

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

ERICSSON AB,  
Patent Owner.

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Case IPR2025-00004  
Patent No. 11,122,313

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**PATENT OWNER'S CONTINGENT MOTION TO AMEND**

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**EXHIBIT LIST**

| <b>Exhibit No.</b> | <b>Description</b>                                                                                                                                                                      |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex. 2001           | Declaration of Kayvan B. Noroozi in Support of Motion for Admission <i>Pro Hac Vice</i>                                                                                                 |
| Ex. 2002           | Confidential Arbitration Agreement                                                                                                                                                      |
| Ex. 2003           | Confidential Settlement Agreement                                                                                                                                                       |
| Ex. 2004           | U.S. Patent Application Publ. No. US2020/0068241 (publication of U.S. Patent Application Ser. No 16/672,463, filed November 3, 2019)                                                    |
| Ex. 2005           | U.S. provisional application Ser. No. 61/500,316, filed Jun. 23, 2011                                                                                                                   |
| Ex. 2006           | U.S. Patent Application Publ. No. 2018/0192102 (publication of U.S. Application No. 15/910,911, filed Mar. 2, 2018 that issued as U.S. Pat. No. 10,477,257 on Nov. 12, 2019)            |
| Ex. 2007           | U.S. Patent Application Publ. No. 2016/019820 (publication of U.S. Application No. 15/067,129, filed Mar. 11, 2016 that issued as U.S. Pat. No. 9,912,975 on Mar. 6, 2018)              |
| Ex. 2008           | U.S. Patent Application Publ. No 2014/0237243 (publication of U.S. Application No. 14/266,368, filed Apr. 30, 2014 that issued as U.S. Pat. No. 9,313,178 on Apr. 12, 2016)             |
| Ex. 2009           | U.S. Patent Application Publ. No. 20120331293 (publication of U.S. patent application Ser. No. 13/530,997, filed Jun. 22, 2012 that issued as U.S. Pat. No. 8,751,807 on Jun. 10, 2014) |

## **I. Introduction**

Ericsson AB (“Ericsson” or “Patent Owner”) respectfully moves under 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121 to conditionally amend challenged claims 1-7, 9, 11-17, and 19 of the ‘313 patent. In the event the Board finds the challenged claims unpatentable, Ericsson respectfully requests that the Board grant this motion to amend with respect to the corresponding proposed substitute claims.

“Before considering the patentability of any substitute claims, the Board first must determine whether the motion to amend meets the statutory and regulatory requirement set forth in 35 U.S.C. § 316(d) and 37 C.F.R. §42.121.” *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129, -01130, Paper 15 at 4 (PTAB Feb. 25, 2019). The substitute claims must be i) presented in a claim listing; ii) reasonable in number; iii) responsive to a ground of unpatentability involved in the trial; iv) non-broadening; and v) supported by the written description. *Id.* at 4-8. As shown below, this motion and the substitute claims meet all requirements of 37 C.F.R. § 42.121. Moreover, the motion confirms Patent Owner’s belief that the proposed substitute claims are patentable over all known prior art, whether alone or in combination.

Having met its burden, Patent Owner is entitled to the contingent substitute claim unless Petitioner “prove[s] all propositions of unpatentability.” *Aqua*

*Products v. Matal*, 872 F.3d 1290, 1310 (Fed. Cir. 2017).

## **II. Statement of Relief Requested**

Pursuant to the Board's Pilot Program, Patent Owner requests the Board's Preliminary Guidance as to this Motion to Amend.

To the extent the Board finds any of original claims 1-7, 9, 11-17, and 19 unpatentable, Ericsson respectfully requests that the Board grant this motion to amend with respect to the corresponding proposed substitute claim(s) presented herein.

## **III. The Substitute Claims Satisfy 37 C.F.R. § 42.121(a)**

### **A. The substitute claims are non-broadening.**

As shown in the attached claims appendix, the proposed substitute claims retain all features of the corresponding original claims, and only add clarifying or narrowing limitations. The proposed claims thus do not enlarge the scope of the corresponding original claims in any way. The following table specifies how each proposed substitute claim clarifies and/or narrows the original claim.

