# UNITED STATES PATENT AND TRADEMARK OFFICE ————— BEFORE THE PATENT TRIAL AND APPEAL BOARD —————

Petitioner

WEBPOWER, INC.

v.

### WAG ACQUISITION, LLC

Patent Owner

Patent No. 8,122,141

Issue Date: February 21, 2012

Title: STREAMING MEDIA BUFFERING SYSTEM

# PETITION FOR INTER PARTES REVIEW UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 ET SEQ.



### **EXHIBIT LIST**

<b>Exhibit Number</b>	Description
1001	U.S. Patent No. 8,122,141 to Price ("the '141 patent")
1002	U.S. Patent No. 5,822,524 to Chen et al. ("Chen")
1003	U.S. Patent No. 6,389,473 to Carmel et al. (Carmel")
1004	Willebeek-LeMair, et al., "Bamba – Audio and Video Streaming Over the Internet," IBM Journal of Research and Development, Vol. 42, No. 2, March 1998 ("Willebeek")
1005	Declaration of Dr. Nathaniel Polish in Support of <i>Inter Partes</i> Review of U.S. Patent 8,122,141 ("Polish Decl.")
1006	F. Kozamernik, "Webcasting - The Broadcasters' Perspective." <i>EBU Technical Review</i> , March 2000 ("Kozamernik")
1007	U.S. Patent No. 6,625,656 to Goldhor ("Goldhor")
1008	S. Boll <i>et al.</i> , "Intelligent Prefetching and Buffering for Interactive Streaming of MPEG Videos" ("Boll")
1009	N. Polish, "The Burstware Family of Protocols"
1010	Hollfelder <i>et al.</i> , "Transparent Integration of Continuous Media Support into a Multimedia DBMS" ("Hollfelder")
1011	Prosecution history for U.S. Patent No. 8,122,141
1012	Curriculum Vitae of Dr. Nathaniel Polish
1013	Petitioner's Waiver of Service
1014	Transmission Control Protocol – DARPA Internet Program Protocol Specification



### CASE IPR 2016-01238 Patent 8.122.141

	Faterit 8, 122, 141
1015	Dawna Dwire, Client/Server Computing (McGraw-Hill, Inc. 1993)
1016	Declaration of Jonathan Falkler
1017	Z. Shae, X. Wang, and S.P. Wood, "Large Scale Experiments on Low Bit Rate Multimedia Broadcast, IS&T/SPIE Conference on Visual Communications and Image Processing '99, SPIE Vol. 3653, Jan. 1999 ("Shae").
1018	International Standard ISO/IEC 11172-1, "Information Technology – Coding of moving pictures and associated audio for digital storage media at up to about 1,5 Mbit/s – Part 1: Systems," August 1993 ("ISO-11172-1")
1019	International Standard ISO/IEC 11172-2, "Information Technology – Coding of moving pictures and associated audio for digital storage media at up to about 1,5 Mbit/s – Part 2: Video," August 1993 ("ISO-11172-2")
1020	International Standard ISO/IEC 11172-3, "Information Technology – Coding of moving pictures and associated audio for digital storage media at up to about 1,5 Mbit/s – Part 3: Audio," August 1993 ("ISO-11172-3")
1021	April 6, 2016 Deposition of Dr. Patel, IPR2015-01036



### **TABLE OF CONTENTS**

1.	INI	RODUCTION	1
II.	MA	NDATORY NOTICES	1
	A.	Counsel and Service Information	1
	B.	Real Parties-in-Interest	2
	C.	Related Matters	2
III.	CEI	RTIFICATION OF GROUNDS FOR STANDING	3
IV.	7. THRESHOLD REQUIREMENT FOR INTER PARTES REVIEW		
V.	STA	ATEMENT OF PRECISE RELIEF REQUESTED	4
VI.	OV	ERVIEW OF THE '141 PATENT AND PRIOR ART	5
	A.	Background of the Art	5
	B.	The '141 Patent	6
	C.	The Prior Art	7
		1. Chen	7
		2. Carmel	8
		3. Willebeek	9
		4. ISO-11172	9
VII.	CL	AIM CONSTRUCTION	10
	A.	Claims 1, 10, 19 and 24 – Preambles	10
	B.	Prior Constructions	11
VIII	I. LE	EVEL OF ORDINARY SKILL IN THE ART	11
	A.	Ground 1: Claims 1-2, 4-7, 9-11, 13-16, 18-20, 23-24, and 26-28 are Anticipated by Chen	
		1. Claims 1, 10 and 24	
		2. Claim 19	
		3. Claims 2 and 11	42
		4. Claims 4, 13, 23 and 26	
		5. Claims 5 and 14	
		6. Claims 6 and 15	43



### CASE IPR 2016-01238 Patent 8 122 141

	i ateni o, izz,	171
	7. Claims 7, 16 and 27	44
	8. Claims 9, 18 and 20	44
	9. Claim 28	45
В.	Ground 2: Claims 8, 17 and 21 are Obvious over Chen in view of Willebeek	45
C.	Ground 3: Claims 1-2, 4-9, 15, 24, and 26-27 are Obvious over Carmel in view of Willebeek	50
	1. Claims 1 and 24	50
	2. Claim 2	62
	3. Claims 4 and 26	62
	4. Claim 5	62
	1. Claim 6	62
	2. Claims 7 and 27	63
	3. Claim 8	63
	4. Claim 9	64
	5. Claim 28	64
D.	Ground 4: Claims 10-11, 13-21 and 23 are Anticipated by Carmel	65
	1. Claims 10 and 19	65
	2. Claims 11, 13-18, 20-21 and 23	66
E.	Ground 5: Claims 3, 12, 22 and 25 are obvious over Chen in view ISO-11172	67
F.	Ground 6: Claims 3 and 25 are obvious over Carmel in view of Willebeek and ISO-11172	68
G.	Ground 7: Claims 12 and 22 obvious over Carmel in view of ISO-	



# DOCKET

## Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

### **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

### **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

### **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

#### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### **LAW FIRMS**

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### **FINANCIAL INSTITUTIONS**

Litigation and bankruptcy checks for companies and debtors.

### **E-DISCOVERY AND LEGAL VENDORS**

Sync your system to PACER to automate legal marketing.

