| UNITED STATES PATENT AND TRADEMARK OFFICE |
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| BEFORE THE PATENT TRIAL AND APPEAL BOARD |
| TWITTER, INC. |
| Petitioner |
| v. |
| VIDSTREAM, LLC |
| Patent Owner |
| |
| Case IPR2017-01133 |
| U.S. Patent No. 8,601,506 |
| (Claims 1, 4-8, 11, 13-15, 23-26, and 29-30) |

VIDSTREAM LLC'S PATENT OWNER'S RESPONSE

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TABLE OF AUTHORITIES

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| Cases | |
| In re Cuozzo Speed Techs., 793 F.3d 1268 (Fed. Cir. 2015) | 5 |
| Ferguson Beauregard/Logic Controls, Div. of Dover Res., Inc. v. Mega Sys., LLC, 350 F.3d 1327 (Fed. Cir. 2003) | 6 |
| Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc) | 5 |
| Straight Path IP Grp., Inc. v. Sipnet EU S.R.O., 806 F.3d 1356 (Fed. Cir. 2015) | 6 |
| TriVascular, Inc. v. Samuels, 812 F.3d 1056 (Fed. Cir. 2016) | 5, 6 |
| Other Authorities | |
| 83 FR 21221 | 5 |



TABLE OF EXHIBITS

| No. | Description |
|------|---|
| 2001 | Official Notice of Bankruptcy Case Filing, U.S. Bankruptcy Court for the Western District of Oklahoma, Case No., 17-14849 (filed November 30, 2017) |
| 2002 | Declaration of James Olivier, Ph.D. |
| 2003 | Webpage entitled "Review GSM phone Nokia 6270" that was archived by the Wayback Machine at web.archive.org on February 5, 2006 |
| 2004 | Webpage entitled "Nokia E50 Hands-on Preview" that was archived by the Wayback Machine at web.archive.org on May 30, 2006 |
| 2005 | Nokia webpage listing specifications of the Nokia 6630 that was archived by the Wayback Machine at web.archive.org on December 29, 2004 |
| 2006 | Webpage entitled "Nokia 6630 (Nokia Charlie) Detailed Tech Specs" |
| 2007 | CNET webpage entitled "Nokia 6630 – smartphone – GSM / UMTS Series Specs" |
| 2008 | Transcript of June 20, 2018 Deposition of Henry Houh, Ph.D. |



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