June 10, 2008 and the title “Bandwidth Sensitive Data Compression and Decompression.” Apple lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 7 of the Amended Complaint and therefore denies them.

8. Apple admits that the document attached to the Amended Complaint as Exhibit B purports to be a copy of U.S. Patent No. 8,634,462 (the “‘462 Patent”), and admits that Exhibit B bears on its face an issue date of January 21, 2014 and the title “Quantization for Hybrid Video Coding.” Apple lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 8 of the Amended Complaint and therefore denies them.

9. Apple admits that the document attached to the Amended Complaint as Exhibit C purports to be a copy of U.S. Patent No. 8,929,442 (the “‘442 Patent”), and admits that Exhibit C bears on its face an issue date of January 6, 2015 and the title “System and Methods for Video and Audio Data Distribution.” Apple lacks knowledge or information sufficient to form a belief

about the truth of the remaining allegations contained in paragraph 9 of the Amended Complaint and therefore denies them.

10. Apple admits that the document attached to the Amended Complaint as Exhibit D purports to be a copy of U.S. Patent No. 8,934,535 (the “535 Patent”), and admits that Exhibit D bears on its face an issue date of January 13, 2015 and the title “Systems and Methods for Video and Audio Data Storage and Distribution.” Apple lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 10 of the Amended Complaint and therefore denies them.

11. Apple admits that the document attached to the Amended Complaint as Exhibit E purports to be a copy of U.S. Patent No. 9,578,298 (the “298 Patent”), and admits that Exhibit E bears on its face an issuance date of February 21, 2017 and the title “Method for Decoding 2D-Compatible Stereoscopic Video Flows.” Apple lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 11 of the Amended Complaint and therefore denies them.

12. Apple denies that an Exhibit G is attached to the Amended Complaint. Apple admits a document bearing U.S. Patent No. 9,769,477 (the “477 Patent”) is attached to the Amended Complaint and admits that the ‘477 Patent bears on its face an issuance date of September 19, 2017 and the title “Video Data Compression Systems.” Apple lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 12 of the Amended Complaint and therefore denies them.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,386,046

13. Apple incorporates all denials and admissions in paragraphs 1 through 12 by reference as if fully restated in this paragraph.

14. Apple denies that it has committed any act of patent infringement of any valid patent. Apple admits that it offers access to the iTunes Store and Apple Music (the “Accused Services”) to consumers within the United States. Apple admits that it has sold versions of iPhones, iPads, Apple TVs, Macs, iPods and Apple Watches (the “Accused AVC Products”) to consumers within the United States. Apple denies any remaining allegations in paragraph 14 of the Amended Complaint.

15. Apple denies all allegations of paragraph 15 of the Amended Complaint.

16. Apple admits that certain of the Accused AVC Products utilize Advanced Video Coding (“AVC,” also known as “H.264”). Apple admits that certain content is offered over the Accused Services via the HTTP Live Streaming (“HLS”) protocol. The websites cited in paragraph 16 of the Amended Complaint speak for themselves. Apple admits that the websites cited in paragraph 16 of the Amended Complaint contain the quotations attributed to them, but denies that they contain a full and complete description of the Accused AVC Products or the Accused Services. Apple denies all other allegations in paragraph 16 of the Amended Complaint.

17. The websites cited in paragraph 17 of the Amended Complaint speak for themselves. Apple denies that the websites cited in paragraph 17 of the Amended Complaint contain a full and complete description of the Accused AVC Products or the Accused Services. Apple admits that certain of the Accused AVC Products and the Accused Services utilize or

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