| Substitute claim # | Original claim # | Amendments                                                                                                                                                                                                                                                 | Broadening Amendments |
|--------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 21                 | 1                | <ul style="list-style-type: none"> <li>• for over-the-top media delivery;</li> <li>• content key identifiers that uniquely identify each content encryption key from every other content encryption key for the duration of the media playback;</li> </ul> | None                  |

| Substitute claim # | Original claim # | Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Broadening Amendments |
|--------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|                    |                  | <ul style="list-style-type: none"> <li>• applying a first content encryption key to the encrypted live media content before a first content encryption key rotation boundary, wherein said first content encryption key rotation boundary was received as part of said received encrypted live media content;</li> <li>• requesting and obtaining a second content encryption key in response to receiving a notification to change said first content encryption key before said first key rotation boundary;</li> <li>• applying the second content encryption key for content decryption before said first key rotation boundary is reached.</li> </ul> |                       |
| 22                 | 2                | <ul style="list-style-type: none"> <li>• Claim depends from amended claim 21 instead of claim 1;</li> <li>• the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key.</li> </ul>                                                                                                                                                                                                                                                                                                                                                               | None                  |
| 23                 | 3                | <ul style="list-style-type: none"> <li>• Claim depends from amended claim 21 instead of claim 1;</li> <li>• the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key plus the fixed duration originally assigned for said</li> </ul>                                                                                                                                                                                                                                                                                                           | None                  |

| Substitute claim # | Original claim # | Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                           | Broadening Amendments |
|--------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|                    |                  | first content encryption key.                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |
| 24                 | 4                | <ul style="list-style-type: none"> <li>Claim depends from amended claim 21 instead of claim 1.</li> </ul>                                                                                                                                                                                                                                                                                                                                            | None                  |
| 25                 | 5                | <ul style="list-style-type: none"> <li>Claim depends from amended claim 21 instead of claim 1.</li> </ul>                                                                                                                                                                                                                                                                                                                                            | None                  |
| 26                 | 6                | <ul style="list-style-type: none"> <li>Claim depends from amended claim 21 instead of claim 1.</li> </ul>                                                                                                                                                                                                                                                                                                                                            | None                  |
| 27                 | 7                | <ul style="list-style-type: none"> <li>Claim depends from amended claim 21 instead of claim 1;</li> <li>the retrieved content is divided into content segments, and the second key is applied to decrypt the same content segment for which the first content encryption key was used;</li> <li>said early rotation of the first content encryption key is for security reasons.</li> </ul>                                                          | None                  |
| 28                 | 9                | <ul style="list-style-type: none"> <li>Claim depends from amended claim 21 instead of claim 1.</li> </ul>                                                                                                                                                                                                                                                                                                                                            | None                  |
| 29                 | 11               | <ul style="list-style-type: none"> <li>For over-the-top media delivery;</li> <li>content key identifiers that uniquely identify each content encryption key from every other content encryption key for the duration of the media playback;</li> <li>apply a first content encryption key to the encrypted live media content before a first content encryption key rotation boundary, wherein said first content encryption key rotation</li> </ul> | None                  |

| Substitute claim # | Original claim # | Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                        | Broadening Amendments |
|--------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|                    |                  | <p>boundary was received as part of said received encrypted live media content;</p> <ul style="list-style-type: none"> <li>request and obtain a second content encryption key in response to receiving a notification to change said first content encryption key before said first key rotation boundary;</li> <li>apply the second content encryption key for content decryption before said first key rotation boundary is reached.</li> </ul> |                       |
| 30                 | 12               | <ul style="list-style-type: none"> <li>Claim depends from amended claim 29 instead of claim 11;</li> <li>the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key.</li> </ul>                                                                                                                                                         | None                  |
| 31                 | 13               | <ul style="list-style-type: none"> <li>Claim depends from amended claim 29 instead of claim 11;</li> <li>the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key plus the fixed duration originally assigned for said first content encryption key.</li> </ul>                                                                       | None                  |
| 32                 | 14               | <ul style="list-style-type: none"> <li>Claim depends from amended claim 29 instead of claim 11.</li> </ul>                                                                                                                                                                                                                                                                                                                                        | None                  |

| Substitute claim # | Original claim # | Amendments                                                                                                                                                                                                                                                                                                                                                                                   | Broadening Amendments |
|--------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 33                 | 15               | <ul style="list-style-type: none"> <li>Claim depends from amended claim 29 instead of claim 11.</li> </ul>                                                                                                                                                                                                                                                                                   | None                  |
| 34                 | 16               | <ul style="list-style-type: none"> <li>Claim depends from amended claim 29 instead of claim 11.</li> </ul>                                                                                                                                                                                                                                                                                   | None                  |
| 35                 | 17               | <ul style="list-style-type: none"> <li>Claim depends from amended claim 12 instead of claim 11;</li> <li>the retrieved content is divided into content segments, and the second key is applied to decrypt the same content segment for which the first content encryption key was used;</li> <li>said early rotation of the first content encryption key is for security reasons.</li> </ul> | None                  |
| 36                 | 19               | <ul style="list-style-type: none"> <li>Claim depends from amended claim 29 instead of claim 11.</li> </ul>                                                                                                                                                                                                                                                                                   | None                  |

