

1 NATHAN B. SABRI, Bar No. 252216
nsabri@perkinscoie.com
2 STEFANI E. SHANBERG, Bar No. 206717
sshanberg@perkinscoie.com
3 ROBIN L. BREWER, Bar No. 253686
rbrewer@perkinscoie.com
4 MATHIEU A. SWIDERSKI, Bar No. 330333
mathieuswiderski@perkinscoie.com
5 KARL M. JOHNSTON, Bar No. 327446
kjohnston@perkinscoie.com
6 PERKINS COIE LLP
505 Howard Street, Suite 1000
7 San Francisco, CA 94105
Telephone: (415) 344-7000
8

Attorneys for Defendant
9 TWITCH INTERACTIVE, INC.

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 RAZDOG HOLDINGS LLC,
16 Plaintiff,
17 v.
18 TWITCH INTERACTIVE, INC.,
19 Defendant.

Case No. 3:24-cv-03638-JSC

**DEFENDANT’S INVALIDITY
CONTENTIONS**

20
21 Pursuant to Patent L.R. 3-3 and 3-4 and the schedule in the September 27, 2024 Scheduling
22 Order (ECF. No. 39), Defendant Twitch Interactive, Inc. (“Defendant”) hereby provides its
23 Invalidity Contentions for U.S. Patent Nos. 9,729,658 (the “’658 patent”) and 10,334,068 (the “’068
24 patent”) (collectively, the “Asserted Patents”).

25 **I. INTRODUCTORY STATEMENT**

26 Plaintiff RazDog Holdings LLC (“Plaintiff” or “RazDog”) has asserted claims 1, 4-10, 12,
27 13, 15, and 18 of the ’658 patent and claim 1 of the ’068 patent (together, the “Asserted Claims”).

28 Defendant makes the following invalidity contentions based upon its current knowledge, its

1 current understanding of Plaintiff's Initial Disclosure Of Asserted Claims And Infringement
2 Contentions (served November 22, 2024)—including Plaintiff's apparently claim interpretations
3 based on those contentions—and Defendant's investigations to date. Defendant has not, however,
4 completed its investigation of the facts relating to this case, discovery in this action, or its
5 preparation for trial. Defendant's ongoing investigation includes, but is not limited to, serving
6 subpoenas on prior artists and inventors regarding prior art, seeking additional information related
7 to the references and prior art systems disclosed in these contentions, seeking additional
8 information regarding Plaintiff's Infringement Contentions, seeking information regarding any
9 prior sales and/or uses by the original assignees of the Asserted Patents, and seeking expert
10 testimony. Additionally, Defendant has not yet had the benefit of taking the depositions of the
11 named inventors or those that worked with the named inventors, or of the named inventors, authors,
12 and entities listed on any references or systems identified in these Invalidity Contentions. This
13 disclosure is therefore without prejudice to Defendant's right to produce evidence regarding
14 additional prior art references or supplement or amend the disclosures made herein.

15 Further, these Contentions, including the accompanying claim charts, have been prepared
16 prior to the Court's claim construction ruling and before disclosure of Plaintiff's claim construction
17 positions. Defendant's contentions regarding the invalidity of the Challenged Claims may depend
18 on how those claims are construed by the Court. Defendant therefore reserves all rights to amend
19 or supplement its invalidity positions following the Court's claim constructions.

20 Defendant's contentions herein are not, and should in no way be seen as, admissions or
21 agreement as to any particular claim scope or construction, or that any particular claim element is
22 met in any particular way. In the absence of a claim construction ruling, these contentions are made
23 in the alternative and are not necessarily intended to be consistent with each other. These
24 contentions are made out of an abundance of caution to reflect the potential scope of the claims that
25 Plaintiff appears to be advocating or could advocate, as suggested in Plaintiff's November 22, 2024
26 Infringement Contentions. Defendant reserves the right to amend or supplement its invalidity
27 contentions should Plaintiff modify its infringement theories.

28 Defendant has endeavored to cite to the most relevant portions of the identified prior art.

1 Other portions of the identified prior art may additionally disclose, either expressly or inherently,
2 and/or render obvious one or more elements or limitations of the asserted claims. Defendant
3 reserves the right to rely on uncited portions of the identified prior art to establish the invalidity of
4 the asserted claims. Moreover, Defendant reserves the right to rely on, for example, and without
5 limitation, uncited portions of the identified prior art, other art, or testimony to provide context to
6 or aid in understanding the cited portions of the identified prior art. Defendant also reserves the
7 right to rely upon treatises, published industry standards, and similar documents to demonstrate the
8 knowledge of a person of ordinary skill in the relevant art (“POSITA”) and/or the background of
9 the technology. Where Defendant cites to a particular drawing or figure, the citation encompasses
10 the description of the drawing or figure, as well as any text associated with the drawing or figure.
11 Similarly, where Defendant cites to particular text concerning a drawing or figure, the citation
12 encompasses that drawing or figure as well. Also, where Defendant cites to any portion of prior art
13 as disclosing a particular limitation, that citation applies with equal force to all similar or identical
14 limitations in each of the asserted claims.

15 Defendant is currently unaware of the extent to which Plaintiff may contend that limitations
16 of the claims at issue are not disclosed in the art identified by Defendant as anticipatory. To the
17 extent that an issue arises with any such limitation, Defendant reserves the right to identify other
18 references disclosed herein which make obvious the addition of the allegedly missing limitation to
19 the disclosed system, computer-readable medium, or method.

20 **II. IDENTIFICATION OF PRIOR ART**

21 Defendant identifies the following prior art references that anticipate and/or render obvious
22 the Asserted Claims of the Asserted Patents. Plaintiff contends that all Asserted Claims are entitled
23 to a priority date of October 12, 2010. The following patents and publications are prior art under at
24 least 35 U.S.C. §§ 102(a), (b), (e), (f), (g), and/or 103.¹ Whether a prior art reference anticipates or
25 renders obvious the asserted claims may depend upon claim construction. Defendant has identified
26 each prior art patent by its inventor, number, country of origin, date of issue, and claimed priority

27
28 ¹ All references to 35 U.S.C. §§ 102, 103, and 112 throughout these Contentions are to the pre-AIA version of the statute.

1 date. Each prior art publication is identified by its title, date of publication, and, where
2 ascertainable, author and publisher.

3 For prior art under 35 U.S.C. § 102(b), Defendant has identified the item offered for sale or
4 publicly used or known, the date by which the offer or use took place or the information became
5 known, and the identity of the person or entity which made the use or which made and received the
6 offer, or the person or entity which made the information known or to whom it was made known,
7 to the full extent currently known. To the extent any prior art reference is found not to anticipate
8 any of the Asserted Claims or Plaintiff contends that the reference is not anticipatory, Defendant
9 contends that the reference nevertheless renders all of the Asserted Claims obvious, either
10 individually or in combination with other references disclosed herein and/or in view of the general
11 knowledge in the art and/or common sense.

12 **A. Prior Art Patent Publications**

13 Defendant contends that the asserted claims are invalid under 35 U.S.C. §§ 102 and/or 103
14 based on the following prior art patent publications. These patent publications constitute prior art
15 under 35 U.S.C. § 102, and their patent numbers, countries of origin, and dates of publication and/or
16 issue are included on the face of those documents. Defendant reserves the right to supplement this
17 list if additional information becomes available during discovery regarding other prior art patent
18 publications that would anticipate and/or render the asserted claims obvious.

Prior Art	Date of Issue (or Publication)	Priority Date	Country of Origin
6,141,010	10/31/2000	7/17/1998	US
6,247,032	6/12/2001	6/19/1997	US
6,278,448	8/21/2001	2/17/1998	US
6,711,622	3/23/2004	12/31/1997	US
6,724,403	4/20/2004	10/29/1999	US
6,931,660	8/16/2005	1/28/2000	US
7,360,166	4/15/2008	8/17/2005	US
7,370,287	5/6/2008	5/5/2000	US
7,506,260	3/17/2009	10/31/2003	US

1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
	Prior Art	Date of Issue (or Publication)	Priority Date	Country of Origin
	7,599,856	10/6/2009	11/19/2002	US
	7,930,419	4/19/2011	12/4/2005	US
	8,296,684	10/23/2012	5/23/2008	US
	8,490,002	7/16/2013	2/11/2010	US
	8,494,544	7/23/2013	12/3/2009	US
	8,640,052	1/28/2014	12/31/2009	US
	8,683,362	3/25/2014	4/1/2009	US
	8,789,108	4/22/2014	11/20/2007	US
	9,041,737	5/26/2015	12/28/2012	US
	2002/0149630	10/17/2002	4/16/2001	US
	2003/0033192	2/13/2003	7/31/2000	US
	2004/0193413	9/30/2004	3/25/2003	US
	2005/0015357	1/20/2005	5/21/2003	US
	2005/0078170	4/14/2005	10/8/2003	US
	2005/0108328	5/19/2005	10/30/2003	US
	2005/0278643	12/15/2005	6/10/2005	US
	2007/0016609	1/18/2007	7/12/2005	US
	2007/0044086	2/22/2007	8/19/2005	US
	2007/0234388	10/4/2007	2/10/2006	US
	2008/0086484	4/10/2008	10/6/2006	US
	2008/0168401	7/10/2008	1/5/2007	US
	2008/0246851	10/9/2008	4/3/2007	US
	2009/0089352	4/2/2009	9/28/2007	US
	2009/0113301	4/30/2009	10/26/2007	US
	2009/0125582	5/14/2009	6/13/2007	US
	2009/0132942	5/21/2009	10/29/1999	US
	2009/0138562	5/28/2009	11/28/2007	US
	2009/0144775	6/4/2009	6/2/1997	US
	2009/0298480	12/3/2009	4/30/2008	US
	2010/0106848	4/29/2010	10/28/2008	US
	2010/0115430	5/6/2010	10/23/2008	US
	2010/0146464	6/10/2010	3/25/2003	US

Prior Art	Date of Issue (or Publication)	Priority Date	Country of Origin
2010/0325666	12/23/2010	12/21/2007	US
2010/0332560	12/30/2010	6/30/2009	US
2011/0107220	5/5/2011	12/10/2002	US
2011/0122063	5/26/2011	12/10/2002	US
2011/0136511	6/9/2011	12/3/2009	US
2011/0150430	6/23/2011	12/18/2009	US
2011/0161802	6/30/2011	12/31/2009	US
2011/0161882	6/30/2011	12/31/2009	US
2011/0231796	9/22/2011	2/16/2010	US
2011/0242317	10/6/2011	4/5/2010	US
2011/0289143	11/24/2011	6/27/2006	US
2011/0289458	11/24/2011	5/18/2010	US
2011/0320956	12/29/2011	6/29/2010	US
2012/0023410	1/26/2012	7/20/2010	US
2012/0023431	1/26/2012	7/20/2010	US
2012/0113239	5/10/2012	11/8/2010	US
2013/0290005	10/31/2013	4/30/2012	US
2014/0006930	1/2/2014	6/15/2012	US
2014/0019492	1/16/2014	12/22/2011	US
2014/0019933	1/16/2014	7/11/2012	US
01/22245	3/29/2001	9/20/1999	WO

B. Prior Art Non-Patent Publications

Defendant contends that the asserted claims are invalid under 35 U.S.C. §§ 102 and/or 103 based on the following prior art publications. Their titles, primary authors, publishers, and dates of publication are included on the face of those documents. In addition to the references listed below, Defendant hereby discloses as prior art publications all references disclosed below in Section I.C. (regarding on sale/public use), such as press releases, users' manuals, and other related documentation about such prior art products. Defendant reserves the right to supplement this list based on subsequent discovery of other references, prior art public use, and/or sale that would

anticipate and/or render the Asserted Claims obvious.

