

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC., AND
COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING, LLC,
Patent Owner.

Case IPR2018-01187 (Patent 9,769,477 B2)
Case IPR2018-01630 (Patent 9,769,477 B2)

Oral Hearing Held: October 15, 2019

Before GEORGIANNA W. BRADEN, KEVIN W. CHERRY, and
KAMRAN JIVANI, *Administrative Patent Judges*.

IPR2018-01187 (Patent 9,769,477 B2)

IPR2018-01630 (Patent 9,769,477 B2)

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, October 15, 2019, commencing at 12:59 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

PROCEEDINGS

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JUDGE CHERRY: Please be seated. Good afternoon. This is the hearing in IPR 2018-1187. I'm Judge Cherry and with me remotely are Judges Braden and Jivani and I'm going to turn it over to Judge Braden now that she's on the screen.

JUDGE BRADEN: Hello again. I'm Judge Braden. Also appearing remotely, as Judge Cherry mentioned, is Judge Jivani. As Judge Jivani and myself are appearing via video, we require counselors to speak directly into the microphone when talking and to identify specific slide numbers when referring to demonstratives.

Per the Hearing Order which is paper 35 in this proceeding, each party has 75 minutes total time to argue their cases. Petitioner Netflix, Inc., along with Comcast Cable Communications, LLC, has the burden of establishing unpatentability, therefore Petitioner will open the hearing by presenting its case as presented in its petition regarding the alleged unpatentability of the challenged claims.

Petitioner may reserve rebuttal time but no more than half of its total argument time. Thereafter, Patent Owner Realtime Adaptive Streaming, LLC, will respond to Petitioner's arguments. Patent Owner may reserve surrebuttal time of no more than half of its total argument time to respond to Petitioner's rebuttal. Otherwise, the parties may use their allotted time to discuss the case however you choose. We ask however that you make it clear which challenges and claims you are addressing. In order to ensure clarity of the record (indiscernible) the hearing, please provide the court reporter with a list of names and word spellings unless you have done

1 so already.

2 Lastly, we ask that the parties hold any objections regarding the
3 parties' arguments until it is their time at the podium. So just to be clear, we
4 will not take objections during a parties' arguments. You must wait until it
5 is your time at the podium to note any objections. I will maintain a clock
6 and inform the parties when they have five minutes left and I believe in
7 Alexandria you may have some lights up there that will also let you know
8 the time that you have left.

9 So let's go ahead and get started with appearances for both
10 sides. We'll start with Petitioner.

11 MR. BATTIS: Yes, Your Honor. Harper Batts on behalf of
12 Petitioner and along with me is my colleague, Chris Ponder.

13 JUDGE BRADEN: All right. And Patent Owner?

14 MR. STONEDALE: Thank you, Your Honor. My name is
15 Joel Stonedale. I will be speaking for Netflix.

16 JUDGE BRADEN: Very good. Petitioner, do you wish to
17 reserve any rebuttal time?

18 MR. BATTIS: Yes, Your Honor. Given that it appears
19 Realtime has dropped some of its issues from the surreply based upon the
20 slides that we see, I'm planning for 25 minutes of rebuttal time at this point.

21 JUDGE BRADEN: Very good. You may begin your
22 arguments when ready.

23 JUDGE CHERRY: Do we have an hour on this?

24 MR. BATTIS: An hour and 15 minutes, Your Honor, which is
25 why I was (indiscernible.)

26 JUDGE CHERRY: Oh, sorry, sorry, yes, that's right.

1 MR. BATTS: So I was planning on 50 minutes for my --

2 JUDGE CHERRY: That's why I was like -- sorry, I didn't
3 realize.

4 MR. BATTS: No problem, Your Honor. It's nice to have a
5 clock in this room, so.

6 JUDGE JIVANI: Counsel, I do want to just caution you, you
7 mentioned a moment ago that you believe Patent Owner may have dropped
8 some arguments. We remind you that as Petitioner you bear the ultimate
9 burden of proof so if there are arguments that you would like to bring for
10 which you carry the burden, we ask that you address those now and not
11 make your argument dependent on what Patent Owner may or may not
12 argue.

13 MR. BATTS: Yes, understood, Your Honor. Good afternoon,
14 Your Honors. This is a proceeding regarding two different -- actually two
15 different proceedings regarding a single patent, the '477 Realtime patent and
16 I'm going to briefly go through the grounds that are laid out on slides 2 and 3
17 of Petitioner's slides that primarily relate to the Imai and Pauls references.
18 As you can see on slide 2 it's the 1187 proceeding, I'm going to try to refer to
19 that as the 1187 proceeding for purposes today.

20 The instituted grounds were all obviousness grounds that all
21 include Imai or Pauls or a combination of Imai and Pauls and slide 3
22 includes the overview of, again, all obviousness grounds. Again, all the
23 grounds include either Imai, Pauls or some combination of those two
24 references and so in terms of where we are I guess in this proceeding I think
25 it's useful to look at the claims require basically two different things. One is
26 that there's BA compressors with different data compression rates,

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