

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.,      | ) |                              |
|                             | ) |                              |
| Defendants.                 | ) |                              |

**SONY’S REPLY BRIEF IN SUPPORT OF ITS  
MOTION TO DISMISS FOR PATENT INELIGIBILITY**

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## **I. INTRODUCTION**

The claims of the Fallon Patents do not meet the requirements for subject-matter eligibility. As to *Alice* step one, Realtime admits that its claims “are directed to systems and methods of digital data compression utilizing multiple compressors ... to compress data based on a parameter ...” (Opp’n Br. 2)—an abstract and unpatentable idea, and does not dispute that the use of different types of compression, including “asymmetric” compression, were well known at the time. As to *Alice* step two, Realtime does not point to any *claim limitations*, individually or as an ordered combination, providing any improvements to a computer system, and the specification confirms that all the claimed hardware and compression types were conventional, as is the order of the claimed steps.

## **II. THE PATENTS CLAIM ABSTRACT CONCEPTS UNDER ALICE STEP ONE**

### **A. The Patents Do Not Claim Technological Solutions To Technological Problems**

The claims are directed to data compression, a form of “encoding and decoding” data, which the Federal Circuit has stated is “an abstract concept long utilized to transmit information” and is thus patent-ineligible. *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1326 (Fed. Cir. 2017), *cert. denied*, 183 S. Ct. 672 (2018). The claims call for selecting from known types of data compression based on a parameter related to the data or communications channel. They do not “claim” any particularized technological solutions, such as new compression algorithms or data transmission methods, which could improve computer processing. Thus, the claims fail to satisfy *Alice* step one.

Realtime argues the patent claims should survive § 101 because they claim “technological solutions to technological problems, not abstract subject matter.” (Opp’n Br. 5.) But Realtime has not shown this to be the case. First, Realtime alleges that its “claims are directed to digital data compression, which plainly is not abstract.” (*Id.* at 6.) But digital data

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