Prior Art	Date of Publication	Primary Author	Publisher
<i>MultECommerce: A Distributed Architecture for Collaborative Shopping on the WWW</i>	Oct. 17, 2000	Stefano Puglia	Association for Computing Machinery
<i>Site Personalization Process Based On Navigational Behavior And Fuzzy Ontology</i>	June 19, 2009	Juliano Z. Blanco	International Association for Development of the Information Society
<i>Interactive applications for the multimedia home platform</i>	Dec. 11, 2002	Hans-Peter Fötschl	IEEE
<i>The Design and Evaluation of Flick Gesture for “Back” and “Forward” in Web Browsers</i>	2002	Michael Molye	Australian Computer Society Inc.

C. Prior Art Items and/or Knowledge

Defendant contends that the Asserted Claims of the Asserted Patent are invalid under 35 U.S.C. §§ 102 and/or 103 based on the following items offered for sale or publicly used or known. Defendant incorporates by reference and reserves the right to rely upon any prior art items and/or knowledge disclosed by or referred to in any of the prior art patents or prior art publications identified above in Sections I.A. and I.B. Because Defendant has not yet completed discovery in this case, Defendant reserves the right to supplement this disclosure with facts, documents, or other information learned at a later point through third-party discovery or other further investigation, including as to public disclosure, public use, and offer for sale under 35 U.S.C. §§ 102 and/or 103.

1. **Justin.tv:** Justin.tv—the predecessor to Twitch—was an online platform that allowed users to broadcast live video. It was founded in March 2007 by Justin Kan, Emmett Shear, Michael Seibel, and Kyle Vogt. The platform gained popularity for its “lifecasting” feature, where Justin Kan streamed his life 24/7. Over time, and before the priority date of the Asserted Patents, Justin.tv expanded to allow anyone to create and broadcast their own live video streams. Justin.tv publicly demonstrated its broadcasting service at least by October 14, 2007.

The Justin.tv homepage featured an interface designed to highlight live streaming content from its streamers. The homepage prominently displayed featured channels and popular live

1 streams, making it easy for users to discover broadcasts. From the homepage, users could access
2 their personal accounts, search for specific streams, and view and sort content recommendations.
3 These features were publicly demonstrated at least by October 14, 2007, as described in the
4 following documents:

- 5 • *Justin.tv relaunches*, CNET (May 22, 2007) [TWITCH_RAZ_PA_00001145-1150]
- 6 • *How Justin.tv's Live Video System Was Born*, Gizmodo (June 14, 2007)
7 [TWITCH_RAZ_PA_00001099-1101]
- 8 • *Justin.tv Network Launches: More Shows to Come*, TechCrunch (May 22, 2007)
9 [TWITCH_RAZ_PA_00001111-1120]
- 10 • Kyle Vogt, *AWS Customer Presentation – Justin.tv* (Oct. 1, 2007)
11 [TWITCH_RAZ_PA_00001078-1090]
- 12 • *Justin.tv Teams Up With On2 And Opens Network*, TechCrunch (Oct. 2, 2007)
13 [TWITCH_RAZ_PA_00001151-1157]
- 14 • *A Site Warhol Would Relish*, N.Y. Times (Oct. 14, 2007)
15 [TWITCH_RAZ_PA_00001074-1077]
- 16 • *Surprise, Justin.TV Builds Own CDN To Cut Costs, Improve Performance*,
17 TechCrunch (Jan. 16, 2008) [TWITCH_RAZ_PA_00001191-1198]
- 18 • *Justin.tv's Birthday Stats—57 Years Worth of Video and Counting*, TechCrunch
19 (Mar. 24, 2008) [TWITCH_RAZ_PA_00001165-1174]
- 20 • *Justin.tv Reaches 1 Million Users*, TechCrunch (Jul. 21, 2008)
21 [TWITCH_RAZ_PA_00001129-1136]
- 22 • *Webware 100 winner: Justin.tv*, CNET (May 19, 2009)
23 [TWITCH_RAZ_PA_00001199-1232]
- 24 • *Justin.tv Redesigns to Make Broadcasting Easier and Chat More Obvious*,
25 TechCrunch (July 14, 2009) [TWITCH_RAZ_PA_00001137-1144]
- 26 • *Justin.tv Opens Its API For Free, Hopes Live Video Will Explode*, TechCrunch (July
27 26, 2009) [TWITCH_RAZ_PA_00001121-1128]
- 28 • *Justin.tv Unifies Twitter, Facebook, MySpace, And Their Own Chat*, TechCrunch

(Dec. 21, 2009) [TWITCH_RAZ_PA_00001158-1164]

- *Justin.tv's Live Video Broadcasting Architecture*, High Scalability (Mar. 16, 2010) [TWITCH_RAZ_PA_00001175-1190]
- *Better Late Than Never. Justin.tv Comes to the iPhone*, TechCrunch (Mar. 22, 2010) [TWITCH_RAZ_PA_00001091-1098]

2. ***Windows Live Mobile***: Windows Live Mobile was publicly known and used in the United States by no later than July 2009. Windows Live Mobile comprised a suite of mobile applications and services developed by Microsoft Corp. Before 2010, Windows Live Mobile offered a seamless integration of email, instant messaging, and social networking, allowing users to stay connected on the go. The suite included popular services such as Windows Live Hotmail, Windows Live Messenger, and Windows Live Spaces, all optimized for mobile use. The applications were designed to sync effortlessly with desktop counterparts through server-based cloud computing networks.

Windows Live Mobile employed a wheel interface to provide an efficient way to navigate through the various services in real time. The wheel interface was a circular menu that users could rotate with a swipe of their finger or the press of a button, allowing quick access to different applications and functions. These features were publicly demonstrated no later than July 2009, as described in the following documents:

- Anderson, et al., *Wheels Around the World: Windows Live Mobile Interface Design*, Association for Computing Machinery (Apr. 5, 2008) [TWITCH_RAZ_PA_00001335-1351]
- Anderson, et al. *Wheels Around the World: Windows Live Mobile Interface Design*, presentation at the ACM SIGCHI and accompanying PowerPoint presentation, Apr. 8, 2008, available at <https://dl.acm.org/doi/10.1145/1358628.1358643> [TWITCH_RAZ_PA_00001234-1304]
- Anderson, et al. *Wheels Around the World: Windows Live Mobile Interface Design*, Videorecorded Presentation at the ACM SIGCHI, Apr. 8, 2008

1 (“Anderson Video Presentation”), available at

2 <https://dl.acm.org/doi/10.1145/1358628.1358643> [TWITCH_RAZ_PA_00001233]

3 3. *Apple Cover Flow UI and Related Applications*: Apple’s Cover Flow was a user
4 interface developed by Apple Computers, Inc., for use across several Apple products and services,
5 including iTunes, Front Row, MacOS, iOS, and tvOS. Cover Flow provided a dynamic interface
6 that allowed users to flip through their music, videos, and other media content as if they were
7 browsing through a physical collection of album covers or movie posters. The interface displayed
8 a horizontal row of album artwork or media thumbnails, which users could scroll through with a
9 with a swipe of their finger or button press. These features were publicly demonstrated at least by
10 July 2009.

11 Because Defendant has not yet completed discovery in this case, including but not limited
12 to taking depositions of the alleged inventors of the asserted patent, reviewing Plaintiff’s
13 productions, and seeking discovery of prior inventions by third parties. In particular, Defendant has
14 served third party discovery requests on Apple and Microsoft to seek discovery of each of the prior
15 art references listed above. Defendant reserves the right to supplement this disclosure with facts,
16 documents, or other information learned at a later point through discovery, including discovery
17 provided in response to its third-party subpoenas, or other further investigation. These features were
18 publicly demonstrated no later than July 2009, as described in the following documents:

- 19 • Apple Introduces the New iMac G5, Apple Newsroom (Oct. 12, 2005)
20 [TWITCH_RAZ_PA_00000022-25]
- 21 • Steve Jobs, “Apple Special Event” – Apple, Inc. (Oct. 12, 2005)
22 (<https://www.youtube.com/watch?v=Sai2P6B7sys>)
23 [TWITCH_RAZ_PA_00000014]
- 24 • Apple Unveils Mac mini with Intel Core Duo, Apple Newsroom (Feb. 28, 2006)
25 [TWITCH_RAZ_PA_00000040-43]
- 26 • Steve Jobs, “Apple Special Event” – Apple, Inc. (Feb. 28, 2006)
27 (<https://www.youtube.com/watch?v=IO7bndF4S3U>)
28 [TWITCH_RAZ_PA_00000012]

- 1 • Steve Jobs, “It’s Showtime” – Apple, Inc. (Sep. 12, 2006)
2 (<https://www.youtube.com/watch?v=yci2QOdQG5k>)
3 [TWITCH_RAZ_PA_00000013]
- 4 • Apple.com – iTunes Overview (dated Dec. 31, 2006)
5 (<https://web.archive.org/web/20061231185750/http://www.apple.com/itunes/overview/>) (last accessed Jan. 6, 2025) [TWITCH_RAZ_PA_00000089]
6
- 7 • Apple TV Coming to Your Living Room, Apple Newsroom (Jan. 9, 2007)
8 [TWITCH_RAZ_PA_00000031-33]
- 9 • Steve Jobs, “Macworld 2007 Keynote” – Apple, Inc. (Jan. 9, 2007)
10 (<https://www.youtube.com/watch?v=5jkJb0bxQXw>)
11 [TWITCH_RAZ_PA_00000010]
- 12 • Apple TV Now Shipping, Apple Newsroom (March 21, 2007)
13 [TWITCH_RAZ_PA_00000036-38]
- 14 • YouTube Coming to Apple TV, Apple Newsroom (May 30, 2007)
15 [TWITCH_RAZ_PA_00000267-269]
- 16 • Apple.com – Apple TV Overview (dated Jan. 1, 2008)
17 (<https://web.archive.org/web/20080101015655/apple.com/appletv/>) (last accessed
18 Jan. 6, 2025) [TWITCH_RAZ_PA_00000039]
- 19 • Apple.com – Front Row 1.3.1 (dated Jan. 11, 2008)
20 (https://web.archive.org/web/20080111050126/http://www.apple.com/downloads/macosx/apple/application_updates/frontrow131.html) (last accessed Jan. 6, 2025)
21 [TWITCH_RAZ_PA_00000087]
- 22 • Apple.com – Apple TV Sync and Stream (dated Jan. 12, 2008)
23 (<https://web.archive.org/web/20080112082125/http://www.apple.com/appletv/sync.html>) (last accessed Jan. 6, 2025) [TWITCH_RAZ_PA_00000030]
24
- 25 • Apple Premieres iTunes Movie Rentals with All Major Film Studios, Apple
26 Newsroom (Jan. 15, 2008) [TWITCH_RAZ_PA_00000026-29]
27
- 28 • Apple Introduces New Apple TV Software & Lowers Price to \$229, Apple

