

**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

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## 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)<sup>1</sup> (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)). To

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<sup>1</sup> 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

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