

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIKTOK INC.,
Petitioner,

v.

NTECH PROPERTIES, INC.,
Patent Owner.

Case No. IPR2024-01340
U.S. Patent No. 8,145,704

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S DEMONSTRATIVES**

Pursuant to the Board's Order Setting Oral Argument (Paper 27), Patent Owner objects to Petitioner's demonstratives (Ex. 1031) for the reasons provided below.

Slides 69-73, 75-77, 85-86

Patent Owner objects to demonstrative slides 69-73, 75-77, and 85-86 because they include new arguments not in the Petition or Reply, made for the first time in the demonstrative slides responding to the Sur-Reply.

Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Pet., 11
-1340 IPR Reply, 6

PO's argument ignores Whitehead's disclosure and its expert's admission

Next, in step 510, once a user's login information has been validated, the playback application may provide a menu of custom channel options to be displayed to the user. For example, such a menu may be provided to content processing device 110 and displayed on media player 115. Similarly, a

-1340 IPR EX1003, 15:52-56



87. A POSITA would then understand that for a user to be able to select a custom media channel from a menu, then some form of custom media channel must exist prior to the content information device 110 receiving the menu. A POSITA

-1340 IPR EX2024 (Goodrich Decl.), ¶87

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Patent Owner's Objections to Petitioner's Demonstratives
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Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Pet., 28-29

Whitehead's custom media channel (media stream/feed) is populated with media elements before insertion of advertising content (other media elements)

Further, embodiments are possible and likely in which advertising content 140 is inserted into custom media channel 170 after process 400 is complete. For example, a number of items of advertising content 140 to be inserted into custom media channel 170 may be determined according to an overall length of custom media channel 170, it may be selected in inserted at appropriate intervals into custom media channel 170 after custom media channel 170 is complete.

-1340 IPR EX1003, 12:56-63

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Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Reply, 3

PO cannot explain away '704/'753 patents' disclosure mirroring Whitehead

Referring now to FIG. 4, a television-based system in which a method and system according to the invention may be implemented is illustrated. Set-top box 405 has a processor which is running electronic program guide (EPG) 410. Set top box 405 may be a physical box, or a board or other device physically incorporated into television 415. EPG 410 serves the function of an aggregator. EPG 410 may cause a list of feeds to be displayed on television 415, and the user may be able to navigate and select the list of feeds employing user input 420, such as a handheld remote control. The set top box then provides the selection and user information to exemplary programming providers, such as cable provider 430 or satellite provider 440. Cable provider 430 and satellite provider 440 each have processors and software suitable for generating feeds based on existing channels and/or additional stored media elements; the selected feed is then provided as a customized channel to the user. It will also be appreciated that the feed generation function may be located in set top box 405. For example, suitable software may be provided running on the set top box to assemble

-1340 IPR EX1001, 5:1-20

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

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Patent Owner's Objections to Petitioner's Demonstratives
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Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Reply, 2-3

'704/'753 patents' specification describes claimed media stream/feed as a channel or conduit

sors or supports the aggregation. By way of example, some or all of the media sources thus presented are drawn from remote sources by a suitable method or device, such as, without limitation XML feeds, RSS feeds, Atom feeds, Podcasts, simple video/audio feeds or streams or syndication technologies. These methods may be referred to herein as "feeds." An XML feed is an example of a feed. The sources of feeds will be termed "publishers."

-1340 IPR EX1001, 6:9-16

porated by reference above. Alternatively, communication from a user may permit a user to select between one or more streams, feeds or channels of media programming. A method

-1340 IPR EX1001, 7:8-13

the provider 440. Cable provider 430 and satellite provider 440 each have processors and software suitable for generating feeds based on existing channels and/or additional stored media elements; the selected feed is then provided as a customized channel to the user.

-1340 IPR EX1001, 5:13-18

PO

Finally, NTECH's construction does not result in any absurdities, as Petitioner suggests (Reply at 3), because while a channel may present a feed, those terms are not synonyms. Unchallenged evidence establishes that a "channel" is "a conduit for content to pass through." POR at 12; see also Ex. 2020 at 94 (defining a "channel" as "[a] path or link through which information passes" through). Thus, the selection of a "channel" at night "does not qualify as a selection of a 'feed'" (Reply at 3) for the basic reason that there is no feed associated with the channel:

-1340 IPR Sur-Reply, 5

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Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Pet., 13-14

-1340 IPR Reply, 8

PO's argument is inapplicable to media stream/feed mapping 2

presently playing. For example, the menu displayed in step 510 may indicate a plurality of custom media channels 170 that are available for playing, e.g., according to titles or other descriptions, categories of information, particular sources of media content 155, specified keywords, etc. Pressing a key on

-1340 IPR EX1003, 18:50-54

PO

Q. Okay. So we've identified in Whitehead a scenario where there is a custom media Channel 170 that has a one-to-one mapping with a profile of 160, and that profile 160 identifies one content source 135 providing media content; fair?