- 1 Newsroom (Jan. 15, 2008) [TWITCH_RAZ_PA_00000019-21]
- 2 • Steve Jobs, “Macworld 2008 Keynote,” – Apple, Inc. (Jan. 15, 2008)
- 3 [TWITCH_RAZ_PA_00000011]
- 4 • Apple.com – Support: How to Purchase TV Shows, Music, and Music Videos on
- 5 Apple TV (dated March 3, 2008)
- 6 ([https://web.archive.org/web/20080303052815/http://docs.info.apple.com/article.h](https://web.archive.org/web/20080303052815/http://docs.info.apple.com/article.html?artnum=307456)
- 7 [tml?artnum=307456](https://web.archive.org/web/20080303052815/http://docs.info.apple.com/article.html?artnum=307456)) (last accessed Jan. 6, 2025) [TWITCH_RAZ_PA_00000034]
- 8 • Apple, Inc., “Apple TV A guided tour” (video) (available for download March 27,
- 9 2008)
- 10 (<https://web.archive.org/web/20080327141127/http://www.apple.com/appletv/>)
- 11 (last accessed Jan. 6, 2025) [TWITCH_RAZ_PA_00000044]
- 12 • Apple, Inc. – Apple TV Setup Guide (2008)
- 13 ([https://web.archive.org/web/20080318235201/http://manuals.info.apple.com/en/A](https://web.archive.org/web/20080318235201/http://manuals.info.apple.com/en/AppleTV_SetupGuide.pdf)
- 14 [ppleTV_SetupGuide.pdf](https://web.archive.org/web/20080318235201/http://manuals.info.apple.com/en/AppleTV_SetupGuide.pdf)) [TWITCH_RAZ_PA_00000045-84]
- 15 • Apple.com – iTunes Jukebox Cover Flow (dated June 12, 2009)
- 16 ([https://web.archive.org/web/20061207000414/www.apple.com/itunes/jukebox/co](https://web.archive.org/web/20061207000414/www.apple.com/itunes/jukebox/coverflow.html)
- 17 [verflow.html](https://web.archive.org/web/20061207000414/www.apple.com/itunes/jukebox/coverflow.html)) (last accessed Jan. 6, 2025) [TWITCH_RAZ_PA_00000076]
- 18 • Apple.com – Mac OS X Snow Leopard All Applications and Utilities (dated June
- 19 12, 2009)
- 20 ([https://web.archive.org/web/20090612075351/www.apple.com/macosx/what-is-](https://web.archive.org/web/20090612075351/www.apple.com/macosx/what-is-macosx/apps-and-utilities.html#frontrow)
- 21 [macosx/apps-and-utilities.html#frontrow](https://web.archive.org/web/20090612075351/www.apple.com/macosx/what-is-macosx/apps-and-utilities.html#frontrow)) (last accessed Jan. 6, 2025)
- 22 [TWITCH_RAZ_PA_00000090]
- 23 • Apple Introduces Apple TV 3.0 Software With Redesigned User Interface, Apple
- 24 Newsroom (October 29, 2009) [TWITCH_RAZ_PA_00000015-18]

25 **III. STATEMENT OF ANTICIPATION AND OBVIOUSNESS**

26 Below are the grounds on which the claims of the asserted patents are invalid for failure to

27 meet the requirements of both 35 U.S.C. §§ 102 and 103. Plaintiff’s asserted claims are neither

28 novel nor non-obvious.

1 **A. Anticipation of the Asserted Claims**

2 Defendant contends the Asserted Claims are invalid under 35 U.S.C. § 102 as being
3 anticipated by the individual prior art references presented in these contentions. Single items of
4 prior art that anticipate the Asserted Claims of the '658 and '068 patents are cited and described in
5 the claim charts attached hereto as Exhibits A1–A8 and B1–B8. These claim charts provide
6 citations to portions of the above references, illustrating how the prior art explicitly discloses every
7 element of the asserted claims. To the extent any element is not provided by an expressly enabling
8 disclosure by the referenced prior art, all elements of the Asserted Claims would be the inherent
9 result of putting into practice the systems and methods described by the prior art referenced herein,
10 as set forth below.

11 **B. Obviousness of the Asserted Claims**

12 In addition to the discussion above, and to the extent not anticipated, the Asserted Claims
13 are invalid under 35 U.S.C. § 103 as obvious to a POSITA of the relevant technology. In the event
14 a particular prior art reference identified above in Section I does not anticipate one of the Asserted
15 Claims, the reference, alone or in combination with one or more of the other references disclosed
16 herein and/or with the knowledge of a POSITA, renders the claim obvious. Items of prior art that
17 render obvious the Asserted Claims of the Asserted Patents are cited and described in the claim
18 charts attached hereto as Exhibits A1–A8 and B1–B8. The identification of certain combinations
19 of prior art does not exclude other combinations and is without prejudice to Defendant's right to
20 rely on additional specific combinations as well as to detail and explain such combinations.

21 The Supreme Court directs a flexible approach to understanding the scope of prior art, and
22 that “the analysis need not seek out precise teachings directed to the specific subject matter of the
23 challenged claim, for a court can take account of the inferences and creative steps that a person of
24 ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739-40
25 (2007) (rejecting the Federal Circuit’s “rigid” application of the teaching, suggestion, or motivation
26 to combine test, instead espousing an “expansive and flexible” approach). The Supreme Court held
27 that a person of ordinary skill in the art is “a person of ordinary creativity, not an automaton” and
28 “in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together

1 like pieces of a puzzle.” *Id.* at 1742. Federal Circuit case law since *KSR* makes it clear that the
2 obviousness analysis is not “confined by a formalistic conception of the words teaching, suggestion,
3 and motivation.” *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 784, 795 (Fed. Cir. 2021); *see also*
4 *Norgren Inc. v. Int’l Trade Comm’n*, 699 F.3d 1317, 1322 (Fed. Cir. 2012) (“A flexible teaching,
5 suggestion, or motivation test can be useful to prevent hindsight when determining whether a
6 combination of elements known in the art would have been obvious.”); *Outdry Techs. Corp. v.*
7 *Geox S.p.A.*, 859 F.3d 1364, 1370-71 (Fed. Cir. 2017) (“Any motivation to combine references,
8 whether articulated in the references themselves or supported by evidence of the knowledge of a
9 skilled artisan, is sufficient to combine those references to arrive at the claimed process.”).
10 Defendant hereby identifies various motivations and reasons to combine the cited art.

11 Clear and logical rationale to combine any of the references identified together in Section I,
12 above, exists from the prior art references themselves, as well as from common knowledge,
13 common sense, predictability, expectations, industry trends, design incentives or need, market
14 demand or pressure, market forces, obviousness to try, the nature of the problem faced, and/or
15 knowledge possessed by a POSITA. Defendant reserves the right to rely on the knowledge of those
16 skilled in the art, the testimony of expert witnesses, and/or other prior art, to show that it would
17 have been obvious to include the allegedly missing limitation and to explain the motivation to
18 combine the prior art elements.

19 For example, to the extent any reference identified above does not disclose the claimed
20 “master application stored in the memory of the master server and that executes on the processor
21 of the master server,” it would have been obvious to a person of ordinary skill in the art at the time
22 of the Asserted Patents to implement a system and methods for content aggregation, like those
23 described in the Asserted Patents, on servers rather than localized hardware. Using servers over the
24 internet rather than computing power on a user’s local device was known in the art before the ’658
25 and ’068 patents, is explicitly disclosed in or would have been obvious to a POSITA in view of
26 several prior art references—including (but not limited to) Hruska, Darnell, and Dasgupta—and
27 would yield predictable results. It therefore would have been obvious to try such combinations or
28 modifications as explained herein.

1 To the extent any reference identified above does not disclose the claimed “slide tool
2 program for scrolling or paging through the content data or the content applications from the
3 multiple content sources or service providers,” it would have been obvious to a POSITA at the time
4 of the Asserted Patents to implement a slide tool program. Computer systems and architectures that
5 allowed users to migrate through content data using a scrolling-type user interface were well known
6 in the art before the ’658 and ’068 patents, as the Patentee acknowledged. *See* ’658 Patent at 1:66-
7 2:15. Such systems and architectures were also disclosed in or would have been obvious to a
8 POSITA in view of several prior art references, including (but not limited to) Apple Cover Flow,
9 Microsoft Windows Live Mobile, and Justin.tv, and would yield predictable results. It therefore
10 would have been obvious to try such combinations or modifications as explained herein for an
11 efficient means of viewing and selecting content.

12 To the extent any reference identified above does not disclose that “the master server
13 collects analytics based which tool features are enabled to target specific products, services or
14 information to the user” (Claim 1), that “the master server collects and stores history analytics based
15 content data and content applications viewed by the user” (Claim 5), “searching analytics based
16 which tool features are enabled to target specific products, services or information to the user”
17 (Claim 12), or “storing the analytics in the memory of the cloud-based master server” (Claim 18),
18 it would have been obvious to a POSITA at the time of the Asserted Patents to collect analytics
19 from a user to provide recommendations and targeted advertising to that user. Collecting analytics
20 based on a user’s interactions with a computer system was known in the art before the ’658 and
21 ’068 patents, and is disclosed in several prior art references, including (but not limited to) Gibbs,
22 which describes a system implemented on video streaming platforms (and gives the example of
23 YouTube), wherein “device usage with respect to viewing, recording, playing back, downloading,
24 and uploading video content directly on a client device are continuously monitored and recorded.”
25 *See* Gibbs at 6:12–22. It would have been obvious to try such a combination or modification in
26 order to establish personalized content and interest to suit the particular needs, such as increased
27 user engagement.

28 To the extent any reference identified above does not disclose the claimed “tools for

1 enabling security features that limits access to one or more of the content sources or service
2 providers based a user log-in belonging to the user,” it would have been obvious to a POSITA at
3 the time of the Asserted Patents to implement basic security features, such as limiting access to
4 content based on a user’s log-in information, which was well-known in the art and is disclosed in
5 several prior art references, including (but not limited to) Hruska. A POSITA would have
6 understood the benefits of limiting access to secure content from Hruska, for example, with
7 information and content aggregation systems like Windows Live Mobile or Anderson, which deal
8 with sensitive and personal content (*e.g.* email or messaging). Combining such systems was a
9 known technique at the time of the Asserted Patents, either based on the knowledge of a POSITA
10 or in view of prior-art disclosure (*e.g.*, Hruska) and would yield a predictable result. It would have
11 also been obvious to substitute different methods for limiting access, such as based on user ID, IP
12 address, email address, etc., with each other.

13 To the extent any reference identified above does not disclose the claimed “purchase tool
14 that allows the user to purchase goods or services from the multiple content sources or service
15 providers from master web-page,” it would have been obvious to a POSITA at the time of the
16 Asserted Patents (at least under Plaintiff’s apparent interpretation of the limitation) to include a
17 mechanism that allows a user to purchase goods and services from the content sources, which was
18 known in the art at the time and is disclosed in several prior art references (including, but not limited
19 to, Hruska, Darnell, and Dasgupta). A POSITA would have understood the benefits of including a
20 mechanism that allows purchasing goods and services from Hruska and/or Dasgupta with
21 information and content aggregation systems like Windows Live Mobile or Anderson.

22 1. Motivation to Combine Justin.tv and Gibbs

23 A POSITA would have been motivated to combine Justin.tv with U.S. Patent No. 8,789,108
24 (“Gibbs”). Both Justin.tv and Gibbs exist in the same field: video streaming over the internet. Gibbs
25 describes a personalized video system that automatically monitors user device usage to generate
26 content ratings and provide personalized video content and advertisements. *See, e.g.*, Gibbs at 2:63-
27 3:3; 3:20-33. Like the examples given in Gibbs (*e.g.*, YouTube, StumbleVideo, AOL Video),
28 Justin.tv was a website-based live video streaming platform, and a POSITA would have recognized

1 that both relate to the same subject matter. *See* Ex. A-1 at Claim [1.a]. Personalizing content,
2 including the selection of content and advertising, was a known technique at the time of the
3 Asserted Patents, either based on the knowledge of a POSITA or in view of Gibbs, and would yield
4 a predictable result. A POSITA would have understood that combining these technologies would
5 enable Justin.tv to offer a more personalized viewing experience by leveraging Gibb’s content
6 rating and recommendation system.

