

DISH Infringement Contention Chart – 11,991,234

12[h] the automatically requesting including repeatedly generating a factor indicative of a current ability to receive the digital content at a rate sufficient for presenting the digital content as the digital content is received, individually-requestable wherein the factor relates to a performance of the network; and

As shown above in elements 1[f]-[i], and 12[f] which are incorporated fully herein, the limitations of this claim are met. See §§ A.1[f]-[i]; §§ L.12[f]-[i].

The client device accessing the Pornhub Site automatically requests the plurality of individually requestable streamlets from the one or more servers associated with the Pornhub Site based upon instructions communicated to the device by the Pornhub Site. On information and belief, the instructions require the client device to make successive determinations to change or maintain the requests for the individually-requestable streamlets of a particular bit rate version of the video program. The determinations include repeatedly generating at least one factor indicative of the client device's current ability to receive or present the digital content at a rate commensurate with the client device's network connection with the one or more servers associated with Pornhub.

To the extent that MG/Aylo contends that the Accused Websites do not literally satisfy this limitation, MG/Aylo infringes under the doctrine of equivalents because they perform substantially the same function, in substantially the same way, to achieve the same result.

12[i] making the successive determinations whether to change the requested bit rate based on the factor to achieve continuous presentation of the digital content using the individually-requestable portions of the highest bit rate one of the copies determined receivable at that time at a rate sufficient for presenting the digital content as the individually-requestable portions of the digital content are received,

As shown above in elements 1[f]-[i], and 12[f]-[h], which are incorporated fully herein, the limitations of this claim are met. See §§ A.1[f]-[i]; §§ L.12[f]-[h].

The client device accessing the Pornhub Site automatically requests the plurality of individually requestable streamlets from the one or more servers associated with the Pornhub Site based upon instructions communicated to the device by the Pornhub Site. On information and belief, the instructions require the client device to make successive determinations to change or maintain the requests for the individually-requestable streamlets of a particular bit rate version of the video program. The determinations include repeatedly generating at least one factor indicative of the client device's current ability to receive or present the digital content at a rate commensurate with the client device's network connection with the one or more servers associated with Pornhub.

To the extent that MG/Aylo contends that the Accused Websites do not literally satisfy this limitation, MG/Aylo infringes under the doctrine of equivalents because they perform substantially the same function, in substantially the same way, to achieve the same result.

12[j] wherein the making of the successive determinations to change the requested bit rate comprises: