Filed on behalf of: fuboTV Media Inc. and Yanka Industries, Inc.

Entered: July 21, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUBOTV MEDIA INC., YANKA INDUSTRIES, INC., WEBBROUP CZECH REPUBLIC, A.S., and NKL ASSOCIATES, S.R.O.,[1]
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00919
Patent 8,868,772

PETITIONERS' OPPOSITION TO PATENT OWNER'S MOTION TO STRIKE UNDER 37 C.F.R. § 42.23(b)

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[1] Webgroup Czech Republic, a.s. and NKL Associates, s.r.o. filed a petition in IPR2025-00348 and have been joined as parties to this proceeding.

TABLE OF CONTENTS

I. APPLICABLE LAW 1

II. PO'S MOTION SHOULD BE DENIED 1

A. Petitioner Responded To PO's Attempt To Re-Write The Claims To Require "Uninterrupted Playback" 1

B. The Petition Relied On The Same Embodiment Of Leaning Cited In The Reply 5

C. Petitioner's Reply Was Properly Responsive And Did Not Include "New Theories" 7

1. Leaning Plainly Discloses A Range Of Playout Times (T_p) And The Petition Was Not Limited To A Particular T_p 7

2. Clearing The Buffer Includes Letting The Buffer Play Out 8

3. Petitioners Addressed PO's Incorrect Arguments Regarding Encoding Standards 9

EXHIBIT LIST

Exhibit Number	Description
1001	U.S. Pat. 8,868,772 ("'772 Patent")
1002	File History of U.S. Pat. 8,868,772
1003	Declaration of Dr. Henry Houh including Curriculum Vitae ("Houh declaration")
1004	International P.C.T. Publication WO 2002049343 to Leaning et al. ("Leaning")
1005	<RESERVED>
1006	<RESERVED>
1007	U.S. Patent No. 6,848,004 to Chang ("Chang")
1008	WO1997044942 to Kliger ("Kliger")
1009	337-TA-1265 ITC Investigation Initial Determination
1010	337-TA-1265 ITC September 11, 2023 Enforcement Complaint
1011	<RESERVED>
1012	<RESERVED>
1013	U.S. Patent No. 6,637,031 to Chou ("Chou")
1014	<RESERVED>
1015	<RESERVED>
1016	<RESERVED>
1017	<RESERVED>
1018	<RESERVED>
1019	<RESERVED>
1020	U.S. Patent Publication No. US 2004/0093420 to Gamble ("Gamble")
1021	Transcript of Conference Call Before the Patent Trial and Appeal Board, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. Sept. 18, 2024)

Exhibit Number	Description
1022	Decision on Appeal, *Ex Parte Major*, No. 2011-008734 (PTAB July 23, 2014) (Application No. 11/116,783)
1023	U.S. Patent No. 11,991,234 File History
1024	Order Granting Request for Ex Parte Reexamination, Reexam Control No. 90/019,670 (U.S.P.T.O. Dec. 6, 2024)
1025	Transcript of Conference Call Before the Patent Trial and Appeal Board, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 29, 2025)
1026	Supplemental Declaration of Dr. Henry Houh in Support of Petitioner's Reply ("Houh2")
1027	Transcript of the Deposition of Kevin Jeffay, Ph.D., *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 8, 2025) ("Jeffay")
1028	T. Berners-Lee et al., *Hypertext Transfer Protocol – HTTP/1.0*, Network Working Grp. Request for Comments: 1945 (May 1996) (Exhibit 1 to the Deposition of Kevin Jeffay, Ph.D., *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 8, 2025) ("Jeffay-Ex.1")
1029	U.S. Patent No. 11,991,234 B2 (Brueck) (Exhibit 2 to the Deposition of Kevin Jeffay, Ph.D., *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 8, 2025) ("Jeffay-Ex.2")
1030	Transcript of the Deposition of David Ericson, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 9, 2025) ("Ericson")
1031	Tom Risen, *Dish Network Joins Web-TV Trend With Sling: The New Service Will Include ESPN and Offers Another Alternative to Cable*, U.S. NEWS & WORLD REP. (Jan. 5, 2015) (Exhibit 4 to the Deposition of David Ericson, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 8, 2025) ("Ericson-Ex.4")

