IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.:	9,444,868
Inventor(s):	Russell W. White, Kevin R. Imes
Issue Date:	September 13, 2016
Appl. No.:	14/747,002
Filing Date:	June 23, 2015
Title:	System to communicate media
Attorney Docket No.:	2016-NETFLIX-00003

Mail Stop Patent Board

DOCKET

Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 9,444,868

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

TABLE OF CONTENTS

I.	INTR	ODUCTION1	
II.	MAN	DATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)	
	A.	Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	
	B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	
	C. § 42.3	Lead and Back-Up Counsel and Service Information Under 37 C.F.R. 8(b)(3) and (4)	
III.	Paym	uent of Fees – 37 C.F.R. § 42.1035	
IV.	REQ	UIREMENTS UNDER 37 C.F.R. § 42.1045	
	A.	Grounds for Standing Under 37 C.F.R. § 42.104(a)5	
	B.	Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested	
	C.	Claim Construction under 37 C.F.R. §§ 42.104(b)(3)7	
V. SUMMARY OF THE CHALLENGED PATENT AND THE LEVEL OF ORDINARY SKILL IN THE ART			
	A.	Effective Filing Date	
	B.	Specification	
	C.	Prosecution History	
	D.	The Level of Ordinary Skill in the Art11	
	Е.	Claim Listing	
VI. IDENTIFICATION OF WHERE EACH ELEMENT OF EACH claim is found in the prior art			
	А. 17-20	Ground 1: Treyz and Fuller render obvious claims 1-12, 14, 15, and in light of the knowledge of a POSITA12	
	B. rende	Ground 2: Treyz, Fuller, Glaser, and the knowledge of a POSITA r obvious claim 13, 16	
VII.	CON	CLUSION	

Ex.	Description
1001	U.S. Patent No. 9,444,868 ("White")
1002	Claim Listing
1003	U.S. Patent Application No. 09/537,812
1004	Affinity Labs of Texas, LLC v. Netflix, Inc., Case No. 1:15-cv-00849, Dkt. No. 60 (W.D. Tex., Sept. 21, 2016)
1005	Affinity Labs of Texas, LLC's Identification of Asserted Claims and Initial and Preliminary Infringement Contentions for U.S. Patent No. 9,444,868
1006	Excerpts from File History for U.S. Pat. No. 9,444,868
1007	Declaration of Nader Mir, Ph.D.
1008	U.S. Patent No. 8,688,085 ("White I")
1009	Affinity Labs of Texas, LLC v. Amazon.com, Inc.; Amazon Digital Services, Inc., Case No. 6:15-cv-00029, Dkt. No. 68 (W.D. Tex., September 23, 2015)
1010	Affinity Labs of Texas, LLC v. DirecTV, LLC et al., Case No. 6:15-cv-00030, Dkt. No. 58 (W.D. Tex., July 7, 2015)
1011	U.S. Patent No. 8,359,007 ("White II")
1012	Juga Kivijarvi et al., A comparison of lossless compression methods for medical images, Computerized Medical Imaging and Graphics 22 (1998)
1013	Affinity Labs of Texas v. Samsung Electronics et al., Case No. 2015-1933, Summary Affirmance (Fed. Cir. May 9, 2016)
1014	Howard Shelanski, <i>The Speed Gap: Broadband Infrastructure and Electronic Commerce</i> , Berkeley Technology Law Journal (1999)
1015	U.S. Patent No. 6,678,215 ("Treyz")

Ex.	Description
1016	U.S. Patent No. 6,711,622 ("Fuller")
1017	U.S. Patent No. 6,985,932 ("Glaser")
1018	ITU-T Recommendation G.991.1, International Telecommunication Union (October 1998)
1019	Data Over Cable Interface Specifications; Cable Modem Termination System—Network Side Interface Specification; SP-CMTS-NSII01- 960702 (1996)
1020	C.V. of Nader Mir, Ph.D.
1021	U.S. Patent No. 6,389,473 ("Carmel")
1022	Vinton G. Cerf and Robert E. Kahn, <i>A Protocol for Packet Network</i> <i>Interconnection</i> , IEEE Trans. on Communications, May 5, 1974 ("Cerf")
1023	RFC2032 – Request for Comments (RFC) RTP Payload Format for H.261 Video Streams, October 1997 ("RFC2032")
1024	RFC2326 – Request for Comments (RFC) Real Time Streaming Protocol (RTSP), April 1998 ("RFC2326")
1025	RFC2616 – Request for Comments (RFC) Hypertext Transfer Protocol (HTTP), June 1999 ("RFC2616")
1026	Excerpts from Jamie Jaworski, Java 2 Platform Unleashed, Sams (1999)
1027	RFC1889 – Request for Comments (RFC) RTP: A Transport Protocol for Real-Time Applications, January 1996 ("RFC1889")
1028	U.S. Patent No. 5,812,786 ("Seazholtz")
1029	Excerpt from IBM Dictionary of Computing (1994)
1030	George Kennedy and Bernard Davis, <i>Electronic Communication Systems</i> , Macmillan/McGraw-Hill School Publishing Company (4 th ed., 1993)
1031	RFC1630 – Request for Comments (RFC) Universal Resource Identifiers in WWW, June 1994 ("RFC1630")

Ex.	Description
1032	U.S. Patent No. 6,041,345 ("Levi")
1033	Stokes et al., Development of a MPEG Data Stream Characterization for Use with ATM Networks, 1995
1034	Universal Serial Bus Specification, Revision 1.1 (September 23, 1998)
1035	Compaq Prosignia Notebooks Spec Comparison (May 8, 1999)
1036	Gary Hoffman and Daniel Moore, <i>IEEE 1394: A Ubiquitous Bus</i> , IEEE Computer Society Press (March 5-9, 1995)
1037	RFC1738 – Uniform Resource Locators (URL) (December 1994)
1038	Extensible Markup Language (XML) 1.0; W3C Recommendation 10- February-1998 (archived February 13, 1998)
1039	Affinity Labs of Texas, LLC v. Samsung Electronics Co. Ltd et al., Appeal No. 2016-1208 (Fed. Cir. Oct. 17, 2016)
1040	Declaration of Professor Kevin C. Almeroth in Support of Affinity Labs of Texas, LLC's Opening Claim Construction Brief (October 7, 2016)

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.