A. So far, yes.

-1340 IPR EX1028 (Goodrich Depo.), 20:5-10

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Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Pet., 13-15, 54

PO's argument is inapplicable to media stream/feed mapping 2 and Ground 2

Pet Second, Whitehead discloses that each content source 135 provides a "media stream." Whitehead discloses that "[c]ontent sources 135 may include a wide variety of sources," including sources that "broadcast" content "on a particular data at a particular time," i.e., television channels. EX1003, 5:9-23, 10:46-67; EX1003, 2:52.

-1340 IPR, Pet. 14

Pet To the extent PO argues that Whitehead's content sources 135 do not provide "media streams," Whitehead renders this obvious. Television channels were a well-known source of media content even before the '704 patent's priority date.

-1340 IPR, Pet. 14

Pet All independent claims require "a plurality of media streams." As addressed in Ground 1, Media Stream Mapping 2' maps the claimed "plurality of media streams" onto Whitehead's content sources 135. Marcus '904 further renders obvious that Whitehead's content providers 135 are "media streams." Marcus '904

-1340 IPR, Pet. 54

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Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Pet., 21-23
-1340 IPR Reply, 7-8

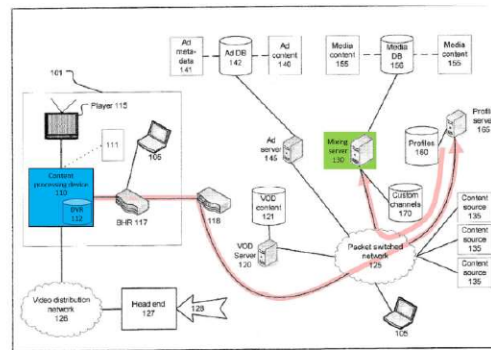
PO's argument is inapplicable to output signal mapping 2 / pre-generated embodiment

Embodiments are also possible in which a custom media channel 170 is created and stored prior to a user's request to access the channel 170. For example, mixing server 130 could receive a message from profile server 165 that a custom channel profile 160 has been created or revised. Similarly,

-1340 IPR EX1003, 11:59-63

queues and sends messages to mixing server 130. Receipt of the message may then cause mixing server 130 to invoke a process for creating or modifying one or more custom media channels 170 based on a profile 160 provided in the message.

-1340 IPR EX1003, 12:14-17



-1340 IPR EX1003, Fig. 1 (annotated)

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Patent Owner's Objections to Petitioner's Demonstratives

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Whitehead's Custom Media Channel Is A Media Stream/Feed

-1340 IPR Reply, 7-8

PO's argument is inapplicable to output signal mapping 2 / pre-generated embodiment

would have no reason to make it). And where there are profiles 160 updates, Whitehead's system updates the profiles along with the corresponding custom channels before a user selects the now updated pre-generated custom media channel. See Whitehead at 16:1-3 (describing that profiles 160 may be updated to "administer custom media channels 170"), Fig. 5 (depicting updating profiles 160 at step 515 (re-directs to 310) before selecting the custom media channel at step 520). In this case, mixing server 130 receives a message from profile server 165 that profile 160 has been updated and queries media content to determine whether new media content 135 can be included in the custom media channel. See *id.* at 11:61-12:7.

-1340 IPR, POR at 23-24

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

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Whitehead's Output Signal Includes Selection And User Data

PO's sur-reply arguments ignore Petitioner's arguments

PO

PO's Sur-Reply

Second, Whitehead's system provides only profile 160 to mixing server 130 (the identified "publisher") to generate a custom channel. *Id.* at 25-26 (citing Whitehead at 11:40-58, 13:35-46). Petitioner concedes this point when asserting that "profile 160 [is] forwarded to mixing server 130." Reply at 17-18; see also *id.* at 10 (asserting that a "profile message" is triggered and sent to mixing server); Pet. at 22-23. Petitioner does not identify any disclosure in Whitehead that corresponds to "data indicative of the selection" that is also included in "an output signal" and used in "the algorithm" to generate the custom channel. POR at 24-25 (citing '704 Patent at Claim 19).

-1340 IPR PO Sur-Reply, 14-15

Pet

'704 Petition

180" in "real-time or near real-time." EX1003, 11:40-12:17. Where the user has multiple custom media channels 170 to choose from (EX1003, 11:9-16), this request ("output signal") necessarily identifies the selected custom media channel 170 ("include[s] data indicative of the selection"). Otherwise, mixing server 130 would not know which custom media channel was selected by the user and thus should be created. EX1002 ¶87.

