

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

REALTIME ADAPTIVE STREAMING	)	
LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 17-1693 (JFB) (SRF)
	)	
SONY ELECTRONICS INC. and	)	
SONY CORPORATION,	)	
	)	
Defendants.	)	

**SONY’S OPENING BRIEF IN SUPPORT OF ITS  
MOTION FOR A MORE DEFINITE STATEMENT**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
Jack B. Blumenfeld (#1014)  
Rodger D. Smith II (#3778)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
rsmith@mnat.com

OF COUNSEL:

*Attorneys for Defendant Sony Electronics Inc.*

Gregory S. Gewirtz  
Jonathan A. David  
Alexander Solo  
LERNER DAVID LITTENBERG KRUMHOLZ  
& MENTLIK LLP  
600 South Avenue West  
Westfield, NJ 07090  
(908) 654-5000

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## **I. INTRODUCTION**

Defendant Sony Electronics Inc. (“Sony”) moves, pursuant to Fed. R. Civ. P. 12(e), for a more definite statement of the claims in the Complaint filed by Plaintiff Realtime Adaptive Streaming LLC (“Realtime”), as the Complaint is so vague and ambiguous that Sony cannot reasonably prepare a response.

## **II. NATURE AND STAGE OF THE PROCEEDINGS**

On November 21, 2017, Realtime filed its Complaint against Defendants Sony Electronics Inc. and Sony Corporation. (D.I. 1.) On December 20, 2017, the parties filed a Stipulation to extend the time to January 19, 2018, for Sony Electronics Inc. to move, answer, or otherwise respond to the Complaint (D.I. 6), which was granted on December 21, 2017 (D.I. 7). On December 26, 2017, the parties filed a Stipulation of Dismissal of Defendant Sony Corporation (D.I. 9) such that only Defendant Sony Electronics Inc. now remains in the case. Finally, on January 16, 2018, the parties filed a Stipulation (D.I. 11) to extend the time to move, answer, or otherwise respond to the Complaint until February 5, 2018.

## **III. SUMMARY OF THE ARGUMENT**

1. Realtime’s Complaint lists hundreds of different models from different product classes as the Accused Instrumentalities, but only specifically mentions a few products as supporting or using particular standards without clearly alleging how the Accused Instrumentalities infringe the asserted claims. Realtime ambiguously alleges some facts about how some Sony products are compatible with a given standard, recites some of the features of the standard, and then concludes that all accused products infringe by parroting back the language of asserted claims. Realtime’s allegations do not include sufficient detail to enable Sony to reasonably prepare a response, and as they now stand are unintelligible, vague, and

ambiguous such that Sony cannot reasonably understand how each of the Accused Instrumentalities are alleged to infringe. Accordingly, a more definite statement should be ordered.

2. Realtime only pleads facts regarding how a few exemplary products are allegedly compatible with certain standards, such that it is vague and ambiguous as to which of the Accused Instrumentalities use which standards, when such standards are used, and how use of such standards meets the elements of each asserted claim. Thus, Realtime should be ordered to provide a more definite statement in this regard as to all Counts.

3. In Counts II and V, Realtime also fails to intelligibly allege how compatibility with a particular standard (H.265) even meets the steps of the asserted claims. Realtime merely lists out each step of the claim, and then provides citations to the H.265 specification and/or an article about the specification, without indicating how use of the standard performs the listed step. Realtime's citations to cryptic passages in or about the standard are so vague and ambiguous that they fail to provide notice to Sony of how a given step is practiced by use of the standard. Thus, Realtime should be ordered to provide a more definite statement as to these Counts.

4. In addition to specific models, Realtime's repeated list of Accused Instrumentalities also includes certain broad classes of products such as "camcorders," "motion cameras," "film cameras," "music video recorders," "in-car receivers and players," and "next generation 4K media players." Such nonspecific allegations to these broad product categories are completely vague and ambiguous as to which products are actually at issue such that Sony cannot reasonably prepare a response. In fact, some allegations, such as alleged infringement against Sony's "film cameras," are vague and confusing as those products do not in any way

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