Exhibit Number	Description
1032	Transcript of the Deposition of R. Drew Major, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 14, 2025) ("Major")
1033	Transcript of the Deposition of Robert Drew Major, *Aylo Freesites, Ltd. v. DISH Techs., L.L.C.*, Nos. IPR2024-00431, -00044, -00045, -00046, -00146 (P.T.A.B. Sept. 17, 2024) ("Major-Aylo") (Exhibit 1 to the Deposition of R. Drew Major, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 14, 2025) ("Major-Ex.1")
1034	Transcript of the Deposition of Mark Mitchell, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 30, 2025) ("Mitchell")
1035	Transcript of the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe")
1036	*Instant Video Streaming: Video Without the Waiting*, 1.7 BT Innovative Research: BT Research & Venturing: IPR Overview (Feb. 23, 2007) (Exhibit 1 to the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe-Ex.1")
1037	*Declaration of Peter Ratcliffe Esq.*, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, No. IPR2024-00917 (P.T.A.B. Mar. 18, 2025) (Exhibit 2 to the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe-Ex.2")
1038	World Intellectual Property Organization, International Publication No. WO 02/49343 A1 (Leaning) (Exhibit 3 to the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe-Ex.3")
1039	European Patent Office, European Patent Specification, EP 1 342 363 B1 (Leaning) (Exhibit 4 to the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe-Ex.4")

Exhibit Number	Description
1040	U.S. Patent No. 7,447,791 B2 (Leaning) (Exhibit 5 to the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe-Ex.5")
1041	M.D. Walker et al., *Mobile Video-Streaming*, 21 BT TECH J. 192 (July 2003) (Exhibit 6 to the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe-Ex.6")
1042	Hiroyuki Kasai et al., *The Development of a Multimedia Transcoding System for Mobile Access to Video Conferencing*, E85-B IEICE TRANSACTIONS COMMC'NS 2171 (Oct. 2002) (Exhibit 7 to the Deposition of Peter Ratcliffe, *fuboTV Media Inc. v. DISH Techs., L.L.C.*, Nos. IPR2024-00917, -00918, -00919 (P.T.A.B. May 15, 2025) ("Ratcliffe-Ex.7")
1043	<RESERVED>
1044	European Patent Office, Preliminary Opinion: Application/Patent No. 20216568.4 – 1207/3822805 (Mar. 26, 2025) ("EPO Prelim. Op.")
1045	U.S. Patent Application Publication No. 2003/0135631 A1 ("Li")
1046	Frédéric Dufaux & Touradj Ebrahimi, *Motion JPEG2000 for Wireless Applications*, IEEE Proc. 1st Int'l JPEG 2000 Workshop (2003), https://infoscience.epfl.ch/server/api/core/bitstreams/6bf509c6-9aa9-49aa-b41a-4016ec3fbd21/content (last visited June 5, 2025)
1047	R. Fielding et al., *Hypertext Transfer Protocol – HTTP/1.1*, Network Working Grp. Request for Comments: 2616; Obsoletes: 2068 (June 1999)
1048	<RESERVED>
1049	U.S. Patent No. 6,304,297 B1 ("Swan")
1050	Supavadee Aramvith & Ming-Ting Sun, *MPEG-1 and MPEG-2 Video Standards* (1999), https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=f499594b35c573dd2296aa567ff16688bb972e3b (last visited June 5, 2025)

