DOCKET NO.: 410797-000028 Filed on behalf of The Walt Disney Company, Disney Streaming Services LLC, Hulu LLC, and Netflix Inc.

By: Larissa S. Bifano, Reg. No. 59,051 Anand Mohan, Reg. No. 76,518

> DLA Piper LLP (US) 33 Arch Street, 26th Floor Boston, Massachusetts 02110-1447 Email: larissa.bifano@us.dlapiper.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

The Walt Disney Company, Disney Streaming Services LLC, Hulu LLC, and

Netflix Inc., Petitioner

v.

WAG Acquisition LLC, Patent Owner

IPR2022-01228

DECLARATION OF HENRY HOUH, PH.D. REGARDING CLAIMS 1-12 OF U.S. PATENT NO. 9,742,824

WEST\296650966.6

ARM

DOCKE.

IPR2022-01228

Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

TABLE OF CONTENTS

I.	INTRODUCTION1			
II.	BACKGROUND AND QUALIFICATIONS1			
III.	MATERIALS CONSIDERED			
IV.	LEGAL STANDARDS			
V.	OVERVIEW OF THE '824 PATENT			
	A. Summary of the Alleged Invention21			
	B. Prosecution History27			
	C. Priority Date			
VI.	LEVEL OF ORDINARY SKILL IN THE ART			
VII.	CLAIM CONSTRUCTION			
VIII.	SUMMARY OF OPINIONS			
	A. Ground 1: Claims 1-12 are obvious over Carmel			
	1.	Overview of Carmel		
	2.	Independent claims 1, 5, and 9 are obvious over Carmel34		
	3.	Claims 2, 6, and 10 are obvious over Carmel77		
	4.	Claims 3, 7, and 11 are obvious over Carmel79		
	5.	Claims 4, 8, and 12 are obvious over Carmel80		
	B. Ground 2: Claims 1-12 are obvious over Carmel in view of Shteyn81			
	1.	Overview of Shteyn		
	2. Independent claims 1, 5, and 9 are obvious over Carmel in view of Shteyn			

DOCKET

IDD0000 04000

IPR2022-01228 U.S. Patent No. 9,742,824

	3. Claims 2, 6, and 10 are obvious over Carmel in view of	
	Shteyn	
	4. Claims 3, 7, and 11 are obvious over Carmel	
	5. Claims 4, 8, and 12 are obvious over Carmel	
IX.	CONCLUSION	

I, Henry Houh, Ph.D., declare as follows:

I. INTRODUCTION

1. My name is Henry Houh, and I have been retained by counsel for The Walt Disney Company, Disney Streaming Services LLC, Hulu LLC, and Netflix Inc. (collectively "Petitioner") to analyze U.S. Patent No. 9,742,824 ("'824 patent") (EX1001) and to provide my opinions regarding the patentability of claims 1-12 of the '824 patent.

2. I am being compensated at my normal consulting rate of \$650 per hour for my time. My compensation is not contingent on the outcome of this proceeding, or of any proceedings relating to the '824 patent.

II. BACKGROUND AND QUALIFICATIONS

3. My professional career has spanned more than 25 years. As set forth in my curriculum vitae, a copy of which is attached to this report as Appendix A, during these years I have gained extensive experience in web content delivery, web site architectures, distributed network applications, data caching, multi-media streaming, and networking and communication protocols.

4. I was awarded a Ph.D. degree in Electrical Engineering and Computer Science in February 1998 from Massachusetts Institute of Technology (MIT). I

1

also received a Master of Science (M.S.) in Electrical Engineering and Computer Science (February 1991), a Bachelor of Science in Electrical Engineering and Computer Science (June 1989) and a Bachelor of Science in Physics (February 1990) from MIT.

5. I defended and submitted my Ph.D. thesis, titled "Designing Networks for Tomorrow's Traffic," in January 1998. As part of my thesis research, I analyzed local-area and wide-area data flows to show a more efficient method for routing content (including email, web pages, and streaming media such as voice and video) in a network, based on traffic patterns at the time.

6. My research and work experience in multimedia content delivery over the Internet, streaming media over the Internet, networking, and network architecture dates back to the popularization of the Web in the early 1990s and coincides with when I started my doctoral research at MIT. After returning full time to MIT for graduate school after completing an internship at AT&T Bell Laboratories, I worked as a research assistant in the Telemedia Network Systems (TNS) group at the Laboratory for Computer Science at MIT. The TNS group built a high speed gigabit network and applications which ran over the network, such as remote video capture, processing, and display on computer terminals. I designed

2

DOCKET A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

DOCKET A L A R M



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.