7 Further, Gibbs was directed to solving a problem faced by Justin.tv: faced with an
8 overwhelming number of choices, what is the best way to get content that a user actually wants to
9 watch to the user? *See id.* at 1:45–2:50. The server in Gibbs “selects the appropriate video content
10 and/or advertisements based at least in part on the content information of the individual pieces of
11 video as well as video content ratings and device user profiles previously received from the
12 requesting client device.” *Id.* at 7:9–26. A POSITA would have expected and predicted a successful
13 combination of Justin.tv and Gibbs.

14 A POSITA, informed by industry trends a market demands, would similarly have
15 recognized the benefit of combining Justin.tv and Gibbs. Given the success of personalized
16 recommendation systems in other video platforms (including YouTube, an example given in
17 Gibbs), it would be obvious to try integrating such a system into Justin.tv. The Gibbs patent
18 provides a clear and logical method for generating personalized content recommendations based
19 on user interactions. Implementing this system in a live streaming context would be a natural
20 extension of its application, driven by the expectation of improved user experience and
21 engagement.

22 2. Motivation to Windows Live Mobile and Hruska

23 A POSITA would have been motivated to combine Windows Live Mobile with U.S. Patent
24 App. Pub. 2008/0178112 (“Hruska”). Both Windows Live Mobile and Hruska address user
25 interface challenges on mobile devices, and their combination would result in a more intuitive and
26 efficient user experience. Each of Windows Live Mobile and Hruska employs a different technique
27 to addressing the same challenge: how to convey information in a limited screen footprint of a
28 mobile device. Windows Live Mobile employs a wheel-based UI that organizes data tiles in a stack

1 of wheels, allowing users to navigate through data efficiently using up/down and left/right
2 commands. *See* Ex. A-2 at Claim [1.c]. Hruska focuses on rendering multiple graphical user
3 interfaces (GUIs) on a display screen, enabling users to switch between different functionalities
4 while maintaining access to various options. Hruska, ¶[0004]. A POSITA would have recognized
5 the benefits of utilizing either Windows Live Mobile or Hruska to solve a common problem, and
6 would have similarly recognized the benefits of implementing features of one with the other in a
7 combined, predicable system. The predictability and complementary nature of these solutions make
8 their combination an obvious choice for a POSITA seeking to enhance the user experience on
9 mobile devices.

10 3. **Motivation to Windows Live Mobile and Darnell**

11 A POSITA would have been motivated to combine Windows Live Mobile and U.S. Patent
12 App. Pub. 2008/0086484 (“Darnell”). Both Windows Live Mobile and Darnell address user
13 interfaces for managing and displaying content on electronic devices. Windows Live Mobile and
14 Darnell are directed to the same problem: efficiently managing and displaying large amounts of
15 data on electronic devices, and Windows Live Mobile and Darnell each approach the problem in
16 different, yet complimentary, ways. Windows Live Mobile employs a wheel-based UI that
17 organizes data tiles in a stack of wheels, allowing users to navigate through data efficiently using
18 up/down and left/right commands. *See* Ex. A-2 at Claim [1.c]. Darnell describes a server system
19 that aggregates content feeds from disparate sources and presents them in an ordered list, allowing
20 users to view both current and historical content items. *See* Darnell at Abstract.

21 Given the complementary nature of Windows Live Mobile and Darnell, it would be obvious
22 to a POSITA to combine them, and doing so would have yielded predictable results. Windows Live
23 Mobile’s wheel-based navigation system is designed to handle various types of data tiles, which
24 can easily include the content items aggregated by Darnell’s system. *See* Ex. A-2 at Claim [1.c];
25 Darnell, ¶[0011]. A POSITA would have recognized that Windows Live Mobile’s wheel-based
26 navigation could enhance the usability of Darnell’s aggregated content, making it easier for users
27 to access and manage their data. *See* Ex. A-2 at Claim [1.c]; Darnell, ¶[0013].

4. Motivation to Windows Live Mobile and Dasgupta

A POSITA would have been motivated to combine Windows Live Mobile and U.S. Patent No. 8,640,052 (“Dasgupta”). Both address user interface challenges, but they do so in distinct yet complementary ways. Windows Live Mobile employs a wheel-based UI that organizes data tiles in a stack of wheels, allowing users to navigate through data efficiently using up/down and left/right commands. *See* Ex. A-2 at Claim [1.c]. Dasgupta focuses on enhancing media content access systems by integrating advertisements within graphical user interfaces that display channel guides, aiming to improve user experience and interaction with media content. *See* Dasgupta at 1:7-29, 1:64-2:16. Dasgupta similarly contemplates implementing its disclosed system on a mobile device. *See* Dasgupta at 11:21-36.

A problem addressed by both patents address is the difficulty of navigating through and accessing large amounts of data—particularly those from disparate sources—on a single screen. Windows Live Mobile’s solution is to use a wheel-based UI, which organizes data tiles in a way that minimizes the need for vertical scrolling. *See* Ex. A-2 at Claim [1.c]. Dasgupta’s solution is to integrate advertisements and other content within channel guides. *See* Dasgupta at 1:64-2:16. A POSITA would have recognized that combining these solutions provides a more comprehensive approach to the problem.

5. Motivation to Cover Flow and Gibbs

A POSITA would have been motivated to combine Apple’s Cover Flow with Gibbs. Both Cover Flow and Gibbs exist in the field of media aggregation and presentation. Apple’s Cover Flow is a multi-implementation media player (and non-media player) user interface, and was used across Apple services, including iTunes, Front Row, File Explorer, iOS, and MacOS. *See* Ex. [A-3] at Claim [1.c]. Gibbs describes a personalized video system that automatically monitors user device usage to generate content ratings and provide personalized video content and advertisements. *See, e.g.,* Gibbs at 2:63-3:3; 3:20-33. Personalizing content, including the selection of media content, was a known technique at the time of the Asserted Patents, either based on the knowledge of a POSITA or in view of Gibbs, and would yield a predictable result. In fact, Apple iTunes—which implemented was a cited non-patent refence of the face of Gibbs. *Id.* at 2. A POSITA would have

1 understood that combining these technologies would enable Cover Flow to offer a more
2 personalized experience by leveraging Gibb's content rating and recommendation system.

3 A POSITA, informed by industry trends a market demands, would similarly have
4 recognized the benefit of combining Cover Flow and Gibbs. Given the success of personalized
5 recommendation systems in other media platforms (including YouTube, an example given in
6 Gibbs), it would have been obvious to implement a recommendation-based system with Cover
7 Flow. The Gibbs patent provides a clear and logical method for generating personalized content
8 recommendations based on user interactions. Implementing this system in a live streaming context
9 would be a natural extension of its application, driven by the expectation of improved user
10 experience and engagement.

11 **6. Motivation to Anderson and Hruska**

12 A POSITA would have been motivated to combine U.S. Patent App. Pub. 2008/0059896
13 ("Anderson") with Hruska. Both Anderson and Hruska address user interface challenges on mobile
14 devices, and their combination would result in a more intuitive and efficient user experience. Each
15 of Anderson and Hruska employs a different technique to addressing the same challenge: how to
16 convey information in a limited screen footprint of a mobile device. Anderson employs a wheel-
17 based UI that organizes data tiles in a stack of wheels, allowing users to navigate through data
18 efficiently using up/down and left/right commands. Anderson, ¶[0003]. Hruska focuses on
19 rendering multiple graphical user interfaces (GUIs) on a display screen, enabling users to switch
20 between different functionalities while maintaining access to various options. Hruska, ¶[0004]. A
21 POSITA would have recognized the benefits of utilizing either Anderson or Hruska to solve a
22 common problem, and would have similarly recognized the benefits of implementing features of
23 one with the other in a combined, predicable system. The predictability and complementary nature
24 of these solutions make their combination an obvious choice for a POSITA seeking to enhance the
25 user experience on mobile devices.

26 **7. Motivation to Anderson and Darnell**

27 A POSITA would have been motivated to combine Anderson and Darnell. Both Anderson
28 and Darnell address user interfaces for managing and displaying content on electronic devices.

1 Anderson and Darnell are directed to the same problem: efficiently managing and displaying large
2 amounts of data on electronic devices, and Anderson and Darnell each approach the problem in
3 different, yet complimentary, ways. Anderson employs a wheel-based UI that organizes data tiles
4 in a stack of wheels, allowing users to navigate through data efficiently using up/down and left/right
5 commands. Anderson, ¶[0003]. Darnell describes a server system that aggregates content feeds
6 from disparate sources and presents them in an ordered list, allowing users to view both current and
7 historical content items. *See* Darnell at Abstract.

8 Given the complementary nature of Anderson and Darnell, it would be obvious to a
9 POSITA to combine them, and doing so would have yielded predictable results. Anderson's wheel-
10 based navigation system is designed to handle various types of data tiles, which can easily include
11 the content items aggregated by Darnell's system. *See* Anderson, ¶[0024]; Darnell, ¶[0011]. A
12 POSITA would have recognized that Anderson's wheel-based navigation could enhance the
13 usability of Darnell's aggregated content, making it easier for users to access and manage their data.
14 Anderson, ¶[0026]; Darnell, ¶[0013].

15 **8. Motivation to Anderson and Dasgupta**

16 A POSITA would have been motivated to combine Anderson and Dasgupta. Both address
17 user interface challenges, but they do so in distinct yet complementary ways. Anderson employs a
18 wheel-based UI that organizes data tiles in a stack of wheels, allowing users to navigate through
19 data efficiently using up/down and left/right commands. Anderson, ¶[0003]. Dasgupta focuses on
20 enhancing media content access systems by integrating advertisements within graphical user
21 interfaces that display channel guides, aiming to improve user experience and interaction with
22 media content. *See* Dasgupta at 1:7-29, 1:64-2:16. Dasgupta similarly contemplates implementing
23 its disclosed system on a mobile device. *See* Dasgupta at 11:21-36.

24 A problem addressed by both patents address is the difficulty of navigating through and
25 accessing large amounts of data—particularly those from disparate sources—on a single screen.
26 Anderson's solution is to use a wheel-based UI, which organizes data tiles in a way that minimizes
27 the need for vertical scrolling. *See* Anderson, ¶[0024]. Dasgupta's solution is to integrate
28 advertisements and other content within channel guides. *See* Dasgupta at 1:64-2:16. A POSITA

1 would have recognized that combining these solutions provides a more comprehensive approach to
2 the problem.

3 **9. Motivation to Fuller, Gibbs, and Cover Flow**

4 A POSITA would have been motivated to combine U.S. Patent No. 6,711,622 (“Fuller”)
5 with Gibbs. Both Fuller and Gibbs exist in the field of media aggregation and transmission to a user
6 over the internet. Fuller describes a system for providing streaming audio and video data to multiple
7 users from multiple sources without requiring additional software installations, leveraging a server-
8 client architecture where clients can access streaming content through their browsers. Fuller at
9 Abstract. Gibbs describes a personalized video system that automatically monitors user device
10 usage to generate content ratings and provide personalized video content and advertisements. *See,*
11 *e.g.*, Gibbs at 2:63-3:3; 3:20-33. Personalizing content, including the selection of media content,
12 was a known technique at the time of the Asserted Patents, either based on the knowledge of a
13 POSITA or in view of Gibbs, and would yield a predictable result. A POSITA would have
14 understood that combining these technologies would enable Fuller to offer a more personalized
15 experience by leveraging Gibb’s content rating and recommendation system.

16 A POSITA would have similarly predicted success in combining these two technologies.
17 Fuller’s method of streaming audio and video data using standard browser capabilities was a well-
18 established technique in the industry. Gibbs’s approach to personalizing content based on user data
19 was a proven method for increasing user engagement. Industry trends showed a clear movement
20 towards integrating personalized content delivery with efficient streaming technologies to meet
21 user expectations and market demands. A POSITA would find it obvious to try combining these
22 methods, as the nature of the problem—delivering personalized, high-quality streaming content—
23 naturally leads to the integration of these complementary technologies. The combination would
24 predictably result in a system that leverages the strengths of both patents to provide a superior user
25 experience.

