

Peloton v. NEC Corp.

IPR2023-01240

IPR2023-01241

U.S. Patent No. 9,769,427

Patent Owner's Demonstrative Exhibits

November 8, 2024

01 | BACKGROUND

Demonstrative Exhibit – Not Evidence

U.S. Patent No. 9,769,427

('427 Patent)

Bibliographic Information

Inventors

- Kunihiro Taniguchi
- Kazushige Ishikawa
- Kazuo Asami

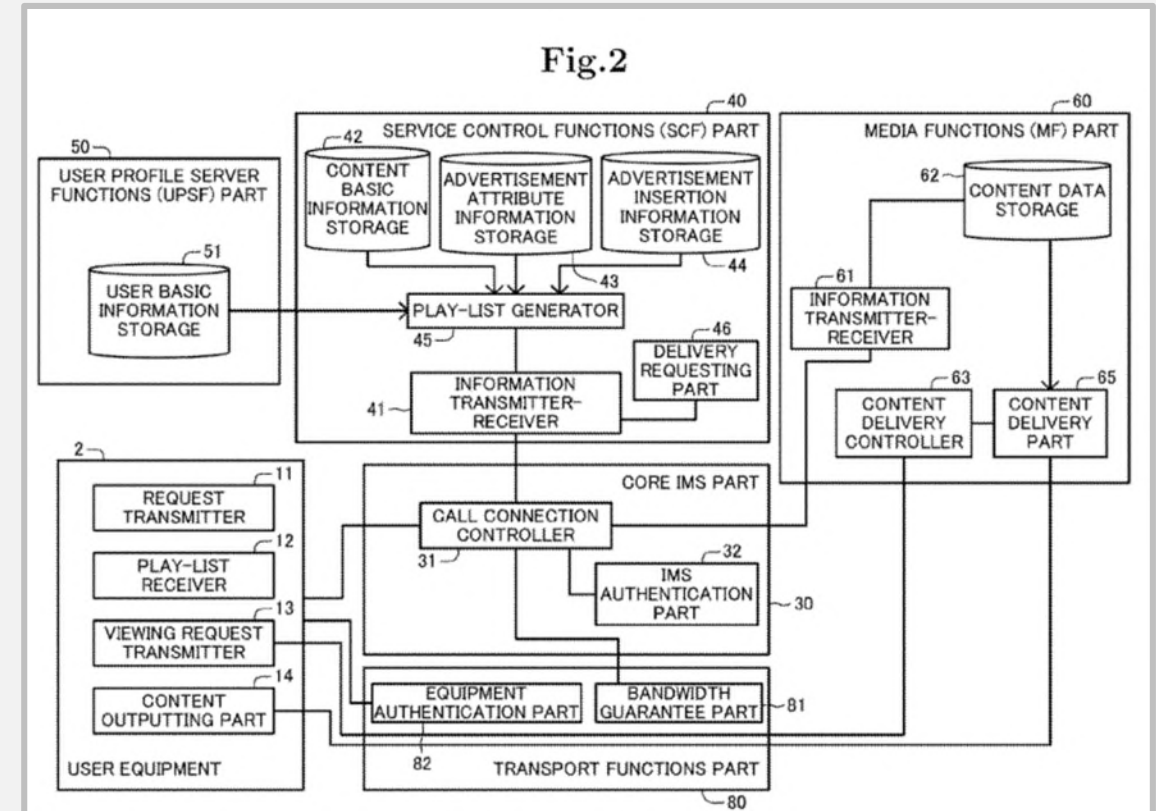
Title

"Content Delivery System"

