

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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I.M.L. SLU

Petitioner

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.*

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## EXHIBIT LIST

<b>Exhibit Number</b>	<b>Description</b>
1001	U.S. Patent No. 8,122,141 to Price (the “141 Patent”)
1002	U.S. Patent No. 5,822,524 to Chen <i>et al.</i> (“Chen”)
1003	U.S. Patent No. 6,389,473 to Carmel <i>et al.</i> (“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	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”)
1006	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”)
1007	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”)
1008	Declaration of Dr. Gareth Loy in Support of <i>Inter Partes</i> Review of U.S. Patent 8,122,141
1009	Curriculum Vitae of Dr. Gareth Loy
1010	File History of U.S. Patent No. 5,822,524 to Chen <i>et al.</i> (“Chen File History”)
1011	Prosecution history for U.S. Patent No. 8,122,141
1012	Petitioner’s Waiver of Service

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## **I. REQUESTED RELIEF**

I.M.L. SLU (“Petitioner”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42 *et seq.* of claims 1-28 of U.S. Patent No. 8,122,141 (Ex. 1001), assigned to WAG Acquisition, LLC (“Patent Owner”).

Petitioner challenges the patentability of claims 1-28 of the ‘141 Patent under 35 U.S.C. §§ 102 and 103, and requests that an IPR be instituted and a final determination of the unpatentability of these claims be rendered.

## **II. MANDATORY NOTICES**

### **A. Real Parties-in-Interest**

The real party-in-interest for this Petition is I.M.L. SLU.

### **B. Related Matters**

The ‘141 Patent is asserted in nine pending federal district court actions, listed below. Petitioner is a defendant in the first listed action.

(1) *WAG Acquisition, LLC v. Sobonito Investments, Ltd. et al.*, Case No. 2:14-cv-1661-ES-JAD (D.N.J.); (2) *WAG Acquisition, LLC v. Multi Media, LLC et al.*, Case No. 2:14-cv-2340-ES-JAD (D.N.J.); (3) *WAG Acquisition, LLC v. Data Conversions, Inc. et al.*, Case No. 2:14-cv-2345-ES-JAD (D.N.J.); (4) *WAG Acquisition, LLC v. Flying Crocodile, Inc. et al.*, Case No. 2:14-cv-2674-ES-MAH (D.N.J.); (5) *WAG Acquisition, LLC v. Gattyan Group S.à r.l. et al.*, Case No. 2:14-cv- 2832-ES-JAD (D.N.J.); (6) *WAG Acquisition, LLC v. FriendFinder Networks*

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