

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STINGRAY INC.,
Petitioner

v.

EDWIN A. HERNANDEZ-MONDRAGON,
Patent Owner

Case IPR2025-00351
Patent No. 11,140.441

PATENT OWNER RESPONSE

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20	<i>Dynamic Drinkware v. Nat’l Graphics, Inc.</i> , 800 F.3d 1375, 1379 (Fed. Cir. 2015)
20	<i>Harmonic Inc. v. Avid Tech., Inc.</i> , 815 F.3d 1356, 1363 (Fed. Cir. 2016)

I. INTRODUCTION

The Petition in this proceeding rests on a fundamentally flawed and improper foundation. The expert declaration upon which Petitioner relies is not the product of an independent analysis of the cited prior art. Rather, deposition testimony has confirmed that Petitioner provided its expert with a draft of Petitioner's own IPR petition before the expert prepared his declaration. That expert then selectively adopted Petitioner's positions on multiple claim sub-elements—without conducting a full and independent assessment of the references—and presented those positions as his own opinions. The expert did not disclose in his declaration that he had relied on the Petitioner's petition yet testified under oath that he was tasked only with addressing certain sub-elements and that his declaration incorporated Petitioner's pre-packaged analysis (EX2102, 116:23-25, 117:1-8, 120:16-25, 121:1-11). In fact, Petition, Paper23 cites Ex1002¶111

These revelations are not minor defects. They go to the integrity of the very basis for institution. The Board's institution decision rests on a declaration that purports to provide an independent expert assessment of the cited U.S. patent references and alleged combinations. However, that declaration is derivative of Petitioner's attorney argument, not objective expert analysis. The expert confirmed in deposition that he did not independently analyze several key sub-elements of the primary U.S. patent references but instead relied on Petitioner's framing. Worse, after conferring with counsel between the first and second day of deposition, the

expert materially altered prior sworn testimony, further undermining his credibility and the reliability of his declaration.

The law requires more. Expert testimony in an IPR must reflect the expert's own considered analysis, not a parroting of petitioner's arguments. When the linchpin of Petitioner's case is revealed to be a declaration crafted in reliance on Petitioner's petition itself, the entire proceeding is tainted. Institution here was fundamentally based on evidence that cannot be credited. Thus, Petitioner's expert testimony is entitled to little or no weight. See e.g., *Broadcom Ltd. v. Invensas Corp.*, IPR2017-00424, paper no. 7, pp. 13, 17 (July 3, 1017) ("Expert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight."); see also, Fed. R. Evid. 702(b)

Accordingly, Patent Owner respectfully submits that the Board should give no weight to Petitioner's expert declaration and should confirm the patentability of all challenged claims.

II. BACKGROUND

A. THE '441 PATENT

The '441 Patent, entitled "Method, System, and Apparatus for Multimedia Content Delivery to Cable TV and Satellite Operators," relates to a technology that can securely connect to a cloud-based platform (e.g. OpenStack, Amazon EC2, Mediamplify Cloud, etc.), retrieve user interfaces using a web-service, crate

multimedia files from those interface(e.g. MPEG4 movies) while storing other multimedia files into a secured repository (e.g. Secured File System, Linux/Windows, etc.). The created multimedia files are then broadcasted to a channel according to certain rules while reproduced those signals via a multicast or unicast video stream (e.g. User Datagram Protocol (UDP) multicast, etc.) encapsulated in a Transport Stream (TS) ‘441 Patent at 1:23-31.

The patent describes that while “obtaining the content can include retrieving at least one audio file corresponding to an audio component of the multimedia item and retrieving a plurality of images as screen captures that can correspond to video component of the multimedia item. Generating the multimedia files in the second format can include combining the plurality of images and the at least one audio file to create each of the multimedia items.” At ‘441 Patent 2:65-7 and 3:1-4

The ‘441 Patent (which claims priority to December 21, 2014) describes a method to methods of broadcasting that includes rendering of such web pages. The patent describes these web pages as a “Custom UI” or “Custom User Interface” that is stored at a URL (‘441, at 5:54-60). This custom UI can be configured in a per channel-basis or for all channels that are being broadcasted (‘441 at 5:59-61).

In other words, a web page containing a “Customer UI” is rendered separate from a multimedia file (e.g. audio) and the webpage is rendered separately. The resulting the “Custom UI” can be such that the contents overlap or replacement

certain content begin broadcasted to a channel, as the '441 patent says that "a custom UI can be rendered to overlap or replace the video feed file (See '441 at 7:5-10). THE ART CITED AND RELIED ON BY PETITIONER

1. US 7,940,303 ("Farber")

Farber describe a state machine composed by several general-purpose computers that use a "triggering" mechanism in a "state" machine. As a "Broadcasting Playout" triggers a "Data Carousel System," followed by "Data Carousel System" triggering" the "MPEG encoder" that "pulls a template" that creates an MPEG Transport Stream,

In summary, Farber either broadcast to a "Cable Television Network" or "stores" content into a hard drive or a storage device.

2. U.S. Pat. 8,954,600 ("Avellan")

Avellan describes a Gateway server using "Web to HD Video Protocol" Ex-2039¶122 that converts web pages into "compressed images." When user computers request websites, the Gateway intercepts requests and makes new HTTP requests to websites on behalf of users. The Web to HD Video Protocol collects website images and sends responses to users' requests. The system generates "compressed video and TAG files" from retrieved HTML, with "tag files" Ex-2039¶187 containing screen positions of selectable HTML items. Files are stored in a "Cache" system and delivered to end users for decompression and display.

Avellan enables devices with restricted bandwidth to leverage gateway servers for web page rendering that typically requires multiple HTTP requests Ex-2039¶182, creating “mage captures from sites as CNN.com, Google.com, Yahoo.com, Youtube.com, and other solutions. EX1003, FIG 1. Avellan includes a "virtual" browser at 106 and high-speed connection server 135 to resolve and render pages from networks 150, 152. EX1003, 4:62-64, Ex-1002 ¶85. Users must type domains via keypad and send mouse clicks, including pressing ENTER EX1003 6:30. Avellan operates on "compressed video files" with associated "Tag Files" EX1003 5:44 for determining mouse movements and clicks at webpage action points."

3. U.S. Pat. No. 9,009,111 (“Vermeulen”)

Vermeulen is a web-service for managing storage for multimedia applications.