**B. The substitute claims are responsive to a ground of unpatentability involved in the trial.**

The proposed substitute claims are also responsive to at least one ground of unpatentability in the trial. *See* 37 C.F.R. § 42.121(a)(2)(i). Petitioner has alleged that U.S. Pat. Pub. No. 2002/0172368 to Peterka, Ex. 1005 (“Peterka”), teaches a method for handling secure distribution of content that comprises initiating a media playback request and receiving a playback request response; parsing content information from the playback request response, the content information including content encryption keys, content encryption key identifiers, and content encryption

key expiration times; retrieving content and manifest files from a content delivery server; detecting content encryption key rotation boundaries between periods of use of different content encryption keys in decrypting retrieved content; issuing requests to a license server ahead of a key rotation boundary to retrieve a second content encryption key to be used after a content encryption key rotation boundary is reached; and applying the second key for content decryption after the key rotation boundary is reached, as recited in the original claims. Each proposed substitute claim: (1) clarifies that the method and system for handling secure distribution of content is for over-the-top media delivery; (2) notes that the content key identifiers uniquely identify each content encryption key from every other content encryption key for the duration of the media playback; (3) clarifies that a first content encryption key is applied to the encrypted live media content before a first content encryption key rotation boundary, wherein said first content encryption key rotation boundary was received as part of said received encrypted live media content; (4) clarifies that a second content encryption key is requested and obtained in response to receiving said notification to change said first content encryption key before said first key rotation boundary; and (5) clarifies that the second content encryption key for content decryption is applied before said first key rotation boundary is reached. Neither Peterka nor the other cited references

teach or suggest a system or method with those limitations.

At the same time, it is not necessary “that every word added to or removed from a claim in a motion to amend must be solely for the purpose of overcoming an instituted ground.” *Veeam Software Corp. v. Veritas Techs., LLC*, IPR2014-00090, Paper 48 at 28 (Jul. 17, 2017). Rather, the question is whether “the proposed claim as a whole is ‘responsive to a ground of unpatentability involved in the trial.’” *Id.* at 29. Beyond that threshold, Patent Owner may add other amendments that “serve[ ] the public interest by ensuring issuance of valid and clear patents,” including “additional limitations to address potential § 101 or § 112 issues.” *Id.* To the extent the Board finds that any other proposed amendments in a given substitute claim are not directly responsive to a ground of unpatentability here, those amendments are appropriate in view of the legal principles above.

**C. The substitute claims are reasonable in number.**

For each original challenged claim, Ericsson proposes only one substitute claim, fitting the “presumption . . . that only one substitute claim would be needed to replace each challenged claim.” 37 C.F.R. § 42.121(a)(3).

**IV. The Substitute Claim Satisfies 37 C.F.R. § 42.121(b)**

**A. The substitute claims are presented in claim listing.**

As required by 37 C.F.R. § 42.121(b), this motion is accompanied by an

appendix that lists the proposed substitute claim and clearly shows the proposed amendments to the claim in light of the corresponding original claim.

**B. The substitute claims are supported by the original and earlier-filed disclosures for each claim.**

Pursuant to 37 C.F.R. § 42.121(b)(1) and (b)(2), the below table demonstrates that each substitute claim is supported by each earlier-filed disclosure as to which the benefit of the filing date is sought.<sup>1</sup> In particular, the '313 patent issued from U.S. Patent Application No. 16/672,463, filed November 3, 2019, that was published as Patent Application Publ. No. US2020/0068241 (Ex. 2004). The '313 patent claims priority to U.S. provisional application Ser. No. 61/500,316, filed Jun. 23, 2011 (Ex. 2005), and U.S. patent application Ser. No. 15/910,911, filed Mar. 2, 2018, (published as Patent Application Publ. No. 2018/0192102 and issued as 10,477,257 on Nov. 12, 2019)(Ex. 2006), which is a continuation of U.S. patent application Ser. No. 15/067,129, filed Mar. 11, 2016 (published as Patent Application Publ. No. 2016/0198203 and issued as U.S. Pat. No. 9,912,975 on Mar. 6, 2018)(Ex. 2007), which is a continuation of U.S. patent application Ser. No. 14/266,368, filed Apr. 30, 2014 (published as Patent Application Publ. No. 2014/0237243 and issued as U.S. Pat. No. 9,313,178 on Apr. 12, 2016)(Ex. 2008),

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<sup>1</sup> The support citations herein are not necessarily exhaustive or meant to limit the meaning of the corresponding limitations.

which is a continuation of U.S. patent application Ser. No. 13/530,997, filed Jun.

