

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITCH INTERACTIVE, INC.

Petitioner,

v.

RAZDOG HOLDINGS LLC

Patent Owner.

IPR2025-00307

Patent No. 9,729,658

PETITIONER'S PRELIMINARY REPLY

Exhibit List

Exhibit	Description
1001	U.S. Patent No. 9,729,658 to Chris Trahan et al. (“the ’658 Patent” or “658Pat”)
1002	Declaration of Dr. Paul Martin, Ph.D. (“Martin”)
1003	Certified File History of U.S. Patent No. 9,729,658 (copies of prior art references omitted)
1004	U.S. Patent Publication No. 2008/0086484, filed Oct. 9, 2007, published April 10, 2008, to Benjamin G. Darnell et al. (“Darnell”)
1005	U.S. Patent Publication No. 2007/0016609, filed July 12, 2005, published Jan. 18, 2007, to Jane T. Kim et al. (“Kim”)
1006	U.S. Patent No. 8,640,052, filed Dec. 31, 2009, published June 30, 2011, issued January 28, 2014, to Mousumi Dasgupta et al. (“Dasgupta”)
1007	Executed Summons, Dkt. No. 14, <i>RazDog Holdings LLC v. Twitch Interactive, Inc.</i> , Case No. 24-cv-03638-JSC (N.D. Cal. filed Jun. 17, 2024)
1008	U.S. Patent Publication No. 2011/0078584, filed September 27, 2010, published March 31, 2011, to Daniel Ben Winterstein, et al. (“Winterstein”)
1009	Excerpt of File History of U.S. Patent Publication No. 2008/0086484 (“Darnell”) (Non-Final Office Action, dated Oct. 1, 2010)
1010	U.S. Patent Publication No. 2005/0165615, filed December 31, 2003, published July 28, 2005, to Nelson Minar (“Minar”)
1011	U.S. Patent Publication No. 2004/0093327, filed February 26, 2003, published May 13, 2004, to Darrell Anderson, et al. (“Anderson”)
1012	Amended Pretrial Order No. 1, <i>RazDog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 24-cv-03638-JSC (N.D. Cal., Sept. 17, 2024), ECF No. 39

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1013	Complaint, <i>RazDog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 24-cv-03638-JSC (N.D. Cal., June 17, 2024), ECF No. 1
1014	Excerpt of Preliminary Infringement Contentions from Razdog, Inc., <i>RazDog Holdings LLC v. Twitch Interactive, Inc.</i> , Case No. 24-cv-03638-JSC (N.D. Cal.), served Nov. 22, 2024
1015	Curriculum Vitae of Paul D. Martin, Ph.D.
1016	<i>Amazon EC2 Beta</i> , AMAZON WEB SERVICES BLOG (Aug. 29, 2006), [https://web.archive.org/web/20060829110501/http://aws.typepad.com/]
1017	<i>About Microsoft</i> , https://news.microsoft.com/about/ (last visited Dec. 15, 2024)
1018	<i>Reflecting on our ten year App Engine journey</i> , GOOGLE CLOUD BLOG, https://cloud.google.com/blog/products/gcp/reflecting-on-our-ten-year-app-engine-journey/ (last visited Dec. 15, 2024)
1019	Peter Mell & Tim Grance, <i>The NIST Definition of Cloud Computing</i> (National Institute of Standards and Technology, Version 15, Oct. 7, 2009), https://www.nist.gov/system/files/documents/itl/cloud/cloud-def-v15.pdf
1020	<i>The Benefits of Cloud Computing</i> (IBM Dynamic Infrastructure, July 2009), https://www.ibm.com/ibm/files/H300444G23392G14/13Benefits_of_Cloud_Computing_634KB.pdf
1021	<i>Cloud Computing and Sustainability</i> (Accenture Whitepaper, November 2010)
1022	RDF Site Summary (RSS) 1.0 (Oct. 11, 2010), [https://web.archive.org/web/20101011123954/https://web.resource.org/rss/1.0/spec]
1023	W3C RSS 1.0 News Feed Creation How-To (May 28, 2010), [https://web.archive.org/web/20100528134008/https://www.w3.org/2001/10/glance/doc/howto]

