

Filed on behalf of Hulu, LLC

By: David Cavanaugh, Reg. No. 36,476 (Lead Counsel)  
Mary V. Sooter, Reg. No. 71,022 (First Backup Counsel)  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Email: david.cavanaugh@wilmerhale.com  
mindy.sooter@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Hulu, LLC,  
Petitioner

v.

DivX, LLC,  
Patent Owner

U.S. Patent No. 10,257,443

Case IPR2021-01419

**PETITION FOR *INTER PARTES* REVIEW OF  
U.S. PATENT NO. 10,257,443**

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Petitioner Hulu, LLC (“Hulu”) respectfully requests *Inter Partes* Review of claims 1-2, 4, 7-8, 10, 13-16 (the “challenged claims”) of U.S. Patent No. 10,257,443 (“’443 patent”) (Ex. 1101) under 35 U.S.C. §§ 311-19 and 37 C.F.R. § 42.1 *et seq.*

## I. INTRODUCTION

The challenged claims are generally directed to streaming videos, and in particular to permitting remote viewers to start watching a video on their local device before the entire video file has been downloaded, while at the same time protecting the video file against piracy. This was an old problem, and the patent’s claimed “solution” was entirely obvious and well-understood by skilled artisans by the time of the ’443 patent.

Before the ’443 patent, it was conventional to store a video file on a remote server, segment the file into pieces for streaming to a local playback device, and commence playback on the streaming device before the entire file had been downloaded. It was equally conventional to use file formats such as MP4 and compression techniques such as MPEG,<sup>1</sup> to implement such streaming media systems. It was likewise conventional to protect such video files against piracy using

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<sup>1</sup> “MPEG” refers to the Motion Picture Experts Group audiovisual coding standards.

Digital Rights Management (“DRM”) techniques, such as partial encryption of individual video frames.

Because the ’443 patent claims nothing more than obvious combinations of these well-known techniques, Petitioner respectfully requests that the Board institute IPR and cancel the challenged claims. Because the ’443 patent is currently asserted in district court, in view of 35 U.S.C. § 314(a), Petitioner requests an expedited Notice of Filing Date Accorded.

## **II. MANDATORY NOTICES**

### **A. Real Party-in-Interest**

Pursuant to 37 C.F.R. § 42.8(b)(1), Petitioner certifies that Hulu, LLC and The Walt Disney Company are real parties-in-interest.

### **B. Related Matters**

DivX, LLC (“Patent Owner”) has asserted the ’443 patent against Hulu in *DivX, LLC v. Hulu, LLC*, 2-21-cv-01615 (C.D. Cal.). The ’443 patent is related to U.S. Patent No. 8,472,792 (the “’792 patent”), which has been asserted against Hulu in *DivX, LLC v. Hulu, LLC*, 2-19-cv-01606 (C.D. Cal.) and Netflix in *DivX, LLC v. Netflix, Inc.*, 2-19-cv-01602 (C.D. Cal.). Netflix and Hulu brought an *Inter Partes* Review petition against the ’792 patent in IPR2020-00646.

### **C. Counsel**

Lead Counsel: David Cavanaugh (Registration No. 36,476)

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