UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner

Case IPR2018-01169
Patent 8,934,535

PATENT OWNER'S RESPONSE

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EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,934,535 to Fallon *et al.* ("'535 Patent")
1002	Prosecution File History for the '535 Patent
1003	Expert Declaration of James A. Storer
1004	Japanese Patent Application Publication No. H11331305 to Imai *et al.* ("Imai")
1005	Certified English Translation of Imai
1006	U.S. Patent No. 6,507,611 to Imai *et al.* ("Imai '611")
1007	U.S. Patent No. 5,675,789 to Ishii *et al.* ("Ishii")
1008	Excerpt from Andreas Spanias *et al.*, Audio Signal Processing and Coding (John Wiley & Sons, Inc., 2007)
1009	Excerpt from Raymond Westwater *et al.*, Real-Time Video Compression Techniques and Algorithms (Kluwer Academic Publishers, 1997)
1010	Excerpt from David Salomon, A Guide to Data Compression Methods (Springer-Verlag New York, Inc., 2002)
1011	International PCT Application Publication WO 00/51243 to Park
1012	U.S. Patent No. 5,873,065 to Akagiri *et al.*
1013	Memorandum Opinion and Order, *Realtime Data, LLC v. Rackspace US, Inc. et al.*, No. 6:16-CV-00961, Dkt. 183 (E.D. Tex. June 14, 2017)
1014	Memorandum Opinion and Order, *Realtime Data, LLC v. Actian Corp. et al.*, No. 6:15-CV-00463, Dkt. 362 (E.D. Tex. July 28, 2016)
1015	U.S. Patent No. 6,195,024 to Fallon
1016	Notice of Interested Parties, *Realtime Adaptive Streaming, LLC v. Hulu LLC*, No. 2:17-CV-07611, Dkt. 18 (C.D. Cal. Oct. 24, 2017)
2001	Expert Declaration of Kenneth A. Zeger, Ph.D.
2002	Transcript of Deposition of James A. Storer on March 13, 2019

I. Introduction

Petitioner Netflix, Inc.[1] challenges claims 1–14 of U.S. Patent No. 8,934,535 ("'535 patent"). The Petition presents a single ground for invalidity: that all challenged claims are obvious based on Imai as the primary reference and Ishii as the secondary reference. The lynchpin of Petitioner's theory is combining Imai's Fig. 5 embodiment with Ishii's alleged disclosure of (i) tracking access frequency and (ii) encoder selection based on access frequency. But as discussed more fully in this Response, Petitioner's theory fails because:

- Petitioner's Imai-Ishii combination depends on applying Ishii's "frequency of access" to Imai's requested digital signals.
- But Petitioner alleges that the claimed "data block" is satisfied by Imai's units of frame, which are not digital signals and in fact created by cutting the entire digital signal. And the frequency of access of digital signals is entirely different from the frequency of access of units of frame.
- There is no evidence that that Ishii's disclosure of frequency of access of the data block to be compressed is applicable to Imai's "digital signals" before data blocks are even created.
- Further, a POSITA would not be motivated to modify Imai's encoder selector to account for frequency of access. Nor would a POSITA know how or be motivated to this given the differences between Imai and Ishii.

[1] The original Petitioners were Hulu, Inc., Amazon.com, Inc. and Netflix, Inc. On October 18, 2018, the Board granted the parties' joint motion to terminate as to Petitioners Hulu and Amazon.com. Paper 18. Thus, Netflix, Inc. is the only remaining Petitioner in this proceeding.

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