Exhibit Number	Description
1051	T. Berners-Lee et al., *Hypertext Transfer Protocol – HTTP/1.0*, Network Working Grp. Request for Comments: 1945 (May 1996), https://datatracker.ietf.org/doc/html/rfc1945 (last visited June 4, 2025, 7:33 P.M.)
1052	Ramesh Yerraballi, *Multimedia Systems Concepts Standards & Practice* ch. 5.3 (Univ. of Tex., Austin), https://users.ece.utexas.edu/-ryerraballi/MSB/Contents.html (last visited June 6, 2025, 10:02 A.M.) (excerpt)
1053	Andrew Davis, *An Overview of Video Compression Algorithms*, EE|TIMES (Feb. 3, 1998), https://www.eetimes.com/an-overview-of-video-compression-algorithms/ (last visited June 4, 2025, 7:37 P.M.)
1054	Elise A. Couper et al., *Boom and Bust in Telecommunications*, 89/4 Fed. Rsrv. Bank Richmond Econ. Q. 1–24 (2003), https://www.richmondfed.org/~/media/richmondfedorg/publications/research/economic_quarterly/2003/fall/pdf/wolman.pdf (last visited June 6, 2025)
1055	EBU•UER, *EBU Subjective Listening Tests on Low-Bitrate Audio Codecs* (June 2003), https://tech.ebu.ch/docs/tech/tech3296.pdf (last visited June 5, 2025)
1056	Dapeng Wu et al., *Streaming Video Over the Internet: Approaches and Directions*, 11 IEEE Transactions Cirs. Sys. Video Tech. 1–20 (Feb. 2001)
1057	Hun-Cheol Lee & Seong-Dae Kim, *Iterative Key Frame Selection in the Rate-Constraint Environment*, 18 SIGNAL PROCESSING: IMAGE COMMC'N 1–15 (2003)
1058	Yu Yuan, David Feng & Yuzhuo Zhong, *A Novel Method of Keyframe Setting in Video Coding: Fast Adaptive Dynamic KeyFrame Selecting*, IEEE Proc. 2003 Int'l Conf. Comput. Networks Mobile Computing 428, Shanghai, China (Oct. 20–23, 2003)
1059	<RESERVED>

Exhibit Number	Description
1060	Info. Scis. Inst., Univ. of S. Cal., *Transmission Control Protocol: DARPA Internet Program Protocol Specification*, RFC: 793 (Sept. 1981), https://www.ietf.org/rfc/rfc793.txt (last visited June 7, 2025)
1061	Video segment: akiyo_segment_cif-30_001.h261.mp4 (encoding with I-frames every 30 frames)
1062	Video segment: akiyo_segment_cif-60_001.h261.mp4 (encoding with I-frames every 60 frames)
1063	Video segment: akiyo_segment_cif-120_001.h261.mp4 (encoding with I-frames every 120 frames)
1064	*Curriculum Vitae* of Henry H. Houh (June 2025)
1065	Declaration of Inge A. Osman In Response to Patent Owner's Objections to Evidence [*served, not filed*]

Far from raising improper new arguments or invalidity grounds, Petitioners' Reply and Dr. Houh's Supplemental Declaration (EX1026, "Houh2") elaborate on arguments in the Petition and/or respond to arguments presented by PO, including: (1) PO's newly-proposed claim construction (2) PO's misinterpretation of Leaning (EX1004), and (3) the flawed analysis performed by PO's expert. All of Petitioners' arguments are permissible on reply and PO's motion should be denied.

I. APPLICABLE LAW

On reply, a petitioner may both respond to arguments raised by the patent owner response and elaborate on the invalidity grounds set forth in the petition. *Apple Inc. v. Andrea Elecs. Corp.*, 949 F.3d 697, 706-07 (Fed. Cir. 2020); *Chamberlain Grp., Inc. v. One World Techs., Inc.*, 944 F.3d 919, 925 (Fed. Cir. 2019) ("Parties are not barred from elaborating on their arguments on issues previously raised."); *Valve Corp. v. Ironburg Inventions Ltd.*, No. 2023-1725, 2025 WL 1177824, at *6-7 (Fed. Cir. Apr. 23, 2025) ("[R]eply evidence that does not offer a new legal ground, but instead conforms to the theories raised in the petition, may be properly considered in reply."). This includes responding to, and presenting arguments and evidence under, new constructions propounded by the patent owner. *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1383 (Fed. Cir. 2023).

