UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC,
AMAZON.COM, INC., and
NETFLIX, INC.,
Petitioners,

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner.

Case IPR2018-01187
Patent No. 9,769,477

PATENT OWNER'S PRELIMINARY RESPONSE

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. Introduction....1

II. Background of the '477 patent and challenged claims....2

III. Petitioners' proposed claim constructions....6

IV. Ground 1 fails to explain what would be the "first asymmetric data encoder" and what would constitute the "second asymmetric data compression encoder"....6

V. Ground 1 does not show that Imai discloses or suggests "a first asymmetric data compression encoder . . . *configured* to compress data blocks containing video or image data *at a higher data compression rate* than a second asymmetric data compression encoder"....11

A. Limitation 1[B] requires two asymmetric data compression encoders, with the first encoder being *configured* to compress video or image data *faster* than the second encoder....11

B. The Petition's allegations do not even attempt to show one encoder that is "*configured to*" compress at a higher rate than another encoder, and thus cannot demonstrate obviousness....15

1. Petitioners' argument that limitation 1[B] would be met by chance reads "configured to" out of the limitation....16
2. The Petition's argument that Imai teaches "different asymmetric data compression encoders" that have "different data compression rates" is both inadequate and unsupported....18
3. The Petition's suggested modification runs contrary to Imai's goal of ensuring that audio data can be reproduced in real time....22

VI. Ground 2 fails to show that Pauls teaches or suggests "a first asymmetric data compression encoder . . . configured to compress . . . at a higher data compression rate than a second asymmetric data compression encoder" as required by Claim 1....25

A. Ground 2 fails to identify what would constitute the "first asymmetric data encoder" and what would constitute the "second asymmetric data compression encoder"....26

B. Ground 2 points to no disclosure or discussion of compression rates of any encoder....26

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

C. Ground 2 further fails because it also fails to meet the "configured to" requirement of Claim 1 28

VII. Ground 3 fails to explain why a POSITA would make its alleged modifications 29

VIII. Ground 3 further fails because it does not purport to address any of the flaws in Grounds 1 and 2 37

IX. Ground 3 and 4 do not explain *how* a POSITA would combine the references 39

X. Ground 4 does not address the tradeoffs inherent in its motivation to combine 42

XI. Ground 4 further fails because it does not purport to address any of the flaws in Grounds 1- 3 or additional limitations of Independent Claim 20 45

XII. The expert declaration cannot cure the Petition's deficiencies 47

XIII. Petitioners' analysis of the dependent claims also fails because the Petition relies on its flawed analysis of the independent claims for the shared limitations 48

XIV. Conclusion 49

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Kayvan B. Noroozi in Support of Motion for Admission *Pro Hac Vice*.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

I. Introduction

Despite presenting four grounds, the Petition fails to show that the prior art—alone or combined—meets the plain language of Claims 1 and 20. Claim 1 requires a specific "first" encoder and a specific "second" encoder that are deliberately "configured" or designed such that the "first" encoder compresses data a higher "rate" (i.e., speed) than the "second" encoder. Section V.A, *infra*. But the Petition never identifies any specific "first" or "second" encoder for purposes of its theories, and certainly never shows that any given encoder was "configured to" compress at a faster speed than another any other encoder, as Claim 1 requires. Sections IV, V.B, VI.A, VI.C, IX, *infra*. To the contrary, the Petition actually alleges that any encoder in the prior art references could have been faster than any other encoder—thus ***admitting that the prior art does not meet Claim 1***. Sections V.B.1, VI.B.C, *infra*.

The Petition suffers even further with respect to the only other challenged independent claim, Claim 20. In addition to failing to identify a "first" and "second" encoder, and the "configured to" requirement of the claim, the Petition simply overlooks and ignores the distinct limitations of Claim 20 that do not match Claim 1, and instead simply tries to incorporate its Claim 1 allegations by reference.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.