Priority Date

August 6, 2008 – As claimed in POR

- Priority to JP2008-294270
Filed Nov. 18, 2008

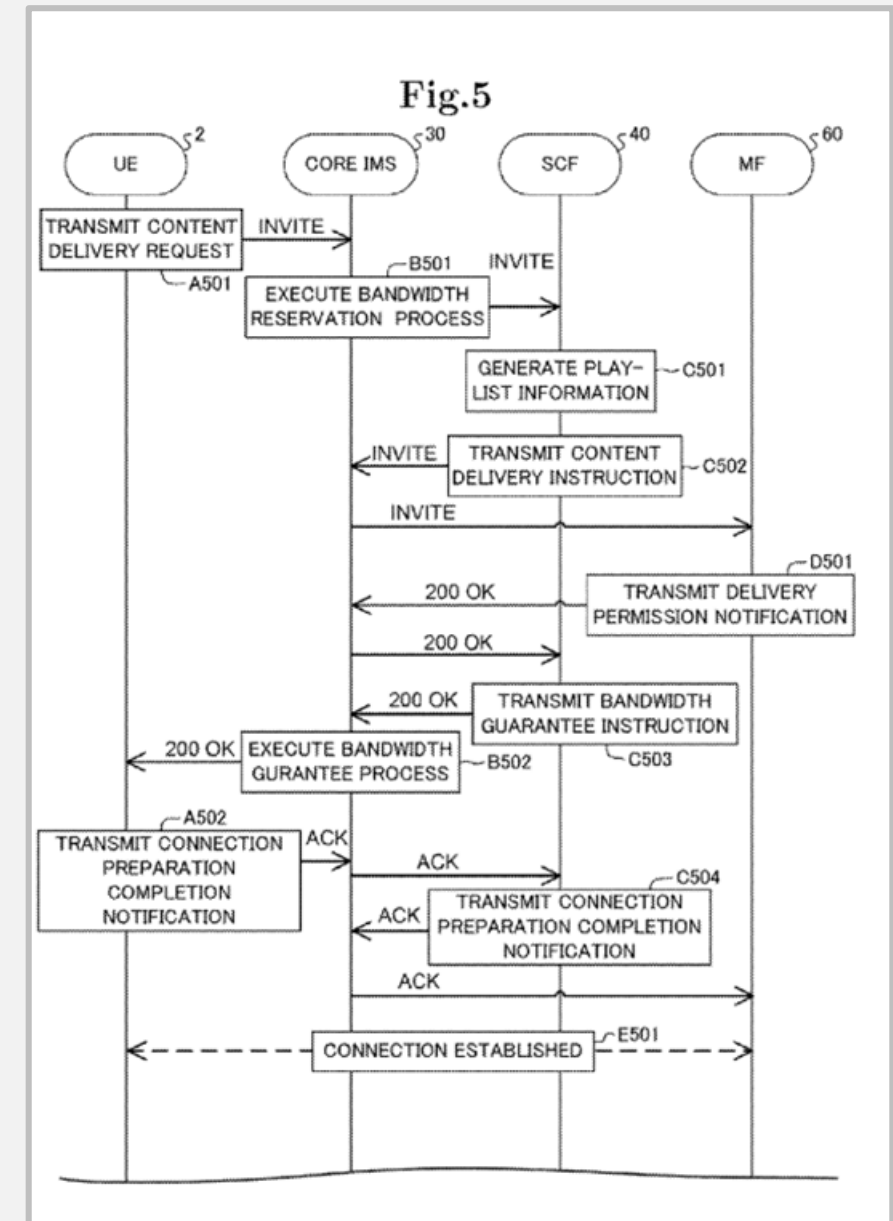


'427 Patent Figure 2

'427 Patent

Patent Owner Response ("POR") at 7;
Ex[1002] at 72-73

Innovation – "configured to transmit play-list information at a same time that the one or more connection control servers executes a process for establishing the connection"



'427 Patent Figure 5

Summary of Proceedings

IPR2023-01240		
1	Ueda, SIP Standard, and SDP Standard	Claims 1, 4-9, 14, 16, 18, 20, 22, 32, and 34-36
2	Ueda, SIP Standard, and Bechtolsheim	Claims 1, 4-9, 14, 16, 18, 20, 22, 32, and 34-36
3	Ueda, SIP Standard, SDP Standard, and Cohee	Claims 2, 3, 15, and 17
4	Ueda, SIP Standard, Bechtolsheim, and Cohee	Claims 2, 3, 15, and 17

IPR2023-01241		
1	Ueda, SIP Standard, and SDP Standard	Claims 10, 12, 21, and 33
2	Ueda, SIP Standard, and Bechtolsheim	Claims 10, 12, 21, and 33
3	Ueda, SIP Standard, SDP Standard, and Cohee	Claims 11, 13, 19, and 23
4	Ueda, SIP Standard, Bechtolsheim, and Cohee	Claims 11, 13, 19, and 23

Claim Constructions

“equipment specification information”

Peloton: “An identifier for identifying the user equipment”

NEC: Plain and ordinary meaning

“the one or more connection control servers executes a process for guaranteeing a communication bandwidth required for transmitting content data as a process for establishing the connection”

Peloton: “A standard process performed by SIP servers using SIP messages”

NEC: Plain and ordinary meaning

“as a same time . . . transmit[ting] the play-list information . . . to the user equipment which has transmitted the content delivery request”

Peloton: “A standard process performed by SIP servers using SIP messages”

NEC: Plain and ordinary meaning

02 | '427 PATENT PRIORITY DATE

Demonstrative Exhibit – Not Evidence

'427 Patent Priority Date –

August 6, 2008

Conception

Sur-Reply at 5-6*

- NEC has shown that all elements of the claims are present in the August 6, 2008 presentation (Ex[2013])
- The only element Peloton challenged is “equipment specification information”
 - Not an element in independent claims: 18, 19, 22, 23, 32-36, so no challenge to prior conception of those claims.
 - Peloton’s argument challenging conception of “equipment specification information” is incorrect as shown by its own arguments in the Petition.

Prior Conception

Method for Changing Streaming Ads from User Profiles

August 06, 2008

Service Platform Research Lab

Communication Service TG

IPTV Standard Essential Patent Team

(Author) Kunihiro Taniguchi

Ex [2013]

*** Except where explicitly noted, citations to papers refer to the same page in both the -01240 and -01241 proceedings**

'427 Patent Priority Date –

August 6, 2008

Peloton's Own Petition Establishes That the Conception Document Teaches "Equipment Specification Information"

Peloton's Petition at 9

identifier for identifying the user equipment. Ex1008 ¶63. Figures 7-11, 16 and 19 of the '427 Patent each show a SIP INVITE message containing equipment specification information in the form of an identifier such as "alice@atlanta.com" or "alice@pc33.atlanta.com." Figure 7 is reproduced below.

Fig. 7

INVITE sip:bob@biloxi.com SIP/2.0
Via: SIP/2.0/UDP
pc33.atlanta.com;branch=z9hG4bKnashds8
Max-Forwards: 70
To: Bob <sip:bob@biloxi.com>
From: Alice <sip:alice@atlanta.com>;tag=1928301774
Call-ID: a84b4c76e66710
CSeq: 314159 INVITE
PL { X-video-sequence: content1;0;300;adv1;0;30,content1;301;600;adv2;0;30,content1;601;900
Contact: <sip:alice@pc33.atlanta.com>
Content-Type: application/sdp
Content-Length: 142
HE }

Conception Document

INVITE sip:bob@biloxi.com SIP/2.0
Via: SIP/2.0/UDP pc33.atlanta.com;branch=z9hG4bKnashds8
Max-Forwards: 70
To: Bob <sip:bob@biloxi.com>
From: Alice <sip:alice@atlanta.com>;tag=1928301774
Call-ID: a84b4c76e66710
CSeq: 314159 INVITE
Contact: <sip:alice@pc33.atlanta.com>
Content-Type: application/sdp
Content-Length: 142

Ex [2013] at 12

'427 Patent Priority Date –

August 6, 2008

The Conception Document Teaches Authentication of the Equipment Identifier

Peloton's Argument

“The '427 Patent describes the process of using ‘equipment specification information’ as part of an authentication process to validate the user equipment.”