22, 2012 (published as Patent Application Publ. No. 2012/0331293 and issued as

U.S. Pat. No. 8,751,807 on Jun. 10, 2014)(Ex. 2009).

| Claim # | Limitation <sup>2</sup> | Ex. 2004                                            | Ex. 2005                                        | Ex. 2006                                              | Ex. 2007                                        | Ex. 2008                                       | Ex. 2009                                                |
|---------|-------------------------|-----------------------------------------------------|-------------------------------------------------|-------------------------------------------------------|-------------------------------------------------|------------------------------------------------|---------------------------------------------------------|
| 21      | [21P]                   | ¶¶ 2, 3.                                            | Abstract ; pp. 1, 3                             | ¶¶ 2, 3.                                              | ¶¶ 2, 3.                                        | ¶¶ 2, 3.                                       | ¶¶ 1, 2                                                 |
|         | [21.1 ]                 | ¶2-7; 33, cls. 1, 11                                | pp. 11-12; Fig. 3; cl. 1                        | ¶2-7; 32-33, cls. 1, 4                                | ¶4-6; 33, cls. 1, 4                             | ¶4-6; 33, cls. 1, 16                           | ¶30-33; Fig. 3                                          |
|         | [21.2 ]                 | ¶¶6, 9, 29, 34, 35; cls. 1, 11                      | pp. 5, 11; cl. 1, 4                             | ¶¶6, 9, 29, 33-36; cls. 1, 4                          | ¶¶6, 9, 29, 34, 35; cls. 1, 4                   | ¶¶6, 9, 29, 34, 35; cls. 1, 16                 | ¶¶4, 7, 26, 30-33, 36; cls. 1, 8, 23                    |
|         | [21.3 ]                 | Abstract ; ¶¶6, 10, 19-22, 37; cls. 1, 7, 8, 9      | pp. 5-6, 7-8, 11-12; Figs. 2-3; cl.1, 16, 17    | Abstract; ¶¶6, 10, 17 34-36; cls. 1, 4                | Abstract ; ¶¶6, 10, 32-36;                      | Abstract; ¶¶5, 10, 24, 34-38; cls. 1, 14, 16   | Abstract; ¶¶6-8, 19, 22, 30-34; cls. 14, 15, 34; Fig. 3 |
|         | [21.4 ]                 | Abstract ; ¶¶6, 9, 19-22, 33-37; cls. 1, 11; Fig. 3 | Abstract ; pp. 5, 6, 8, 10-13; cl. 13; Figs 2-3 | Abstract; ¶¶6-10 17-23, 26, 34-36;; cls. 1, 4; Fig. 3 | Abstract ; ¶¶6, 9, 26, 32-36; cls. 1, 4; Fig. 3 | Abstract; ¶¶6, 9, 29 35-37; cls. 1, 16; Fig. 3 | Abstract; ¶¶6-8, 19, 22, 30-34; cls. 14, 15, 34; Fig. 3 |
|         | [21.5 ]                 | Abstract                                            | Abstract                                        | Abstract;                                             | Abstract                                        | Abstract;                                      | Abstract;                                               |

<sup>2</sup> Limitation citations correspond to numbering shown in the claims appendix attached hereto.

## CONTINGENT MOTION TO AMEND

| Claim # | Limit<br>ation <sup>2</sup> | Ex. 2004                                       | Ex. 2005                                     | Ex. 2006                                   | Ex. 2007                                 | Ex. 2008                                    | Ex. 2009                                             |
|---------|-----------------------------|------------------------------------------------|----------------------------------------------|--------------------------------------------|------------------------------------------|---------------------------------------------|------------------------------------------------------|
|         | ]                           | ; ¶¶6, 36, 37; Fig. 3; cls. 1, 16              | ; pp. 5, 6, 10-13; cl. 13; Figs 2-3          | ¶¶6, 34-36; Fig. 3; cls. 1, 4              | ; ¶¶6, 32-36; Fig. 3; cls. 1, 4          | ¶¶6, 32-40; Fig. 3; cls. 1, 16              | ¶¶4, 30; Fig. 3; cls. 1, 16                          |
|         | [21.6<br>]                  | ¶¶6, 35-37; Fig. 3; cls. 1, 16                 | Abstract ; pp. 5, 6, 10-13; cl. 13; Figs 2-3 | ¶¶6, 34-36; Fig. 3; cls. 1, 4              | ¶¶6, 32-36; Fig. 3; cls. 1, 4            | ¶¶6, 32-40; Fig. 3; cls. 1, 16              | Abstract; ¶¶21, 34-40; Fig. 3                        |
| 22      |                             | ¶¶4, 6, 9, 20, 22-24, 30, 36-37; cls. 1, 2, 11 | Abstract ; p. 8; Figs 2-3                    | ¶¶4, 6, 9, 20, 22-24, 30, 35-37; cls. 1, 4 | ¶¶4, 6, 20, 22, 24, 30, 32-36; cls. 1, 4 | ¶¶4, 6, 20, 22, 24, 30, 34-40; cls. 1, 16   | ¶¶21, 34-40; Fig. 3                                  |
| 23      |                             | ¶¶4, 6, 20, 22, 24, 30, 36-37; cls. 1, 3, 11   | Abstract ; p. 4, 5, 8,                       | ¶¶4, 6, 9, 20, 22-24, 30, 34-36; cls. 1, 4 | ¶¶4, 6, 20, 22, 24, 30-37; cl. 1         | ¶¶4, 6, 20, 22, 24, 30, 37, 38; cls. 1, 16  | ¶¶21, 34-40; Fig. 3                                  |
| 24      |                             | ¶¶4, 9, 32, 33; cl. 4                          | Abstract ; p. 4, 5, 8; Figs 2-3              | ¶¶4, 9, 31-33; cls. 1, 4                   | ¶¶4, 9, 32-35; Fig. 3                    | Abstract; ¶¶3-4, 9, 32-40; cl. 1, 2, 16, 17 | Abstract; ¶¶3, 4, 6, 7, 29, 32; Fig. 3; cls. 1, 5, 7 |
| 25      |                             | ¶¶6, 9,                                        | pp. 4-5,                                     | ¶¶6-10,                                    | ¶¶6-10,                                  | ¶¶6, 9, 10,                                 | ¶¶17; cls.                                           |

