

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Twitch Interactive, Inc.,
Petitioner,

v.

Razdog Holdings LLC,
Patent Owner.

Case No. IPR2025-00308
U.S. Patent No. 10,334,068

PATENT OWNER'S SUR-REPLY

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EXHIBIT LIST

Exhibit No.	Description
2001	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Amended Pretrial Order No. 1: Case Schedule dated September 27, 2024 (D.I. 39) (“Amended Pretrial Order”)
2002	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Docket Notification Order Reassigning Case dated February 24, 2025 (D.I. 46) (“Order Reassigning Case”)
2003	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), The Parties’ Second Joint Case Management Statement dated March 17, 2025 (D.I. 50) (“Second Joint Case Management Statement”)
2004	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), Defendant’s Invalidity Contentions dated January 13, 2025 (“Invalidity Contentions”)
2005	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), dated March 14, 2025 (D.I. 59), The Parties’ Amended Joint Claim Construction and Prehearing Statement (“Joint Claim Construction Statement”)
2006	U.S. Patent No. 9,725,658 to Trahan et al. (“the ‘658 Patent”)
2007	File History of U.S. Patent No. 9,729,658
2008	<i>Razdog Holdings LLC v. Twitch Interactive, Inc.</i> , No. 3:24-cv-03638-JSC (NDCA), CIVIL DOCKET FOR CASE #: 4:24-cv-03638-HSG dated May 9, 2025
2009	Reexamination Control No. 90/019,860, Notice of Intent to Issue <i>Ex Parte</i> Reexamination Certificate (“’860 Reexam NIIRC”)
2010	Declaration of George Edwards, Ph.D.
2011	Curriculum Vitae of George Edwards, Ph.D.
2012	Deposition Transcript of Paul Martin, dated October 10, 2025

I. INTRODUCTION

Patent Owner has consistently explained—from its Preliminary Response through its Preliminary Sur-Reply and its Patent Owner Response—that the independent claim of the ‘068 Patent requires content to be “streamed” or “scroll[ed] or pag[ed] through” *in real time on a master webpage*. Petitioner’s Reply tries to recast that history as a “moving target,” but the record shows the opposite. Petitioner created this dispute in the Petition by redefining “real time” as content “sent to the server,” and has spent the rest of this proceeding attempting to obscure that fundamental flaw by urging a reading that divorces “in real time” from “on a master web-page” and ignores the intrinsic record.

At institution, the Board majority adopted Petitioner’s interpretation of “real time,” but that determination was made when Petitioner’s expert was unrebutted and was explicitly “preliminary” and “subject to change upon development and consideration of a complete evidentiary record.” That complete record is now before the Board, including Patent Owner’s expert analysis of the claim language, specification, and file history and his conclusion that the “real time” claim term relates to user-visible streaming or scrolling/paging, not upstream transmission solely to a server as Petitioner contends.

Under that proper construction of “real time,” Petitioner’s invalidity grounds cannot withstand scrutiny. Darnell discloses a retrieve-merge-store workflow and

then transmitting an ordered list “in response to a request,” with further items fetched when the user attempts to scroll beyond the end of the displayed list. Pointing to a feed tracker that retrieves items as content feeds are updated speaks only to content received at the server, not content streamed or scrolled/paged through in real time on a master webpage.

Dasgupta fares no better. Apparently recognizing the reference’s deficiencies, Petitioner attempts to introduce a brand-new obviousness theory regarding the “master web-page” in its Reply that was never disclosed in its Petition. Petitioner’s eleventh-hour attempt to pivot to a new theory serves as a tacit admission that the Petition’s Dasgupta-based ground fails. But even setting that aside, Dasgupta’s channel icons and advertisements are not content streamed or scrolled/paged through in real time on a master webpage.

On the full record, Petitioner has not shown by a preponderance of the evidence that the challenged claim of the ‘068 Patent is unpatentable. Therefore, Patent Owner respectfully requests that the Board reject Petitioner’s “sent to the server” framing of “real time,” apply the claim language in view of the intrinsic evidence, and confirm the patentability of claim 1.

