

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner.

Case IPR2018-01630
Patent No. 9,769,477

PATENT OWNER'S RESPONSE

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EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Kayvan B. Noroozi in Support of Motion for Admission <i>Pro Hac Vice</i> .
2002	Declaration of Kenneth A. Zeger, Ph.D.
2003	Transcript of Oral Deposition of James Storer, Ph.D, taken in IPR2018-01630 on May 8, 2019.
2004	Digital Compression and Coding of Continuous-Tone Still Images – Requirements and Guidelines (JPEG Standard)

I. Introduction

It is axiomatic that unpatentability cannot be found where the Petition fails to explain how the prior art, alone or combined, reads on to and discloses each and every limitation of the challenged claims. The instant Petition fails at that crucial level. The Petition never identifies a specific “first asymmetric data encoder” that is “configured to” compress faster than a “second asymmetric data encoder.” And Petitioner’s expert, Dr. Storer, was unable to provide any further detail under cross-examination. Rather than identify any “first” encoder that would be “configured” to be faster than any “second encoder,” Dr. Storer merely stated that *any* encoder could constitute the “first” or “second” encoders. *Infra* at VI.A. That assumes that the claim simply requires *two encoders*, whereas in fact the claim requires one encoder that is “configured to” compress faster than a second encoder. *Infra* at IV.A. Indeed, the Petition simply attempts to read “configured to” out of the claim—contravening numerous Federal Circuit precedents. And by stating that *either* of Imai’s encoders could compress at a faster rate than the other one, the Petition *actually concedes than Imai cannot meet Claim 1*: to admit that either encoder could be faster is to admit that neither encoder is configured to be faster than the other. Ex. 2002 ¶51.

Moreover, the Petition entirely fails to recognize—and address—the distinct requirements of independent Claim 20 and its dependents, which require

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