26 A POSITA would also have been motivated to combine Fuller and Cover Flow. Both exist
27 in the similar space of media content aggregation and presentation to a user. Fuller does not mandate
28 a specific user interface, leaving presentation up to the implementor. A POSITA looking for a user

1 interface to use with the Fuller system would have been motivated to use Cover Flow, which by
2 the time of the priority date was a popular and well-known means of media presentation as
3 popularized by Apple in iTunes, Front Row, and other related technologies. A POSITA would have
4 expected success from such a system.

5 **10. Additional Motivations to Combine**

6 Additional specific motivations to combine are described in Exs. A1–A8 and B1–B8.

7 * * *

8 At most, the claimed invention of the Asserted Patents is nothing more than the obvious
9 combination of familiar elements, yielding entirely predictable results. If and to the extent Plaintiff
10 challenges the correspondence of any of the prior art references to particular elements of the
11 respective Asserted Claims, Defendant reserves the right to supplement these contentions to
12 identify in response to Plaintiff’s challenge. Moreover, Defendant may rely upon a subset of
13 combined references, depending upon the Court’s claim construction and upon further
14 investigation.

15 **IV. CLAIM CHARTS WITH SPECIFIC REFERENCES TO THE PRIOR ART**

16 **A. The ’658 Patent**

17 Defendant attaches its claim charts for the ’658 patent as Exhibits A1–A8.

18 The claim charts identify the prior art that anticipates and/or, alone or in combination with
19 other identified prior art, renders obvious the asserted claims and where in each element of the
20 Asserted Claims is found in the prior art. In instances where Defendant cites to a particular figure
21 in a prior art reference, the citation should be understood to encompass the caption and description
22 of the figure, as well as any text relating to the figure. Similarly, where a cited portion of text refers
23 to a figure, the citation should be understood to include that figure as well. Defendant contends that
24 each identified prior art reference alone or in combination with other identified prior art references
25 or a group of identified prior art references render the asserted claims obvious. Without prejudice
26 to Defendant’s right to cite additional combinations of prior art, Exhibits A1–A8 demonstrate that
27 the asserted claims of the ’658 patent are invalid in view of the following:

- 28
 - Justin.tv, alone or in combination with Gibbs and/or the knowledge of a POSITA;

- Microsoft Windows Live Mobile UI, alone or in combination with Hruska, Darnell, Dasgupta and/or the knowledge of a POSITA;
- Apple Cover Flow UI, alone or in combination with Hruska, Darnell, Dasgupta and/or the knowledge of a POSITA.
- Anderson, alone or in combination with Hruska, Darnell, Dasgupta and/or the knowledge of a POSITA;
- Darnell, alone or in combination with Kim, Dasgupta, and/or the knowledge of a POSITA;
- Kim, alone or in combination with Darnell and/or the knowledge of a POSITA;
- Dasgupta, alone or in combination with Darnell, and/or the knowledge of a POSITA; and/or
- Fuller, in combination with Gibbs, Apple Cover Flow UI and/or the knowledge of a POSITA.

To the extent that any prior art reference disclosed in these contentions is not cited in the attached claim chart, Defendant also reserves the right to rely on the disclosed reference, either alone or in combination with one or more of the other references disclosed herein.

B. The '068 Patent

Defendant attaches its claim charts for the '068 patent as Exhibits B1–B8.

The claim charts identify the prior art that anticipates and/or, alone or in combination with other identified prior art, renders obvious the Asserted Claim and where each element of the Asserted Claim is found in the prior art. In instances where Defendant cites to a particular figure in a prior art reference, the citation should be understood to encompass the caption and description of the figure, as well as any text relating to the figure. Similarly, where a cited portion of text refers to a figure, the citation should be understood to include that figure as well. Defendant contends that each identified prior art reference alone or in combination with other identified prior art references or a group of identified prior art references render the Asserted Claim obvious. Without prejudice to Defendant's right to cite additional combinations of prior art, Exhibits B1–B8 demonstrate that the Asserted Claim of the '068 patent is invalid in view of the following:

- Justin.tv, alone or in combination with Gibbs and/or the knowledge of a POSITA;
- Microsoft Windows Live Mobile UI, alone or in combination with Hruska, Darnell, Dasgupta and/or the knowledge of a POSITA;
- Apple Cover Flow UI, alone or in combination with Hruska, Darnell, Dasgupta and/or the knowledge of a POSITA.
- Anderson, alone or in combination with Hruska, Darnell, Dasgupta and/or the knowledge of a POSITA;
- Darnell, alone or in combination with Kim, Dasgupta, and/or the knowledge of a POSITA;
- Kim, alone or in combination with Darnell and/or the knowledge of a POSITA;
- Dasgupta, alone or in combination with Darnell and/or the knowledge of a POSITA; and/or
- Fuller, in combination with Gibbs, Apple Cover Flow UI, and/or the knowledge of a POSITA.

To the extent that any prior art reference disclosed in these contentions is not cited in the attached claim chart, Defendant also reserves the right to rely on the disclosed references, either alone or in combination with one or more of the other references disclosed herein.

V. GROUNDS FOR INVALIDITY

Below are the grounds on which the claims of the asserted patents are invalid for failure to meet the requirements of 35 U.S.C. § 101 and 35 U.S.C. § 112 ¶ 1.

A. 35 U.S.C. § 101 – Patent Ineligibility

Under 35 U.S.C. § 101, “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of [Title 35].” “This provision, however, contains longstanding judicial exceptions, which provide that laws of nature, natural phenomena, and abstract ideas are not eligible for patenting.” *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 765 (Fed. Cir. 2019). To determine if claims are patent eligible, the first step is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts.”

1 *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 217 (2014). If so, the second step is to “search for an
2 ‘inventive concept’—*i.e.*, an element or combination of elements that is sufficient to ensure that
3 the patent in practice amounts to significantly more than a patent upon the ineligible concept itself.”
4 *Id.* at 217-18 (internal quotation marks omitted).

5 Here, the Asserted Claims of the '068 and '658 patents are ineligible under § 101 because
6 they (a) are directed to the abstract idea of organizing and displaying information and (b) add only
7 non-inventive elements (such as generic servers and software applications) to that abstract idea.

8 **1. The Asserted Claims Are Directed to the Abstract Idea of Organizing**
9 **and Displaying Information**

10 The claims asserted here are directed to precisely what the Federal Circuit has held to be an
11 abstract idea. *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (“merely
12 presenting the results of abstract processes of collecting and analyzing information, without more
13 (such as identifying a particular tool for presentation)”). They rely on existing content data from
14 different sources and outline a system or method to organize it and display it on remote client
15 devices. The asserted claims do not disclose any efficiency benefits to the computer itself, such as
16 improved memory availability or operating speed. The claims thus fit squarely within the “line of
17 precedent that ... classifies data collection, organization, and analysis as abstract—even where that
18 produces new data—in the absence of a claimed technological improvement.” *Brightedge Techs.,*
19 *Inc. v. Searchmetrics, GmbH*, 304 F. Supp. 3d 859, 867 (N.D. Cal. 2018); *see also Intellectual*
20 *Ventures I*, 850 F.3d at 1326–27 (finding method claims reciting an index-searchable database
21 abstract); *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1348 (Fed.
22 Cir. 2016) (holding “that filtering content [on the Internet] is an abstract idea because it is a
23 longstanding, well-known method of organizing human behavior, similar to concepts previously
24 found to be abstract.”); *Software Rights Archive, LLC v. Facebook, Inc.*, 485 F. Supp. 3d 1096,
25 1105 (N.D. Cal. 2020) (claims reciting collection, analysis and display of information on
26 conventional computers directed to abstract idea); *Trading Techs. Int'l, Inc. v. IBG LLC*, 921 F.3d
27 1084, 1092–93 (Fed. Cir. 2019) (claims related to a graphical user interface for electronic trading
28 patent ineligible because “merely displaying data by conventional methods as part of a series of

1 abstract steps is itself an abstract concept”).

2 For example, claim 1 of the ’658 patent and claim 1 of the ’068 patent recite a conventional
3 cloud computing system that includes a “master server” and “software” to display content. ’658
4 patent at cl. 1; ’068 patent at cl. 1. Their common specification admits that cloud computing,
5 including “cloud-based computing systems and architecture [that] include a master server that
6 . . . [s]treams content data,” was conventional at the time of the ’068 and ’658 patents. *See, e.g.,*
7 ’658 patent at 1:47-53; ’068 patent at 1:55-61. The only claimed improvement over conventional
8 systems is the ability to access content “from multiple sources through a single user interface.” ’658
9 patent at 1:61-62; ’068 patent at 1:66-2:3. But this does not make the claims any less abstract. *See,*
10 *e.g., Google LLC v. Sonos, Inc.*, 498 F.Supp.3d 1138, 1151-1153 (N.D. Cal. 2020) (claims reciting
11 method for searching aggregated content directed to an abstract idea).

12 Claims 7 and 12 of the ’658 patent—the only other asserted independent claims—fare no
13 better. In addition to the requirements of claim 1 of the ’658 patent, these claims require that the
14 system simultaneously collect and/or search user analytics to target specific products, services, or
15 information to the user. But these requirements do not make the claims any less abstract because
16 processing, analyzing and displaying data using conventional computing equipment is not patent
17 eligible. *See, e.g., Semantic Search Techs. LLC v. Aldo U.S., Inc.*, 425 F. Supp. 3d 758, 776-778
18 (E.D. Tex. 2019) (claims directed to searching for and retrieving information based on user
19 feedback patent ineligible). Method claim 12 of the ’658 patent includes the additional requirement
20 that the user be able to purchase the targeted products, services, or information. But this simply
21 recites a conventional use of generic computing technology at the time of the ’658 patent. *See, e.g.,*
22 *Intellectual Ventures I LLC v. Manufacturers and Traders Trust Co.*, 76 F. Supp. 3d 536, 551 (D.
23 Del. 2014) (finding claims directed to “online purchases” patent ineligible).

24 The asserted dependent claims of the ’658 patent fare no better. Claims 4 and 13 merely
25 require “security features” but provide no indication of what those security features are or how they
26 operate. *See, e.g., Samsung Elecs. Co. Ltd. v. Blaze Mobile, Inc.*, 673 F.Supp.3d 1066, 1081-82
27 (N.D. Cal. 2023) (claims directed to abstract idea of “providing security for transactions on mobile
28 devices” where claims recite transmission of login information from a device to a server to

1 authenticate a transaction).

2 Likewise, claims 5, 8, and 9 of the '658 patent recite the collection and storing of user
3 analytics. Here again, the claims do not describe any improvements to generic computing
4 technology, or *what* analytics to collect or *how* they are collected. As such, they are directed to the
5 same abstract idea of organizing and displaying content. *See, e.g., PUREPREDICTIVE, Inc. v.*
6 *H2O.AI, Inc.*, 2017 WL 3721480 at *4-5 (N.D. Cal. Aug. 29, 2017) (claims directed to the collection
7 and use of user analytics on conventional computing systems directed to an abstract idea).

8 Claim 6 of the '658 patent adds the requirement that the system include a “purchasing tool”
9 (like claim 12, discussed above), but provides no improvements to existing technology because it
10 does not explain how that tool works or how it differs from conventional tools in existence at the
11 time of the claimed invention. *VOIT Techs, LLC v. Del-Ton, Inc.*, 757 App'x. 1000, 1003 (Fed. Cir.
12 2019) (claims directed to an “online shopping portal” directed to abstract idea).