4. U.S. Pat. No. 8,442,110 (“Pavlovskaia”)

Pavlovskaia teaches bandwidth regulation for analog cable channels by encapsulating HTML in MPEG streams with PIDs for set-top box browser display."

5. PCT Pat. No. WO 2010/044926 (“Pavlovskaia-PCT”)

This patent provides a platform for interactive content over television broadcasts. The disclosure shows a platform whereby, along linear channels,

interactive content such as web pages. As such, a “Virtual Machine” module is used at the “processing office.”

6. U.S. Patent 8,819,043 (“Durante”)

Durante is also very generic, and relates to the playback of music videos and discloses the use of metadata for the song title and artist name based on a video library,

7. U.S. Pat 9,635,075 (“Ma”)

Ma is also very generic, and “relates to the broadcast media services and the use of identifiers to identify channel content”

8. U.S. Patent 6,463,445 (“Suzuki”)

Suzuki is generic, and is used to request to a content recipient what type of transcoding is in use. Suzuki uses a “state machine” for media transcoding and requesting of format from a client receiving a file. Suzuki discloses an “alphanumeric keypad” mechanism to

9. U.S. Patent Application 2004/0031052 (“Wannamaker”)

Wannamaker is a patent application where the “Rendered” uses HTML “Server Transcoding” to a proprietary Markup Language format, CPML/MML with FMB images. Wannamaker uses a MediaCast system together with an MMS (Multimedia Streaming) server that depends on a hardware module by Motorola OC1000 module for encoding content in analog form or RF (Radio Frequency) for Cable TV (CATV) systems.

III. THE LEVEL OF ORDINARY SKILL IN THE ART

A POSITA with respect to the '441 Patent would have education, experience, and training commensurate with a person with a bachelor's degree in electrical engineering or computer science, and would have knowledge of remote desktop protocols, access controls, networking protocols, and communications, including TCP/IP-based standards, software design, distributed systems, and network equipment configuration. Based on my experience, education, and training, I have an understanding and knowledge of these capabilities and have been involved with these technologies myself.

IV. CLAIM CONSTRUCTION

Claims in a IPR review are construed using the same claim construction standard as in a civil action. 37 C.F.R. § 42.100(b). Under this standard, claims terms are generally given their ordinary and customary meaning as understood by a person of ordinary skill in the art ("POSITA") at the time of the invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (en banc). The POSITA is deemed to read the claim term in the context of the entire patent, including the specification and prosecution history. *Id.* at 1313-1316. Courts depart from the plain and ordinary meaning in only two instances: (1) when a patentee acts as its own lexicographer, and (2) when the patentee disavows the full scope of the claim term in the specification or during prosecution. *Hill-Rom Servs. v. Stryker Corp.*, 755 F.3d 1367, 1371 (Fed. Cir. 2014).

Petitioner's statement that all of the claim terms should be construed "any plausible construction" a POSITA in view of the specification (Petition at 15), without specifying what constitutes whether plain an ordinary meaning of any term, is in use.

V. PETITIONER HAS BURDEN OF PROOF

"In an [inter partes review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable." *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016). "Failure to prove the matter as required by the applicable standard means that the party with the burden of persuasion loses on that point—thus, if the fact trier of the issue is left uncertain, the party with the burden loses." *Dynamic Drinkware v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1379 (Fed. Cir. 2015).

VI. GROUND 1: PETITIONER PROPOSED GROUNDS BASED ON FARBER FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF '441 CLAIMS

A. Independent Claim 1

The '441 patent discloses a "caching unit" that utilizes RESTful, stateless protocols like HTTP to broadcast content to cable TV operators or Smart TVs via

media streams. Certain claims teach a "caching unit" for rendering and storing multimedia content from browser-rendered "web pages." Ex-2039¶72

Farber teaches a "state machine" where each "state" triggers behavior in another state, presenting two embodiments: MPEG Transport stream multiplexing to content providers, and storing the resulting MPEG Transport Stream on DVD or hard drive for display."

This reduces the word count from 85 to 62 words while preserving the legal terminology and technical accuracy.

VII. GROUND 1: PETITIONER PROPOSED GROUNDS BASED ON FARBER FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Independent Claim 1

1. Farber does not teach or suggest Element 1a

a. creating a plurality of multimedia assets at a caching unit, for each one of the plurality of multimedia assets;

Lipoff identified that Element 140 at Ex-1003 (LipoffDepo2, 47:13-16, 48:2-6) is the "Caching unit" Petitioner fails to show with precision where in Farber, the caching unit resides. Petition, 26 appears to say Element 150, FIG 5 is the caching unit.

Petition,15 says that *"This process "may be executed for a plurality of channels simultaneously."* Ex-1003 at 6:9-10. *The* MUX (multiplexer) output is

an MPEG Transport Stream, without a playlist hence *not* a “plurality” (Ex-2039¶¶163-164).

Hence, Farber requires several multiplexers and several CDs, DVDs, and hard disk or “caching units” to satisfy that “The storage playout device 150 could be direct playout device such as a display” (Ex-2039¶161).

2. Farber does not teach or suggest Element 1b

a. determining that there is sufficient storage space for the multimedia asset at the caching unit

Farber does not need to determine space as CDs, DVDs, PCMCIA slots, have a fixed space size. CD ROMs a few hundred Megabytes for example. The retrieving “at a later time” argument at Petition, 17 is questionable. A POSITA will know that “at a later time” means with a CDROM, using a CD Player connected to a display.

A “caching unit” is not a CDROM, DVD, or just a Flash drive. A caching unit is a server with operating systems, logs files, programs, and multiple media streams are being generated. (Ex-2039¶128)

A POSITA will know that in modern Operating Systems, i-Nodes are used to determine free space, (Ex-2039¶132) especially in “carrier grade” environments

‘441 patent teaches check space “left” greater than “threshold” (Ex-2039¶¶133-135) (Ex-2039¶113)

3. Farber does not teach or suggest Element 1d

a. retrieving from a cloud service a plurality of media files to be included in the multimedia asset including a media identifier for each one of the media files;

the claim requires “retrieving from a cloud service a plurality of media files to be included in the multimedia asset”, also “including a media identifier for each one of the media files”

Petition, 21 imply shows that the template has a “UniqID Value=”...”, as well as “CD value=” however, Petition, nor Farber shows evidence that a) there is a media file, and b) even less, that a “media identifiers” is used for retrieval. As shown in the Template file (Ex-1003 Fig. 6.” The XML schema shows is no URI or link to any media file. For that, a media file should point to something like:“<directory>/<filename>.mp3 or .aac or .ac3, or if the source was a,cloud-based service, as Amazon S3 something like:

<https://s3.amazonaws.com/.../filename.mp3>. But there is **none**¹ (Ex-2039¶109)

¹ As public knowledge, the first company to introduce digital files, e.g. AAC or MP3 commercially was with Apple iTunes around April 2003, when Farber priority date is March 2003.

