UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEBPOWER, INC.,
Petitioner

v.

WAG ACQUISITION, LLC
Patent Owner

U.S. Patent No. 8,122,141 B2

Inter Partes Review Case No. IPR2016-01238

PATENT OWNER RESPONSE

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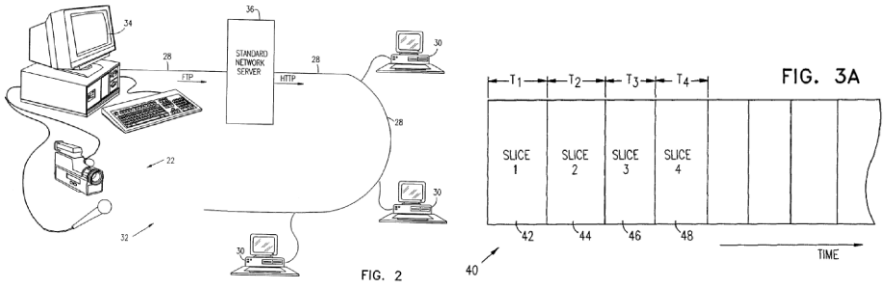
EXHIBIT LIST

Exhibit Number	Description
2001	Declaration of Prof. Mung Chiang ("Chiang Decl.")
2002	Curriculum vitae of Prof. Mung Chiang
2003	March 17, 2017, Deposition of Nathaniel Polish, Ph.D. ("Polish Dep.")
2101	Declaration of Dr. Nathaniel Polish, Ph. D., In Support of Defendant Apple Inc.'s Motion for Summary Judgment of Non-Infringement, Case No. 5:11-cv-01079-PSG (N.D. Ca., filed Feb. 14, 2014)

Patent Owner WAG Acquisition, L.L.C. ("Patent Owner" or "WAG") respectfully submits this Response in accordance with 37 C.F.R. § 42.120, responding to the Petition for *inter partes* review (the "Petition") filed by Webpower, Inc. ("Petitioner") regarding claims 10–23 of U.S. Patent No. 8,122,141 (Ex. 1001) (the "'141 Patent"). Accompanying this response is the declaration of Prof. Mung Chiang of Princeton University, who addresses certain technical issues in connection herewith (Ex. 2001) ("Chiang Decl.").

I. SUMMARY OF CARMEL

U.S. Patent No. 6,389,473 to Carmel et al. (Ex. 1003) ("Carmel") discloses a system in which a source computer provides live or prerecorded media to a server, which then streams this media to a plurality of clients. Of particular importance is the live streaming capability of the Carmel system, which is discussed in the following. Figs. 2 and 3A from Carmel are reproduced below:



As disclosed in Carmel, transmitting computer 34 receives audio-visual input from input device 22 and converts this input into a data stream 40 comprising a plurality of multimedia sequences or slices 42-48. (Carmel, 6:24-35.) Each slice

42-48 contains a segment of audio-visual data corresponding to a respective time interval T_1-T_4 and is stored in a respective file. (*Id.*, 7:23-28.) Transmitting computer 34 uploads the files of data stream 40 to server 36. (*Id.*, 6:50-52.) Server 36 also includes an index file 50 (not shown in the figures above) that indicates the most recent slice 42-48 (by slice number) that has been uploaded to server 36. (*Id.*, 7:63-64.)

Carmel discloses that the steps used by transmitting computer 34 to upload data stream 40 to server 36 are substantially identical to those used by server 36 to send data stream 40 to client computers 30. (*See id.*, 10:35-37; 13:29-34.). With respect to transmitting computer 34, when uploading data stream 40, transmitting computer 34 opens a plurality of links with server 36 and sends respective slices 42-48 in successive alternation down the links. (*Id.*, 9:13-30.) Carmel notes that, "[t]he bandwidth open for transmission between computer 34 and server 36 is effectively roughly equal to a sum of the bandwidths of the plurality of open links." (*Id.*, 9:37-39.) Transmitting computer 34 monitors each link and adjusts the duration and compression ratio of slices 42-48 so that that the upload time of each slice 42-48 is substantially equal to the time duration T_1-T_4 of that slice 42-48, thus fully maximizing the entire available bandwidth. (*See id.*, 13:7-22, 11:44-47, 11:52-54.)

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