To the extent PO argues Whitehead does not disclose that its custom channel request from content processing device 110 to mixing server 130 includes data indicative of the selected custom media channel 170 ("data indicative of the selection") in its request to mixing server 130 ("output signal"), Whitehead renders this obvious. Mixing server 130 must know which custom media channel 170 the

-1340 IPR, Pet. 16-17

DEMONSTRATIVE EXHIBIT – NOT EVIDENCE

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Whitehead's Output Signal Includes Selection And User Data

PO's sur-reply arguments ignore Whitehead's disclosure

PO

PO's Sur-Reply

Second, Whitehead's system provides only profile 160 to mixing server 130 (the identified "publisher") to generate a custom channel. *Id.* at 25-26 (citing Whitehead at 11:40-58, 13:35-46). Petitioner concedes this point when asserting that "profile 160 [is] forwarded to mixing server 130." Reply at 17-18; see also *id.* at 10 (asserting that a "profile message" is triggered and sent to mixing server); Pet. at 22-23. Petitioner does not identify any disclosure in Whitehead that corresponds to "data indicative of the selection" that is also included in "an output signal" and used in "the algorithm" to generate the custom channel. POR at 24-25 (citing '704 Patent at Claim 19).

-1340 IPR PO Sur-Reply, 14-15

Pet

'704 Reply

Moreover, Whitehead's profile 160 itself includes both a "name[] or identifier[]" of the selected custom media channel ("data indicative of a selection") and a username and data regarding the user's "interest[s]" ("user data"). EX1003, 6:10-12, 7:5-18, 10:49-67, 16:5-9.

-1340 IPR, Reply, 11, fn.3

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Slides 88-89

Patent Owner objects to demonstrative slides 88-89 because they reference Patent Owner's argument without citing Patent Owner's briefing that contains the argument.

Whitehead's Output Signal Includes Selection And User Data

-1340 IPR Pet., 21-23

-1340 IPR Reply, 16-18

PO's argument is inapplicable to output signal mapping 2 / pre-generated embodiment

Next, in step 310, profile server 165 provides a user interface, e.g., a webpage or some other GUI, which allows the user to create a new channel profile 160, or to select a pre-existing profile 160 to modify. If a pre-existing profile 160 is selected, then profile server 165 retrieves information related to the profile 160 from persistent storage in preparation for displaying such information to the user.

-1340 IPR EX1003, 10:33-39

Embodiments are also possible in which a custom media channel 170 is created and stored prior to a user's request to access the channel 170. For example, mixing server 130 could receive a message from profile server 165 that a custom channel profile 160 has been created or revised. Similarly,

-1340 IPR EX1003, 11:59-63

queries and sends messages to mixing server 130. Receipt of the message may then cause mixing server 130 to invoke a process for creating or modifying one or more custom media channels 170 based on a profile 160 provided in the message.

-1340 IPR EX1003, 12:14-17

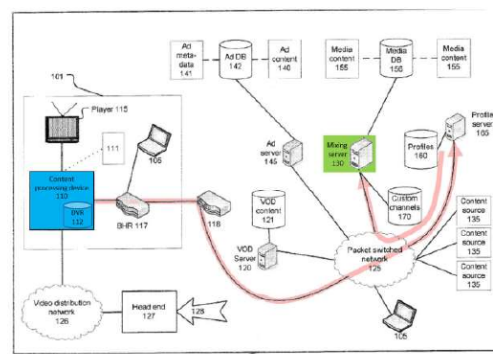


FIG. 1

-1340 IPR EX1003, Fig. 1 (annotated)

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Patent Owner's Objections to Petitioner's Demonstratives
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Whitehead's Output Signal Includes Selection And User Data

-1340 IPR Pet., 21-23
-1340 IPR Reply, 17

PO's argument is inapplicable to output signal mapping 2 / pre-generated embodiment

Next, in step 320, the user provides information for profile 160, e.g., by entering information in one or more fields in a webpage provided as described above with respect to step 315. For example, the user may indicate an interest in receiving a particular media file or set of media files every time the file or files are updated in a content source 135. Similarly, the user may indicate an interest in receiving content broadcast from a particular content source 135 on a particular day at a particular time. However, information provided for profile 160 may be less specific. For example, a user may simply specify subject matter of interest or keywords associated with media of interest to the user.

-1340 IPR EX1003, 10:46-57

media channels 170 in a variety of ways. For example, custom media channels 170 may be listed according to names or identifiers selected by a user when creating channel profiles 160. Further, custom media channels 170 may be listed

-1340 IPR EX1003, 16:6-12

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Dated: December 17, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the Patent Trial and Appeal Case Tracking System (P-TACTS) and e-mailing an electronic copy to counsel of record for Petitioner constitutes electronic service, service was made on Petitioner as detailed below.

<i>Date of service</i>	December 17, 2025
<i>Manner of service</i>	Electronic Filing and Electronic Mail (jimglass@quinnemanuel.com; ogizivojnovic@quinnemanuel.com; junzheng@quinnemanuel.com; qe-bytedance-ntech-iprs@quinnemanuel.com)
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