II. PETITIONER’S CLAIM CONSTRUCTION SHOULD BE REJECTED

A. “real time”

Despite Petitioner’s characterizations otherwise, Patent Owner’s (“PO”) position regarding the proper interpretation of “real time” has never changed—PO has consistently maintained that content streamed or scrolled/paged through must be *in real time on a master webpage*, not simply “sent to the server” as Petitioner contends. PO’s Preliminary Response (“POPR”) argued the claim requires “content data or applications from content data sources or service providers are made available to a user ‘in real time’ *on a master webpage*.” Paper 12 at 16.¹ PO’s Preliminary Sur-Reply explained that “[i]ndependent claim 1 of the ‘068 Patent explicitly requires content to be ‘streamed’ *in real time on a master webpage*.” Paper 22 at 1. And PO’s Patent Owner Response (“POR”) once again contended the claim requires “‘content data and content applications’ are ‘streamed to the master server simultaneously in real time from their respective servers *on a master web-page*.’” Paper 28 at 18. From its first filing, PO’s position has been straightforward and clear—the claim requires streaming or scrolling/paging content “in real time” on a master web-page, not simply sending content to the server.

¹ All emphasis added unless otherwise noted.

Rather than address “real time” head on, Petitioner’s Reply attempts to recast the record by accusing PO of changing positions, characterizing PO’s interpretation as a “moving target,” and alleging PO imposes “additional requirements” in the claim. Paper 34 at 1, 3, 11. None are true—not only has PO’s position remained consistent throughout this IPR, PO’s interpretation derives from the claim itself, adds no additional “requirements” beyond the explicit claim language, and is consistent with the intrinsic record. Paper 28 at 16-22. Contrary to Petitioner’s reimagining of the record, it was Petitioner who created this dispute by defining “real time” as content “sent to the server” in the Petition and it is Petitioner who attempts to rewrite the claim by urging a construction that divorces “on a master web-page” from “real time” and the rest of the “streamed” limitation. *See* Paper 1 at 28-29 n.11; Paper 28 at 16-17. The Board should look past Petitioner’s rhetoric and interpret “real time” in light of the claim language and intrinsic evidence, as *Phillips* requires. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc).

1. The Board Should Adopt PO’s Interpretation of “Real Time”

As the POR explained, the ‘068 Patent’s claim language, specification, and prosecution history all point to the same place—the claim requires content streamed not only to the master server in real time, but content streamed to the master server *in real time on a master web-page*. Paper 28 at 16-22. Petitioner’s

Reply does not justify a different result. Despite Petitioner’s assertions that PO “twist[s] the intrinsic record and mischaracterize[s] Dr. Martin’s opinions” (Paper 34 at 3), its efforts to brush aside the intrinsic evidence and its own expert’s testimony fall far short.

Petitioner first disputes PO’s interpretation of the claim language, but its conclusory arguments fail. According to Petitioner, PO’s assertion—that “on a master web-page” cannot refer to “organizing content and content applications”—misunderstands the claim because “the phrase *and are viewable* refers to the *content data and content applications organiz[ed] on a master web-page by the master application.*” *Id.* At best, this simply restates the argument Petitioner made in the Preliminary Reply (Paper 21 at 2-3), which leads to internal inconsistency and ambiguity in the claim. Paper 28 at 16-17. Seemingly, Petitioner attempts to re-parse claim 1 yet again, but regardless this new reading is nonsensical. Read this way, the limitation states “organizing content data and content applications . . . on a master web-page and are viewable from the remote computer devices through the master server,” which leads to the same internal inconsistency and ambiguity as its previous interpretation. *See id.* Plainly, PO’s reading—that claim 1 recites a “master application” with “software coded for organizing content data and content applications” such that the next three limitations (“from multiple content sources...,” “streamed...,” and “are viewable...”) directly tie to the content

itself—makes more sense in context and flows naturally from the claim language.

See id. at 17-18.²

Next, Petitioner asserts that “on a master web-page” does not modify the “streamed” phrase because “claimed flow of content data/applications is already captured in the majority’s preliminary construction.” Paper 34 at 4. But Petitioner cannot overcome PO’s record evidence of how a POSA would understand the claim’s continuous streaming process with attorney argument alone. *See* Ex.2010, ¶¶71-72; *In re Geisler*, 116 F.3d 1465, 1471 (Fed. Cir. 1997) (attorney arguments and conclusory statements that are unsupported by factual evidence are entitled to little probative value). In any event, Petitioner cannot simply read out “on a master web-page” from the claim because it does not fit its argument. *See Hamilton Beach Brands, Inc. v. freal Foods, LLC*, 908 F.3d 1328, 1340 (Fed. Cir. 2018) (“Claims must be interpreted with an eye toward giving effect to all terms in the claim”) (citation omitted).

² Petitioner also cites to original claim 1, but that supports PO’s interpretation. Paper 34 at 3 (citing Ex.1003, 14-15). In original claim 1, “from multiple content sources...” and “viewable...” were clearly requirements of the content, just as in the issued claim “from multiple content sources...,” “streamed...,” and “are viewable...” are requirements of the content. Paper 28 at 17-18.

Petitioner’s contention that PO “ignores key claim language” fares no better. Paper 34 at 4. PO did not “omit” claim language—it provided the “real time” limitations of claim 1 of the ‘068 Patent and of claims 1, 7, and 12 of the ‘658 Patent (the ‘068 Patent’s parent) verbatim. Paper 28 at 16-20. Nor does Petitioner make clear how including additional surrounding claim language would change the analysis. Petitioner further argues that PO “conflates *scrolling or paging through the content data...in real time* [] with ‘displayed on the master web-page in real time,’ which does not appear in the claims.” Paper 34 at 5. But even if “displayed” is not in the claim, a POSA would recognize that in order to “scroll[] or pag[e] through the content data...in real time from the master web-page,” the content would need to appear (*i.e.*, be displayed) on the master web-page. *See, e.g.*, Ex.2010, ¶81; Ex.2012, 193:2-9.

Petitioner’s final claim language argument—that its construction is not inconsistent with claim 12 of the ‘658 Patent because that claim’s “preamble expressly recites *a cloud-based master server*”—demonstrates the weakness of its position. Paper 34 at 5. Petitioner does not explain how the mere mention of a “master server” in the preamble is somehow relevant to the claim’s “real time” limitation, which expressly states that “a user navigates through [content] ***through master web-page in real time***” and never mentions the master server. Ex.2006, cl.12. Petitioner’s construction of “real time”—requiring simply that content be

“streamed to a master server...in real time”—is therefore inapplicable to claim 12. Paper 28 at 23.

Petitioner next addresses the specification and file history, but like its claim-language arguments, its assertions here likewise fail. Petitioner first contends that PO’s citations to the specification do not support its argument. Paper 34 at 5-6. But Petitioner’s claim that several citations do not mention a “web-page” or “display” ignores that they explicitly mention a “user interface” (*e.g.*, Ex.1001, 1:66-2:3, 2:35-37), *i.e.*, the “master web-page” (*e.g.*, *id.* at 2:48-50). And citations related to “scroll[ing] or pag[ing]” or “migrat[ing] through” content in real time support PO’s argument because, as explained above, a POSA would appreciate that these actions necessarily require content to be displayed on the master web-page. *E.g.*, Ex.2010, ¶81; Ex.2012, 193:2-9.

As to the file history, Petitioner points to the Notice of Allowance of the ‘658 Patent and contends that “[t]he patent’s alleged novelty [] derives from a limitation PO does not even address in the POR.” Paper 34 at 6-7. This is wrong for several reasons. First, the Examiner’s reasons for allowance expressly stated that “the main reasons for allowance” included the remote tool box feature “*in conjunction with all the other limitation [sic]*.” Ex.2007, 430-31. Second, Petitioner does not identify anything that suggests PO conceded the prior art cited during prosecution taught any claim limitations or that the Examiner’s reasons for

allowance identified the patent's "novelty." Third, Petitioner does not rely on the same art that was cited during prosecution, so the fact the Examiner determined a limitation was taught by a reference during prosecution says nothing about what the references *now cited by Petitioner in this proceeding* disclose. Thus, Petitioner's "novelty" argument is wholly irrelevant.