II. PO'S MOTION SHOULD BE DENIED

A. Petitioner Responded To PO's Attempt To Re-Write The Claims To Require "Uninterrupted Playback"

PO mispresents Petitioners' arguments regarding the "continuous playback" limitations. As an initial matter, the Reply and Supplemental Declaration explain how this limitation is met by the same disclosures of the same prior art for the same reasons set forth in the Petition. Reply 3-10 (summarizing Petition); Pet. 37-40; Houh2 §§V.B, VII. Anything purportedly new is in direct response to PO's new construction of the term in its POR: while the claim itself recites "shift the playback quality … to achieve continuous playback," PO argues that the claim requires the complete absence of any interruption in time or content. POR 27-28; Paper 61 ("MTS") 4. Petitioners' statement on reply that the language is "aspirational, not limiting," was in direct response to PO's new, narrowing interpretation. Reply 1. This argument is both consistent with the claim language ("to achieve") and permissible on reply. *Axonics*, 75 F.4th at 1383 ("[P]etitioner must be afforded a reasonable opportunity in reply" to address a "new construction.").

PO also incorrectly argues that Petitioners seek to treat the "continuous playback" limitation as "meaningless." MTS 2-3. The Petition applied the plain and ordinary meaning (as noted by the statement that "no constructions are necessary," Pet. 14) and addressed the limitation under that meaning (Pet. 39-40). Then, PO sought to construe the term differently and Petitioners responded. By adopting the plain and ordinary meaning at the outset, Petitioners did not somehow waive its ability to address new constructions set forth by PO.

Further, the inference PO draws from Petitioners' citation to a portion of the file history of a related application—that "Petitioner knew [the continuous playback] limitation was highly relevant"—is unsupported. MTS 3-4. In the referenced portion of the prosecution history for the application that would issue as the '772 patent, applicant rewrote its claims nearly entirely. EX1002, 110-11. Then, following that wholesale revision, applicant distinguished the Radford prior art reference describing a user "manually selecting the quality of the streamed data" from a claim reciting "automatically and progressively requesting" portions of video. *Id.* at 118. While the phrase "to achieve continuous playback" is used, this portion of the file history does not suggest that continuous playback is anything more than an aspiration or goal to be achieved.

PO is also incorrect that Petitioners should have anticipated PO's position. *First*, the specification does not use (much less define) "continuous playback" anywhere, let alone in a manner consistent with the construction PO now proposes that incorporates additional requirements that the playback be completely free of "temporal" and "content" discontinuities. POR 27; EX1001. The only mention of "continuous playback" in the intrinsic record of the '156 patent or any of the related patents is in the prosecution history of the application that would issue as the '772 patent, stating: "shifts happen on portion boundaries and the portion boundaries of the copies at the same time index in the video—meaning playback is continuous."

EX1002, 486. That likewise does not support, preview, or otherwise relate to PO's new interpretation. To the contrary, it supports Petitioners positions. Reply 2-3.

Second, the ITC did not construe "continuous playback." *Contra* MTS 4-5. Rather, in relation to an indefiniteness challenge to a different term, the ITC stated in a footnote that the ITC respondents (none of whom is a party to this proceeding) "concede 'at least in concept, a person of skill may have understood what it means to 'achieve continuous playback' (uninterrupted viewing of the content)." EX1009, 56 n.11. That is not a construction, was not an argument put forth by PO, and was not endorsed by Petitioners. Pet. 15 ("Petitioners are not conceding that [the ITC] constructions are correct …."). If anything, the ITC decision: (1) indicates only that, as a theoretical matter, "a person of skill *may* have understood" the phrase "at least in concept," EX1009, 56 n.11 (emphasis added) (2) refutes PO's insistence that there must be no interruptions in both time and content, EX1009, 56 n.11, by referring to only "uninterrupted viewing of the content," and (3) supports Petitioners' articulation of the plain and ordinary meaning on reply by later noting that "the phrase 'continuous playback' of the video is the *goal sought* through the 'determinations to shift' playback quality." EX1009, 59 (emphasis added). There is, therefore, no basis to strike Petitioners' arguments in pages 1-3 of its Reply, the Houh2 Declaration §V.B, or Exhibit 1045—a reference applicant distinguished during prosecution. Reply 2-3.