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1024	<i>How Do RSS Feeds Work?</i> , RSS.com, https://rss.com/blog/how-do-rss-feeds-work/ (last visited Dec. 15, 2024)
1025	NetNewsWire.com (Sep. 7, 2009), [https://web.archive.org/web/20090907105218/https://netnewswire.com/]
1026	FeedDemon 3 – Free RSS Reader for Windows (Oct. 11, 2010), [https://web.archive.org/web/20101011081027/http://www.feeddemon.com/]
1027	NewsGator.com (Oct. 8, 2010), [https://web.archive.org/web/20101008110128/https://www.newsgator.com/]
1028	Google Reader Blog (Oct. 8, 2010), [https://web.archive.org/web/20101008110804/http://googlereader.blogspot.com/]
1029	RSS 0.90 Specification (Jul. 7, 2010), [https://web.archive.org/web/20100707223500/https://www.rssboard.org/rss-0-9-0]
1030	RDF Site Summary 1.0 Modules (Oct. 5, 2012), [https://web.archive.org/web/20121005062018/https://web.resource.org/rss/1.0/modules/]
1031	RDF Site Summary 1.0 Modules: Dublin Core (Sep. 28, 2010), [https://web.archive.org/web/20100928094047/https://web.resource.org/rss/1.0/modules/dc/]
1032	RDF Site Summary 1.0 Modules: Syndication (Oct. 11, 2010), [https://web.archive.org/web/20101011224813/https://web.resource.org/rss/1.0/modules/syndication/]
1033	RDF Site Summary 1.0 Modules: Content (Oct. 9, 2010), [https://web.archive.org/web/20101009185424/https://web.resource.org/rss/1.0/modules/content/]

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1034	RSS 2.0 Specification (Oct. 11, 2010), [https://web.archive.org/web/20101011191039/https://www.rssboard.org/rss-specification]
1035	N. Nottingham & R. Sayre, <i>The Atom Syndication Format, Request for Comments 4287</i> , NETWORK WORKING GROUP (Mar. 3, 2010), [https://web.archive.org/web/20100303155855/http://www.rfc-editor.org/rfc/rfc4287.txt]
1036	J. Gregorio & B. de Hora, <i>The Atom Publishing Protocol, Request for Comments 5023</i> , NETWORK WORKING GROUP (Feb. 20, 2010), [https://web.archive.org/web/20100220110543/https://www.rfc-editor.org/rfc/rfc5023.txt]
1037	Daniel Miessler, <i>RSS: Why We Should Just Call Them “Feeds” Instead of “RSS” Feeds</i> (Sep. 26, 2010), [https://web.archive.org/web/20100220110543/https://www.rfc-editor.org/rfc/rfc5023.txt]
1038	FEED Validator: Introduction to Atom (Jan. 23, 2010), [https://web.archive.org/web/20100123064931/https://validator.w3.org/feed/docs/atom.html]
1039	<i>Best Practices for XML sitemaps and RSS/Atom feeds</i> , Google Search Central Blog, https://developers.google.com/search/blog/2014/10/best-practices-for-xml-sitemaps-rssatom (last visited Dec. 15, 2024)
1040	<i>Awesome RSS</i> , GitHub, https://github.com/voidfiles/awesome-rss (last visited Dec. 15, 2024)
1041	Kyle Nazario, <i>How to Follow RSS Feeds in Chrome, Safari and Firefox</i> , TechNorms.com (Jul. 17, 2015), [https://web.archive.org/web/20150617232812/https://www.technorms.com/44712/follow-rss-feeds-in-chrome-safari-firefox]
1042	Sergey Tkachenko, <i>Google re-adds RSS support to the Chrome browser</i> , Winaero, https://winaero.com/google-re-adds-rss-support-to-the-chrome-browser/ (last visited Dec. 15, 2024)

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1044	Andy Wibbels, <i>How to Use Google Reader</i> (Oct. 24, 2005), [https://web.archive.org/web/20051024012030/http://andywibbels.com/flash/google_reader.htm]
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1046	<i>Analytics</i> , Cambridge Dictionary, https://dictionary.cambridge.org/us/dictionary/english/analytics (last visited Dec. 14, 2024)
1047	<i>Analytics</i> , Lexico powered by Oxford English Dictionary (Aug. 10, 2020) [https://web.archive.org/web/20200810063114/https://www.lexico.com/en/definition/analytics]
1048	SHELLEY POWERS, PRACTICAL RDF, 10-11 (O'Reilly & Associates, 1 st ed. 2003) (excerpts)
1049	WebTV, https://webtv.zone/ (last visited Dec. 15, 2024)
1050	<i>Instructions for using Web TV</i> , ChicagoNet (Jun. 21, 2010), [https://web.archive.org/web/20100621001111/http://www.chicagonet.net/webtv.htm]
1051	Twitch Company Profile, Crunchbase, https://www.crunchbase.com/organization/twitch#news (last visited Apr. 24, 2025)
1052	<i>The Future of Twitch and Streaming Video Games</i> , Team Lightstream (Jul. 5, 2022), https://golightstream.com/the-future-of-twitch-and-streaming-video-games/
1053	Ash Parrish and Jay Peters, <i>Twitch is cutting one-third of its staff</i> , The Verge (Jan. 10, 2024),