## CONTINGENT MOTION TO AMEND

| Claim # | Limitation <sup>2</sup> | Ex. 2004                                  | Ex. 2005                                          | Ex. 2006                        | Ex. 2007                | Ex. 2008                                            | Ex. 2009                                |
|---------|-------------------------|-------------------------------------------|---------------------------------------------------|---------------------------------|-------------------------|-----------------------------------------------------|-----------------------------------------|
|         |                         | 10, 19, 20; cl. 5, 16                     | 7; cls. 21-23                                     | 18-20                           | 18, 19.                 | 19, 20; cl. 8                                       | 18, 35                                  |
| 26      |                         | ¶34, cls, 6, 16                           | pp. 4, 6-7, 11; cl. 6, 20, 26                     | ¶6, 33-34                       | ¶4, 6, 33.              | Abstract ¶¶2, 3, 5, 33-34, cls. 1, 10, 16           | ¶31, cls. 5, 17, 21                     |
| 27      |                         | ¶¶7-10, 24-25, 29, 31, 36, 37; cls. 7, 17 | Abstract ; pp. 3-5, 7, 10-13; cl. 13-18; Figs 2-3 | ¶¶7-10, 24-25, 28-29, 31, 33-36 | ¶¶7, 8, 25, 28, 32-36   | ¶¶7-8, 10, 25, 28-30, 32-40; cls. 7, 17; Figs. 2, 3 | ¶¶5, 6, 26, 28, 29, 33, 34; cls. 18, 27 |
| 28      |                         | ¶¶3, 7, 10, 18, 25, 36; cls. 9, 19        | pp. 6, 9, cls. 15-17                              | ¶¶3, 10, 18, 24, 35.            | ¶¶3, 10, 18, 24, 35.    | ¶¶3, 10, 18, 24, 34-35; cls. 14                     | ¶¶8, 22, 33; cls. 15, 34                |
| 29      | [29.P ]                 | ¶¶ 2, 3.                                  | Abstract ; pp. 1, 3                               | ¶¶ 2, 3.                        | ¶¶ 2, 3.                | ¶¶ 2, 3.                                            | ¶¶ 2, 3.                                |
|         | [29.1 ]                 | ¶16; cl. 11                               | pp. 1, 7                                          | ¶16; cl. 3                      | ¶16; cl. 11             | ¶16; cl. 16                                         | ¶14; cls. 25, 37                        |
|         | [29.2 ]                 | ¶¶2-7; 33, cls. 1, 11                     | pp. 5, 11; cl. 1, 4                               | ¶2-7; 32-33, cls. 1, 11         | ¶¶4-6; 32-33, cls. 1, 4 | ¶¶4-6; 33, cls. 1, 16                               | ¶¶30-33; Fig. 3                         |
|         | [29.3 ]                 | ¶¶6, 9, 29, 34,                           | pp. 5-6, 7-8,                                     | ¶¶6, 9, 29,                     | ¶¶6, 9, 32-36;          | ¶¶6, 9, 29, 34, 35;                                 | ¶¶4, 7, 26,                             |

