

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
PETITIONER,

v.

GOTV STREAMING, LLC,
PATENT OWNER.

CASE IPR2023-00758
PATENT 8,478,245

PATENT OWNER'S REQUEST FOR REHEARING
37 C.F.R. § 42.71(d)

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

CURRENT EXHIBIT LIST iii

I. INTRODUCTION 1

II. RELIEF REQUESTED AND BASIS FOR ITS ENTITLEMENT.....2

III. LEGAL STANDARD2

IV. NEW EVIDENCE FOR THE BOARD’S CONSIDERATION4

V. GOOD CAUSE FOR NEW EVIDENCE.....7

VI. MATTERS THE BOARD MISAPPREHENDED OR OVERLOOKED AND THE PLACE WHERE EACH MATTER WAS PREVIOUSLY ADDRESSED IN A REPLY10

VII. THE PARTIES CLEARLY CONTESTED THAT THE APPLICATION MUST RUN ON THE SERVER, AND PETITIONER’S CONCESSION THAT IT DOES UPENDS THE BASIS FOR THE BOARD’S INSTITUTION DECISION10

VIII. CONCLUSION.....15

TABLE OF AUTHORITIES

Cases

<i>Apple Inc. v. Fintiv, Inc.</i> , IPR2020-00019-11 (PTAB Mar. 20, 2020) (precedential)	14, 15
<i>Canadian Solar Inc. v. The Solaria Corp.</i> , IPR2021-00095-17 (PTAB Sept. 24, 2021)	3
<i>Conopco, Inc. v. Procter & Gamble Co.</i> , IPR2014-00506-25 (PTAB Dec. 10, 2014) (informative)	2
<i>Facebook, Inc. v. Sound View Innovations</i> , IPR2017-00998-13 (PTAB Sept. 5, 2017)	7
<i>Facebook, Inc. v. Sound View Innovations</i> , IPR2017-01003-14 (PTAB Sept. 1, 2017)	14
<i>Ford Motor Co. v. MIT</i> , IPR2021-00341-17 (PTAB Nov. 21, 2022)	3
<i>GTNX, Inc. v. INTTRA, Inc.</i> , 789 F.3d 1309 (Fed. Cir. 2015)	3
<i>OpenSky Indus., LLC v. VLSI Tech. LLC</i> , IPR2021-01064-102 (Oct. 4, 2022) (precedential)	2
<i>Resmed Corp. v. Cleaveland Med. Devices Inc.</i> , IPR2023-00565-13 (PTAB Sept. 25, 2023)	15
<i>Samsung Elecs. Co. v. Smart Mobile Techs. LLC</i> , IPR2022-01248-13 (PTAB Jan. 24, 2023)	6, 7
<i>Vector Flow, Inc. v. HID Global Corp.</i> , IPR2023-00353-11 (PTAB Aug. 10, 2023) (Director Review)	3, 9

Rules

37 C.F.R. § 42.11(a)	7
37 C.F.R. § 42.51(b)	8
37 C.F.R. § 42.71(c)	2
37 C.F.R. § 42.71(d)	3

Other Authorities

Consolidated Trial Practice Guide (Nov. 2019)	3, 8
---	------

CURRENT EXHIBIT LIST¹

No.	Brief Description
1001	U.S. Patent No. 8,478,245
1002	Expert Declaration of Ben Bederson (“Bederson”)
1003	Curriculum Vitae of Benjamin B. Bederson, Ph.D.
1004	File History of U.S. Patent No. 8,478,245
1005	U.S. Patent Application Publication No. 2007/0150617 (“Hariki”)
1006	U.S. Patent Application Publication No. 2003/0023755 (“Harris”)
1007	U.S. Patent No. 7,447,486 (“Tamura”)
1008	U.S. Patent No. 6,996,627 (“Carden”)
1009	U.S. Patent No. 6,669,564 (“Young”)
1010	U.S. Patent No. 6,732,183 (“Graham”)
1011	U.S. Patent No. 6,507,727 (“Henrick”)
1012	Webpage excerpt from Computer History Museum at https://www.computerhistory.org/tdih/april/6/ (last accessed March 29, 2023)
1013	https://www.webdesignerdepot.com/2009/05/the-evolution-of-cell-phone-design-between-1983-2009/
1014	Excerpts from Dan R. Olsen, Jr., Developing user interfaces (1998)
1015	Alok Sinha, Client-server computing, in Communications of the ACM, 35, 7 (1992)
1016	Tim Berners-Lee, Robert Cailliau, Ari Luotonen, Henrik Frystyk Nielsen, and Arthur Secret, The World-Wide Web. Communications of the ACM 37, 8 76-82 (August 1994), available at http://dx.doi.org/10.1145/179606.179671
1017	Eric Kasten, HTML: A Gentle Introduction, Linux Journal (July 1995),
1018	U.S. Patent Application Publication No. 2013/0124961 (“Linburn”)
1019	U.S. Patent No. 8,111,326 (“Talwar”)

¹ Relevant portions of exhibits may be highlighted to help the Panel locate cited sections.

No.	Brief Description
1020	Order re Scheduling Conference, <i>GoTV Streaming, LLC v. Netflix, Inc.</i> , 2:22-cv-07556 (C.D. Cal. issued Feb. 13, 2023) (Doc. 61)
1021	Complaint in <i>GoTV Streaming, LLC v. Netflix, Inc.</i> , No. 2:22-cv-07556-RGK-SHK (C.D. Cal. October 17, 2022)
1022	U.S. Patent Application Publication No. 2003/0106022 (“Goodacre”)
1023	https://web.archive.org/web/20070406171650/http://www.zenzui.com/products.html
1024	Netflix’s Memorandum in Opposition to GoTv Streaming, LLC’s Motion for Judgment as a Matter of Law, No. 2:22-cv- 07556-RGK-SHK (C.D. Cal. Oct. 26, 2023) (Doc. 406)
2001	CAMPBELL-KELLY ET AL., <i>Mainframes to Smartphones: A History of the International Computer Industry</i> , Ch. 11 (Harvard Univ. Press 2015)
2002	GALAZZO, <i>Timeline from 1G to 5G: A Brief History on Cell Phones</i> (Sept. 21, 2020), <i>available at</i> https://www.cengn.ca/information-centre/innovation/timeline-from-1g-to-5g-a-brief-history-on-cell-phones/
2003	Cingular MEDIA Mall Games and Motorola Page (March 23, 2006), <i>available at</i> https://web.archive.org/web/20060323054853/http://www-xl.cingularextras.com/fuel/enduser/portal/endUserHTMLDir?c1=3&dc=0 and https://web.archive.org/web/20060323054841/http://www-xl.cingularextras.com/fuel/enduser/portal/endUserHTMLSelectPhone?makeName=motorola&dc=0
2004	Suite, Definition & Meaning - Merriam-Webster, <i>available at</i> https://www.merriam-webster.com/dictionary/suite
2005	U.S. Patent No. 7,380,205 to Bezrukov et al. (filed Oct. 28, 2003)
2006	Scheduling Order, <i>GoTV Streaming, LLC v. Netflix, Inc.</i> , 2:22-cv-07556 (C.D. Cal. issued Feb 14, 2023) (Doc. 62)
2007	Klausner Decisions re Motions to Stay Pending IPR, Docket Navigator (generated June 8, 2023)

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.