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	https://www.theverge.com/2024/1/10/24032187/twitch-layoffs-video-game-industry
1054	Delaware Corporation Information for RazDog Holdings LLC
1055	Patent assignment to RazDog Holdings LLC
1056	Case Docket, <i>RazDog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 24-cv-03638-JSC (N.D. Cal., June 17, 2024)
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1058	Patent assignment to RazDog LLC
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1060	Case Docket, <i>Razdog LLC v. Continental Salvage Co.</i> , 1-19-cv-04610 (N.D. Ill. Jul. 9, 2019)
1061	Case Docket, <i>Razdog LLC v. Cook Brothers Inc.</i> , 1-19-cv-05703 (N.D. Ill. Aug. 25, 2019)
1062	Order Directing Parties to Inform Court Whether They Consent to Magistrate Judge For all Purposes, <i>RazDog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 24-cv-03638-JSC (N.D. Cal., June 17, 2024), ECF No. 51
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1065	February 25, 2025, email from M. Halderman
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1081	Responsive Claim Construction Brief, <i>RazDog Holdings LLC v. Twitch Interactive, Inc.</i> , (No. 4:24-cv-03638 May 19, 2025), ECF No. 70

Petitioner Twitch Interactive, Inc. (“Twitch”) submits this Preliminary Reply to address the proper construction of “real time.” EX3001. The parties agree “the Board need not provide an explicit construction of the term ‘real time’” for purposes of institution. Paper 12 (“POPR”), 15; Paper 1 (“Pet.”), 7-8. That should be the end of the inquiry. But Patent Owner RazDog Holdings LLC (“PO”) further argues the Challenged Claims “require content data or applications be displayed, streamed, or viewable ‘in real time’ on a master webpage.” POPR 18. The Board should reject PO’s additional requirement.

I. Twitch’s Proposal Is Consistent With The Intrinsic Record

“Real time” is not defined in the ’658 Patent, and nothing in the specification indicates an intent to narrow this term. Pet. 27 n.9, 68 n.15. The plain and ordinary meaning of this term should therefore control. *Eon Corp. IP Holdings LLC v. Silver Spring Networks, Inc.*, 815 F.3d 1314, 1321 (Fed. Cir. 2016).

Claim 1 recites two “real time” requirements in 1[b2] and 1[b3]: **(1)** *organizing content data and content applications...streamed to the master server simultaneously **in real time** from their respective servers on a master webpage and* **(2)** *scrolling or paging through the content data or the content applications from the multiple content sources or service providers simultaneously and through the master server **in real time** from the master web-page.* Twitch’s expert (Dr. Martin) explained a POSITA would have understood these limitations “to...signify that the

content from multiple sources is transmitted to the server when it becomes available, without significant delay between content sources.” EX1002, ¶178.¹ Further, the content “is updated and displayed as soon as it becomes available” using, e.g., a “feed reader user interface, which includes a scroll bar allowing continuous, real-time access to updated content.” *Id.*, ¶¶182, 190. This is consistent with the ’658 disclosures. *E.g.*, ’658 Patent, 1:43-46, 4:1-6, 5:34-36 (content data includes networking and email data), 5:42-47 (master web-page includes search tool to download available content data), 6:18-27, cls. 2-3 (content source or provider includes social media and email); EX1002, ¶¶179-181.

II. PO’s Added Requirement Is Unsupported And Incorrect

PO seeks to add a third “real time” requirement: content (1) is streamed to the master server in real time; (2) can be scrolled or paged through in real time; and **(3) is displayed on a master webpage in real time.**² POPR 16. PO’s third requirement is unsupported. For example, PO excerpts 1[b2] and emphasizes *in real time* and *on*

¹ PO has not provided an expert declaration, so Dr. Martin’s is the only opinion of record regarding how a POSITA would have understood the claims.