13 Likewise, claims 10 and 15 of the '658 patent merely require that the user interface in the
14 computer system of claims 7 and 12 be an “icon-based master web page.” But neither the claim
15 nor the specification provides any detail on how this differs from conventional web pages at the
16 time, let alone *how* to implement it.

17 As such, the Asserted Claims of the '658 and '068 patents fall within the line of cases
18 finding claims that are directed at the collection, processing, analysis, and display of data using
19 conventional computing components ineligible under Section 101. For example, in *Electric Power*,
20 the Federal Circuit found that the claims were directed to compiling information from disparate
21 sources (“receiving a plurality of data streams ... , receiving data from other power system data
22 sources”), analyzing the data in real time (“detecting and analyzing events in real-time from the
23 plurality of data streams”), displaying results of the analysis (“displaying the event analysis results
24 and diagnoses of events ... , displaying concurrent visualization of measurements”), and “deriving
25 a composite indicator of reliability” based on the compiled and analyzed information. *Electric*
26 *Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016). Like the ineligible claims in
27 *Electric Power*, the asserted claims of the '658 and '068 patent merely “present[] the results of
28 abstract processes of collecting and analyzing information, without more.” *Electric Power* at 1354.

1 *See also, Uniloc 2017 v. Netflix, Inc.*, 2019 WL 3291581, at *16 (patent claims directed to
2 “presenting a collection of presentations via a common webpage” directed to abstract idea and
3 analogous to claims in *Electric Power*).

4 **a. The Claims Recite Results-Oriented Functional Language**

5 The Asserted Claims recite highly generic terms, focusing on an “abstract end result” rather
6 than a “specific means or method for improving technology.” *RecogniCorp, LLC v. Nintendo Co.*,
7 855 F.3d 1322, 1326 (Fed. Cir. 2017) (cleaned up). Computer-based claims must “describe how to
8 solve the problem [it addresses] in a manner that encompasses something more than the principle
9 in the abstract” to claim eligible subject matter at step one. *Dropbox, Inc. v. Synchronoss Techs.,*
10 *Inc.*, 815 Fed. Appx. 529, 533 (Fed. Cir. 2020) (internal quotation omitted); *see also Affinity Labs,*
11 838 F.3d at 1258 (holding an invention abstract at step one where there was “nothing in [the patent]
12 that is directed to how to implement” the claimed idea).

13 The asserted independent claims do not meet this standard. The crux of the claimed
14 inventions are the operation of the “master application stored in the memory of the master server”
15 (’658 patent claims 1, 7; ’068 patent claim 1) which “includes software coded for organizing
16 content data” and a “remote tool box feature” that “[a]llows the user to write code, select code or
17 delete code to enable the content data . . . [to be] received.”

18 As noted above, the purportedly novel aspect of the claimed invention is the ability to
19 display content from various sources through a single user interface in real time. *See, e.g.*, ’658
20 patent at 1:53-62. ’068 patent at 1:61-2. “But even if the claims achieved this purported solution,
21 they only use[] generic functional language to do so and require nothing other than conventional
22 computer and network components operating according to their ordinary functions.” *Hawk Tech.*
23 *Sys. LLC v. Castle Retail, LLC*, 60 F.4th 1349, 1358-59 (Fed Cir. 2023) (claims directed to “storing
24 and displaying video” found ineligible because they were directed to receiving and storing digital
25 video “using result-based functional language”). Nothing in the asserted claims disclose how this
26 purportedly novel outcome is achieved. “Given the absence of any limitations in the asserted claims
27 that specify, in light of the specification, how to generate the functions described in the claims . . .
28 the asserted claims are directed to an abstract concept rather than a technical improvement.”

1 *Aftechmobile Inc. v. Salesforce.com, Inc.*, No. 19-CV-05903-JST, 2020 WL 6129139, at *6 (N.D.
2 Cal. Sept. 2, 2020), *aff'd*, 853 F. App'x 669 (Fed. Cir. 2021) (claims “indicating that the claimed
3 system or method must contain certain components that perform certain functions, but it does not
4 teach how such functions can be achieve” directed to an abstract idea.). *See also Apple, Inc. v.*
5 *Ameranth, Inc.*, 842 F.3d 1229, 1240-41 (Fed. Cir. 2016) (claims directed to an abstract idea where
6 they “claim systems including menus with particular features” and “do not claim a particular way
7 of programming or designing the software to create menus that have these features, but instead
8 merely claim the resulting systems”); *Interval Licensing LLC v. AOL, Inc.*, 896 F.3d 1335, 1345
9 (Fed. Cir. 2018) (claim is directed to an abstract concept because it “simply demands the production
10 of a desired result ... without any limitation on how to produce that result”); *Affinity Labs I*, 838
11 F.3d at 1269 (Fed. Cir. 2016) (“the claims do no more than describe a desired function or outcome,
12 without providing any limiting detail that confines the claim to a particular solution to an identified
13 problem. The purely functional nature of the claim confirms that it is directed to an abstract idea,
14 not to a concrete embodiment of that idea.”).

15 For example, claim 12 of the '658 patent added requirements of “simultaneously searching
16 analytics... to target specific products, services, or information” and “purchasing” those targeting
17 products, but services or information do not make the claim any less abstract. Neither the claim nor
18 the patent provides any information on *how* analytics are used (or even what analytics are collected
19 or how they are collected) to target specific products services or information. Nor does the claim
20 explain *how* a user can purchase such products, services, or information from various content
21 providers through a single master web-page. *See also* '658 patent claims 5, 6, 8, 9. *Aftechmobile*,
22 2020 WL 6129139, at *6 (claims providing no details explaining how to implement claimed
23 software functions directed to abstract idea).

24 The same is true for the asserted dependent claims. For example, claims 4 and 13 of the
25 '658 patent require “security features,” but the patent provides no indication of what those security
26 features are, or how they operate. Claims 5, 8, and 9 recite the collection and storing of user
27 analytics but, as noted above with respect to claim 12, do not specify *what* analytics to collect or
28 *how* they are collected. Similarly, claim 6 of the '658 patent adds the requirement that the system

1 include a “purchasing tool,” but does not explain how it works. Likewise, claims 10 and 15 merely
2 require that the user interface in the computer system of claims 7 and 12 be an “icon-based master
3 web page.” Again, neither the claims nor the specification provide any detail on how this differs
4 from conventional web pages at the time, let alone how to implement it.

5 The claims at issue here are thus directed to the abstract idea of organizing and displaying
6 data using generic computing components in a conventional manner.

7 **b. The Asserted Claims are Unlike Claims Found Eligible at Step**
8 **One**

9 The asserted claims are nothing like the type of “specific improvement[s] to the way
10 computers operate” or network functionality that the Federal Circuit has found eligible at *Alice* step
11 one. For example, in *Ancora*, the Federal Circuit held that the claim at issue recited “an
12 improvement in computer functionality that has the specificity required to transform a claim from
13 one claiming only a result to one claiming a way of achieving it.” *Ancora Techs, Inc. v. HTC*
14 *America, Inc.*, 908 F.3d 1343, 1346, 1350 (Fed. Cir. 2020) (finding eligible a claim reciting a
15 specific software method executed on a specific type of hardware that requires use of an agent to
16 set up a verification structure). By contrast, here, the claims provide no specific type of structure
17 or programming—or any specific technological improvement—to organize or display data. Instead,
18 they merely rely on an unspecified “software tool” and “remote tool box” to perform certain
19 purportedly inventive aspects of the claims on a generic server, without disclosing how that
20 outcome is achieved. *See generally* ’068 patent cl. 1; ’658 patent cls. 1, 4-10, 12, 13, 15, 18. They
21 are nothing more than “benefits that flow from performing an abstract idea in conjunction with a
22 well-known” cloud-based architecture. *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1288
23 (Fed. Cir. 2018). *See also Trading Techs. Int’l, Inc. v. IBG LLC*, 921 F.3d 1084, 1092–93 (Fed.
24 Cir. 2019) (“[M]erely displaying data by conventional methods as part of a series of abstract steps
25 is itself an abstract concept.”)

26 Thus, at *Alice* step one, the asserted claims are directed to the abstract idea of organizing
27 and displaying content.

2. The Asserted Claims Add Nothing Inventive

At *Alice* step two, the Court must determine whether the claims add something “significant” “apart from” the abstract idea—an inventive concept that “transform[s] the abstract idea . . . into a patent-eligible application.” *Chamberlain Grp. v. Techtronic Indus. Co.*, 935 F.3d 1341, 1348-49 (Fed. Cir. 2019); see *ChargePoint*, 920 F.3d at 774 (must add “significantly more” than the “use of [the abstract idea] itself”). RazDog’s asserted claims do not.

RazDog’s claims recite only generic computing components (servers), software (“software coded to...” and a “remote tool box” or “tool box feature”) and generic computing functions (processing and displaying content). See, e.g., ’068 patent cl. 1; ’658 patent cls. 1, 4-10, 12, 13, 15, 18. The claimed functions are the same “basic functions of a computer” and “purely functional and generic” computer and network components that courts have found merely automate the abstract idea in a “particular technological environment” (i.e. cloud-based systems), which is insufficient to add an inventive concept. *Alice*, 573 U.S. at 225-26; *Aflechmobile*, 2020 WL 6129139, at *3-5, *8-9 (compiling in user interface multiple software components from network is non-inventive); *Two-Way Media*, 874 F.3d at 1339 (multiple network components and protocols for sending and receiving packetized data are non-inventive); *Personal Web Techs. LLC v. Google LLC*, 8 F.4th 1310, 1319 (Fed. Cir. 2021) (“merely adding computer functionality to increase the speed or efficiency of the process” or “mak[ing] more efficient traditional ... methods is non-inventive”) (cleaned up); *Intell. Ventures I LLC v. Cap. One Bank (USA)*, 792 F.3d 1363, 1369-70 (Fed. Cir. 2015) (“merely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea” at step two).

Even when viewed “as an ordered combination,” the claims “ad[d] nothing ... that is not already present when the steps are considered separately.” *Alice*, 573 U.S. at 225 (cleaned up). The claims’ arrangement is like those in *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016), which likewise did not “require any nonconventional computer, network, or display components” and had no “non-generic arrangement.” And like the claims here, those in *Electric Power* “merely call[ed] for performance of the claimed . . . functions” without explaining “how the desired result is achieved.” *Id.* Similarly, the claims in *British Telecommunications* recited

1 the terms “remote” “data visualization software” that “must allow for selecting and controlling
2 presentation of the data,” and be “downloadable onto a browser” lacked an inventive concept
3 because the claims provided no “inventive programming, and no inventive data monitoring tool”
4 and no “inventive component.” *Brit. Telecomm. PLC v. IAC/InterActiveCorp*, 381 F. Supp. 3d 293,
5 314, 317 (D. Del. 2019). The Court thus found that the claims “fail[ed] to limit the data visualization
6 software tool to a ‘specific, discrete implementation’ featuring a technological improvement.” *Id.*
7 (cleaned up). Likewise here the asserted claims provide no specific or discrete implementation, and
8 instead merely claim functions and results. At bottom, the claims use only functional language
9 without sufficiently describing how to achieve the results, confirming that they add nothing
10 inventive. *Aflechmobile*, 2020 WL 6129139, at *8-9.