| Claim # | Limit<br>ation <sup>2</sup> | Ex. 2004                                            | Ex. 2005                                        | Ex. 2006                                              | Ex. 2007                                        | Ex. 2008                                       | Ex. 2009                                                |
|---------|-----------------------------|-----------------------------------------------------|-------------------------------------------------|-------------------------------------------------------|-------------------------------------------------|------------------------------------------------|---------------------------------------------------------|
|         |                             | 35; cls. 1, 11                                      | 11-12; Figs. 2-3; cl.1, 16, 17                  | 33-36; cls. 1, 4                                      | cls. 1, 4                                       | cls. 1, 16                                     | 30-33, 36; Fig. 3; cls. 1, 8, 23                        |
|         | [29.4]                      | Abstract ; ¶¶6,10, 19-22, 37; cls. 7, 8, 9          | Abstract ; pp. 5, 6, 8, 10-13; cl. 13; Figs 2-3 | Abstract; ¶¶6, 10, 17 34-36; cls. 1, 4                | Abstract ; ¶¶6, 10, 24, 32-36;                  | Abstract; ¶¶5, 10, 24, 34-38; cls. 1, 14, 16   | Abstract; ¶¶6-8, 19, 22, 30-34; cls. 14, 15, 34; Fig. 3 |
|         | [29.5]                      | Abstract ; ¶¶6, 9, 19-22, 33-37; cls. 1, 11; Fig. 3 | Abstract ; pp. 5, 6, 10-13; cl. 13; Figs 2-3    | Abstract; ¶¶6-10 17-23, 26, 34-36;; cls. 1, 4; Fig. 3 | Abstract ; ¶¶6, 9, 26, 32-36; cls. 1, 4; Fig. 3 | Abstract; ¶¶6, 9, 29 35-37; cls. 1, 16; Fig. 3 | Abstract; ¶¶6-8, 19, 22, 30-34; cls. 14, 15, 34; Fig. 3 |
|         | [29.6]                      | Abstract ; ¶¶6, 36, 37; Fig. 3; cls. 1, 16          | Abstract ; pp. 5, 6, 10-13; cl. 13; Figs 2-3    | Abstract; ¶¶6, 34-36; Fig. 3; cls. 1, 4               | Abstract ; ¶¶6, 32-36; Fig. 3; cls. 1, 4        | Abstract; ¶¶6, 32-40; Fig. 3; cls. 1, 16       | Abstract; ¶¶4, 30; Fig. 3; cls. 1, 16                   |
|         | [29.7]                      | ¶¶6, 36, 37; Fig. 3; cls. 1, 16                     | pp. 5, 11; cl. 1, 4                             | ¶¶6, 35-37; Fig. 3; cls. 1, 4                         | ¶¶6, 32-36; Fig. 3; cls. 1, 4                   | ¶¶6, 32-40; Fig. 3; cls. 1, 16                 | Abstract; ¶¶21, 34-40; Fig. 3                           |
| 30      |                             | ¶¶4, 6, 20, 22, 24, 30, 36-37; cls. 1, 2, 11        | Abstract ; p. 8; Figs 2-3                       | ¶¶4, 6, 19, 21-23, 29, 35-36; cls. 1, 4               | ¶¶4, 6, 19-24, 30, 32-36; cls. 1, 4             | ¶¶4, 6, 20, 22, 24, 30, 34-40; cls. 1, 16      | ¶¶21, 34-40; Fig. 3                                     |

## CONTINGENT MOTION TO AMEND

| Claim # | Limit<br>ation <sup>2</sup> | Ex. 2004                                     | Ex. 2005                                          | Ex. 2006                                | Ex. 2007                              | Ex. 2008                                            | Ex. 2009                                             |
|---------|-----------------------------|----------------------------------------------|---------------------------------------------------|-----------------------------------------|---------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| 31      |                             | ¶¶4, 6, 20, 22, 24, 30, 36-37; cls. 1, 3, 11 | Abstract ; p. 4, 5, 8,                            | ¶¶4, 6, 19, 21-23, 29, 35-36; cls. 1, 4 | ¶¶4, 6, 19-24, 29-30 32-36; cls. 1, 4 | ¶¶4, 6, 20, 22, 24, 30, 34-40; cls. 1, 16           | ¶¶21, 34-40; Fig. 3                                  |
| 32      |                             | ¶¶4, 9, 32, 33; cl. 4                        | Abstract ; p. 4, 5, 8; Figs 2-3                   | ¶¶4, 9, 31-33; cls. 1, 4                | ¶¶4, 9, 32-35; Fig. 3                 | Abstract; ¶¶3-4, 9, 32-40; cl. 1, 2, 16, 17         | Abstract; ¶¶3, 4, 6, 7, 29, 32; Fig. 3; cls. 1, 5, 7 |
| 33      |                             | ¶¶6, 9, 10, 19, 20; cl. 5, 16                | pp. 4-5, 7; cls. 21-23                            | ¶¶6-10, 18-20                           | ¶¶6-10, 18, 19.                       | ¶¶6, 9, 10, 19, 20; cl. 8                           | ¶¶17-19; cls. 18, 35                                 |
| 34      |                             | ¶34, cls, 6, 16                              | pp. 4, 6-7, 11; cl. 6, 20, 26                     | ¶6, 33-34                               | ¶4, 6, 33.                            | Abstract ¶¶2, 3, 5, 33-34, cls. 1, 10, 16           | ¶31, cls. 5, 17, 21                                  |
| 35      |                             | ¶¶7-10, 24-25, 29, 31, 36, 37; cls. 7, 17    | Abstract ; pp. 3-5, 7, 10-13; cl. 13-18; Figs 2-3 | ¶¶7-10, 24-25, 28-29, 31, 33-36         | ¶¶7-9, 24-25, 28, 32-36               | ¶¶7-8, 10, 25, 28-30, 32-40; cls. 7, 17; Figs. 2, 3 | ¶¶5, 6, 26, 28, 29, 33, 34; cls. 18, 27              |
| 36      |                             | ¶¶3, 7, 10, 18, 25, 36; cls. 9, 19           | pp. 6, 9, cls. 15-17                              | ¶¶3, 9-10, 17-18, 24, 35-36             | ¶¶3, 9-10, 17-18 24, 35-36            | ¶¶3, 10, 18, 24, 34-35; cls. 14                     | ¶¶8, 22, 33; cls. 15, 34                             |