B. The Petition Relied On The Same Embodiment Of Leaning Cited In The Reply

PO argues that Petitioners' position that Leaning does not require clearing the buffer—which further supports Leaning's disclosure of "continuous playback"—is new. To reach that conclusion, PO misunderstands Leaning's disclosures and Petitioners' explanations thereof. At the outset, PO ignores that, with respect to limitation 1[E] reciting "continuous playback," Petitioners refer back to the Petition's explanation of Leaning's disclosures regarding limitations 1[C]-[D]. Pet. 39 ("Leaning discloses making the successive determinations to shift the playback quality based on the factor to achieve continuous playback …. *See* 1[C]-1[D]."); *see also* Reply 3. PO is incorrect that citations to those same, cross-referenced sections in Reply is somehow an admission the limitation was not addressed in the Petition. *See Voice Tech Corp. v. Unified Pats., LLC*, 110 F.4th 1331, 1337-38 (Fed. Cir. 2024) (permitting the use of internal cross-references in petitions); *contra* MTS 5-6.

In fact, the Petition, Reply, and supporting declarations all cite to the same embodiment of Leaning—which Leaning refers to as a "modification"—that does not require clearing the buffer. *See* Pet. 38 (citing EX1004, 15:3-8 ("with this modification … interruption can be avoided")); Reply 3-4 (citing Petition). In this embodiment, the "first determination (i.e., whether the buffer is completely empty)" would be omitted. Pet. 38 (citing EX1004, 15:3-8); Reply 3-4 (citing Petition). Petitioners rely on this same embodiment on Reply to explain why clearing the

buffer is not required. This is, therefore, demonstrably not new.

Regardless, Petitioner's argument is directly responsive to the POR and, at most, expands on the same arguments in the Petition. Based on its new construction of the claim as requiring uninterrupted playback, PO argued that the "Clear Buffer" step results in interrupted playback and does not meet the "continuous playback" limitation. POR 25-26. In response, Petitioners offered further explanation regarding why, based on the exact same embodiment in Leaning relied upon in the Petition (the "further modification"), that was not the case. Specifically, Leaning explains in this embodiment that "the sound card could be run continuously at the highest sampling rate envisaged" to avoid interruptions, confirming that clearing the buffer is not mandated by Leaning. Reply 3-4; EX1004, 14:25-15:8. This expansion on previously raised arguments is proper. *Rembrandt Diagnostics LP v. Alere, Inc.*, 76 F.4th 1376, 1384 (Fed. Cir. 2023).

In its motion to strike, PO seizes on Leaning's use of the term "modification" in an attempt to spin Petitioners' reliance on this same, single embodiment as a new obviousness theory. MTS 6-7 (alleging "an entirely new modified version of Leaning"). But, in context, it is clear that the "modification" is simply what Leaning calls this embodiment, which the Petition expressly cited and relied upon. EX1004, 14:28-29 ("in a further modification"), 15:3-8 ("with this modification").

Further, even if this were a new argument (it is not), the question of whether

the "Clear Buffer" step is necessary (it is not) arises from PO's new construction of "continuous playback," which would require playback to be entirely uninterrupted in both time and content. *See* POR 16-22. Because Petitioners must be afforded a reasonable opportunity to present argument under this new construction, merely setting forth further explanation of the Petition is well within the bounds of what is permissible on reply. *Axonics*, 75 F.4th at 1383. Striking Petitioners' arguments on pages 3-4 of the Reply or §§VII.C or VIII.A of the Houh2 Declaration is unjustified.

C. Petitioner's Reply Was Properly Responsive And Did Not Include "New Theories"

PO asserts, without explanation, that Petitioners must combine a "new playout time" and reading "Clear Buffer" to "mean waiting for the buffer to clear on its own" in order to meet the "continuous playback" limitation. MTS 7. Neither PO's interpretation of each argument nor PO's takeaway is accurate. Further, Petitioners' arguments were properly responsive to PO's new claim construction theory.

1. Leaning Plainly Discloses A Range Of Playout Times (T_p) And The Petition Was Not Limited To A Particular T_p

PO errantly argues that Petitioners' example of a three-second playout time (T_p) is improper and incompatible with Leaning. MTS 8. In its POR, PO argued that Leaning *only* discloses a playout time of 10 seconds and therefore necessarily requires "'buffering' at least 10 seconds of content before beginning or resuming" playback. POR 17, 25-26. This is demonstrably incorrect and Petitioners were

entitled to rebut PO's inaccurate statements on Reply. Leaning states, unequivocally and in direct contradiction to PO's position, that a sub-file can be "between 30% and 130% of the playout time." EX1004, 12:27-34. In other words, one sub-file can fill the buffer beyond the playout time, resulting in immediate playback. *See* Reply 5. Leaning is explicit that it uses 10 seconds only as an "example." EX1004, 5:20-23.

