IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REALTIME ADAPTIVE STREAMING LLC, Plaintiff, v. SONY ELECTRONICS, INC., Defendant.	C.A. No. 17-1693-JFB-SRF

REALTIME ADAPTIVE STREAMING LLC'S RESPONSE TO SONY'S MOTION FOR A MORE DEFINITE STATEMENT

Dated: March 6, 2018

OF COUNSEL

Marc A. Fenster
Reza Mirzaie
Brian D. Ledahl
C. Jay Chung
Philip X. Wang
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
mfenster@raklaw.com
rmirzaie@raklaw.com
bledahl@raklaw.com
jchung@raklaw.com
pwang@raklaw.com

BAYARD, P.A.

/s/ Stephen B. Brauerman

Stephen B. Brauerman (No. 4952)
Sara E. Bussiere (No. 5725)
600 N. King Street, Suite 400
Wilmington, DE 19801
Phone: (302) 655-5000
sbrauerman@bayardlaw.com
sbussiere@bayardlaw.com

Attorneys for Plaintiff Realtime Adaptive Streaming LLC

Table of Contents

Table of Authorities

Cases

Table of Authorities
(continued)

Page

Rules

I. INTRODUCTION

Sony's motion for a more definite statement essentially demands that Realtime provide detailed infringement contentions in its complaint. For example, Sony argues that the complaint is deficient because it does not identify all asserted claims and accused products, and because it does not allege how each accused product meets each element of each asserted claim. This is not the law. Rule 8 does not require detailed factual allegations, but only requires facts sufficient to place the alleged infringer on notice of what it must defend. Realtime's complaint—which identifies exemplary accused instrumentalities by name and model number, explains how these accused instrumentalities meet the elements of the identified representative asserted claims, and even provides direct quotes and citations to evidence from Sony's own website—far exceeds the notice pleading standard. None of the cases cited by Sony support its position. Indeed, courts in this District have consistently "declined" to "front-load the litigation process by requiring a detailed complaint in every instance." *Prowire LLC v. Apple, Inc.*, No. CV 17-223, 2017 WL 3444689, at *3 (D. Del. Aug. 9, 2017).

The allegations of the complaint are sufficiently detailed to put Sony on notice of what it must defend. No more is required. Sony's motion for a more definite statement should be denied.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." *McZeal v. Sprint Nextel Corp.*, 501 F.3d 1354, 1356 (Fed. Cir. 2007)[1] (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)). To

[1] In evaluating the sufficiency of a complaint under *Twombly* and *Iqbal*, courts in this and other districts properly rely on pre-December 1, 2015 (when Form 18 was abrogated) Federal Circuit precedent regarding the pleading standards for patent infringement. *See Prowire LLC v. Apple, Inc.*, No. CV 17-223, 2017 WL 3444689, at *3 n.7 (D. Del. Aug. 9, 2017) (collecting recent

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.