Using Media Identifiers in Music Platform is extremely important, specially when retrieving content cloud-service, there is more control of media files for royalties and music rights. Hence, although a data source could be “remote,” the Petition, 21-22 does not show that the cloud-service system uses the media identifier for the retrieval process, nor such a media file.

4. Farber does not teach or suggest Element 1e

a. for each one of the media files, creating a custom hypertext transfer markup language (HTML) user interface that includes video;

As Farber fails to show there is a media file, however if the board doesn’t agree. Farber fails to show “creating a custom hypertext markup language (HTML) user interface that includes video,” as Farber does not disclose how an HTTP server will work.

the ‘441 patent teaches that for a “Custom UI” or a “User Interface” is in use an HTTP Server needs to be present. Farber does not disclose one, hence HTML pages are retrieved by the “Image Encoder.” Although, it is unclear how the Image Encoder creates MPEG Transport Streams from the HTML or XML, what is true is that the Data Carousel, does not teach or suggest the use of an HTTP server. Simply, HTTP is a stateless protocol, while Farber and the system 140 at FIG 5, is a state full system Ex-2039¶103- 105

5. Farber does not teach or suggest Element 1f

a. encoding each of the media files and encapsulating them together using an MPEG transport stream format;

as there are no “media files” presented by Petition or in Farber. Regardless, if accessing the CD ROM took place, Farber only works on MPEG Transport Streams, and is silent on encoding. Hence as the Image Encoder outputs MPEG Transport Streams (Ex-2039¶139)

Ex1002¶146 switches Faber’s description from “MPEG Encoder” to “MPEG Video Encoder” when Farber is clear that only operates in MPEG Transport Streams. The only thing farber discloses is that HTML is converted to an MPEG Transport Stream Ex-2039¶147.

Farber simply points to the “Image Encoder” and retrieves the template to generate an MPEG transport stream Ex-2039¶153

6. Farber does not teach or suggest Element 1g

a. storing each one of the multimedia assets at the caching unit;

as Farber does not use media files, a multimedia asset is not stored in the caching unit, in fact is only stored after the broadcasting step is ongoing, meaning at the multiplexer,

since Farber needs to transmit and reach the “Multiplexer” first before storing each multimedia asset, the process followed by Farber is “recording” and then “storing”

the ‘441 Patent does not need to broadcast the multimedia assets to be stored at the caching unit, but Farber requires it.

7. Farber does not teach or suggest Element 1h

a. receiving a request at the caching unit for one of the multimedia assets from a broadcasting unit; and

Farber teaches away from using Element 1h and Element 1i, As shown, by Farber once all triggers are send from Audio Encoder to MPEG encoder and other systems EX2039¶¶105-107, the Multiplexer and as shown delivered to the cable television network or a satellite network” EX1003 at 6:21-25

at this point it is non-sensical for the broadcasting unit to request to the caching unit one or more multimedia assets.

Farber is a stateful, state machine, that triggers from one state to the next. E.g., Audio Encoder sends a trigger to MPEG encoder EX1003, ¶¶115-116. Assuming Farber is working on Elton, John’s song, it must wait for it to end, to trigger starting on a new song. As such, if either when Elton John is being “multiplexed” or while is transitioning, a “request at the caching unit: arrives, the process will be disrupted. This is derived from incompatible models, stateless using HTTP REST APIs, and stateful as Farber’s state machine.

8. Farber does not teach or suggest Element 1i

a. responsive to receiving the request, the caching unit providing the multimedia asset to the broadcasting unit in the MPEG transport stream format.

Farber discloses a “Finite State Machine” that triggers behaviors, such as Audio and Image multiplexing. However, such events provide an issue on being “responsive to receiving a request,” as the caching unit is Element 140, and Element 150 is just the hard drive (See analysis for 1a)

if such request is received by Element 140, Farber will have disclose a) all boxes such as 145, 147, 149, and 148 receive the request and respond to it, and b) that the functions from the triggered system are not disrupted.

B. Dependent Claim 7

1. Farber does not teach or suggest Element 7

a. The method of claim 1, wherein the video for the custom HTML interfaces includes video taken from the media file.

Farber points to the video in a template to be treated by the headend, and as shown in the XML schema of FIG.6, such video is not shown, nor an example on how the video will be loaded played, codec information.

on HTML4 in use in 2003 at the time of the invention, Flash and other web players were in use to include a video into a webpage. Instead, Farber teaches that the “MPEG video frame create by and received from system 40 with another asset that is stored locally with respect to the system at the headend” 7:2-4

VIII. GROUND 2: PETITIONER PROPOSED GROUNDS BASED ON FARBER IN VIEW OF VERMEULEN FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Independent Claim 1

1. Farber in view of Vermeulen does not teach or suggest Element 1a

a. creating a plurality of multimedia assets at a caching unit, for each one of the plurality of multimedia assets;

Supra VII.A.1

2. Farber in view of Vermeulen does not teach or suggest Element 1b

a. determining that there is sufficient storage space for the multimedia asset at the caching unit

the Farber uses a “Fine State Machine” that preserve state and uses triggers to switch from Image Encoder to MPEG Decoder and Audio Encoder.

communication with Vermeulen, a REST-style web services architecture is complex and given the changes and difficulties to either convert Vermeulen into an FSM (Finite State Machine) and attempt to combine, chances of success are minimal. Ex-2039¶103.

3. Farber in view of Vermeulen does not teach or suggest Element 1d

a. retrieving from a cloud service a plurality of media files to be included in the multimedia asset including a media identifier for each one of the media files;

4. Farber in view of Vermeulen does not teach or suggest Element 1e

a. for each one of the media files, creating a custom hypertext transfer markup language (HTML) user interface that includes video;

5. Farber in view of Vermeulen does not teach or suggest Element 1f

a. encoding each of the media files and encapsulating them together using an MPEG transport stream format;

6. Farber in view of Vermeulen does not teach or suggest Element 1g

a. storing each one of the multimedia assets at the caching unit;

7. Farber in view of Vermeulen does not teach or suggest Element 1h

a. receiving a request at the caching unit for one of the multimedia assets from a broadcasting unit; and

8. Farber in view of Vermeulen does not teach or suggest Element 1i

a. responsive to receiving the request, the caching unit provides the multimedia asset to the broadcasting unit in the MPEG transport stream format.

Supra VII.A.3 to 8

B. Dependent Claim 7

1. Farber in view of Vermeulen does not teach or suggest Element 7a

a. The method of claim 1The method of claim 1, wherein receiving the requests for the multimedia assets comprising receiving the requests over a REST API, or wherein retrieving the plurality of media files is performed using a REST API..

Supra VIII.A.2

IX. GROUND 3: PETITIONER PROPOSED GROUNDS BASED ON FARBER IN VIEW OF PAVLOVSKAIA FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Dependent Claim 3

1. Farber in view of Pavlovskaja does not teach or suggest Element 3a

a. The method of claim 1, wherein creating the custom HTML user interface for each media file is performed using JavaScript

Farber does not disclose this feature, hence the HTML shown by Farber does not show what HTML version is.

JavaScript needs to show that the DOM Objects are transformed and parsed such that media files are involved. Since Farber does not show media files. This fails.

Pavlovskaia being an HTTP-based platform is not easily combinable with a Finite State Machine (Pavlovskaia), or stateless protocols with stateful protocols (Farber)

X. GROUND 4: PETITIONER PROPOSED GROUNDS BASED ON FARBER IN VIEW OF DAVIS FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Dependent Claims 4, 5, 8

1. Avellan does not teach or suggest Element 4a

a. The method of claim 1, wherein encoding each of the media files include encoding each of the media files at a specified bit rate.

Since Claim 1 is not met, plus Davis needs to be able to handle “triggers” to replace the “Image Encoder” and the “MPEG Encoder” in Farber (Ex1002 at FIG 5 and FIG 4).

The analysis by Petition, 37 is flawed, as considers the inexistent component “MPEG Video Encoder” as part of the combination. Stating that

2. Avellan does not teach or suggest Element 5a

a. The method of claim 1, wherein encoding each of the media files include encoding each of the media files using a H.264 encoder.

See. Supra X.A.1

3. Avellan does not teach or suggest Element 8a

a. The method of claim 1, wherein encoding the media file is performed using an AC-3 file format for audio content in the media file.

See. Supra X.A.1 and Davis can replace the “Audio Encoder” and the “MPEG Video Encoder,” both produce MPEG Transport Streams. However, Davis

produces AAC audio with H.264 video codecs, as a consequence, undue experimentation to add “Transport Streams” will be required, Therefore, Ex1002 confirms at ¶148 that Davis teaches “H.264 and AAC codecs” whereas Farber teaches “MPEG Transport Streams.” An MPEG Transport Stream is an encapsulation or container format not a video encoding format. Since, the Image Encoder and MPEG Encoder are unknown, such combination cannot be guaranteed and will provide unexpected results.

XI. GROUND 5: PETITIONER PROPOSED GROUNDS BASED ON FARBER IN VIEW OF FOGEL FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Dependent Claims 6, 9

1. Avellan does not teach or suggest Element 6a

a. The method of claim 1, wherein the custom HTML user interfaces are configured to be rendered using a Webkit browser.

Simply for Fogel to operate, Farber will have to add a network card, a web-service engine, and a mechanism to use HTTP Protocol with the “Data Carousel.” Such mechanism is not disclosed by Farber and in fact, such mechanism or an HTTP-based protocol that is “stateless” as Fogel describes will not be easy to integrate with Farber. Plus, it will be unclear if changes are made to the Image Encoder or the MPEG encoder, or any other location.

2. Avellan does not teach or suggest Element 9a

a. The method of claim 1, wherein the custom HTML user interfaces are configured so that multiple custom HTML user interfaces of the multimedia asset can be retrieved using a web rendering engine.

See Supra XI.A.1

XII. GROUND 6: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF PAVLOVSKAIA-PCT FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

The ‘441 separates different steps as “obtaining” and “web page rendering” EX2039¶¶49-50. As shown by Dr. Hernandez, it is not obvious that by separating “obtaining a plurality of multimedia items” from “rendering of a web page,” any imaged web page can be overlap or replace a video, and is a desired feature for a “one media stream.” EX2039¶¶220-221

Avellan also highlights the use of an obscure reference “Web to HD Video Protocol” EX2039¶¶53,236-239, that for the analysis of the claims simply was understood as a “way to convert HTML to an image or a compressed file.” Instead, the ‘441 Patent provides a detailed method, EX2039¶240

In summary, Avellan can only display items that were imaged from a web page whereas the ‘441 patented claims offer more combinations than just a web page.

A. Independent Claim 10

1. Avellan does not teach or suggest Element 10a

a. virtualizing a system including a virtualized caching server, wherein the virtualized caching server performs:

Pavlovskaia-PCT cites the use of a “Virtual Machine” block to handle some tasks in processing information. See Ex2110, ¶¶217-218

virtualization requires that interfaces, networking specially be virtualized as well. As the network interface in Avellan is a “Satellite” then, a POSITA will not feel a motivation to combine or with Pavlovskaia-PCT to obtain a virtual satellite, server, system. As the details provided by the ‘441 Patent at *Id.* ¶¶218-219. None of this is taught by Pavlovskaia-PCT or Avellan.

2. Avellan does not teach or suggest Element 10b

a. “receiving, from a content provider, a request for at least one media stream for playback on a broadcast media channel, wherein the at least one media stream includes a plurality of multimedia items of different types;

the term “content provider” is used by the ‘Ex1001, 2:53-56 as a “cable or satellite operator” (See *Id.* 2:65-67 and 8:17-19) and can be a recipient of a “media stream.” EX2039 ¶¶220-221. Petitioner treats web pages as media streams, which is clearly incorrect, as this method is constrained to show only to media visually appearing on the webpage.

the method receives a request from at least “one media stream” e.g. Rock Channel. A “media stream” is not a “web page.” Avellan retrieves web pages as CNN.com, Youtube.com. EX1002 at ¶¶73-75 indicated that the content provider

Petitioner at Pg. 18 cites “content provider” as either the “user computers” at 104 that generate a “request”, but also petitioner points to “**the gateway server 134 retrieves the information desired by the user**” as the content provider, throughout different claims petitioner either points to the remote computer or the gateway server as the “content provider”

, Petitioner at Pg. 19 says that the “one media stream” is a result of a request made via HTTP Request to any web page containing “video” or “audio” Petitioner fails to show a **one media stream** is requested.