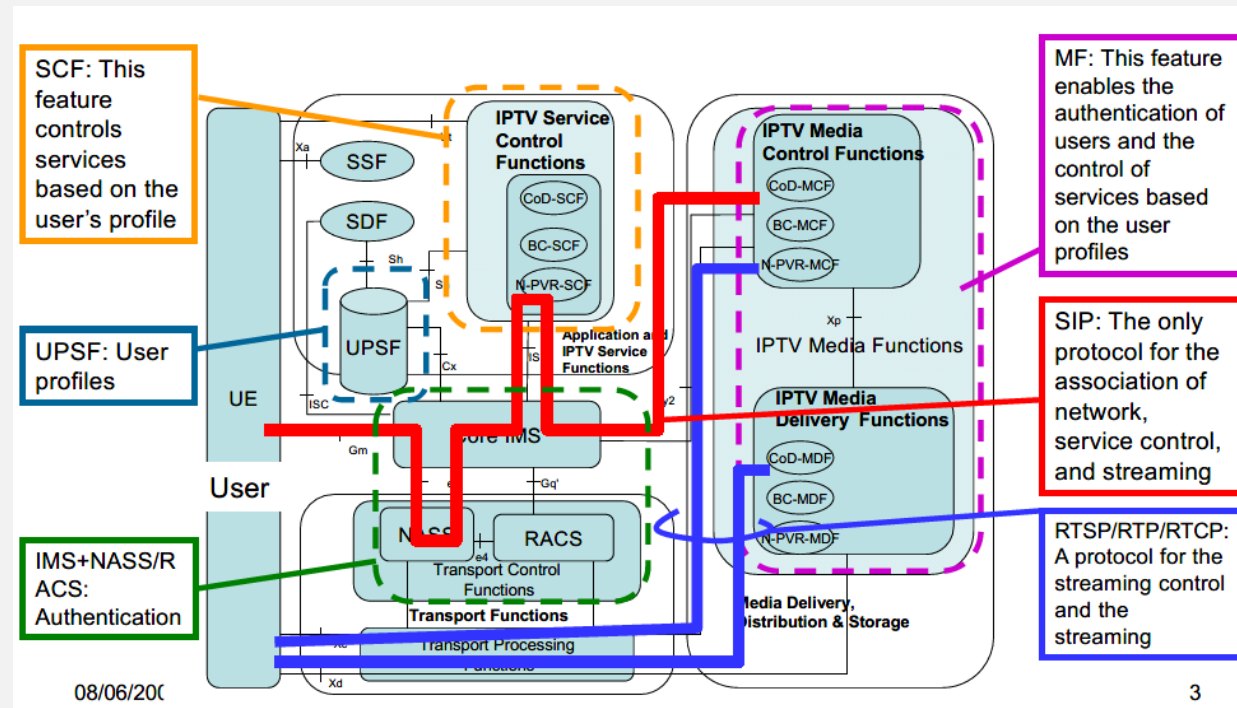
Reply at 5

August Presentation

The conception document shows “authentication of users” using information from the User Equipment

Sur-Reply at 6

Conception Document



Ex [2013] at 3

August 6, 2008

The conception document shows “authentication of users” using information from the User Equipment



'427 Patent Priority Date – August 6, 2008

Conception– Corroboration

- August 6, 2008 – Inventors prepared Ex[2012/13] (“Invention Presentation”)
 - Corroborated by document metadata Ex[2014/15]
- November 6, 2008 – Inventor circulated draft technical specification (Ex[2016/17])
 - Corroborated by NEC’s GeneSight database Ex[2022], [2018/19]
- Nov 6, 2008 NEC work request shows Interview with patent agent scheduled for November 10, 2008

POR at 17-19

Reference Material on TISPAN Standard Essential Patents

Method for Changing Streaming Ads from User Profiles

August 06, 2008
Service Platform Research Lab
Communication Service TG
IPTV Standard Essential Patent Team
(Author) Kunihiro Taniguchi

NEC, Exh. 2013, p. 1
Peloton v. NEC, IPR2023-01240

Ex [2012/13]

Update date and time 5th August 2008, 21:38:38

Ex [2014/15]

[Name of Document] **SPECIFICATION**

[Title of the Invention] **CONTENT DELIVERY SYSTEM**

TECHNOLOGICAL FIELD

[0001] The present invention relates to a content delivery system that transmits content data representing content to user equipment.

Ex [2016/17]

7. Exhibit 2018 is a true and correct copy of a work request from NEC to Baba, also transmitted from NEC to Baba on November 6, 2008.

- o An interview regarding this matter will be held at the Tamagawa Business Office (11/10; Monday).
- o We shall contact you regarding the time and the venue for this interview under separate cover.
- o Please confirm the memo regarding contact about creation of the Specification for other matters.

