

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 18-3629-GW(JCx) Date July 25, 2019
Title *Realtime Adaptive Streaming LLC v. Google LLC, et al.*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez	None Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
None Present	None Present	

PROCEEDINGS: IN CHAMBERS - FINAL RULING ON MARKMAN/CLAIM CONSTRUCTION

Attached hereto is the Court's Final Ruling on *Markman*/Claims Construction.

Initials of Preparer JG

Realtime Adaptive Streaming LLC v. Google LLC et al., Case No. 2:18-cv-03629-GW-(JCx)
Realtime Adaptive Streaming LLC v. Adobe Systems Inc., Case No. 2:18-cv-09344-GW-(JCx)
Final Ruling on *Markman*/Claims Construction

I. INTRODUCTION

Plaintiff Realtime Adaptive Streaming LLC (“Realtime”) brought this action against Defendants Google LLC and YouTube, LLC (collectively, “Google Defendants”), alleging that Google Defendants infringe five U.S. patents owned by Realtime. *See* Docket No. 1. Realtime also filed suit against Defendant Adobe Systems Inc. (“Adobe”), alleging that Adobe infringes seven U.S. patents owned by Realtime, including the five patents asserted against Google Defendants. *See* Case No. 18-09344, Docket No. 1.

On March 28, 2019, a Joint Claim Construction and Prehearing Statement was filed in each of these actions. Docket No. 44; Case No. 18-09344, Docket No. 63. The Court issued an Order directing the parties to file consolidated claim construction briefs for certain of the disputed terms identified by the parties in their two Joint Statements. Docket No. 45. Google Defendants and Adobe jointly filed a Collective Opening Claim Construction Brief on June 6, 2019. Docket No. 69. On the same day, Realtime filed an Opening Claim Construction Brief. Docket No. 70. The parties filed their responsive briefs on June 20, 2019. Docket No. 73; Docket No. 74.

A hearing was held on the parties’ claim construction disputes on July 18, 2019 and the disputed matters were taken under submission.¹

The Court would construe the disputed terms as stated herein.

II. BACKGROUND

The five patents asserted against both Google Defendants and Adobe are U.S. Patent Nos. 7,386,046 (“the ’046 Patent”), 8,934,535 (“the ’535 Patent”), 9,578,298 (“the ’298 Patent”), 9,769,477 (“the ’477 Patent”), and RE46,777 (“the R777 Patent”). *See* Docket No. 37; Case No. 18-09344, Docket No. 53. The two patents additionally asserted against Adobe are U.S. Patent Nos. 9,762,907 (“the ’907 Patent”) and 8,929,442 (“the ’442 Patent”). *See* Case No. 18-09344, Docket No. 53.

¹ At the hearing, the parties were provided with a Tentative Ruling reflecting the Court’s thoughts regarding the parties’ disputes. The Tentative Ruling is not a final ruling of the Court.

A. *The Fallon Patents*

The '535, '477, '907, and '442 Patents are each a continuation patent that claims priority back to the '046 Patent. Both parties colloquially refer to these five patents as “the Fallon Patents” based on their first named inventor, James Fallon. As continuation patents, they share substantially the same specification.

The Fallon Patents generally disclose systems and methods allowing for the selection between known data compression and decompression methods. *See, e.g.*, '535 Patent at Abstract.² The technology described and claimed by the Fallon patents will be explained in further detail in the later sections of this Ruling.

In its operative pleadings, Realtime alleges that one or more Defendants infringe at least Claim 40 of the '046 Patent, Claims 1 and 15 of the '535 Patent, Claim 1 of the '477 and '907 Patents, and Claim 8 of the '442 Patent. *See* Docket No. 37 ¶¶ 34, 52; Case No. 18-09344, Docket No. 53 ¶¶ 50, 57, 68, 75, 105, 112, 123, 130. The parties' claim construction arguments primarily focus on the following asserted claims: Claims 1 and 23 of the '046 Patent, Claims 1 and 14 of the '535 Patent, Claims 1, 16, 17, 20, and 22 of the '477 Patent, and Claim 1 of the '907 Patent.³ *See, e.g.*, Docket Nos. 69, 70.