Petitioner also points to a “suitable for a broadcast channel” and uses a conclusory argument that media website such as: CNN, BBC, ESPN are then automatically convert to “media streams” or a “plurality of multimedia items” by Avellan, capturing an image from the website. Avellan does not teach or suggest Element 10c.

b. “obtaining content corresponding to the plurality of multimedia items from at least one source offering the content in at least one first format”

Petitioner fails to show Element 1-b. as this is a separate request to the “web page” Petitioner can’t show a separate request other than to the web page that meets “obtaining content corresponding to the plurality of multimedia items.”

Instead, the Petition at Pg. 20 :*content from **multimedia websites** like CNN, Netflix and YouTube.* Web pages with video are no evidence of *a plurality of multimedia* items, as a separate request has to be shown EX2039¶¶227-229

Petition only shows a web page capturing process.

3. Avellan does not teach or suggest Element 10d

a. Element 10d - rendering a web page by a browser using the content;

Petition at Pg. 21 indicates that the “gateway server” and the “browser software” that resides at gateway server 134 is the browser of Element 1[c]. As the “Web to HD Video Protocol” Ex-2039¶236-237 is the one that renders the page, it is highly questionable how “the content from the plurality of multimedia items” is used by such protocol

the ‘441 patent rendering in detail, EX2039¶¶88-90

4. Avellan does not teach or suggest Element 10e.

a. Element 10e - generating a temporal sequence of screen captures of the rendered web page, where each screen capture defines all the content of the web page at a given time, and at least two adjacent screen captures illustrate a dynamic change of at least a portion of the content over time;

if it is assumed that “Web to HD Video Protocol” EX2039¶¶236-237 renders a web page and captures screens, both, the ‘441 patent and Avellan generate a temporal sequence of screen capture of a rendered web page.

if such “video protocol” existed, at best, provides “compressed video files” not media streams EX2039¶¶223-224. Avellan associates a “tag file” with a “video compressed file” hence needs to decompress the content to extract the tag file and the images.

5. Avellan does not teach or suggest Element 10f

a. assembling the at least one media stream using the temporal sequence of screen captures; and

Petitioner, points to the “compress the data into a compressed digital video format”, “once the webpage is imaged (including the audio...” as cited from Ex-1003 at 5:12-5:15 and 5:20-22. Petitioner fails to show Element 1[e]

assembling the “at least *one media stream* using the temporal sequence of screen captures,” requires a media stream that is

Therefore, Petitioner, 24 fails to show that a “one media stream is assembled” as compressing a video file does not fulfill the assembling part of Element 1[e] nor constitutes a “media stream” (Ex-2039¶¶221-222

6. Avellan does not teach or suggest Element 10g

a. providing the at least one media stream to the content provider for broadcast on the broadcast media channel.

Petition, 24, states that the “once the page is imaged (including any audio on the webpage the gateway server 134 compresses the image or video frame format and sends it to the browser 106 via the satellite 102” Ex-1003 at 5:12-5:15. is sufficient to “providing at least one media stream to the content provider” and also “Broadcast Media Channel” to “suitable sites for the broadcast mode are news sites like CNN, BBC, newspaper, live streaming television feeds, movies, music downloads, or ESPN.” Ex-1003 at 8:18-21

this is a circular reference as the content provider is the same as the gateway platform is the one that generates the “once the page is imaged” occurs in the gateway platform.

Therefore, the petition fails to show Element 10g 1) a content provider cannot provide its own content, nor broadcast to its own channel, when the content provider is expecting a broadcast, 2) Avellan can **not** create a “one media stream” nor provide it.

B. Dependent Claims 11-16, 18-23

1. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 11a

a. The method of claim 10, wherein the obtaining comprises: retrieving, for each of the plurality of multimedia items, at least one audio file corresponding to an audio component of the multimedia item and a plurality of screen captures corresponding to a video component of the multimedia item.

as Pavlovskaia-PCT does not show what’s presented in Supra XII.A.I (Element 10a). Petitioner points to the “Audio file” that can be present on a web page, however a) a web pager is imaged captured by Avellan, b) “a compressed image or video” from a web page is not a plurality of media items, but the ‘441 patent teaches how to obtain this plurality separate from a web page.

"Petitioner fails to demonstrate obtaining "at least an audio file" Avellan's "capturing webpage" method, only if shown on a webpage. Petitioner's method obtains content only from web page requests."

2. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 12a

a. The method of claim 11, wherein the generating comprises: combining the plurality of screen captures and the at least one audio file to create each of the plurality of multimedia items.

as Avellan retrieves a web page with an audio. A) it has to be playable or executable for Avellan to work, and 2) there are no plurality of multimedia items to handle at least one audio file. Ex2039¶¶248-249

in simple term what this describes is the ability to have multiple web pages that are converted into multimedia items, and using a single audio file without any compressing steps as described by Avellan.

3. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 13a

a. The method of claim 12, further comprising: the virtualized caching server detecting a change at the at least one webpage corresponding to at least one of the plurality of multimedia items;

b. in response to detecting the change, retrieving a new plurality of screen captures from the at least one webpage for the at least one of the plurality of multimedia items; and

c. reassembling the at least one of the plurality of multimedia items using the new plurality of screen captures to yield an updated multimedia item.

Avellan, can only detect changes on a web page and yields to recapturing an entire web page.

as web pages are separate from the plurality of multimedia items, the web page changes are isolated from retrieving multimedia items.

As Avellan operates only on captured web page images, capturing YouTube thumbnails fails to meet the claim. Avellan merely recaptures web pages; however, Petition 53 states that plurality of multimedia items already existed. Avellan simply recaptures the webpage "for the plurality of multimedia items" that were separately retrieved. EX2039¶254

4. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 14a

a. The method of claim 11, wherein the retrieving of the plurality of screen captures comprises obtaining the plurality of screen captures from a playback of a video on the at least one webpage.

in this claim it shows that the plurality of screen captures may include a video “on at least one webpage”

by separating web page can include video, e.g. Youtube with auto playback mode (embedded form).

5. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 15a

a. The method of claim 14, wherein the combining of the plurality of screen captures comprises metadata corresponding to at least one of a song title, an artist, and a music genre.

6. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 16a

a. The method of claim 10, further comprising: the virtualized caching server identifying the at least one webpage based on a channel identifier associated with the broadcast media channel.

7. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 18a

a. The method of claim 10, wherein the content provider is a cable television operator or a satellite television operator.

See, Supra XII.A.1-9. All the analysis is inconsistent as the provider.

8. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 19a.

a. The method of claim 10, wherein providing the at least one media stream to the content provider comprises streaming the at least one media stream to an MPEG multiplexer associated with the content provider.

As Avellan does not provide a) media streams, b) As both Pavlovskaia-PCT and Avellan work with competing interactive methods such combination requires undue experimentation, and c) Avellan uses TAG files to handle interactive-ness that conflicts on how Pavlovskaia attempts do to as well Ex2039¶¶269-273

9. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 20a

a. The method of claim 10, further comprising: the virtualized caching server provisioning, on at least one server, at least one virtual machine for performing the receiving, obtaining, generating, assembling, and providing.

For all reasons in EX2039¶¶275-280 where the use of a virtual machine by Pavlovskaia-PCT does not show at least one of “generating, assembling, and providing” and “virtual caching server provisioning.”

10. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 21a

a. The method of claim 10, wherein virtualizing the system is performed using one of Docker, Xenserver, or a virtual machine

. "Virtualization per EX2039¶279 cannot be derived from "virtual machine" alone; therefore, Pavlovskaia-PCT fails to disclose a "virtualized caching server"

and system virtualization for channel plurality. As EX2054 and Petition establish "Broadcast Device" as part of multicasting, virtualizing said device requires undue experimentation with unexpected results."

11. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 22a

a. The method of claim 10, wherein virtualizing the system includes virtualizing the system to include at least one virtualized multicasting server that perform the providing the at least one media stream to the content provider.

Besides all reasons for Claim 21, a multicasting server will require virtualization of the satellite feed which is not a trivial ask. EX2039¶276-277

12. Avellan in view of Pavlovskaia-PCT does not teach or suggest Element 23a

a. The method of claim 10, wherein virtualizing the system is performed for one channel, wherein the virtualized caching server is operable for one channel, wherein virtualizing the system is repeated for each one of a plurality of other channels.

Virtualization as describe by Ex2039 ¶280 cannot be derived by a word "virtual machine" therefore, Pavlovskaia-PCT fails to show a "virtualized caching server" and virtualizing the system for one of the plurality of the channels.

XIII. GROUND 7: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF PAVLOVSKAIA-PCT, AND DURANTE FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF '441 CLAIMS

A. Dependent Claim 15

1. Avellan in view of Pavlovskaia-PCT and Durante do not teach or suggest Claim 15a.

a. The method of claim 14, wherein the combining of the plurality of screen captures comprises metadata corresponding to at least one of a song title, an artist, and a music genre.”

as shown by the analysis at, EX2039¶¶284 by which Durante’s video library will require to extract title, artist, and music-genre to be used on a separate web page. Even if the metadata is available via an API, as EX1010, 4:46-48

Durante does not disclose how metadata can be retrieved via an API or any web-service, plus Avellan will have to disclose a web page that a) Loads Durante’s Audio/Video Library b) an API system to retrieve it, and c) The Web Page that displays the metadata.

for Avellan’s user connecting to the video library and viewing it as web page, does not meet the claim, as the claim requires to have “the plurality of screen captures with the metadata”

XIV. GROUND 8: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF PAVLOVSKAIA-PCT, AND MA FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Dependent Claim 16

1. Avellan in view of Avellan, Pavlovskaja-PCT, and Ma does not teach or suggest Element 16a

a. The method of claim 10, The method of claim 10, further comprising the virtualized caching server identifying the at least one webpage based on a channel identifier associated with the broadcast media channel.

Ma provides identifier-to-website mapping. Avellan provides remote website viewing. Since Ma provides one identifier per mapping, combining with Avellan requires mapping per website, per interaction, per user. Therefore, the combination fails."

This reduces from 37 to 28 words while maintaining the legal tone and logical structure. EX2039¶¶286

XV. GROUND 9: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF PAVLOVSKAIA-PCT, AND SUZUKI FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Dependent Claim 17

a. The method of claim 10, further comprising: the virtualized server querying the content provider to determine the second format, wherein the second format corresponds to a Moving Picture Experts Group (MPEG) format.

for this analysis a “content provider” is queried hence EX2039¶291 shows an inconsistent position.

since Avellan relies on decompressing video and tag files, then undue experimentation is needed to “decode” content and possibly separate tag files, in some form.

XVI. GROUND 11: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF PAVLOVSKAIA-PCT AND GANGADHARAN FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

A. Dependent Claim 24

1. Avellan in view of Pavlovskaja-PCT, and Gangadharan does not teach or suggest Element 24a

a. The method of claim 10, wherein receiving the request is performed using a JSON API.

As shown in Ex2039¶295 requires a well-defined request that is inherently in JSON format using a REST API, and the disclosure of an HTTP server, this request will be issued by the user.

XVII. GROUND 11: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF AVELLAN AND WANNAMAKER FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF '441 CLAIMS

A. INDEPENDENT CLAIM 25

1. Avellan in view of Wannamaker does not teach or suggest Element 25a

a. receiving, from a content provider, a request for at least one media stream for playback on a broadcast media channel, wherein the at least one media stream includes a plurality of multimedia items of different types;

Wannamaker provides a technology using “Server Transcoding” that converts HTML Web pages into CPML/MML and FBM image files.