Ex [2022], [2018/9]

'427 Patent Priority Date – August 6, 2008

Diligence – Reduction to Practice

- August 2008 – Inventors discuss core improvement for IMS servers
- August 6, 2008 – Inventors prepared Ex[2013] (“Invention Presentation”)
- Mid-August 2008 – Inventors begin drafting specification for patent application
- Late Aug-November 2008 – Inventor continues to draft and attend to other related work responsibilities, including: co-author IPTV paper (Ex[2027]), lead IPTV interoperability testing (Exs[2024, 2025, 2026])
- November 6, 2008 – Inventors circulated draft technical specification (Ex[2016])
- November 10, 2008 – Meeting with Baba International
- November 18, 2008 – Filing of JP2008-294270

UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD PELOTON INTERACTIVE, INC., Petitioner, v. NEC CORPORATION, Patent Owner. Case No. IPR2023-01240 Case No. IPR2023-01241 Patent No. 9,769,427 DECLARATION OF SHUNSUKE CHISHIRO	UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD PELOTON INTERACTIVE, INC., Petitioner, v. NEC CORPORATION, Patent Owner. Case No. IPR2023-01240 Case No. IPR2023-01241 Patent No. 9,769,427 DECLARATION OF KUNIHIRO TANIGUCHI	UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD PELOTON INTERACTIVE, INC., Petitioner, v. NEC CORPORATION, Patent Owner. Case No. IPR2023-01240 Case No. IPR2023-01241 Patent No. 9,769,427 DECLARATION OF MOTOHIRO BABA
Ex [2022]	Ex [2011]	Ex [2023]

NEC Visualizing a brighter world
NEC's Kunihiko Taniguchi and Tetsuo Inoue receive
"Circle of Excellence Award" from MSF

December 3, 2008
NEC Corporation

NEC's Kunihiko Taniguchi and Tetsuo Inoue received the MSF's "Circle of Excellence Award" at the MSF (Multi Service Forum) meeting held in Nassau, Bahamas from December 2 to 4, 2008. MSF is an organization that promotes the standardization of Next Generation Networks (NGN) and open architectures, and this is the first time NEC has received this award.

The Circle of Excellence Award is an award presented to an individual who has made a significant contribution to the GMI2008 (Global MSF Interoperability), an interoperability verification test organized by MSF once every two years, and the aforesaid 2 employees from NEC were recognized for their contributions to interoperability verification of IMS-based IPTV, QoS control (Note 1), and SOA (Note 2). Kunihiko Taniguchi served as the editor of the IPTV test scenario and interface document stipulated by MSF, was in charge of creating the document and compiling the implementation conditions of each company, and led the technical research of implementation conditions for interoperability of IMS product and IPTV product. On the other hand, Tetsuo Inoue was in charge of interoperability testing with products provided by telecommunication equipment vendors at the website provided by Verizon Company in Boston, where NEC participated, and performed interoperability verification of IMS-based IPTV VoD, QoS control, and SOA. The fact that the aforesaid 2 NEC employees were nominated by Verizon and received the Circle of Excellence Award is a testament to NEC's efforts to promote and advance IMS and IPTV, as well as to their own individual outstanding qualifications.

GMI2008 promotes the global standardization of NGNs by verifying the interoperability of devices from various companies implementing the latest international standards related to NGNs in a multi-vendor environment. The verification test was conducted from October 20 to 31, 2008 at five websites in the U.S. (3 sites), the U.K. (1 site), and China (1 site); and 20 major telecommunications equipment vendors from around the world (Note 3) provided their products and participated in the verification test. NEC provided the "NC5000 Series", "NC7000 Series", "NC9000 Series" (Note 4), QoS routers and other products as NGN and IPTV related software for GMI2008.

Moreover, NEC will participate in the IPTV World Forum Asia 2008 to be held in Singapore on December 4 to 5, 2008. At this forum, NEC will introduce the results of GMI2008 and give a presentation on IPTV solutions (Note 5). In addition, NEC will also introduce its IMS-based IPTV solutions at its exhibition booth in the Forum.

(Note 1)
QoS (Quality of Service) control: Quality of Service control
(Note 2)
SOA (service-oriented architecture): service-oriented architecture
(Note 3)
Aster-Packet, Alcatel-Lucent, Codenominon, Empirix, Fujitsu, Huawei, Ixia, JDSU, Motorola, MuDynamics, NEC, Nokia-Siemens Networks, Nortel, OSI, Sonus, Spirent, Starent, Tekelec, Tektronix, Telchemy, Teles, ZTE
(Note 4)
NC5000 Series: Provide QoS control and access authentication functions for NGN
NC7000 Series: Provide platform functions for NGN services (including VOD server as the core of IMS-based IPTV services)
NC9000 Series: Provide IMS functions such as NGN session control, etc.
(Note 5)
Date and time: December 4 (Wednesday), 14:40 to 15:00
Theme: IMS-based IPTV: Making Superior Technology a Reality
Website of Multi Service Forum

Ex [2026]



Ex [2027]

'427 Patent Priority Date - August 6, 2008

Diligence – Reduction to Practice

- PO has shown reasonable diligence toward reduction to practice
- That is all the law requires

POR at 17-19; Sur-Reply 8-11



Perfect Surgical Techniques v. Olympus America, Inc., 841 F.3d 1004, 1009 (Fed. Cir.

In determining whether an invention antedates another, **the point** of the diligence analysis **is not to scour** the patent owner's corroborating evidence **in search of intervals of time where the patent owner has failed to substantiate some sort of activity**. It is to assure that, in light of the evidence as a whole, the invention was not abandoned or unreasonably delayed.

Sur-Reply at 11



Monsanto Co. v. Mycogen Plant Sci., Inc., 261 F.3d 1356, 1369 (Fed. Cir. 2001)

Proof of reasonable diligence, however, does not require a party to work constantly on the invention or to drop all other work

Sur-Reply at 8



Arctic Cat Inc. v. GEP Power Prods., Inc. 919 F.3d 1320, 1331-32 (Fed. Cir. 2019)

Reversing PTAB finding of no antedation that rested on "too rigid a standard" where inventor showed "persistence in moving the project [forward] in a timely manner."