11 **B. 35 U.S.C. § 112 ¶ 1 – Enablement**

12 To comply with the enablement requirement of 35 U.S.C. § 112 ¶ 1, the patent specification
13 must teach those skilled in the art how to make and use the full scope of the claimed invention
14 without undue experimentation. *In re Wright*, 999 F.2d 1557, 1561 (Fed. Cir. 1993). Courts
15 consider multiple factors to determine whether experimentation is undue, including: “(1) the
16 quantity of experimentation necessary, (2) the amount of direction or guidance presented, (3) the
17 presence or absence of working examples, (4) the nature of the invention, (5) the state of the prior
18 art, (6) the relative skill of those in the art, (7) the predictability or unpredictability of the art, and
19 (8) the breadth of the claims.” *In re Wands*, 858 F.2d 731, 737 (Fed. Cir. 1988).

20 **1. ’658 Patent**

21 Asserted claims 1, 7, and 12, and all dependent claims therefrom, are invalid for failure to
22 enable the alleged full scope of the alleged invention as required under 35 U.S.C. § 112 ¶ 1.

23 Claim 1 requires that the master application include “software coded for organizing content
24 data and content applications from multiple content sources or service providers pre-selected by
25 the user.” The patent specification, however, does not disclose how content data and content
26 applications are identified for connection to the master application, how the content data and
27 content applications are pre-selected/enabled by the user, or how the master application organizes
28 content data and content applications from multiple sources, nor does it include any code,

1 algorithms, or guidance for determining how to implement this limitation. A POSITA would not
2 understand how to implement the step of organizing and streaming content data from multiple
3 sources simultaneously to a master webpage based on the specification. Neither the claims nor the
4 specification provides guidance on how to reach this aspirational goal. The patent fails to disclose
5 methods for how the software achieves this organization and real-time streaming, and thus the
6 claims are not enabled.

7 Claim 1 requires content data and content applications “streamed to the master server
8 simultaneously in real time from their respective servers on a master webpage.” The specification
9 does not disclose *how* the master server functions to stream, simultaneously in real-time, content
10 data and content applications from multiple content sources or service providers. Notably, the
11 specification contains only two references to the term “stream,” neither of which explains how the
12 claimed real-time simultaneous streaming functions. The specification does not provide detailed
13 descriptions or algorithms that explain the mechanisms or protocols used to ensure that data from
14 various servers is synchronized and displayed in real time on a master webpage. Neither the claims
15 nor the specification provides guidance on how to reach this aspirational goal. Without such
16 information, those skilled in the art would not have sufficient guidance to implement this feature
17 without undue experimentation.

18 Claim 1 requires the content data be “viewable from the remote computer devices through
19 the master server.” The patent specification does not disclose how the master server facilitates the
20 viewing of content data through a master server from remote computer devices. The specification
21 does not provide any information on the protocols, data formats, or software components required
22 to achieve this functionality. Without such details, those skilled in the art would not have sufficient
23 guidance to implement this feature without undue experimentation.

24 Claims 1 and 7 require “a slide tool program for scrolling or paging through the content
25 data or the content applications.” The specification does not disclose how the slide tool program is
26 implemented to enable scrolling or paging through the content data or content applications. The
27 specification lacks any description or technical explanation on the design, coding, and integration
28 of the slide tool program within the master application and its interaction with remote computing

1 devices. There is no information on the algorithms, user interface elements, or software components
2 required to develop and operate the slide tool program effectively. Without such information, those
3 skilled in the art would not have sufficient guidance to implement this feature without undue
4 experimentation. Claim 1 further requires the slide to program to function “simultaneously and
5 through the master server in real time.” The specification, however, fails to describe how one is to
6 implement a slide tool that functions “simultaneously and through a master server in real time.”

7 Claims 1 and 7 require “a remote tool box feature.” The specification does not disclose how
8 the remote “tool box” feature is implemented or functions within the system, or even what a “tool”
9 is beyond a generic statement that it is a “feature.” The specification lacks any descriptions,
10 technical explanations, or references to a “tool box” that allows the user to write, select, or delete
11 code to enable and disable tool features. There is no information on the design, coding, integration,
12 or operation of such a “tool box” within the master application or its interaction with remote
13 computing devices. The specification makes only passing reference to the existence of a “tool box.”
14 The absence of these details means that those skilled in the art would not have sufficient guidance
15 to implement this feature without undue experimentation.

16 Claim 1 requires the master server “collect[] analytics based on which tool features are
17 enabled.” The specification does not disclose what “analytics” are, which “analytics” are collected,
18 or how the master server collects analytics based on the enabled tool features. The specification
19 lacks any descriptions or technical explanations on the mechanisms or processes used by the master
20 server to monitor, record, and analyze the usage of various tool features. There is no information
21 on the data collection methods, algorithms, or software components required to track which tool
22 features are enabled and how this data is processed to generate meaningful analytics. In fact, the
23 specification makes only passing references to “user history analytics,” and no reference at all to
24 “analytics based on which tool features are enabled.” Without such details, those skilled in the art
25 would not have sufficient guidance to implement this feature without undue experimentation.

26 Claims 5, 7, 8, and 9 require the collection, storage, or use of “history analytics.” Claim 8
27 further requires the master server to collect history analytics “based on usage of the remote
28 computer.” The specification does not disclose what “history analytics” are or how they are

1 collected, stored, or used within the patented system. The specification makes only passing
2 reference to “user history analytics,” but it does not provide any detail. The specification further
3 lacks descriptions or technical explanations on the mechanisms or processes used by the master
4 server to monitor, record, and analyze user interactions and content usage over time. There is no
5 information on the data collection methods, algorithms, or software components required to track
6 user activities, compile this data into meaningful analytics, and subsequently use those analytics to
7 influence the content or services provided to the user. Without such details, those skilled in the art
8 would not have sufficient guidance to implement the collection, storage, or use of “history
9 analytics” without undue experimentation.

10 Claim 6 requires a “purchase tool” that “allows the user to purchase goods or service from
11 the multiple content sources or service providers.” The specification does not reference any
12 purchasing tool or function and does not even include the word “purchase” or synonyms thereof.
13 Setting aside this glaring omission, however, there is also no detail regarding how to implement a
14 purchase tool or how to enable users to purchase goods or services from multiple content sources
15 or service providers. The specification lacks any descriptions or technical explanations on the
16 design, coding, and integration of the purchase tool within the master application. There is no
17 information on the algorithms, user interface elements, or software components required to develop
18 and operate the purchase tool effectively. Nor is there any detail on the protocols or processes for
19 handling transactions, ensuring security, or managing interactions with various content sources or
20 service providers. Without such details, those skilled in the art would not have sufficient guidance
21 to implement this feature without undue experimentation.

22 Claim 9 requires the master server use the “history analytics” to “select content data or the
23 content applications based on a user log-in.” The specification does not disclose how the master
24 server utilizes history analytics to select content data or applications tailored to a specific user log-
25 in. The specification lacks descriptions or technical explanations on the mechanisms or processes
26 used by the master server to analyze historical user data and subsequently make content selections.
27 There is no information on the data collection methods, algorithms, or software components
28 required to track user activities, compile this data into actionable information, and use that

1 information to dynamically select and present content data or applications that are relevant to the
2 user based on their log-in. Neither the claims nor the specification provides guidance on how to
3 reach this aspirational goal. Without such details, those skilled in the art would not have sufficient
4 guidance to implement this feature without undue experimentation.

5 Claim 12 requires “searching analytics based [sic] which tool features are enabled to target
6 specific products, services or information to the user.” The specification does not disclose how the
7 master server searches analytics based on which tool features are enabled to target specific
8 products, services, or information to the user. The specification lacks any descriptions or technical
9 explanations on the mechanisms or processes used by the master server to analyze the enabled “tool
10 features” and subsequently use this analysis to target specific content to the user. There is no
11 information on the data collection methods, algorithms, or software components required to track
12 the usage of tool features, compile this data into meaningful analytics, and use these analytics to
13 dynamically target products, services, or information that are relevant to the user. Neither the claims
14 nor the specification provides guidance on how to reach this aspirational goal. Without such details,
15 those skilled in the art would not have sufficient guidance to implement this feature without undue
16 experimentation.

17 Claim 4 requires “enabling security features that limits access” and claim 13 requires
18 “enabling security features” and “selecting personal settings.” The specification does not disclose
19 how these security features are enabled to limit access to specific content sources or service
20 providers, nor does it explain how personal settings are selected and managed. The specification
21 lacks any descriptions or technical explanations on the design, coding, and integration of security
22 tools within the master application. There is no information on the algorithms, protocols, or
23 software components required to enable and manage these security features effectively. Nor does
24 the specification provide any details on the mechanisms or processes for selecting and customizing
25 personal settings, such as user preferences or account configurations. Without such details, those
26 skilled in the art would not have sufficient guidance to implement these features without undue
27 experimentation.

2. '068 Patent

Claim 1 of the '068 patent is invalid for failure to enable the alleged full scope of the alleged invention as required under 35 U.S.C. § 112 ¶ 1. Claim 1 of the '068 patent includes each claim limitation of Claim 1 of the '658 patent discussed above, and the '068 patent and the '658 patent share a specification. The limitations “software coded for organizing content data and content applications from multiple content sources or service providers pre-selected by the user”; “streamed to the master server simultaneously in real time from their respective servers on a master webpage”; “viewable from the remote computer devices through the master server”; “a slide tool program for scrolling or paging through the content data or the content applications”; “simultaneously and through the master server in real time”; “a remote tool box feature”; “tool features”; and “collect[ing] analytics based on which tool features are enabled” are not enabled for the same reasons discussed above for the '658 patent.

C. 35 U.S.C. § 112 ¶ 1 – Written Description

To comply with the written description requirement of 35 U.S.C. § 112 ¶ 1, the patent specification must describe an invention in sufficient detail that one skilled in the art can clearly recognize that the inventor invented the claimed invention. *Regents of the Univ. of Cal. v. Eli Lilly & Co.*, 119 F.3d 1559, 1566 (Fed. Cir. 1997). Further, to satisfy the written description requirement, the disclosure of the patent must “convey with reasonable clarity to those skilled in the art that, as of the filing date sought, [the inventor] was in possession of the invention.” *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991). “An applicant demonstrates that he was in possession of the invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the invention.” *Lockwood v. Am. Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997). “[T]he written description inquiry looks to the four corners of the specification to discern the extent to which the inventor(s) had possession of the invention as broadly claimed. The knowledge of ordinary artisans may be used to inform what is actually in the specification, but not to teach limitations that are not in the specification, even if those limitations would be rendered obvious by the disclosure in the specification.” *Rivera v. Int’l Trade Comm’n*, 857 F.3d 1315, 1322-23 (Fed. Cir. 2017) (citations

omitted). In other words, even if something reflects an obvious variation of the invention disclosed in the specification, the claims are invalid for lack of written description.

1. '658 Patent

The Asserted Claims of the '658 patent are invalid for failure to provide a written description of the alleged inventions as required by 35 U.S.C. § 112 ¶ 1.

Claim 1 requires that the master application include “software coded for organizing content data and content applications from multiple content sources or service providers pre-selected by the user.” The patent specification, however, does not describe how content data and content applications are identified for connection to the master application, how the content data and content applications are pre-selected/enabled by the user, or how the master application organizes content data and content applications from multiple sources. It lacks any code, algorithms, or detailed guidance that would demonstrate the inventor’s possession of the claimed invention. The specification also fails to provide descriptive means such as words, structures, figures, diagrams, or formulas that fully set forth the invention. Consequently, the claims lack written description support, as the patent does not adequately describe how the software achieves this organization such that it conveys with reasonable clarity possession of this limitation or the alleged invention more generally.