Petitioner also takes issue with PO's assertion that "[t]he file history of the '658 Patent (the parent of the '068 Patent) repeatedly emphasizes that content is streamed in real time simultaneously to a user interface (i.e., a master webpage)." Paper 34 at 7 (citing Paper 28 at 22). Petitioner evidently ignores the other portions of the file history cited by PO and Dr. Edwards, which likewise discuss streaming in real time to a user interface/master web-page. *See* Paper 28 at 22 (citing Paper 28, §II.B and Ex.2010, ¶82).

Finally, Petitioner's attempts to soften its expert's admissions miss the mark. Paper 34 at 7-9. According to Petitioner, PO "mischaracterizes" Dr. Martin's testimony and faults him "for what he does not say." *Id.* But that is precisely the point—Dr. Martin's statements say nothing about "real time," the "master server," or the "master web-page," undermining any argument that they somehow support his (and Petitioner's) construction of "real time." Paper 28 at 23. Further, contrary to Petitioner's assertions, Dr. Martin's statements that the master application retrieves content "promptly to ensure users experience minimal delay when

viewing updated data” and that “simultaneously” and “real time” describe a “system where content from multiple sources is updated and displayed as soon as it becomes available” support PO’s interpretation. Ex.1002, ¶¶426-27; Paper 28 at 23-24. Indeed, to ensure users experience minimal delay when viewing updated data, the patent describes streaming content *on the master web-page in real time*. Paper 28 at 24 (citing Ex.2010, ¶¶87-88). Thus, Dr. Martin’s testimony supports PO’s interpretation of the claim, not Petitioner’s erroneous construction.

2. PO’s Interpretation Does Not “Narrow” the Claim

Petitioner’s contentions that PO and its expert “add numerous requirements to the claim” and that PO’s interpretation “has become a moving target” are simply false. Paper 34 at 9-11. As explained above, PO’s interpretation of “real time” has not changed throughout this proceeding—from the POPR, to the Preliminary Sur-Reply, to the POR, to this Sur-Reply, PO has consistently maintained that the “real time” limitations require streaming or scrolling/paging content “in real time” *on a master web-page*; not simply sending content to the server as Petitioner contends. *See supra*, §II.A; Paper 12 at 16; Paper 22 at 1; Paper 28 at 18.

The table in Petitioner’s Reply is a red herring. Paper 34 at 9-11. The purported “Additional Requirements” identified by Petitioner are merely instances in which PO and Dr. Edwards attempted to explain the claim language and prior art. For example, Petitioner apparently contends PO and Dr. Edwards attempted to

add “streamed or displayed incrementally” to the claim. *Id.* (No. 1). Not so. That statement does not appear in the POR—instead, PO asserted that “Darnell does not provide content items to a user’s feed reader user interface (116) in real time.” Paper 28 at 28. Similarly, Dr. Edwards opines that “Darnell does not provide streamed content to a user’s feed reader user interface in real time” and further explains that in Darnell’s system “the user sees only stored, itemized entries that are delivered periodically or on demand, not content that is streamed or displayed incrementally in real time on a master web-page.” Ex.2010, ¶96. Not only was this Dr. Edwards explaining his reasoning, he also detailed elsewhere in his declaration that “streaming involves incremental delivery of data that is used contemporaneously by the user on the master webpage,” thus providing the bridge between his explanation of Darnell and the explicit requirements of the claim. *Id.*, ¶70. Petitioner’s attempt to treat these as anything more than additional explanations of the claim language and prior art misinterprets PO’s arguments and Dr. Edwards’ opinions.

