

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

ERICSSON AB,  
Patent Owner.

---

Case IPR2022-00618  
Patent No. 9,313,178

---

**PATENT OWNER'S PRELIMINARY RESPONSE**

Google Exhibit 1027

TABLE OF CONTENTS

I. Introduction 1

II. Background of the '618 Patent and the challenged claims .....2

III. Person of ordinary skill in the art .....5

IV. Claim construction.....5

V. The Petition fails to meet limitations 1.4/16.5 and 1.5/16.6 together. ....6

    A. Limitation 1.4 corresponds to step 308 of Fig. 3 of the '178 Patent and the associated teachings, and limitation 1.5 corresponds to steps 316 and 318 of Fig. 3 and the related teachings .....8

    B. The Petition does not demonstrate that Peterka meets limitations 1.4 and 1.5 together .....17

        1. .... The Petition’s theory regarding limitation 1.4 cannot meet the claims as a whole.....17

        2. .... The Petition’s theory regarding limitation 1.5 cannot meet the claims as a whole.....21

VI. Conclusion .....24

**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
<b>2001</b>	Declaration of Kayvan B. Noroozi in Support of Motion for Admission <i>Pro Hac Vice</i>

## I. Introduction

The Petition fails to demonstrate a reasonable likelihood of success as to any challenged claim.

Independent claims 1 and 16 of the '178 Patent require, among other things, that the client device “detect” that a current encryption key that is being used to decrypt content will need to be replaced with a new key for reasons *other than* the natural time-based expiration of the current key, and that the client device then “*request*” a new key from the server before the current key must be replaced. Section V.A, *infra*.

The Petition relies entirely on Peterka to meet those aspects of the challenged claims. As the Petition's own citations and Peterka's related teachings demonstrate, however, Peterka discloses an entirely different approach. As a threshold matter, no embodiment in Peterka discloses the client device “detecting” that it will need to change the current key in the future for reasons other than the time-based expiration of the current key. Moreover, in the embodiments where Peterka discloses that the server instructs the client to change keys, Peterka's server *provides* the new key to the client *with* the instruction related to the new key. The client thus does not “detect” any key rotation boundary prior to the natural time-based expiration of the current key and then “request” a new key, as

the challenged claims require. By contrast, in the only embodiments in which Peterka's client does request a new key from the server, the request is *always* based on a *time-based* expiration for the current key, and is never based on the client "detecting" any reason to change the current key for reasons *other* than the key's natural expiration time. Those embodiments thus likewise cannot meet the challenged claims.

Accordingly, the Petition fails to disclose any theory that meets the challenged claims, and institution should therefore be denied.

## II. Background of the '618 Patent and the challenged claims

United States Patent 9,313,178 ("the '178 Patent"), titled "Method and System for Secure Over-The-Top Live Video Delivery," is directed to a method "for managing key rotation (use of series of keys) and secure key distribution in over-the-top content delivery." Ex. 1001 at 1, Abstract. The '178 Patent has 20 claims. The only independent claims are claim 1, which is directed to a method for handling secure distribution of content, and claim 16, which is directed to a computerized device operable as a client for handling secure distribution of content.

The '178 Patent teaches that "[a]s content delivery models move away from streaming distribution over private networks to Web-based delivery of files over

# 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.