

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

Civil Action No. 1:18-cv-01175-KLM

REALTIME ADAPTIVE STREAMING LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

**DEFENDANT INTEL CORPORATION'S ANSWER AND COUNTERCLAIMS TO
COMPLAINT FOR PATENT INFRINGEMENT**

Intel Corporation ("Intel") answers the Complaint for Patent Infringement filed by Realtime Adaptive Streaming LLC ("Plaintiff") on May 15, 2018 ("Complaint"), and sets forth its Counterclaims as follows. Intel's incorporation of the titles and headings found in the Complaint is for the convenience of the parties and Court, and Intel denies any allegations implicit in the titles and headings of the Complaint.

ANSWER

THE PARTIES

1. Intel lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1, and therefore denies them.

2. Intel admits that it is a Delaware corporation with its principal place of business located in Santa Clara, California. Intel also admits that it has facilities or offices located at the following addresses: 385 Interlocken Crescent, Suite 160, Broomfield, CO 80021; 10700 East Geddes Avenue 300, Englewood, CO 80112; 4701 Technology Parkway, Fort Collins, CO

80528; 1921 Corporate Center Circle, Suite 3B, Longmont, CO 80501; and 3055-A West 74th Avenue, Westminster, CO 80030. Intel denies that 385 Interlocken Crescent, Suite 160, Englewood, CO 80021 is a valid address. Intel admits that it offers products and services to customers and potential customers worldwide, including customers and potential customers located in the State of Colorado. Intel further admits that The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801, is a registered agent for Intel in the State of Delaware. The remaining allegations in paragraph 2 contain legal conclusions to which no response is required.

JURISDICTION AND VENUE

3. Intel admits that Plaintiff purports to assert an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code, but denies that any grounds exist for Plaintiff's claims. Intel does not dispute that the Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. The allegations in paragraph 4 contain legal conclusions to which no response is required. To the extent a response is required, Intel denies that it has committed any acts of patent infringement in the State of Colorado or elsewhere. Intel admits that it has conducted and continues to conduct business in the State of Colorado. Intel further admits that it offers for sale and sells products and services worldwide, including in the State of Colorado, but denies that any such offers for sale or sales infringe any valid and enforceable claims of the asserted patents. Intel denies all remaining allegations in this paragraph.

5. The allegations in paragraph 5 contain legal conclusions to which no response is required. To the extent a response is required, Intel denies that it has committed any acts of

patent infringement in the District of Colorado, or elsewhere. Intel admits that it has transacted business in the District of Colorado. For the limited purpose of this action, Intel does not contest that venue is proper under 28 U.S.C. § 1400(b) but reserves its right to contest that venue is inconvenient under 28 U.S.C. § 1404. Intel denies all remaining allegations in this paragraph.

THE PATENTS-IN-SUIT

6. Intel admits that Plaintiff purports to assert an action for patent infringement under 35 U.S.C. § 271 for alleged infringement of three purported United States patents. Intel lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 6, and therefore denies them.

7. Intel admits that a document labeled U.S. Patent No. 7,386,046 (“the ’046 patent”) titled “Bandwidth sensitive data compression and decompression” and bearing an issue date of June 10, 2008, was attached as Exhibit A to Plaintiff’s Complaint. Intel denies that the ’046 patent was “duly and properly issued” because the ’046 patent claims are invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and 112. Intel lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 7, and therefore denies them.

8. Intel admits that a document labeled U.S. Patent No. 8,934,535 (“the ’535 patent”) titled “Systems and methods for video and audio data storage and distribution” and bearing an issue date of January 13, 2015, was attached as Exhibit B to Plaintiff’s Complaint. Intel denies that the ’535 patent was “duly and properly issued” because the ’535 patent claims are invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and 112. Intel lacks knowledge or

information sufficient to form a belief as to the truth of the remaining allegations of paragraph 8, and therefore denies them.

9. Intel admits that a document labeled U.S. Patent No. 9,769,477 (“the ’477 patent”) titled “Video data compression systems” and bearing an issue date of September 19, 2017, was attached as Exhibit C to Plaintiff’s Complaint. Intel denies that the ’477 patent was “duly and properly issued” because the ’477 patent claims are invalid under one or more of 35 U.S.C. §§ 101, 102, 103, and 112. Intel lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 9, and therefore denies them.

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

10. Intel incorporates by reference its responses to paragraphs 1-9 above.

11. Intel admits that its products, including the Intel Core i9-8950HK Processor, the Intel Core i7-8850H Processor, the Intel Core i7-8750H Processor, the Intel Core i5-8500B Processor, and the Intel Core i3-8300T Processor, are branded to include “Quick Sync Video.” Intel denies that it has or continues to make, use, offer for sale, sell, and/or import into the United States any products that infringe the ’046 patent. Intel denies the remaining allegations in this paragraph.

12. Denied.

13. Intel admits that the Telecommunication Standardization Sector of the International Telecommunication Union (ITU-T) has published Recommendations for H.264, which incorporates an optional Annex G titled “Scalable video coding.” Intel denies the remaining allegations in this paragraph.

14. Intel admits that a white paper titled “Intel® QuickSync Video and FFmpeg*” is located at the following webpage:

<https://www.intel.com/content/dam/www/public/us/en/documents/white-papers/cloud-computing-quicksync-video-ffmpeg-white-paper.pdf>. Intel further admits the white paper states that “Intel hardware provides fast decode, encode, and transcode for h264. Many of the benefits of Intel acceleration are available using the FFmpeg codec h264_qsv.” Intel denies the remaining allegations from this paragraph.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Intel admits that it has had knowledge of the existence of the '046 patent since at least shortly after Plaintiff's Complaint was filed. Intel denies the remaining allegations from this paragraph.

24. Intel admits that at least some Intel products are branded with “Quick Sync Video.” Intel also admits that a white paper titled “Intel® QuickSync Video and FFmpeg*” is located at the following webpage:

<https://www.intel.com/content/dam/www/public/us/en/documents/white-papers/cloud-computing-quicksync-video-ffmpeg-white-paper.pdf>.

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