Petitioner’s remaining contentions are likewise baseless. PO is not narrowing the claim “to fit a live-streaming paradigm.” Paper 34 at 11. While the claim could encompass “live” content, PO has never argued the claim is limited to “live” content and the portions of the POR cited by Petitioner do not indicate otherwise. Paper 28 at 12-13 (quoting the file history discussing “live-streamed

content data,”*i.e.*, not referring to “live content”), 39 (“real time” means “the user perceives a live, uninterrupted flow” of “data segments,” *i.e.*, not referring to “live” content), 42 (Darnell’s system “presents a snapshot, not a live stream on a master web-page,” *i.e.*, referring to “live” stream not “live” content). Finally, Petitioner asserts that “PO never explains how its proposed requirements could apply to those other types of content (*e.g.*, emails, social media posts) or to content applications.” Paper 34 at 11.³ But there is nothing about PO’s interpretation (*i.e.*, streaming content in real time on a master web-page) that would preclude emails, social media posts, or content applications, and Petitioner offers no explanation why those types of content data or applications ***do not*** fit within PO’s interpretation.

In sum, PO’s interpretation of “real time” is derived from the explicit language of the claim, adds no additional requirements, and aligns with the intrinsic record. Petitioner’s construction, by contrast, finds no support in the claim, specification, or file history, and Petitioner’s attempts to sidestep the intrinsic evidence fail. On the full record of this proceeding, the Board should

³ Contrary to Petitioner’s argument, the ‘068 and ‘658 Patents do not mention “emails” or “social media posts,” but instead refer to social media or email accounts/web-sites. *E.g.*, Ex.2006, cls. 2-3.

reject Petitioner’s construction of “real time” and adopt PO’s interpretation, which is true to the intrinsic evidence and the requirements of *Phillips*.

B. “master web-page”

Petitioner’s Reply asserts that “PO is incorrect that ‘Petitioner...concede[s] that the ‘master web-page’ must be dynamic” because the claim “imposes no such requirement.” Paper 34 at 1-2 n.2. Yet both Petitioner and its expert purportedly applied the definition of “master web-page” from the patent, which states “[a] *dynamic* user web-page or master web-page is a webpage viewable remotely from a remote computing device via log-in server or master server and which displays a slide tool that scrolls or pages through content data and/or content application from multiple content data sources and/or service providers in real time.” Ex.1001, 4:32-37; Paper 1 at 9-10; Ex.1002, ¶154; Ex.2012, 127:4-128:7. Petitioner fails to explain how it could have simultaneously applied that definition but also contend that the “master webpage” need not be dynamic. Petitioner’s inconsistency is telling—either the Petition is wrong and failed to accurately provide the claim constructions relied upon by Petitioner, or Petitioner is attempting to fix another fundamental flaw in its Petition by belatedly changing its position. Either way, any interpretation of “real time” should take into account the specification’s description of the invention, including the definition of “master web-page” applied by Petitioner and its expert.

III. PETITIONER’S INVALIDITY GROUNDS FAIL

A. PO Did Not Mischaracterize Darnell and Dasgupta

Petitioner’s attempt to distinguish Darnell and Dasgupta from the prior art “aggregators” and “navigators” described during prosecution of the ‘658 Patent (the parent of the ‘068 Patent) ignores the references’ disclosures and the file history. Paper 34 at 12-13. During prosecution of the ‘658 Patent, the applicant explained “[i]n an *aggregator* information is gathered from various web sources or content providers and is organized into a new web source or web page using one or more algorithms based on, for example, search terms” and “[a] *navigator* is an interface and/or program that allows a user to switch, migrate or select web sources or access particular content providers” typically “through a user interface that includes icons or point and click icons.” Ex.2007, 134. Darnell’s system is an “aggregator”—it aggregates content feeds. Paper 28 at 26; Ex.2010, ¶94. Dasgupta is a “navigator”—it is a GUI with icons that allows users to access interactive portals associated with content providers. Paper 28 at 31; Ex.2010, ¶99. PO did not mischaracterize Darnell and Dasgupta—rather, Petitioner’s cursory attempt to distinguish the references because, for example, they are not “search engines,” ignores the descriptions provided during prosecution and mischaracterizes the art.

