

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

REALTIME ADAPTIVE STREAMING
LLC,

Plaintiff,

v.

SONY ELECTRONICS INC.,

Defendant.

C.A. No. 1:17-cv-01693-JFB-SRF

**PLAINTIFF REALTIME ADAPTIVE STREAMING LLC'S ANSWERING BRIEF IN
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS COMPLAINT**

March 8, 2018

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Under *Alice* step 1, the Fallon patents¹ here are not abstract, but rather are limited to particularized technological solutions that improve computer capabilities—*e.g.*, particularized digital data compression systems to increase the capacity of a computer system to store or transfer data more efficiently in flexible ways. The claims describe specific ways (using multiple compressors, asymmetric compressors, parameter of data block and/or throughput) to make this happen. Even if it could satisfy step 1, Sony also cannot satisfy its burden under *Alice* step 2. When properly examined as an ordered combination, the claim elements require much more than well-understood, routine, conventional activities for solving the then-existing problems in the field of digital data compression. Sony’s contrary arguments, focusing merely on individual elements separately, are factually and legally incorrect. Indeed, “a court must look to the claims as an ordered combination.”² Moreover, the intrinsic record, including the patents’ specification and file histories, demonstrate that the ordered combinations of the elements are unconventional. In the least, the intrinsic record raises factual issues that preclude dismissal.

The arguments similar to those advanced by Sony have been rejected multiple times. On March 7, 2018, a court in Colorado denied §101 motion to dismiss and motion for judgment on the pleadings involving the ‘535 patent asserted against Sony, as well as another related patent. (Ex. 6.) The asserted ‘535 patent is related to, and shares the same specification as, the other four Fallon Patents at issue here. Moreover, two other courts, in Texas and Massachusetts, also ruled on §101 motions involving other Realtime patents that are incorporated by reference into the

¹ The ‘535, ‘477, ‘442, ‘907, and ‘046 patents asserted in this case (“Fallon Patents”) are related to each other and share substantially the same specification. Sony has not argued that the remaining two asserted patents (the ‘462 and ‘298 patents) are patent ineligible under §101.

² *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1313 (Fed. Cir. 2016); *Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016) (“an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.”).

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