Sur-Reply at 8

03 | THE '427 PATENT IS NOT OBVIOUS

Ground 1

Demonstrative Exhibit – Not Evidence

Motivation to Combine

Ueda and the SIP Standard

POR at 21-23	Ueda already includes the features that allegedly provide a motivation to combine
-01240 POR at 24 -01241 POR at 24-25	Identification of server
-01240 POR at 25 -01241 POR at 25-26	Signaling desire to communicate
-01240 POR at 27 -01241 POR at 26-27	Characterizing a communication session
POR at 28	Security

Peloton does not meet its burden of showing a motivation that would justify a POSA pursuing the combination



Intelligent Bio-sys., Inc. V. Illumina Cambridge Ltd., 821 F.3d 1359, 1367-68 (Fed. Cir. 2016)

-01240 POR at 29
-01241 POR at 29-30

Motivation to Combine

Ueda, the SIP Standard, and the SDP Standard

POR at 30	Ueda already includes the features which the SDP Standard allegedly provides
POR at 31	Media details
POR at 31	Transport address
POR at 31	Description metadata

Ability to implement features is not sufficient – must provide reason why a POSA *would actually* incorporate features



Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064, 1073 (Fed. Cir. 2015)

[O]bviousness concerns whether a skilled artisan not only could have made but would have been motivated to make the combinations or modifications of prior art to arrive at the claimed invention

POR at 32-33

Motivation to Combine

Sur-Reply

The Petition fails to identify a motivation *within* the references themselves

- Premised on improper hindsight bias
- Expert testimony is based on similar bias



Trutek Corp. v. Regents of the Univ. of Michigan,
IPR2022-00674, Paper 10, 25 (P.T.A.B. Sept. 28, 2022)

[T]he burden falls on the challenger to show that “a skilled artisan would have been motivated to combine the teachings of the prior art” and that a “skilled artisan would have had a reasonable expectation of success in doing so”

Sur-reply at 13-14



InTouch Techs., Inv. v. VGO Comms., Inc.,
751 F.3d 1327 (Fed. Cir. 2014)

[VGo’s expert’s] testimony primarily consisted of conclusory references to her belief that one of ordinary skill in the art could combine these references, not that they would have been motivated to do so.

Sur-Reply at 14-15

The Combination Lacks Element 1g-1

SIP Standard does not perform a bandwidth guarantee

“the one or more connection control servers executes **a process for guaranteeing a communication bandwidth** required for transmitting content data as a process for establishing the connection”

The SIP Standard

The SIP Standard does not “provide any kind of network resource reservation capabilities.”

POR at 34
Ex[1004] at 10

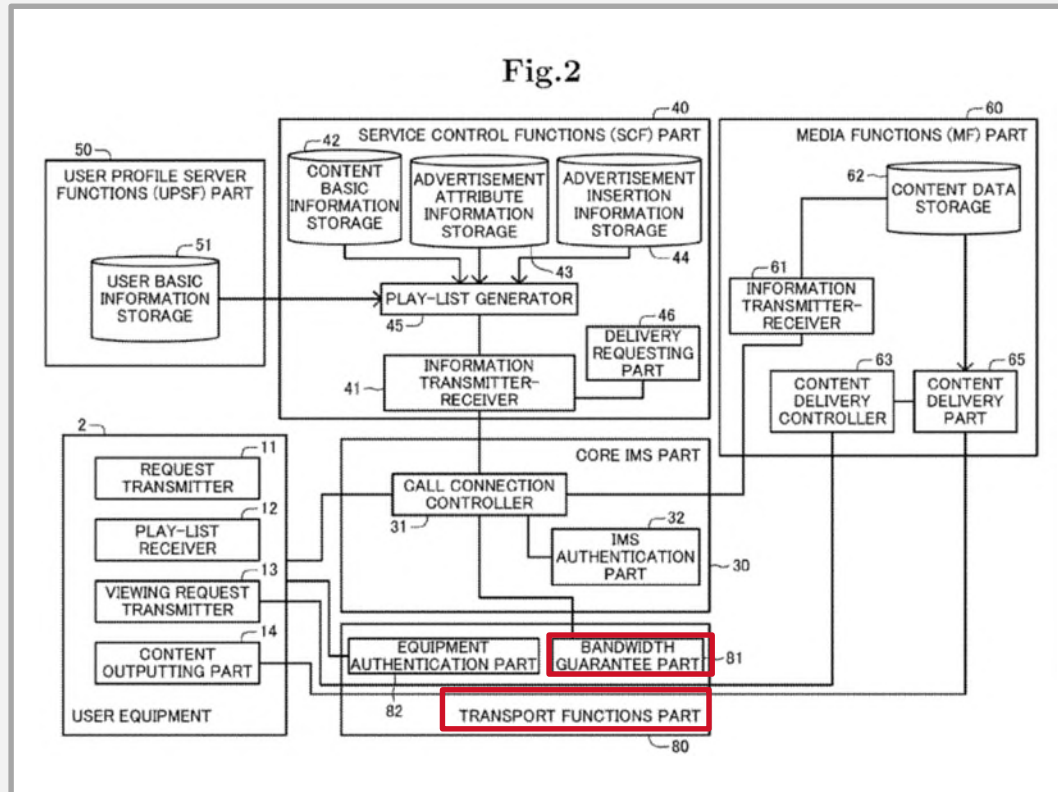
Dr. Cliff Reader

2 Q. And does it say the bandwidth guarantee
3 process itself is executed by the SIP messages?
4 A. What it says is that part 40 is -- just a
5 moment.
6 The paragraph beginning on Line 14 is the
7 set of steps that part 40 goes through to prepare
8 what is eventually going to be transmitted by this
9 SIP message. So the SIP message can't execute
10 anything. It is not a -- it's just a message.
11 Q. The SIP message won't be executing the
12 bandwidth guarantee process?
13 A. No. A communication message is not
14 something that executes; processes execute things,
15 not messages that are sent between processes.