B. Petitioner’s Darnell-Based Ground 1 Does Not Invalidate the Challenged Claim⁴

Element 1[b2]. Under the properly construed claim language and intrinsic record, “*streamed* to the master server...*in real time...on a master web-page*” requires streaming content in real time on the master web-page. *See supra*, §II.A. Darnell discloses a different model in which the server retrieves a currently published set of content items, merges the retrieved content items into a previously stored set, stores the merged items, and then transmits an ordered list in response to a request or fetches an additional set for display when the user attempts to scroll beyond the end of the displayed list. Paper 28 at 29-30; Ex.1004 at [0106], [0108-09], [0112]; Ex.2010, ¶¶114-16. That is a retrieve-merge-store workflow followed by on-request delivery, not content streamed “in real time ... on a master web-page.” Ex.2010, ¶¶114-16.

Petitioner’s criticism of PO’s use of the terms “asynchronous” and “atomic” to describe Darnell’s system is semantics. Paper 34 at 14-15. Notably, Petitioner does not dispute PO’s summary of Darnell—including that “Darnell’s system...is not streaming to the user in real time, it is delivering discreet snapshots.” *Id.*

⁴ Petitioner’s Reply mislabels its invalidity Grounds as 1A-1B and 2A-2B. The Petition refers to Ground 1 (based on Darnell) and Ground 2 (based on Dasgupta). Paper 1 at 2.

Further, as PO and its expert explained, “Darnell’s aggregation system is, by definition, asynchronous because the retrieval of data, its storage, and its presentation occur at different times” and “Darnell’s ‘content items’ are atomic units [because] each item is fully retrieved, merged, and stored before any of it is displayed to the user.” Paper 28 at 38-39; Ex.2010, ¶¶ 117, 121. Thus, PO and its expert described exactly how and why Darnell’s system is “asynchronous” and “atomic” and, more importantly, why a system with those features does not meet claim 1’s “streamed to the master server...in real time...on a master web-page” limitation. Paper 28 at 36-43. Petitioner also faults PO for purportedly relying “exclusively” on Dr. Edwards’ testimony and excerpts from Dr. Martin’s testimony. Paper 34 at 14-15. This is not only inaccurate given PO’s citations (*e.g.*, numerous citations to Darnell itself), but it is also unclear why PO’s reliance on its expert is improper, especially given that Petitioner did not challenge Dr. Edwards’ qualifications here.

The Reply next disputes PO’s arguments regarding Darnell’s “fetch” requirement. Paper 34 at 15-16. According to Petitioner, PO improperly added a “without user involvement” requirement to the claim. *Id.* Not so. PO is not adding a claim limitation; instead, PO explained that the intrinsic record supports the view that “real time” streaming takes place without user involvement. Paper 28 at 42-43; Ex.1001, 1:55-2:3 (distinguishing conventional systems that required multiple log-

in procedures); Ex.2007, 179 (discussing use of a single user interface, *i.e.*, the master web-page, rather than “open[ing] up multiple web-sites”). Petitioner also asserts that Darnell’s “feed tracker module” “retrieves content items ‘as content feeds are updated,’” not only in response to a user request. Paper 34 at 16-17. But the Reply acknowledges that Darnell’s “feed tracker module” is part of the alleged “master server.” *Id.* Thus, even if Darnell’s feed tracker module (the alleged “master server”) retrieves content without user involvement, that does not meet the “*streamed to the master server...in real time...on a master web-page*” limitation of claim 1 because it discloses nothing about real time streaming “on a master web-page.” Paper 28 at 42-43.

Element 1[b3]. The claim further requires “*scrolling or paging through the content data or the content applications... simultaneously and through the master server in real time from the master web-page.*” In Darnell, the scrollbar navigates lists that were compiled from the server’s database, and when the list ends, the client sends a fetch to obtain another batch. Paper 28 at 44-45; Ex.1004 at [54], [0112]. That is not “scrolling or paging” through content in real time from the master web-page. Ex.2010, ¶¶130-31.

Petitioner’s arguments to the contrary do not hold water. Paper 34 at 17-19. Petitioner first asserts that PO “improperly rewrites the claim” to add limitations. Like Petitioner’s “without user involvement” argument discussed above, PO is not

adding claim requirements but rather simply sought to explain Darnell's system and why it does not meet the "scrolling or paging" limitation. Paper 28 at 44-45. Petitioner's "master server"/"feed tracker module" argument likewise fails for the reasons discussed above regarding Element 1[b2].