The '046 Patent is titled “Bandwidth Sensitive Data Compression and Decompression.” Claim 1 of the '046 Patent states:

1. A method comprising:
 - compressing data using a first compression routine providing a first compression rate, wherein the first compression routine comprises a first compression algorithm;
 - tracking the throughput of a data processing system to determine if the first compression rate provides a throughput that meets a predetermined throughput threshold, wherein said tracking throughput comprises tracking a number of pending requests for data transmission; and
 - when the tracked throughput does not meet the predetermined throughput threshold, compressing data using a second compression routine providing a second compression rate that is greater than the first compression rate, to increase the throughput of the data processing system to at least the predetermined throughput level,

² Because the Fallon Patents share substantially the same specification and the parties generally cite to the '535 Patent, the Court will do the same unless otherwise noted.

³ The parties have not presented any disputed terms for the fifth Fallon Patent, the '442 Patent, titled “System and Methods for Video and Audio Data Distribution.” Thus, the '442 Patent is not further discussed in this Order.

wherein the second compression routine comprises a second compression algorithm.

'046 Patent at Claim 1.

The '535 Patent is titled "Systems and Methods for Video and Audio Data Storage and Distribution." Claim 1 of the '535 Patent states:

1. A method, comprising:
 - determining a parameter or attribute of at least a portion of a data block having audio or video data;
 - selecting an access profile from among a plurality of access profiles based upon the determined parameter or attribute; and
 - compressing the at least the portion of the data block with one or more compressors using asymmetric data compression and information from the selected access profile to create one or more compressed data blocks, the information being indicative of the one or more compressors to apply to the at least the portion of the data block.

'535 Patent at Claim 1.

The '477 Patent is titled "Video Data Compression Systems." Claim 1 of the '477 Patent states:

1. A system, comprising:
 - a plurality of different asymmetric data compression encoders, wherein each asymmetric data compression encoder of the plurality of different asymmetric data compression encoders is configured to utilize one or more data compression algorithms, and
 - wherein a first asymmetric data compression encoder of the plurality of different asymmetric data compression encoders is configured to compress data blocks containing video or image data at a higher data compression rate than a second asymmetric data compression encoder of the plurality of different asymmetric data compression encoders; and
 - one or more processors configured to:
 - determine one or more data parameters, at least one of the determined one or more data parameters relating to a throughput of a communications channel measured in bits per second; and
 - select one or more asymmetric data compression encoders from among the plurality of different asymmetric data compression encoders based upon, at least in part, the determined one or more data parameters.

'477 Patent at Claim 1.

The '907 Patent is titled "System and Methods for Video and Audio Data Distribution."

Claim 1 of the '907 Patent states:

1. A system comprising:
 - one or more different asymmetric data compression algorithms, wherein each algorithm of the one or more different asymmetric data compression algorithms utilizes one or more asymmetric data compression routines of a plurality of different asymmetric data compression routines, wherein a first asymmetric data compression routine of the plurality of different asymmetric data compression routines is configured to produce compressed data with a higher data rate for a given data throughput than a second asymmetric data compression routine of the plurality of different asymmetric data compression routines; and
 - a processor configured:
 - to analyze one or more data parameters from one or more data blocks containing video data, wherein at least one data parameter relates to an expected or anticipated throughput of a communications channel; and
 - to select two or more different data compression routines from among a plurality of different data compression routines based upon, at least in part, the one or more data parameters relating to the expected or anticipated throughput of the communications channel.

'907 Patent at Claim 1.

B. The R777 Patent

The R777 Patent is titled “Quantization for Hybrid Video Coding.” It discloses video encoding methods that rely on a “quantization” process and the calculation of “quantization efficiency” for those processes. *See* R777 Patent at 1:14-16, 4:10-25.

In its operative pleadings, Realtime alleges that one or more Defendants infringe at least Claim 1 of the R777 Patent. *See* Docket No. 37 ¶ 72; Case No. 18-09344, Docket No. 53 ¶¶ 27, 39. The parties dispute the meaning of two terms in the R777 Patent, both of which appear in Claim 11.

Claim 11 of the R777 Patent states:

11. A coder for coding a video signal using hybrid coding, comprising:
 - means for reducing temporal redundancy by block based motion compensated prediction in order to establish a prediction error signal,
 - a quantizer that quantizes the prediction error signal in order to establish quantized values representing samples or coefficients, wherein the prediction error signal includes a plurality of subblocks,
 - control means for:

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