POR at 36
Ex[2029] at 75:7-8

The Combination Lacks Element 1g-1

The '427 Patent differentiates between a SIP message and the transport function



-01240 POR at 40
-01241 POR at 39
'427 Patent Figure 2

Upon receiving the bandwidth guarantee instruction, the core IMS part 30 transmits, to the transport functions part 80, the received communication bandwidth information and communication channel specification information for specifying a communication channel between the user equipment 2 and the media server 4b specified by the received media delivery specification information. Thus, the transport functions part 80 executes a process to guarantee the communication bandwidth represented by the received communication bandwidth information on the communication channel specified by the received communication channel specification information (bandwidth guarantee process).

Upon completing the bandwidth guarantee process, the core IMS part 30 transmits a transmission preparation completion notification to the user equipment 2 (step B502). The transmission preparation completion notification contains the received media delivery specification information and play-list information. The transmission preparation completion notification is transmitted as an OK message of a SIP message.

POR at 37
'427 Patent at 15:29-40

The content delivering part 65 transmits the data using a session established by the core IMS part 30, according to a predetermined communication protocol (in this example, RTP (Real-time Transport Protocol)).

POR at 39
'427 Patent at 12:13-16

The Combination Lacks Element 1g-1

A “guarantee” requires more than a preliminary check

29. The Board appears to give Peloton the benefit of the doubt with respect to this element, finding “Peloton’s argument reasonable at this stage that this broad, functional language encompasses simply checking that the required bandwidth is acceptable,” Paper 16 at 41. However, the Board does not actually resolve the issue of the SIP Standard’s inability to actually *execute* any process, let alone a process

for guaranteeing a bandwidth. Rather, the ‘427 Patent is clear – the bandwidth guarantee process is performed by the “transport functions part 80” – which utilizes transport protocols and other mechanisms separate from the SIP messages that may initiate the process and that may transmit the results. ‘427 Patent at 15:29-40; Fig. 2; *see also id.* at 13:59-64 (“[T]he core IMS part 30 executes a bandwidth reservation process as preparation for guaranteeing a communication bandwidth.”). Since Peloton does not identify an appropriate transport function that *does* execute this process (and in fact, cannot do so, since their own construction limits this term to “SIP servers using SIP messages”), its argument contains a glaring hole that cannot be filled with the references it has presented.

Ex[2010] ¶ 29; POR at 41

“an assurance for the fulfillment of a condition”

Merriam Webster Dictionary
(-01240 POR at 42; -01241 POR at 41)

“to engage for the existence, permanence, or nature of” and “to give security to”

Merriam Webster Dictionary
(-01240 POR at 42, n.6; -01241 POR at 41, n.6)

“to make certain that something will happen”

Oxford’s Advanced Learner’s Dictionary
(- 01240 POR at 42, n.6; -01241 POR at 41, n.6)

Peloton introduces new argument

Sur-Reply

Peloton belatedly attempts to pivot, now conceding that the SIP messages do not “constitute the recited process for guaranteeing a communication bandwidth”

Sur-Reply at 18

BUT

1 Peloton is limited to the argument in their Petition

2 The Petition contains no reference to “transport functions” or “transport protocols” which actually perform the bandwidth guarantee process

Sur-Reply at 18

NEC has not proposed new limitations

Sur-Reply – Bandwidth guarantee is an ongoing process, unlike SIP

Additionally, Peloton undercuts its own argument by noting that, according to Figure 5 of the '427 Patent, “connection control server (core IMS) is no longer involved *after connection* between the user device and application server system has been established.” Reply at 20. But this is precisely what NEC argues: The process for guaranteeing a bandwidth, contrary to the SIP Standard, is an ongoing process that begins during the connection process with the server and extends until that process is complete. In contrast, and undisputed by Peloton, the SIP Standard (as combined with Ueda) would perform an initial check for bandwidth prior to the connection process. POR at 41-42.

Sur-Reply at 20

- Claim language is clear – the system executes *a process for guaranteeing a bandwidth*
- This requires more than a singular “check” (without enforcement power) at the start of the process, as the SIP Standard performs

The Combination Lacks Element 1g-2

There is no motivation to modify Ueda to do something it already does



Peloton's Argument

Peloton admits that Ueda already discloses sending a playlist

Reply at 22

InTouch Techs., Inv. v. VGO Comms., Inc.,
751 F.3d 1327 (Fed. Cir. 2014)

[VGo's expert's] testimony primarily consisted of conclusory references to her belief that one of ordinary skill in the art could combine these references, not that they would have been motivated to do so.

Sur-Reply at 14-15

- Peloton fails to show why a POSA would modify that approach to send playlist information a different way

Peloton's argument relies upon improper hindsight bias

- “SDP Standard describes an attribute field (“a=”) that **can be used** to tailor SDP to particular applications or media.” Petition at 50-51.
- “The attribute field **could be used** to carry a pointer to a media stream” Ex[1008] ¶195 (emphasis added).
- “The SDP Standard describes a session information field (“i=”) **that can be** used to provide textual information about a media session.” *Id.* (emphasis added).
- “The SDP Standard teaches a URI field (“u=”) that **can be used** as a pointer to additional information about a media session.” *Id.* (emphasis added).

