

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

REALTIME ADAPTIVE STREAMING LLC,

Plaintiff,

v.

ADOBE SYSTEMS INC.,

Defendant.

Case No. 1:18-cv-10355

JURY TRIAL DEMANDED

**ANSWER AND AFFIRMATIVE DEFENSES BY
DEFENDANT ADOBE SYSTEMS INCORPORATED**

Pursuant to Rule 8 of the Federal Rules of Civil Procedure and Order 16, Defendant Adobe Systems Incorporated (“Adobe”), hereby responds to the Complaint for Patent Infringement of Plaintiff Realtime Adaptive Streaming LLC (“Realtime”), on personal knowledge as to its own activities and on information and belief as to the activities of others as follows:

Adobe denies each and every allegation contained in the Complaint that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific admitted facts, not as to any purported conclusions, characterizations, implications, or speculations that arguably follow from the admitted facts. Adobe denies that Realtime is entitled to the relief requested or any other relief.

PARTIES

1. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 1, and therefore denies them.
2. Adobe admits that it is a Delaware corporation with its corporate headquarters

located at 345 Park Avenue, San Jose, California 95110.

3. Adobe admits that it has regular and established places of business in this District and that it offers its products and/or services, including at least some of those accused herein of infringement, to customers and potential customers located in this District. Adobe denies that it has committed any acts of infringement in this District or elsewhere. Adobe denies that venue is convenient in this District. To the extent there are any remaining allegations in paragraph 3, Adobe denies them.

4. Admitted.

JURISDICTION AND VENUE

5. Adobe admits that the Complaint purports to allege a claim for patent infringement under the patent laws of the United States, Title 35 of the United States Code, and that this Court has jurisdiction over patent actions pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Adobe denies that it has committed acts of infringement in this District or elsewhere. Adobe admits that it conducts business in this District. For purposes of this action only, Adobe admits it is subject to personal jurisdiction in this District. Adobe otherwise denies the allegations of paragraph 6.

7. For the purposes of this action only, Adobe does not contest that venue in this District is proper under 28 U.S.C. § 1400(b), but Adobe denies that venue is convenient for this case. Adobe admits it has lawfully transacted business in this District, but denies that it has committed acts of direct or indirect infringement in this District or elsewhere.

THE PATENTS-IN-SUIT

8. Adobe admits that this action arises under 35 U.S.C. § 271 for alleged infringement of United States Patents 7,386,046 (the “’046 Patent”), 8,634,462 (the “’462

Patent”), 8,929,442 (the “’442 Patent”), 8,934,535 (the “’535 Patent”), 9,578,298 (the “’298 Patent”), 9,762,907 (the “’907 Patent”), and 9,769,477 (the “’477 Patent”) (collectively, the “Patents-In-Suit”). Adobe is without information or knowledge sufficient to form a belief as to whether Realtime owns the Patents-In-Suit. Adobe denies any remaining allegations in paragraph 8.

9. Adobe admits that the ’046 Patent on its face is titled “Bandwidth Sensitive Data Compression and Decompression” and that it appears to have issued on June 10, 2008. Adobe denies that the ’046 Patent was “duly and properly issued.” Adobe admits that a copy of what appears to be the ’046 Patent was attached to the Complaint as Exhibit A. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 9, and therefore denies them.

10. Adobe admits that the ’462 Patent on its face is titled “Quantization for Hybrid Video Coding” and that it appears to have issued on January 21, 2014. Adobe denies that the ’432 Patent was “duly and properly issued.” Adobe admits that a copy of what appears to be the ’462 Patent was attached to the Complaint as Exhibit B. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 10, and therefore denies them.

11. Adobe admits that the ’442 Patent on its face is titled “System and Methods for Video and Audio Data Distribution” and that it appears to have issued on January 6, 2015. Adobe denies that the ’442 Patent was “duly and legally issued.” Adobe admits that a copy of what appears to be the ’442 Patent was attached to the Complaint as Exhibit C. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 11, and therefore denies them.

12. Adobe admits that the '535 Patent on its face is titled "Systems and Methods for Video and Audio Data Storage and Distribution" and that it appears to have issued on January 13, 2015. Adobe denies that the '535 Patent was "duly and properly issued." Adobe admits that a copy of what appears to be the '535 Patent was attached to the Complaint as Exhibit C. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 12, and therefore denies them.

13. Adobe admits that the '298 Patent on its face is entitled "Method for Decoding 2D-Compatible Stereoscopic Video Flows" and that it appears to have issued on February 21, 2017. Adobe denies that the '298 Patent was "duly and properly issued." Adobe admits that a copy of what appears to be the '298 Patent was attached to the Complaint as Exhibit E. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 13, and therefore denies them.

14. Adobe admits that the '907 on its face is titled "System and Methods for Video and Audio Data Distribution" and that it appears to have issued on September 12, 2017. Adobe denies that the '907 Patent was "duly and properly issued." Adobe admits that a copy of what appears to be the '907 Patent was attached to the Complaint as Exhibit F. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 14, and therefore denies them.

15. Adobe admits that the '477 Patent on its face is titled "Video Data Compression Systems" and that it appears to have issued on September 19, 2017. Adobe denies that the '477 Patent was "duly and properly issued." Adobe admits that a copy of what appears to be the '477 Patent was attached to the Complaint as Exhibit G. Adobe is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 15,

and therefore denies them.

COUNT I

[ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 7,386,046

16. Adobe incorporates by reference all the foregoing responses as if fully set forth herein.

17. Adobe admits that it has at times offered certain versions of Adobe Media Encoder, Media Encoder Creative Cloud, Media Encoder Creative Suite, Premiere Pro, Premiere Pro CC, Premiere Pro CS, Flash, Flash Player, Flash Media Server, Flash Media Encoding Server, After Effects, After Effects CC, After Effects CS, and/or HTTP Dynamic Streaming (HDS). Adobe denies that any of its products infringe the '046 Patent. Adobe otherwise denies paragraph 17.

18. Denied.

19. Adobe admits that certain versions of certain of the accused products support certain aspects of H.264. Adobe denies that its products infringe the '046 Patent. Realtime appears to have quoted from various websites. It is unclear why Realtime quoted these websites; to the extent it contends these websites support its claims of infringement, Adobe denies such allegations and denies that Realtime has accurately described the Adobe accused products. Adobe otherwise denies paragraph 19.

20. Adobe admits that certain versions of certain of the accused products support certain types of compression. Adobe denies that its products infringe the '046 Patent. Adobe denies that paragraph 20 accurately describes the Adobe accused products. Adobe otherwise denies paragraph 20.

21. Adobe admits that certain versions of certain of the accused products support

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