

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC., ARRIS SOLUTIONS, INC., and
COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING, LLC,
Patent Owner.

Case IPR 2018-01169
Patent 8,934,535 B2

Record of Oral Hearing
Held: September 4, 2019

Before KEVIN W. CHERRY, GARTH D. BAER, and
NABEEL U. KHAN, *Administrative Patent Judges*.

IPR2018-01169
Patent 8,934,535 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:
HARPER BATTS, ESQUIRE
CHRIS PONDER, ESQUIRE
Sheppard, Mullin, Richter & Hampton LLP
379 Lytton Avenue
Palo Alto, California 94301

ON BEHALF OF THE PATENT OWNER:
PHILIP WANG, ESQUIRE
Russ August & Kabat
12424 Wilshire Boulevard
12th Floor
Los Angeles, California 90025

The above-entitled matter came on for hearing on Wednesday, September 4, 2019, commencing at 12:30 p.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

1 - - - - -

2 (Proceedings begin at 12:45 p.m.)

3 JUDGE BAER: All right. Good afternoon, everybody.
4 Again, apologies for the timing delay, but let's go ahead and get
5 started.

6 We have, this afternoon, our final hearing in IPR2018-01169
7 between Petitioner, Netflix, and Patent Owner, Real Time Adaptive
8 Streaming.

9 Petitioner, Arris, from IPR2019-00674, and Petitioner,
10 Comcast, from IPR2019-00684, have also been joined to this
11 proceeding.

12 The challenged patent number here in this case is US Patent
13 No. 8,934,535. I'm Judge Baer. With me is Judge Cherry and
14 appearing remotely is Judge Khan.

15 Let's go ahead and get the parties' appearances, if we could,
16 please. Who do we have for Petitioner, Netflix?

17 MR. BATTS: Good afternoon, Your Honor. This is Harper
18 Batts. With me is my colleague, Chris Ponder, on behalf of
19 Petitioner, Netflix. And also in attendance with the joinder counsel
20 is Jim Day from -- for Comcast and Andrew Wilson for Arris.

21 JUDGE BAER: Great. Thank you, Mr. Batts.
22 And for Patent Owner, Realtime?

23 MR. WANG: Good afternoon, Your Honor. Philip Wang
24 for Patent Owner, Realtime Adaptive Streaming.

25 JUDGE BAER: Thank you, Mr. Wang.

26 Welcome, everybody. It's good to have you here. We
27 certainly do appreciate you making the effort to be here. We set

1 forth the hearing for today's -- we set forth the procedure, rather, for
2 today's hearing in our trial order that we issued.

3 But just to remind everybody of how everything will go, first of
4 all, am I correct that only Petitioner, Netflix, will be presenting on
5 behalf of Petitioners today, correct?

6 MR. BATTS: Correct, Your Honor. Just myself.

7 JUDGE BAER: Great. Thank you.

8 All right. The parties will each have -- the presenting parties
9 will each have 60 minutes of total time to present. Please keep in
10 mind that whatever you project on the screen Judge Khan will not be
11 able to see, but he has the materials there in front of him.

12 So, if you could just be really clear about what slide number
13 you're referencing, what exhibit you're referencing, that will help
14 Judge Khan to keep up. And it will also help to keep our record
15 clear, if you would, please.

16 We remind the parties that under no circumstances are you to
17 interrupt the other party while they're making their presentation. If
18 there's something that you believe is objectionable, that's fine. You
19 can make that objection during your own time, but, please, during
20 your own time only.

21 I know that, Patent Owner, you had some objections to some of
22 Petitioner's demonstratives. That's fine. You can make those
23 arguments, but, please, only make those arguments during your time.
24 Okay?

25 Let's see. Does counsel for Petitioner, Netflix, have any
26 questions before we get going?

27 MR. BATTS: No, Your Honor. I have copies of the
28 demonstratives, if you'd like them.

1 JUDGE BAER: That would be great. And, Mr. Wang, do
2 you have copies as well?

3 MR. WANG: Yes, I do, Your Honor.

4 JUDGE BAER: Why don't we go ahead and distribute those.

5 MR. BATTS: May I approach?

6 JUDGE BAER: Please.

7 JUDGE BAER: Okay. Petitioner, you're planning on using
8 demonstratives as well; is that correct?

9 MR. BATTS : Correct, Your Honor.

10 JUDGE BAER: Okay. Why don't we take five minutes or
11 so, then. Again, sorry for the delay.

12 We'll take five minutes, we'll come back and see if we can get
13 the Elmo working. Okay? All right. With that, we'll recess for
14 five minutes.

15 (Whereupon, the above-entitled matter went off the record at
16 12:49 p.m. and resumed at 12:53 p.m.)

17 JUDGE BAER: Please be seated. Okay. Looks like we
18 have everything set up. So, when we left off, I was asking Petitioner
19 -- I think I already asked you, but any questions before we get started?

20 MR. BATTS: No, Your Honor.

21 JUDGE BAER: And for Patent Owner, any questions before
22 we get started?

23 MR. WANG: No, Your Honor.

24 JUDGE BAER: Great. Petitioner, you have the burden, so
25 you will go first. Whenever you're ready, you may begin -- actually,
26 first, we said 60 minutes of time. Do you want to reserve some time
27 for rebuttal?

28 MR. BATTS: Yes, Your Honor. I'd like to reserve 20
29 minutes.

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.