-01240 POR at 49
-01241 POR at 48-49

- “An SDP description **can contain** a number of media descriptions.” Petition at 51 (emphasis added).
- “Thus, a POSITA would have understood that an ordering of media description fields in an SDP description **can be used** to specify an order of media of a media stream.” *Id.* at 52 (emphasis added).
- “As such, a POSITA would have understood that information pertaining to the media session . . . **could be inserted** into a head of a SIP message using widely known techniques.” *Id.* (emphasis added).
- “Thus, SDP Standard teaches that an SDP description . . . **can contain** both bandwidth information . . . and information specifying the media.” *Id.* (emphasis added).

-01240 POR at 50
-01241 POR at 49

The Combination Lacks Element 1g-2

Peloton fails to explain how the claim language reads on SDP's "information specifying the media"

"at a same time that the one or more connection control servers executes a process for guaranteeing a communication bandwidth required for transmitting content data as a process for establishing the connection, **transmit the play-list information**"

Play-list information

information containing the *main content identification information* contained in the content delivery request *and* the *selected sub content specification information*, *and* . . . information indicating a *sequence* in which the *main content* identified by the main content identification information *and the sub content* specified by the selected sub content specification information *are output*

POR at 45

Peloton's Argument

The SDP Standard "teaches that an SDP description . . . can contain both bandwidth information . . . and information specifying the media"

Neither Ueda nor SIP teach this information either

POR at 45; Ex[2029] at 75:7-8

Claimed "play-list information"



"information specifying the media"

04 | THE '427 PATENT IS NOT OBVIOUS

Ground 2

Demonstrative Exhibit – Not Evidence

No Motivation To Combine

Ueda, the SIP Standard, and Bechtolsheim

2. Ueda, SIP Standard, and Bechtolsheim

Bechtolsheim teaches determining bandwidth requirements for segments of content data and guaranteeing this bandwidth at the same time that a playlist is prepared. *See* Section VII.D, *supra*. A POSITA would have been motivated to combine Bechtolsheim with Ueda to maintain video quality and avoid requiring a higher bandwidth than available. Ex1008 ¶111. Bechtolsheim itself teaches such a motivation. *See, e.g.*, Ex1006 ¶0038 (“[A] stream which consistently requires higher bandwidth than the configured rate may produce[] poorer quality video.”).

A POSITA would have been motivated to combine Bechtolsheim with SIP Standard to provide for describing multimedia sessions and timing information, such as bandwidth requirements, in metadata for initiating multimedia sessions. Ex1008 ¶112; *see also, e.g.*, Ex1004, pp. 9 (§2), 10 (§2); Ex1006 ¶¶0034, 0038, 0049.

The extent of Peloton’s “motivation to combine”

Pet. at 24-25

No Reasonable Likelihood of Success

Ueda, the SIP Standard, Bechtolsheim

2. Ueda, SIP Standard, and Bechtolsheim

Bechtolsheim teaches determining bandwidth requirements for segments of content data and guaranteeing this bandwidth at the same time that a playlist is prepared. *See* Section VII.D, *supra*. A POSITA would have been motivated to combine Bechtolsheim with Ueda to maintain video quality and avoid requiring a higher bandwidth than available. Ex1008 ¶111. Bechtolsheim itself teaches such a motivation. *See, e.g.*, Ex1006 ¶0038 (“[A] stream which consistently requires higher bandwidth than the configured rate may produce[] poorer quality video.”).

A POSITA would have been motivated to combine Bechtolsheim with SIP Standard to provide for describing multimedia sessions and timing information, such as bandwidth requirements, in metadata for initiating multimedia sessions. Ex1008 ¶112; *see also, e.g.*, Ex1004, pp. 9 (§2), 10 (§2); Ex1006 ¶¶0034, 0038, 0049.

Pet. at 24-25



Intelligent Bio-sys., Inc. V. Illumina Cambridge Ltd.,
821 F.3d 1359, 1367 (Fed. Cir. 2016)

[O]ne must have a motivation to combine accompanied by a reasonable expectation of achieving what is claimed in the patent-at-issue.

-01240 POR at 58
-01241 POR at 56



TQ Delta, LLC v. CISCO Sys., Inc., 942 F.3d 1352,
1357 (Fed. Cir. 2019)

Obviousness is a question of law based on multiple underlying factual determinations, including . . . Whether there would have been a reasonable expectation of success in doing so.

-01240 POR at 58
-01241 POR at 56

The Combination Does Not Disclose Element 1g-2

Bechtolsheim does not transmit “play-list information” “at a same time” as the connection process

“**at a same time** that the one or more connection control servers executes a process for guaranteeing a communication bandwidth required for transmitting content data as a process for establishing the connection, **transmit the play-list information**”

Peloton’s Argument

“[a]t the same time that the playlist is **put together**, stream system 130 executes a process for guaranteeing a communication for transmitting content data.”

“The bandwidth requirements for each segment of content data thus are determined at the same time that the playlist is **prepared** by the [stream] system 130”

-01240 Pet. at 18, 75
-01241 Pet. at 18, 72

Peloton fails to even allege that Bechtolsheim meets this claim element

-01240 POR at 59-60
-01241 POR at 57-58

05 | THE '427 PATENT IS NOT OBVIOUS

Grounds 3 & 4

Demonstrative Exhibit – Not Evidence

No Motivation to Combine

Ueda and Cohee

3. Ueda and Cohee

Cohee teaches transmitting a request for a media clip referenced in a playlist. *See* Section VII.E, *supra*. A POSITA would have been motivated to combine Cohee with Ueda to make it possible for media clips to reside at any location, including at a remote server on the Internet. Ex1008 ¶113; *see also, e.g.*, Ex1007 ¶0053. Additional motivations include: reducing dedication of end-user equipment local storage resources for storing main content and sub content, and reducing privacy risks for content providers that could occur by permitting local storage of content. Ex1008 ¶113.