² PO references its proposed construction in district court (POPR 19-20) but does not adopt or apply that construction in here. Nevertheless, PO’s proposal is wrong for the reasons explained in Twitch’s Claim Construction Brief. EX1081, 10-14.

a master web-page (*id.*) while omitting a key portion that makes clear *on a master web-page* refers to *organizing content and content applications* (in 1[b1]) such that they are “viewable...on the master web-page” (in 1[b2]). And in 1[b3], PO emphasizes *in real time from the master web-page* (*id.*) but does not emphasize *scrolling or paging through the content data*, which, as Dr. Martin explained, a POSITA would have understood means “allowing continuous, real-time access to updated content.” EX1002, ¶190. PO similarly misreads claims 7 and 12 by excerpting parts while ignoring the rest. When the claims are read in their entirety, they are fully consistent with requirements (1) and (2) above, but do not add (3).

PO further argues that *scrolling or paging through* “content data or applications ‘in real time’ from the master webpage...would not be possible if the content data or applications were not provided ‘in real time’ on the user’s master webpage in the first place.” POPR 17. PO cites no support for this assertion, nor does PO explain why it would allegedly be impossible to “allow continuous, real-time access to updated content” using, for example, a scroll tool—as Dr. Martin has explained—without requiring real-time display of the underlying content on the master webpage. On the contrary, it was well understood that a UI can provide continuous, up-to-the-minute access to the content types the ’658 patent describes (e.g., video or email) without having to display that content in the same UI. *E.g.*, EX1002, ¶¶189-191. PO conflates real-time *scrolling or paging through* content—

e.g., scrolling through a list of content in Darnell’s feed reader presenting the latest information “as content feeds are updated” (Pet. 26-30) or through Dasgupta’s channel guide UI presenting channels broadcasting at that time (*id.*, 63-72)³—with the real-time display of content on the webpage—e.g., playing the movies currently on each channel in Dasgupta’s UI—when PO incorrectly asserts each claim “requires that content data or content applications are viewable/displayed/streamed/navigated ‘in real time’ on a master webpage.” POPR 17. “Streamed” and “viewable” are recited separately in the claims, and “navigate” appears only in claim 12 while “displayed” appears in 1[c1], 7[d], and 12[b3]—none of which are connected to “real time.” These different claim terms should not be conflated. *CAE Screenplates Inc. v. Heinrich Fiedler GmbH*, 224 F.3d 1308, 1317 (Fed. Cir. 2000) (“use of these different terms...connotes different meanings”).

Similarly unhelpful are PO’s citations to the specification and file history to support requirement (3). PO asserts “[t]he master web-page is ‘*dynamic*’ in the sense that *the master web-page displays streaming content data and content applications from the multiple content data sources in real time.*” POPR 18 (citing EX1001, 2:56-59) (PO’s emphasis). “Dynamic” does not appear in the claims, nor does the

³ An example of scrolling not in “real time” would be browsing old content (e.g., old emails) not updated to reflect what is currently available on *the master server*.

language PO emphasizes. PO thus improperly seeks to import a limitation from the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1320 (Fed. Cir. 2005) (en banc). PO's reliance on the file history's alleged "repeated[] emphasi[s] that content is streamed in real time simultaneously to a user interface (*i.e.*, a master webpage)" (POPR 18) is similarly misplaced because the patentee knew how to describe such behavior but chose not to limit the claims in that way. It would be improper to limit them now. *Acumed LLC v. Stryker Corp.*, 483 F.3d 800, 807 (Fed. Cir. 2007) ("the patentees knew how to restrict their claim coverage....Instead, they chose a different term that implies a broader scope.").

Finally, PO incorrectly points to Dr. Martin for alleged support of requirement (3). POPR 18. PO partially quotes Dr. Martin and argues—without support—that "[a] 'user's experience' with 'minimal delay' can only be achieved when content is provided to the master webpage (where user experiences it) in real time; it cannot be achieved simply by sending content to a server until the user manually requests it." *Id.*, 18-19 (citing EX1002, ¶181). But Dr. Martin's statement in context shows he was explaining requirement (1); nowhere did he "agree" with PO's requirement (3).

III. Conclusion

When the Board applies the plain and ordinary of "real time" in the context of the claims, Twitch has shown a reasonable likelihood that the Challenged Claims are unpatentable, and the Board should institute an *inter partes* review.

Dated: May 21, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2025, true and correct copies of the foregoing PETITIONER'S PRELIMINARY REPLY, and EXHIBIT 1081 were served via electronic mail upon the following counsel of record for Patent Owner:

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