2. Avellan in view of Wannamaker does not teach or suggest Element 25b

a. obtaining content corresponding to the plurality of multimedia items from at least one source offering the content in at least one first format, performed over a first TCP-IP socket of a caching unit;

3. Avellan in view of Wannamaker does not teach or suggest Element 25c

a. rendering a web page by a browser using the content;

4. Avellan in view of Wannamaker does not teach or suggest Element 25d

a. generating a temporal sequence of screen captures of the rendered web page, where each screen capture defines all the content of the web page at a given time, and at least two adjacent screen captures illustrate a dynamic change of at least a portion of the content over time;

5. Avellan in view of Wannamaker does not teach or suggest Element 25e

a. assembling the at least one media stream using the temporal sequence of screen captures;

6. Avellan in view of Wannamaker does not teach or suggest Element 25f

a. providing the at least one media stream to the content provider for broadcast on the broadcast media channel; and

Petition, 69 points to Ground 6, preamble-10, 10b to 10g for Preamble-25, and 25a to 25f. However, for 25b, the phrase “performed over the first TCP/IP Socket, however Avellan’s TCP/IP is only PORT 80. However, what the claim is any port (E.g. FTP, Rsync, or their ports). As Avellan all web requests are intercepted by the intermediary, Avellan cannot disclose as it only operates with websites and web pages. The rendering of a webpage is a separate request as stipulated before at EX2039¶¶69-70.

7. Avellan in view of Wannamaker does not teach or suggest Element 25g

a. providing, at a second TCP/IP socket of the caching unit, a status of the obtaining, generating, and assembling.

Wannamaker delivers broadcast services to Analog CATV terminals over a coaxial cable (Ex1013 at Fig. 3 and Fig. 4). The second TCP/IP socket of the caching unit, provides status for obtaining, generating, and assembling. See

EX2039, ¶¶310-311. Registering the port with a supervisor, as Wannamaker discloses “when a process system terminates for any reason, the supervisor performs recovery ...” The claim reads “obtaining, generating, and assembling” and none of those steps are being monitoring, as requiring counters, and outputs e.g. JSON with progress information on encoding/transcoding as shown at Ex.1001, 9:20-27

XVIII. GROUND 12: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF AVELLAN FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

- 1. A computer-implemented method comprising at a caching unit:**
- 2. Avellan in view of Wannamaker does not teach or suggest Element 26a**
 - a. receiving, from a content provider, a request for at least one media stream for playback on a broadcast media channel, wherein the at least one media stream includes a plurality of multimedia items of different types;**
- 3. Avellan in view of Wannamaker does not teach or suggest Element 26b**
 - a. obtaining content corresponding to the plurality of multimedia items from at least one source offering the content in at least one first format;**
- 4. Avellan in view of Wannamaker does not teach or suggest Element 26c**
 - a. rendering a web page by a browser using the content;**
- 5. Avellan in view of Wannamaker does not teach or suggest Element 26d**
 - a. generating a temporal sequence of screen captures of the rendered web page, where each screen capture defines all the content of the**

web page at a given time, and at least two adjacent screen captures illustrate a dynamic change of at least a portion of the content over time;

6. Avellan in view of Wannamaker does not teach or suggest Element 26e

a. assembling the at least one media stream using the temporal sequence of screen captures;

As Petitioner points to Ground 6, Preamble 10 to Elements 10b-10f. The same reasons apply here for 26a-26f.

7. Avellan in view of Wannamaker does not teach or suggest Element 26f

a. at a multicast unit that is operable connected to the caching unit: providing the at least one media stream to the content provider for broadcast on the broadcast media channel;

Avellan does not have a “Multicast Unit,” as such unit delivers “MPEG Transport Stream” with UDP protocols for media streams. Avellan instead relies on the “Web to HD Video Protocol”. Avellan is limited to compressed images and video files that need to be decompressed for displaying.

8. Avellan in view of Wannamaker does not teach or suggest Element 26g

a. recording the media stream from the caching unit to produce a recorded media stream; and

Avellan stores compressed video format and tag files in the cache and locally. Ex1004, FIG 2, hence Avellan does not disclose a “recording a media

stream” as the compressed video format and tag file” are not media streams, and Avellan does not have a “caching unit”

9. Avellan in view of Wannamaker does not teach or suggest Element 26h

a. upon a fault being detected at the caching unit, providing at least a portion of the recorded media stream to the content provider.

Avellan already saves in the local computer’s storage a copy of the “images” associated with a website. Hence, this solution is not combinable with redundancy by Wannamaker. Petition, 73 is incorrect that in case of a fault, another “Caching unit” is used. Petition has not yet determined, the CP or Content Processor in Wannamaker interfaces with the Cache Manager and the MMS system, that delivers content to TV Navigator set top boxes. Hence, a fault from Avellan and Wannamaker are not the same, and undue experimentation will be required, if this combination is even possible.

XIX. GROUND 13: PETITIONER PROPOSED GROUNDS BASED ON AVELLAN IN VIEW OF AVELLAN AND WANNAMAKER FAILS TO TEACH, SUGGEST, OR DISCLOSE AT LEAST ALL THE CLAIM ELEMENTS OF ‘441 CLAIMS

1. Avellan in view of Wannamaker does not teach or suggest Element 26a

a. receiving, from a content provider, a request for at least one media stream for playback on a broadcast media channel, wherein the at least one media stream includes a plurality of multimedia items of different types;

2. Avellan in view of Wannamaker does not teach or suggest Element 26b

a. obtaining content corresponding to the plurality of multimedia items from at least one source offering the content in at least one first format;

3. Avellan in view of Wannamaker does not teach or suggest Element 26c

- a. rendering a web page by a browser using the content;**

4. Avellan in view of Wannamaker does not teach or suggest Element 26d

- a. generating a temporal sequence of screen captures of the rendered web page, where each screen capture defines all the content of the web page at a given time, and at least two adjacent screen captures illustrate a dynamic change of at least a portion of the content over time;**

5. Avellan in view of Wannamaker does not teach or suggest Element 26e

- a. assembling the at least one media stream using the temporal sequence of screen captures;**

6. Avellan in view of Wannamaker does not teach or suggest Element 26f

- a. at a multicast unit that is operable connected to the caching unit:
providing the at least one media stream to the content provider for broadcast on the broadcast media channel;**

7. Avellan in view of Wannamaker does not teach or suggest Element 26g

- a. recording the media stream from the caching unit to produce a recorded media stream; and**

See Supra XVIII.A.1 to 7, or Ground 12 for 26a-26g

8. Avellan in view of Wannamaker does not teach or suggest Element 26h

- a. upon a fault being detected at the caching unit, providing at least a portion of the recorded media stream to the content provider.**

Wannamaker speaks about replication. However, a fault in the caching unit as a corrupt multimedia file, redundant server will only worsen the problem.