The extent of Peloton's "motivation to combine"

Pet. at 25

No Motivation to Combine

Ueda and Cohee

3. Ueda and Cohee

Cohee teaches transmitting a request for a media clip referenced in a playlist. *See* Section VII.E, *supra*. A POSITA would have been motivated to combine Cohee with Ueda to make it possible for media clips to reside at any location, including at a remote server on the Internet. Ex1008 ¶113; *see also, e.g.*, Ex1007 ¶0053. Additional motivations include: reducing dedication of end-user equipment local storage resources for storing main content and sub content, and reducing privacy risks for content providers that could occur by permitting local storage of content. Ex1008 ¶113.

Pet. at 25



Intelligent Bio-sys., Inc. V. Illumina Cambridge Ltd., 821 F.3d 1359, 1367 (Fed. Cir. 2016)

[O]ne must have a motivation to combine accompanied by a reasonable expectation of achieving what is claimed in the patent-at-issue.

-01240 POR at 67
-01241 POR at 64



TQ Delta, LLC v. CISCO Sys., Inc., 942 F.3d 1352, 1357 (Fed. Cir. 2019)

Obviousness is a question of law based on multiple underlying factual determinations, including . . . Whether there would have been a reasonable expectation of success in doing so.

-01240 POR at 67
-01241 POR at 64

No Motivation to Combine

Ueda and Cohee

Peloton's combination implicates the timing requirements of the SIP Standard, the SDP Standard, and Bechtolsheim

But Peloton provides no explanation of how to combine the features of these references with Cohee or why a POSA would even be motivated to try

**-01240 POR at 63-64
-01241 POR at 61**

Cohee also operates differently than Ueda, but Peloton provides no motivation to actually modify the references as proposed

- Ueda expressly states “[i]t is indispensable to obtain a content from the server before the content playback processing employing a disc stored content and a local storage unit is performed”:
- I.e. content would be downloaded before output of the content

**-01240 POR at 65-66
-01241 POR at 64**

06 | BACKUP

Claim 1

1[pre] A content delivery system comprising **[1a]** an application server system and **[1b]** one or more connection control servers, the one or more connection control servers being configured to receive equipment specification information transmitted by a user equipment and establish a connection between the application server system and the user equipment based on the received equipment specification information,

[1c] the application server system comprising: a memory for storing sub content data representing sub content and main content data representing main content;

[1d] a first receiver for receiving a content delivery request transmitted by the user equipment and containing main content identification information for identifying the main content;

[1e] a processor for selecting the stored sub content data based on selection information containing attribute information representing an attribute of the sub content; and

Claim 1

[1f] a first transmitter for transmitting selected sub content specification information for specifying the selected sub content data via the one or more connection control servers to the user equipment which has transmitted the content delivery request, **[1g]** wherein the first transmitter is configured to, at a same time that the one or more connection control servers executes a process for guaranteeing a communication bandwidth required for transmitting content data as a process for establishing the connection, transmit the play-list information via the one or more connection control servers to the user equipment which has transmitted the content delivery request, the play-list information being information containing the main content identification information contained in the content delivery request and the selected sub content specification information, and

[1h] the play-list information being information containing information indicating a sequence in which the main content identified by the main content identification information and the sub content specified by the selected sub content specification information are output,

Claim 1

[1i] wherein the user equipment comprises a second receiver for receiving main content data and sub content data transmitted by the application server system and output, based on the received main content data and sub content data, viewing content in which sub content represented by the sub content data is inserted in main content represented by the main content data.

Claim 10

10[pre] A content delivery system comprising **[10a]** an application server system and **[10b]** one or more connection control servers, the one or more connection control servers comprising a sixth receiver for receiving equipment specification information transmitted by user equipment and establishing connection between the application server system and the user equipment based on the received equipment specification information,

[10c] the application server system comprising: a fourth transmitter for transmitting content data representing content to the user equipment with which connection is established by the sixth receiver;

[10d] a controller for controlling a service provided by the fourth transmitter; and

[10e] a second memory for storing profile information of a user of the user equipment,

[10f] the fourth transmitter comprising a memory for storing sub content data representing sub content and main content data representing main content,

[10g] the controller comprising: a first receiver for receiving a content delivery request containing main content identification information for identifying the main content and transmitted by the user equipment, via the sixth receiver; and

Claim 10

[10h] an processor for selecting the stored sub content data based on selection information containing attribute information representing an attribute of the sub content and preliminarily stored by the user profile server functions part, the controller or the one or more connection control servers; and

[10i] a first transmitter for transmitting selected sub content specification information for specifying the selected sub content data via the sixth receiver to the user equipment which has transmitted the content delivery request,

[10j] wherein the first transmitter is configured to, at a same time that the one or more connection control servers executes a process for guaranteeing a communication bandwidth required for transmitting content data as a process for establishing the connection, transmit the play-list information via the sixth receiver to the user equipment which has transmitted the content delivery request,

[10k] the play-list information being information containing the main content identification information contained in the content delivery request and the selected sub content specification information, and the play-list information being information containing information indicating a sequence in which the main content identified by the main content identification information and the sub content specified by the selected sub content specification information are output,

Claim 10

[10I] wherein the user equipment comprises a second receiver for receiving main content data and sub content data transmitted by the application server system and outputting, based on the received main content data and sub content data, viewing content in which sub content represented by the sub content data is inserted in main content represented by the main content data.

Filing Key

Document	Paper Number (-01240)	Paper Number (-01241)
Petition (“Pet.”)	1	1
Patent Owner Response (“POR”)	20	21
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