Further, Petitioner's assertion that Darnell's scrollbar is a "slide-tool program" because embedded scripts "program" the client does not close the gap. Paper 34 at 18. Whatever "programming" occurs, Darnell's own description shows that additional content is delivered only when requested and only after prior merge/store. Paper 28 at 29-30; Ex.1004 at [0106], [0108-09], [0112]; Ex.2010, ¶¶114-16. It is not streamed in real time on the master web-page and scrolled/paged "in real time from the master web-page" as the claim requires.

Lastly, Petitioner contends that PO misinterprets 1[b3] because the claim language "addresses use of the slide-tool, not the characteristics of the content data or content applications." Paper 34 at 19. While not entirely clear, Petitioner appears to believe that the literal act of scrolling itself meets this limitation. As explained in the POR, it does not, and beyond arguing claim interpretation, Petitioner offers no other arguments to the contrary. Paper 28 at 46.

C. Petitioner's Dasgupta-Based Ground 2 Does Not Invalidate the Challenged Claim

Petitioner's attempts to salvage the Dasgupta-based Ground 2 likewise fall short. Not only does Dasgupta fail to disclose the "real time" on a master web-page

limitations, Petitioner's eleventh-hour attempt to change its invalidity theory with respect to the "master web-page" limitation serves as a tacit admission that the Petition's Dasgupta ground is fatally deficient.

Content data/applications. As an initial matter, Petitioner's attempt to remedy its shifting-sands approach to "content data and content applications" does not cure the deficiencies in the Petition. Paper 34 at 20-21. According to Petitioner, "Dasgupta's channel icons, advertisements, and the associated media content are thus interrelated and collectively or individually correspond to content data and content applications." *Id.* But the Petition disclosed, at best, channel icons and advertisements. Paper 1 at 50. And even if channel icons, advertisements, and associated media content were properly disclosed in the Petition, Petitioner still cannot change what it refers to as "content data and content applications" from one claim limitation to another whenever self-servingly convenient. For example, the Petition refers broadly to "media content," "media content channels" including streams or frequency bands, and "channels" when discussing the "streamed to the master server" limitation, but refers only to "channel icons" when discussing the "remote tool box" limitation. Paper 28 at 48-49. Petitioner's Reply does not, and cannot, show that the Petition relied on any of the channel icons, advertisements, or associated media content for each "content data and content applications" claim element. This flaw dooms Petitioner's Dasgupta ground.

“Master Web-Page”. Petitioner disputes PO’s argument that Dasgupta does not disclose a “master web-page,” but Petitioner’s arguments are unavailing and demonstrate the weakness of the Petition. In response to PO’s contention that Dasgupta’s mere mention of HTTP does not mean Dasgupta discloses a web-page, Petitioner attempts to rewrite its Petition. According to Petitioner, the Petition allegedly “explains that it would have been obvious to use a web-page as Dasgupta’s channel guide because it is transferred using HTTP.” Paper 34 at 21. But the Petition *never mentions obviousness* for the “master web-page” limitation. Paper 1 at 53-55. Instead, the Petition concludes “a POSITA would have understood [Dasgupta’s] subsystem 202 sends webpages to subsystem 204 using the HTTP (on a master web-page).” *Id.* at 55; *see also id.* at 55 (“As explained above, a POSITA would have understood that Dasgupta *discloses* transmitting the channel guide as a webpage from subsystem 202 to subsystem 204 using HTTP.”). Petitioner cannot simply change its argument to obviousness now. *E.g., Intelligent Bio-Systems, Inc. v. Illumina Cambridge, Ltd.*, 821 F.3d 1359, 1370 (Fed. Cir. 2016) (Board did not abuse its discretion in refusing to consider “new theory” in reply brief under 37 C.F.R. § 42.23(b)). Petitioner’s attempt to do so here concedes

that the Petition is deficient, that Dasgupta does not disclose this limitation, and that its Dasgupta grounds fail for this reason alone.⁵