Further, the Petition was not limited to a particular T_p, and, indeed, PO does not contend otherwise. The Reply used a four-second sub-file as an example to rebut PO's inaccurate assertion that Leaning requires more than one sub-file in the buffer for playback. But Petitioners could have also used a 13 second sub-file and 10 second buffer, or any other examples in which the sub-file size is between 100% and 130% of T_p. Petitioners' response to PO's inaccurate representation of the prior art is entirely proper and not a "new" argument. Further, PO's argument that a four-second sub-file is more than 130% of a three-second T_p is irrelevant. MTS 8. The Reply and Supplemental Declaration plainly use "about" four-seconds as an easy-to-follow example to illustrate the overall point: the sub-file can be larger than the playout time, which contradicts PO's assertion. Neither the challenged arguments in the Reply nor the Houh2 Declaration should be struck.

2. Clearing The Buffer Includes Letting The Buffer Play Out

PO is likewise incorrect that Leaning must always perform the "Clear Buffer" step. "Clear Buffer" is not, as PO contends, "central" to Leaning's disclosure of a

"Stepup" rate shift. MTS 8; *supra* §III.B; *see also* EX1004, 11:19-20 (clearing the buffer "is not actually essential" for a jump). Demonstrating why PO is incorrect is well within the permissible boundaries of a Reply. As is Petitioners' explanation of how a skilled artisan would understand "Clear Buffer" in context if it were required as PO asserts. In particular, because it makes no sense to expend resources to receive and decode data only to dump out that data without playing it, POSAs would understand that clearing the buffer would include simply playing out the already-processed files. This explanation is directly responsive to PO's assertion that "Clear Buffer" is (1) required in Leaning and (2) that "Clear Buffer" demands scrapping data that has already been received and decoded. And, again, PO's argument depends on its entirely new construction of "continuous playback." Further, Dr. Houh's testimony is not to the contrary: POSAs would have played out the contents of the buffer (cleared the buffer) and then reset the sound card, avoiding any sound distortion. Ex. 2029, 98:3-99:11. There is no basis to strike the arguments of the Reply or the Houh2 Declaration.

3. Petitioners Addressed PO's Incorrect Arguments Regarding Encoding Standards

The remaining arguments PO moves to strike are related: explanations of how Leaning's teachings apply to various encoding standards, including those that that use only I-frames and those that do not. MTS 9-10. PO blatantly revises a quotation from Leaning to suggest that there are "serious problems," MTS 9, but ignores

Leaning's express teachings addressing those alleged problems. EX1004, 16:17-20; Houh2 §VIII.A. Petitioners unpacked the details of those options (as expressly disclosed in Leaning) in response to the incorrect assertions of PO and PO's expert that Leaning would not work. *E.g.*, EX2141, ¶¶93-99. These arguments are not any new "modification to Leaning," but an explanation of why PO and PO's expert are wrong regarding both Leaning's disclosures, the underlying technology, and the knowledge of a POSA. Notably, the challenged patent itself does not address or claim any of the encoding techniques PO asserts would introduce "serious problems," instead (correctly) assuming that the claimed encoding and partitioning is well within the knowledge of a POSA. PO improperly requires more of the prior art than of the patent and then objects to Petitioner's rebuttal of its inaccurate assertions and its expert's inaccurate representations about the prior art. None of the arguments of the Reply, the Houh2 Declaration, or cited Exhibits should be struck.

For the foregoing reasons, PO's motion should be denied in full.[2]

[2] To the extent PO moves to strike portions of the Reply and Supplemental Declaration and Exhibits that it does substantively address in its brief, there is no basis to strike those portions or Exhibits.

Respectfully submitted,

Dated: July 21, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 21st day of July, 2025, a true and correct copy of the foregoing **Petitioners' Opposition to Patent Owner's Motion to Strike Under 37 C.F.R. § 42.23(b)** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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