Claim 1 requires content data and content applications “streamed to the master server simultaneously in real time from their respective servers on a master webpage.” The patent specification, however, does not describe how the master server streams content data or content applications, let alone stream such content “simultaneously in real-time” from multiple content sources or service providers. The specification contains only two references to the term “stream,” neither of which explains how such real-time simultaneous streaming is to function. It lacks detailed descriptions or algorithms that would demonstrate the inventor’s possession of the claimed invention. The specification also fails to provide descriptive means such as words, structures, figures, diagrams, or formulas that fully set forth the invention. Consequently, the claims lack written description support, as the patent does not adequately describe the mechanisms or protocols used to ensure that data from various servers is synchronized and displayed in real time on a master

1 webpage such that it conveys with reasonable clarity possession of this limitation or the alleged
2 invention more generally.

3 Claim 1 requires the content data be “viewable from the remote computer devices through
4 the master server.” The patent specification, however, does not describe how the master server
5 facilitates the viewing of content data through a master server from remote computer devices. It
6 lacks detailed descriptions or algorithms that would demonstrate the inventor’s possession of the
7 claimed invention. The specification also fails to provide descriptive means such as words,
8 structures, figures, diagrams, or formulas that fully set forth the invention and, therefore, the
9 specification fails to convey with reasonable clarity possession of this limitation or the alleged
10 invention more generally.

11 Claims 1 and 7 require “a slide tool program for scrolling or paging through the content
12 data or the content applications.” The patent specification, however, does not disclose how the slide
13 tool program is implemented to enable scrolling or paging through the content data or content
14 applications (or even what a “tool” is). It lacks any description or technical explanation on the
15 design, coding, and integration of the slide tool program within the master application and its
16 interaction with remote computing devices. There is no information on the algorithms, user
17 interface elements, or software components required to develop and operate the slide tool program
18 effectively. Claim 1 further requires the slide tool program to function “simultaneously and through
19 the master server in real time.” The specification, however, fails to describe how a POSITA is to
20 implement a slide tool that functions “simultaneously and through a master server in real time.” It
21 lacks detailed descriptions or algorithms that would demonstrate the inventor’s possession of the
22 claimed invention. The specification also fails to provide descriptive means such as words,
23 structures, figures, diagrams, or formulas that fully set forth the invention. The patent disclosures,
24 therefore, fail to convey with reasonable clarity possession of this limitation or the alleged invention
25 more generally.

26 Claims 1 and 7 require “a remote tool box feature.” The patent specification, however, does
27 not disclose how the remote “tool box” feature is implemented or functions within the system. It
28 lacks any descriptions, technical explanations, or references to a “tool box” that allows the user to

1 write, select, or delete code to enable and disable tool features. There is no information on the
2 design, coding, integration, or operation of such a “tool box” within the master application or its
3 interaction with remote computing devices that demonstrate the inventor’s possession of the
4 claimed invention. The specification makes only passing reference to the existence of a “tool box.”
5 It also fails to provide descriptive means such as words, structures, figures, diagrams, or formulas
6 that fully set forth the invention. The patent disclosures, therefore, fail to convey with reasonable
7 clarity possession of this limitation or the alleged invention more generally.

8 Claim 1 requires the master server to “collect[] analytics based on which tool features are
9 enabled.” The patent specification, however, does not disclose what “analytics” are, which analytics
10 are collected, or how the master server collects analytics based on the enabled tool features. The
11 specification does not even disclose what a “tool” is beyond a generic statement that it is a “feature.”
12 It lacks any descriptions or technical explanations on the mechanisms or processes used by the
13 master server to monitor, record, and analyze the usage of various tool features. There is no
14 information on the data collection methods, algorithms, or software components required to track
15 which tool features are enabled and how this data is processed to generate meaningful analytics that
16 demonstrate the inventor’s possession of the claimed invention. The specification makes only
17 passing references to “user history analytics” and no reference at all to analytics “based on which
18 tool features are enabled.” It also fails to provide descriptive means such as words, structures,
19 figures, diagrams, or formulas that fully set forth the invention. The patent disclosures, therefore,
20 fail to convey with reasonable clarity possession of this limitation or the alleged invention more
21 generally.

22 Claims 5, 7, 8, and 9 require the collection, storage, or use of “history analytics.” Claim 8
23 further requires the master server to collect history analytics “based on usage of the remote
24 computer.” The patent specification, however, does not disclose what “history analytics” are or
25 how they are collected, stored, or used within the patented system that demonstrate the inventor’s
26 possession of the claimed invention. It makes only passing reference to “user history analytics,”
27 but it does not provide any detail about their nature or functionality. The specification lacks any
28 descriptions or technical explanations on the mechanisms or processes used by the master server to

1 monitor, record, and analyze user interactions and content usage over time. There is no information
2 on the data collection methods, algorithms, or software components required to track user activities,
3 compile this data into meaningful analytics, and subsequently use these analytics to influence the
4 content or services provided to the user, further underscoring the lack of possession of the claimed
5 invention. It also fails to provide descriptive means such as words, structures, figures, diagrams, or
6 formulas that fully set forth the invention. The patent disclosures, therefore, fail to convey with
7 reasonable clarity possession of this limitation or the alleged invention more generally.

8 Claim 6 requires a “purchase tool” that “allows the user to purchase goods or services from
9 the multiple content sources or service providers.” The patent specification, however, does not
10 reference any purchasing tool or function, nor does it even include the word “purchase” or
11 synonyms thereof. The specification does not demonstrate the inventor’s possession of the claimed
12 invention. It lacks any descriptions or technical explanations on the design, coding, and integration
13 of the purchase tool within the master application. There is no information on the algorithms, user
14 interface elements, or software components required to develop and operate the purchase tool
15 effectively. Additionally, the specification fails to provide details on the protocols or processes for
16 handling transactions, ensuring security, or managing interactions with various content sources or
17 service providers. It also fails to provide descriptive means such as words, structures, figures,
18 diagrams, or formulas that fully set forth the invention. The patent disclosures, therefore, fail to
19 convey with reasonable clarity possession of this limitation or the alleged invention more generally.

20 Claim 9 requires the master server to use “history analytics” to “select content data or the
21 content applications based on a user log-in.” The patent specification, however, does not disclose
22 how the master server utilizes history analytics to select content data or applications tailored to a
23 specific user log-in. The specification does not demonstrate the inventor’s possession of the claimed
24 invention. It lacks descriptions or technical explanations on the mechanisms or processes used by
25 the master server to analyze historical user data and subsequently make content selections. There
26 is no information on the data collection methods, algorithms, or software components required to
27 track user activities, compile this data into actionable information, and use that information to
28 dynamically select and present content data or applications that are relevant to the user based on

1 log-in information. The specification also fails to provide descriptive means such as words,
2 structures, figures, diagrams, or formulas that fully set forth the invention. The patent disclosures,
3 therefore, fail to convey with reasonable clarity possession of this limitation or the alleged invention
4 more generally.

5 Claim 12 requires “searching analytics based [sic] which tool features are enabled to target
6 specific products, services or information to the user.” The patent specification, however, does not
7 disclose how the master server searches analytics based on which tool features are enabled to target
8 specific products, services, or information to the user. The specification does not demonstrate the
9 inventor’s possession of the claimed invention. It lacks any descriptions or technical explanations
10 on the mechanisms or processes used by the master server to analyze the enabled “tool features”
11 and subsequently use this analysis to target specific content to the user. There is no information on
12 the data collection methods, algorithms, or software components required to track the usage of tool
13 features, compile this data into meaningful analytics, and use these analytics to dynamically target
14 products, services, or information that are relevant to the user. The specification also fails to provide
15 descriptive means such as words, structures, figures, diagrams, or formulas that fully set forth the
16 invention. The patent disclosures, therefore, fail to convey with reasonable clarity possession of
17 this limitation or the alleged invention more generally.

18 Claim 4 requires “enabling security features that limit access” and claim 13 requires
19 “enabling security features” and “selecting personal settings.” The patent specification, however,
20 does not disclose how these security features are enabled to limit access to specific content sources
21 or service providers, nor does it explain how personal settings are selected and managed. The
22 specification does not demonstrate the inventor’s possession of the claimed invention. It lacks any
23 descriptions or technical explanations on the design, coding, and integration of security tools within
24 the master application. There is no information on the algorithms, protocols, or software
25 components required to enable and manage these security features effectively. Additionally, the
26 specification does not provide any details on the mechanisms or processes for selecting and
27 customizing personal settings, such as user preferences or account configurations. The specification
28 also fails to provide descriptive means such as words, structures, figures, diagrams, or formulas

1 that fully set forth the invention. The patent disclosures, therefore, fail to convey with reasonable
2 clarity possession of this limitation or the alleged invention more generally.

3 **2. '068 Patent**

4 Claim 1 of the '068 patent is invalid for failure to provide a written description of the alleged
5 inventions as required by 35 U.S.C. § 112 ¶ 1. Claim 1 of the '068 patent includes each claim
6 limitation of Claim 1 of the '658 patent discussed above, and the '068 patent and the '658 patent
7 share a specification. The limitations “software coded for organizing content data and content
8 applications from multiple content sources or service providers pre-selected by the user”; “streamed
9 to the master server simultaneously in real time from their respective servers on a master webpage”;
10 “viewable from the remote computer devices through the master server”; “a slide tool program for
11 scrolling or paging through the content data or the content applications”; “simultaneously and
12 through the master server in real time”; “a remote tool box feature”; “tool features”; and
13 “collect[ing] analytics based on which tool features are enabled” therefore lack sufficient written
14 description for the same reasons discussed above for the '658 patent.

15 **VI. DOCUMENT PRODUCTION ACCOMPANYING CONTENTIONS**

16 Pursuant to Patent Local Rule 3-4 of the Northern District of California, Defendant
17 identifies the following documents corresponding to the required categories of production by Bates
18 number:

19 ***(a) Source code, specifications, schematics, flow charts, artwork, formulas, or other***
20 ***documentation sufficient to show the operation of any aspects or elements of an***
21 ***Accused Instrumentality identified by the patent claimant in its Patent L.R. 3-1(c)***
22 ***chart.***

23 TWITCH_RAZ_00000001–1006.

24 Additionally, source code sufficient to show the operation of the elements of the Twitch
25 website that RazDog put at issue in compliance with the requirements of Patent L.R. 3-1, is
26 available for inspection pursuant to the Protective Order in this case at the offices of Perkins Coie
27 LLP, 505 Howard St., San Francisco, CA 94105.

28 ***(b) A copy or sample of the prior art identified pursuant to Patent L.R. 3-3(a) which does***

1 *not appear in the file history of the patent(s) at issue. To the extent any such item is*
2 *not in English, an English translation of the portion(s) relied upon shall be produced.*

3 TWITCH_RAZ_PA_00000001–3593.

4 *(c) All agreements that the party opposing infringement contends are comparable to a*
5 *license that would result from a hypothetical reasonable royalty negotiation.*

6 TWITCH_RAZ_00001007–1297.

7 *(d) Documents sufficient to show the sales, revenue, cost, and profits for accused*
8 *instrumentalities identified pursuant to Patent L.R. 3-1(b) for any period of alleged*
9 *infringement.*

10 TWITCH_RAZ_00001298.

11 *(e) All agreements that may be used to support the party denying infringement’s damages*
12 *case.*

13 TWITCH_RAZ_00001007–1297.

14 Twitch reserves the right to rely on any additional agreements that may be produced by
15 RazDog or third parties in this litigation.

16
17
18 Dated: January 13, 2025

PERKINS COIE LLP

19
20 By: /s/ Robin L. Brewer

21 Robin L. Brewer
22 PERKINS COIE LLP

23 Attorneys for Defendant
24 TWITCH INTERACTIVE, INC.
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2025, a true and correct copy of the foregoing document, Defendant’s Invalidity Contentions was served by email on Plaintiff’s counsel of record.

/s/ Antonio Ramos
Antonio Ramos
Senior Paralegal