Element 1[b2]. Petitioner contends that PO “adds requirements” by referring to a “real time view” or “dynamically updated content,” and that “content data” is broad enough to include static imagery and advertisements/promotions. Paper 34 at 22-24. The claim language, however, requires that “content data and content applications” be “streamed...in real time...on a master web-page.” In Dasgupta, the icons and advertisements are not the streamed content “on” the guide, but instead are interface elements that accompany the guide and, in the case of icons, trigger entry into a provider’s interactive portal for the actual media content. Paper 28 at 51-54; Ex.2010, ¶¶169-72; Ex.1006, 13:5-51. That is fundamentally different from the ’068 Patent claim, which requires content streamed “in real time...on a master web-page” and not in a separate provider environment. Paper 28 at 51-54; Ex.2010, ¶¶169-72

⁵ Even if Petitioner could pivot to obviousness for this limitation, Petitioner’s argument still fails. Beyond arguing HTTP was “well-known,” Petitioner offers no explanation as to why a POSA would have been motivated to use a web-page as Dasgupta’s channel guide or had a reasonable expectation of success in doing so. *See* Paper 34 at 21-22.

Further, Petitioner disputes PO's argument that Dasgupta's channel icons require a user to "click" to access content and thus cannot be content "streamed to the master server . . . in real time . . . on a master web-page." Paper 34 at 23. The intrinsic record, however, makes clear that "the user does not need to open up web sites to view multiple web sources simultaneously from a single user interface." Ex.2007, 134-35, 179. And Petitioner's assertion that Dasgupta's "interface does not 'open up web sites' as a user scrolls through channel guide 1602" fails for multiple reasons: (1) Petitioner has not alleged that "channel guide 1602" serves as "content data" or "content applications"; (2) channel icons and advertisements are not content streamed "in real time...on a master web-page" (*see* Paper 28 at 51-54); (3) channel icons "function as a launching point for an interactive portal associated with the corresponding media content channel" (Ex.1006, 13:24-30) (in other words, accessing content streamed "in real time" requires clicking away from the purported master web-page); and (4) this position appears to be inconsistent with Petitioner's argument that Dasgupta discloses (or its new argument that Dasgupta renders obvious) providing the channel guide as a web-page.

Finally, Petitioner asserts that content is transmitted to Dasgupta's delivery subsystem 202 (the alleged "master server") and, therefore, is available the channel guide (the alleged "master webpage"). Paper 34 at 25. That repeats the same claim-construction error that plagues all of Petitioner's invalidity grounds and

should be rejected for the same reasons. *See* Paper 28 at 54-55 (citing Ex.2010, ¶171). At bottom, Dasgupta’s channel guide is simply a list of icons and advertisements with content behind interactive portals. *See id.* at 51-54. Petitioner has not, because it cannot, show that Dasgupta discloses content streamed “in real time...on a master web-page,” as the claim requires.

Element 1[b3]. Petitioner asserts that PO’s argument regarding this element—that “[b]ecause Dasgupta fails to disclose streaming content in real time on a master web-page, it necessarily lacks any slide tool program for scrolling or paging through such content in real time from the master web-page”—is wrong for the reasons discussed regarding the “master web-page” and element 1[b2]. Paper 34 at 26. But Petitioner has not shown Dasgupta meets those limitations and thus, its arguments regarding element 1[b3] likewise fail.

IV. CONCLUSION

The Petition fails to establish by a preponderance of the evidence that the Challenged Claim is unpatentable. Accordingly, the Board should find claim 1 of the ‘068 Patent patentable.

Dated: March 18, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that Patent Owner's Sur-Reply complies with the type-volume limitations of 37 C.F.R. §42.24 because it contains 5,125 words (as determined by the Microsoft Word word-processing system used to prepare the Petition), excluding the parts exempted by 37 C.F.R. §42.24.

Dated: March 18, 2026

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **PATENT OWNER’S SUR-REPLY** was served on the date below via email at the following email addresses:

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