Case IPR2022-01433 Patent 9,762,636 UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON WEB SERVICES, INC., AND AMAZON.COM SERVICES LLC.,

Petitioners

v.

WAG ACQUISITION, LLC

Patent Owner

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

Inter Partes Review Case No. IPR2022-01433

PATENT OWNER RESPONSE

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B. Construction: Limitation f. "each received request specifying one or more serial identifiers of the requested one or more media data elements." EX1001-16:48-50.
C. Construction: Limitation h. "the data connection between the server system and each requesting user system has a data rate more rapid than the playback rate of the one or more media data elements sent via that connection." EX1001- 16:57-60
D. Construction: Limitation j. "the one or more media data element sent are selected without depending on the server system maintaining a record of the last media data element sent to the requesting user systems." EX1001-16:64-6714
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2. The Petition fails to show that limitation h is rendered obvious by Carmel alone or in view of Feig and Willebeek

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a) Carmel fails to disclose limitation h (the data connection has a data rate more rapid than the playback rate)
b) The Petition fails to show either obviousness or a reasonable expectation of success in modifying Carmel to provide a faster data
connection41
(1) Carmel teaches away
(2) No reasonable expectation of success
(a) No reasonable expectation that the proposed modification is even possible
(b) Proposed modification compromises reliability
(c) Even the faster proposed modification will still experience lag and the modified system will compromise quality
3. The Petition fails to show that limitation j is disclosed by Carmel alone or in view of Feig (Push vs. Pull)
a) Carmel does not disclose limitation j
b) The Petition fails to provide a sufficient rationale for incorporating the teachings of Feig concerning limitation j into Carmel
4. The Petition fails to show that limitation k is disclosed by Carmel (Push vs. Pull, again)
a) Carmel does not disclose limitation k
b) The Petition fails to show that limitation k would have been an obvious modification of Carmel in view of Feig
CONCLUSION

VI.

LIST OF PATENT OWNER'S EXHIBITS

Exhibit	Description
2001	WAG Acquisition, LLC v. WebPower, Inc., 781 F. App'x 1007 (Fed. Cir. 2019)
2002	IETF RFC 1945
2003	CV of Kevin Jeffay, Ph.D.
2004	Longhorn HD LLC v. Netscout Systems, Inc., Case No. 2:20-CV- 00349, Memorandum Opinion (E.D. Tex., March 31, 2022)
2005	<i>3G Licensing, S.A. v. HTC Corp.</i> , Case No. 17-83, Memorandum Order (D. Del. March 30, 2022)
2006	<i>SEVEN Networks, LLC v. Google LLC</i> , Case No. 2:17-cv-442, Pretrial Conference (E.D. Tex., Dec. 12, 2018)
2007	Declaration of W. Leo Hoarty
2008	Declaration of Henry Houh (EX1002 of IPR2022-01228)
2009	Redline comparing declaration of Kevin Jeffay (EX2824) with Declaration of Henry Houh (EX2008)
2010	May 23, 2023, Deposition of Dr. Kevin Jeffay
2011	May 25, 2023, Deposition of Dr. Nathaniel Polish
2012	In re Certain Fitness Devices, Streaming Components Thereof, and System Containing Same, Inv. No. 337-TA-1265, Initial Determination (ITC, Sept. 9, 2022) (CALJ Clark S. Cheney)
2013	In re Certain Fitness Devices, Streaming Components Thereof, and System Containing Same, Inv. No. 337-TA-1265, Evidentiary Hearing – Volume III (ITC, March 14, 2022)

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2014	In re Certain Fitness Devices, Streaming Components Thereof, and System Containing Same, Inv. No. 337-TA-1265, Document Filing Report
2015	Redline comparison of claims of '824 and '636 patents
2016	Final Written Decision, <i>WebPower v. WAG Acquisition, LLC</i> , IPR2016-01238, Paper No. 22 (Dec. 26, 2017)
2017	Final Written Decision on Remand, <i>WebPower v. WAG</i> <i>Acquisition, LLC</i> , IPR2016-01238, Paper No. 28 (July 16, 2020)
2018	IETF RFC 2068
2019	Microsoft Computer Dictionary, Fifth ed. (excerpts)
2020	Avi Networks, Inc. v. Citrix Systems, Inc., IPR2019-00845, Ex. 1007
2021	Deposition of Dr. Henry Houh in IPR2022-01227 and -01228
2636	Declaration of Kevin Jeffay (Ex. 1002 of IPR2022-01433)
2824	Declaration of Kevin Jeffay (Ex. 1002 of IPR2022-01430)

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