| Claim # | Limitation <sup>2</sup> | Ex. 2004 | Ex. 2005 | Ex. 2006 | Ex. 2007 | Ex. 2008 | Ex. 2009 |
|---------|-------------------------|----------|----------|----------|----------|----------|----------|
|         |                         |          |          |          |          |          |          |

## **V. Level of Ordinary Skill in the Art**

Patent Owner agrees with Petitioner's expert regarding the level of ordinary skill in the art. Ex. 1003, ¶¶37-38, and 40.

## **VI. Claim Construction**

At this stage, Patent Owner does not propose any specific claim constructions as it is not Patent Owner's burden to demonstrate patentability of the proposed substitute claim over the prior art. While Patent Owner believes the new proposed limitations, plainly understood, establish patentability of the proposed claim, Patent Owner reserves the right to propose claim constructions as needed to respond to any allegations of unpatentability presented by Petitioner.

## **VII. Patentability Over the Prior Art**

In light of the Federal Circuit's *en banc* decision in *Aqua Products v. Matal*, 872 F.3d 1290, 1296, 1310 (Fed. Cir. 2017), Patent Owner need not prove the patentability of the proposed substitute claim. And as the Patent Office has acknowledged before the Federal Circuit, and the Federal Circuit has held, Patent Owner adequately meets its duty of candor by simply confirming—as it does here—its belief that the proposed substitute claim is patentable over all known prior art, alone or combined. *Nike Inc. v. Adidas AG*, 812 F.3d 1326, 1350 (Fed.

Cir. 2016) (overruled *en banc* on other grounds). Nonetheless, the proposed amended claims are patentable at least for the reasons set forth in Section III.A.

### **VIII. Conclusion**

Patent Owner respectfully requests the Board's Preliminary Guidance as to this Motion, and further requests that, to the extent any original claim is deemed unpatentable, the Board grant the corresponding proposed substitute claim.

Respectfully submitted,

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Date: June 18, 2025

**CLAIMS APPENDIX**

Underlining and strikethrough text show the modifications to the original claim being made in the corresponding substitute claim.

1-7 (Canceled)

9 (Canceled)

11-17 (Canceled)

19. (Canceled)

21. (Substitute for claim 1, if found unpatentable)

[21.P] A method for handling secure distribution of live video content for over-the-top media delivery comprising:

[21.1] sending a request for live media playback;

[21.2] receiving a live media playback request response, the live media playback request response comprising content encryption keys and content encryption key identifiers that uniquely identify each content encryption key from every other content encryption key for the duration of the media playback;

[21.3] receiving encrypted live media content and manifest files from a content delivery server, wherein the encrypted live media content comprises one or more content encryption key rotation boundaries wherein each content encryption key rotation boundary is associated with a change to a different content encryption key to decrypt the received encrypted live media content;

[21.4] applying a first content encryption key to the encrypted live media content before a first content encryption key rotation boundary, wherein said first content encryption key rotation boundary was received as part of said received encrypted live media content;

[21.5] prior to reaching the first key rotation boundary, and in response to receiving a notification to change said first content encryption key before said first key rotation boundary, requesting and obtaining a second content encryption key, the second content encryption key to be used ~~after~~ before the first content encryption key rotation boundary is reached; and

[21.6] applying the second content encryption key for content decryption ~~after~~ before the said first key rotation boundary is reached.

22. (Substitute for claim 2, if found unpatentable)

The method of claim 21~~1~~, wherein the content encryption keys and content encryption key identifiers comprise the first content encryption key and associated identifier as well as the second content encryption key and associated identifier and wherein the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key.

23. (Substitute for claim 3, if found unpatentable)

The method of claim 21~~1~~, wherein the content encryption key rotation boundaries are expressed as an expected minimum interval between boundaries and wherein the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key plus the fixed duration originally assigned for said first content encryption key.

