

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC.,  
Petitioner

v.

REALTIME ADAPTIVE STREAMING LLC,  
Patent Owner

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Case IPR2018-01169  
Patent 8,934,535

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**PATENT OWNER'S RESPONSE**

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## EXHIBIT LIST

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

## I. Introduction

Petitioner Netflix, Inc.<sup>1</sup> 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.

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<sup>1</sup> 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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