

1 TED DANE (SBN 143195)  
2 ted.dane@mto.com  
3 PETER E. GRATZINGER (SBN 228764)  
4 peter.gratzinger@mto.com  
5 ZACHARY M. BRIERS (SBN 287984)  
6 zachary.briers@mto.com  
7 MUNGER, TOLLES & OLSON LLP  
8 350 South Grand Avenue  
9 Fiftieth Floor  
10 Los Angeles, California 90071-3426  
11 Telephone: (213) 683-9100  
12 Facsimile: (213) 687-3702  
13  
14 *Attorneys for Google LLC and YouTube LLC*

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

REALTIME ADAPTIVE  
STREAMING LLC,

Plaintiff,

vs.

GOOGLE LLC, and YOUTUBE, LLC,

Defendants.

Case No. 2:18-CV-03629-GW-JC

**DEFENDANTS' PRELIMINARY  
ELECTION OF ASSERTED PRIOR  
ART**

GOOGLE'S ELECTION OF PRIOR ART

2:18-CV-03629-GW-JC

Realtme Adaptive Streaming LLC  
Exhibit 2002  
IPR2019-01035

1 Pursuant to the Court’s October 25, 2018 Scheduling Order (ECF No. 36),  
2 Defendants Google LLC and YouTube, LLC (collectively “Google”) elect to assert  
3 the prior art references listed below. Google hereby incorporates by reference the  
4 objections, statements and reservations of rights made in its Invalidity Contentions  
5 regarding the deficiencies in Plaintiff Realtime Adaptive Streaming LLC’s  
6 (“Realtime”) infringement contentions. In particular, Google notes that Realtime’s  
7 infringement contentions fail to identify “the priority date to which each asserted  
8 claim allegedly is entitled,” N.D. Cal. Patent L.R. 3-1(f), stating only that each of  
9 the asserted claims is “entitled to priority dates *at least as early as*” the filing date of  
10 the first related patent application. *See* Invalidity Contentions at 3. In the event that  
11 Realtime makes arguments or produces evidence in support of conception and  
12 reduction to practice dates earlier than the effective filing dates shown on the face of  
13 the Asserted Patents, Google reserves the right to rely on earlier versions of the  
14 references listed below, or to modify its elected prior art references. Google further  
15 reserves the right to assert alternative references in Amended Invalidity Contentions  
16 in accordance with N.D. Cal. Patent L.R. 3-6.

17 Google reserves the right to rely on any prior art references disclosed  
18 pursuant to N.D. Cal. Patent L.R. 3-4 and any admissions regarding the prior art or  
19 state of the art made in the Asserted Patents themselves for purposes of any tutorial,  
20 background explanation of the technology at issue, to show the state of the art  
21 relating to the inventions claimed in the Asserted Patents, including any motivation  
22 to combine the prior art, or to rebut any denial by Realtime that one or more claim  
23 elements were known in the prior art.

24 **A. The Fallon Patents**

25 Google elects to assert the following prior art references with respect to U.S.  
26 Patent Nos. 8,934,535 (“the ’535 patent”); 7,386,046 (“the ’046 patent); and  
27 9,769,477 (“the ’477 patent” and, collectively, “the Fallon patents”).

28 1. Anigbogu (’535, ’477, ’046)

- 1 2. Beyda ('477, '046)
- 2 3. Bocheck ('535, '477, '046)
- 3 4. Brooks ('535, '477)
- 4 5. Chu ('535)
- 5 6. Couwenhoven ('046)
- 6 7. Dvir ('535, '477)
- 7 8. Dye ('535)
- 8 9. Franaszek ('477)
- 9 10. Gao-Takahashi System ('477, '046)
- 10 11. Hsu ('535)
- 11 12. H.263 ('477)
- 12 13. Imai ('535, '477, '046)
- 13 14. Ishii ('535)
- 14 15. Microsoft NetMeeting System ('535, '477, '046)
- 15 16. Pauls ('535, '477, '046)
- 16 17. Pian ('046)
- 17 18. Rynderman ('046)
- 18 19. Su ('535, '046)
- 19 20. Voois ('477, '046)

20 **B. The '777 Patent**

21 Google elects to assert the following prior art references with respect to U.S.  
22 Patent No. RE46,777 ("the '777 patent").

- 23 1. Carlson
- 24 2. Henry
- 25 3. Keesman
- 26 4. Mitsubishi System
- 27 5. Ramchandran
- 28 6. Sullivan & Wiegand