24. (Substitute for claim 4, if found unpatentable)

The method of claim 21~~1~~, further comprising obtaining a third content encryption key a fixed duration before the expected expiration of the second content encryption key.

25. (Substitute for claim 5, if found unpatentable)

The method of claim 21~~+~~, wherein subsequent content encryption key identifiers are predictable based on a predetermined known progression.

26. (Substitute for claim 6, if found unpatentable)

The method of claim 21~~+~~, wherein license server communications are secured and authenticated using a selected one of Secure Sockets Layer and a token-based technique using a token encrypted with a symmetric key.

27. (Substitute for claim 7, if found unpatentable)

The method of claim 21~~+~~, wherein said retrieved content is divided into content segments, and said second key is applied to decrypt the same content segment for which the first content encryption key was used and wherein the content encryption key rotation boundaries comprise real-time in-band notifications and said early rotation of the first content encryption key is for security reasons.

28. (Substitute for claim 9, if found unpatentable)

The method of claim 21~~+~~, wherein the content encryption key rotation boundaries comprise notifications present in the content manifest file, the content manifest file being selected from an m3u8 file, an IIS Smooth Streaming manifest file, a DASH MPD file and a proprietary manifest file.

29. (Substitute for claim 11, if found unpatentable)

[29.P] A computerized device operable as a client for handling secure distribution of content for over-the-top media delivery, comprising:

[29.1] memory operative to store computer program instructions;

one or more processors;

input/output interface circuitry; and

interconnect circuitry coupling the memory, processors and input/output interface circuitry together,

wherein the processors are operative to execute the computer program instructions from the memory to cause the computerized device to:

[29.2] send a request for live media playback;

[29.3] receive a live media playback request response, the live media playback request response comprising content encryption keys and content encryption key identifiers that uniquely identify each content encryption key from every other content encryption key for the duration of the media playback;

[29.4] receive encrypted live media content and manifest files from a content delivery server, wherein the encrypted live media content comprises one or more content encryption key rotation boundaries wherein each content encryption key rotation boundary is associated with a change to a different content encryption key to decrypt the received encrypted live media content;

[29.5] apply a first content encryption key to the encrypted live media content before a first content encryption key rotation boundary wherein said first content encryption key rotation boundary was received as part of said received encrypted live media content;

[29.6] prior to reaching the first key rotation boundary, and in response to receiving a notification to change said first content encryption key before said first key rotation boundary, request and obtain a second content encryption key, the second content encryption key to be used ~~after~~ before the first content encryption key rotation boundary is reached; and

[29.7] apply the second content encryption key for content decryption ~~after~~ before ~~the said first~~ key rotation boundary is reached.

30. (Substitute for claim 12, if found unpatentable)

The computerized device of claim ~~29~~~~44~~, wherein the content encryption keys and content encryption key identifiers comprise the first content encryption key and associated identifier as well as the second content encryption key and associated identifier and wherein the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key.

31. (Substitute for claim 13, if found unpatentable)

The computerized device of claim ~~29~~~~44~~, wherein the content encryption key rotation boundaries are expressed as an expected minimum interval between boundaries and wherein the content key duration for said second content encryption key is equal to the time remaining for the duration previously set for said first content encryption key plus the fixed duration originally assigned for said first content encryption key.

32. (Substitute for claim 14, if found unpatentable)

The computerized device of claim ~~29~~~~44~~, wherein the processors are further operative to execute the computer program instructions from the memory to cause the computerized device to obtain a third content encryption key a fixed duration before the expected expiration of the second content encryption key.

33. (Substitute for claim 15, if found unpatentable)

The computerized device of claim ~~29~~~~44~~, wherein subsequent content encryption key identifiers are predictable based on a predetermined known progression.

34. (Substitute for claim 16, if found unpatentable)

The computerized device of claim ~~29~~~~44~~, wherein license server communications are secured and authenticated using a selected one of Secure Sockets Layer and a token-based technique using a token encrypted with a symmetric key.

35. (Substitute for claim 17, if found unpatentable)

The computerized device of claim ~~2911~~, wherein said retrieved content is divided into content segments, and said second key is applied to decrypt the same content segment for which the first content encryption key was used and wherein the content encryption key rotation boundaries comprise real-time in-band notifications and said early rotation of the current content encryption key is for security reasons.

36. (Substitute for claim 19, if found unpatentable)

The computerized device of claim ~~2911~~, wherein the content encryption key rotation boundaries comprise notifications present in the content manifest file, the content manifest file being selected from an m3u8 file, an IIS Smooth Streaming manifest file, a DASH MPD file and a proprietary manifest file.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **PATENT OWNER'S  
CONTINGENT MOTION TO AMEND** was served electronically via e-mail on  
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