

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner

v.

WAG ACQUISITION, LLC

Patent Owner

U.S. Pat. No. 9,762,636

Inter Partes Review Case No. IPR2022-01413

PATENT OWNER RESPONSE

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LIST OF PATENT OWNER'S EXHIBITS

Exhibit	Description
2001	<i>WAG Acquisition, LLC v. WebPower, Inc.</i> , 781 F. App'x 1007 (Fed. Cir. 2019)
2002	Declaration of W. Leo Hoarty
2003	Declaration of Henry Houh (Ex. 1002 of IPR2022-01228)
2004	May 23, 2023, Deposition of Dr. Kevin Jeffay
2005	IETF RFC 2068
2006	May 25, 2023, Deposition of Dr. Nathaniel Polish
2007	Declaration of Dr. Nathaniel Polish, <i>Emblaze Ltd. v. Apple Inc.</i> , case no. 11-CV-01079 (N.D. Ca. Feb. 14, 2014)
2008	<i>In re Certain Fitness Devices, Streaming Components Thereof, and System Containing Same</i> , Inv. No. 337-TA-1265, Initial Determination (ITC, Sept. 9, 2022) (CALJ Clark S. Cheney)
2009	<i>In re Certain Fitness Devices, Streaming Components Thereof, and System Containing Same</i> , Inv. No. 337-TA-1265, Evidentiary Hearing – Volume III (ITC, March 14, 2022)
2010	Final Written Decision, <i>WebPower v. WAG Acquisition, LLC</i> , IPR2016-01238, Paper No. 22 (Dec. 26, 2017)
2011	Final Written Decision on Remand, <i>WebPower v. WAG Acquisition, LLC</i> , IPR2016-01238, Paper No. 28 (July 16, 2020)
2012	Microsoft Computer Dictionary, Fifth ed. (excerpts)
2013	Redline comparison of claims of '824 and '636 patents
2014	Claim term concordance table
2015	IETF RFC 1945

I. INTRODUCTION

Pursuant to 37 CFR § 42.120, WAG Acquisition LLC (“WAG” or “Patent Owner”) files this response to the Petition herein by Google LLC, and the Institution Decision.

U.S. Patent No. 9,762,636 (the “’636 patent” or the “patent,” EX1001) addresses problems that existed in the transmission of media programs over the internet, including startup delays when a user requests a stream, as well as repeated interruptions once streaming has started, due to irregularities in the transport of data over the internet.

The claims of the ’636 patent are drawn to a “pull” streaming model, in which movement of each successive streaming media element from the server is responsive to repeated individual requests from the client for the successive elements, by their respective serial identifiers. More particularly, the claims of the ’636 patent address the *server side* of the pull interaction, and where the media is provided to the server from a live source.

The Petition relies throughout on one principal reference, Carmel (EX1003), representing Carmel as disclosing the type of individual requests for successive media elements by serial ID, as claimed. However, as shown by Patent Owner’s expert, there was never substantial evidence for such successive “individual request” disclosures within the four corners of the reference, nor is there any

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