Wannamaker works with MML Pages and transcoding, and some MPEG I-frames (an Images). The browsers are not compatible, as Avellan's browser is a virtual browser displaying and uncompressing images or compressed video snippets from the "Cache", while Wanamaker's micro browser works with Server Transcoding EX2039¶30

XX. ARGUMENT

A. PETITIONER HAS FAILED TO SATISFY ITS BURDEN UNDER 35 U.S.C. § 314(a)

The petitioner in an IPR bears the burden of proving by a preponderance of evidence that each challenged claim is unpatentable. 35 U.S.C. § 316(e).

Petitioner has failed to meet this burden.

1. The Petition Fails to Show Farber Anticipates or Renders Obvious Claims 1,7

Ground 1 of the Petition alleges that claims 1 and 2 are anticipated and/or rendered obvious by Avellan (EX1003).

To establish anticipation under § 102, a petitioner must identify each and every element in a claim, arranged as recited in the claim, in a single prior art reference. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008) ("To anticipate a claim, a single prior art reference must expressly or inherently disclose each claim limitation. . . . But disclosure of each element is not quite enough—this court has long held that anticipation requires the presence in a

single prior art disclosure of all elements of a claimed invention arranged as in the claim”) (emphasis original; internal citation and punctuation omitted).

Claims 1 and 2 are both directed to a retrieving multimedia items from a server and rendering, separately a web page, that is assembled to overlaid on top of the multimedia items when video is present or take over the entire TV screen if only audio is present.

Whereas, Avellan shows that a client browser request is rendered by a gateway generating video to be retrieved again by the request made from the client web browser.

A. Ground 1: Claims 1 and 7 are not anticipated by Farber, because each and every element of the claims are not disclosed by Farber.,

Claim 1 sub-elements contain industry-specific terms of art not taught, disclosed, or suggested by Farber. When claim sub-elements use industry-specific words of art, claim construction gives those terms the meaning a POSITA would understand at the invention's time, informed by the patent's disclosure, then industry usage, supplemented only by extrinsic evidence. Their specific functional role in claim language ensures scope remains tethered to the invention's actual operation."

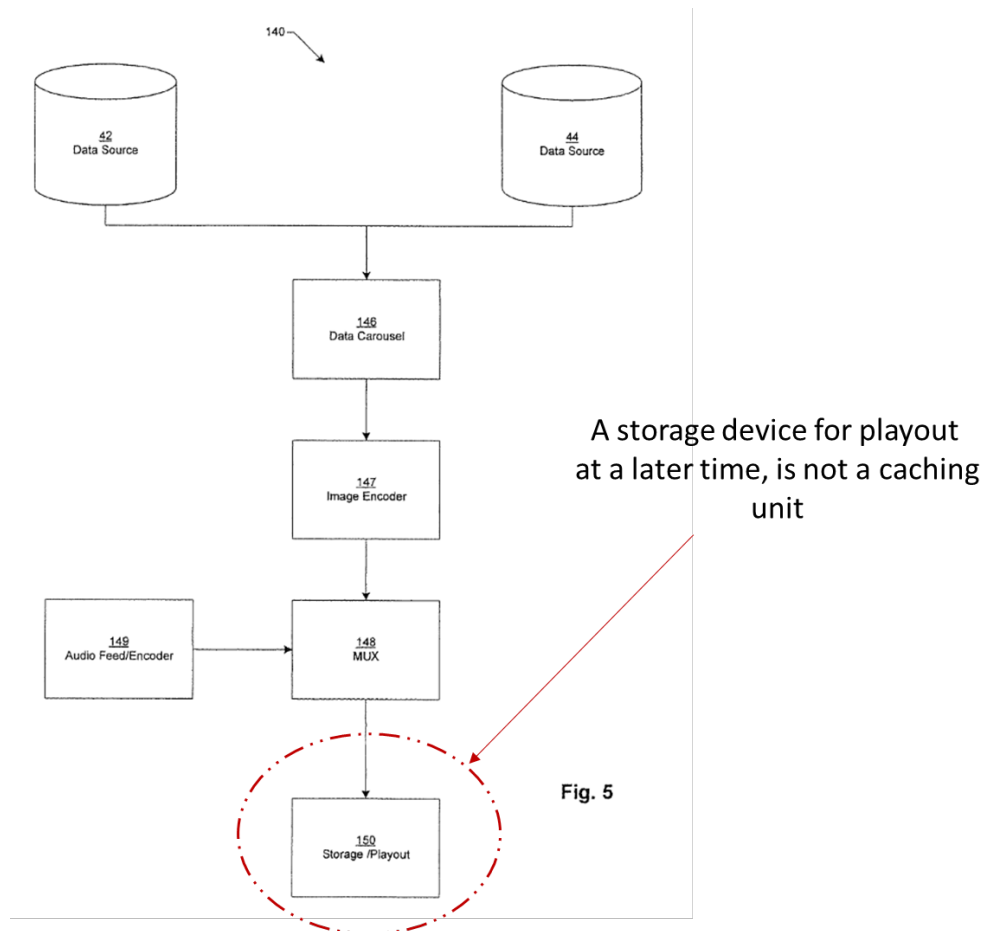
Element 1a	Creating a plurality of multimedia assets at a <u>caching unit</u> , for each of the plurality of multimedia assets;
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Caching Unit

Petitioner improperly conflates a general-purpose 'data storage device' with the 'caching unit.' The intrinsic evidence demonstrates that a 'caching unit' is not mere storage, but a specialized component that temporarily and dynamically stores recently or frequently accessed multimedia data to reduce latency and improve playback efficiency, requiring specific operational behavior and memory management policies absent from simple storage devices. The '441 patent specifically discloses "cache all the files into cache memory" EX1001, Col. 8:.43, "copy data from the memory 1215 and/or the storage device 1230 to the cache 1212" EX1001, 12:62-64, "for quick access by the processor 1210. In this way, the cache can provide a performance boost" EX1001, 12:64-65, and "The processor 1210 may essentially be a completely self-contained computing system, containing multiple cores or processors, a bus, memory controller, cache, etc." EX1001, 13:10-13. By contrast, a data storage device merely provides general-purpose, long-term storage without inherent caching functionality. The mere presence of storage media in Farber does not disclose or teach a caching unit, as anticipation

cannot be based on silence, and equating storage devices with caching units improperly broadens claim scope beyond its ordinary meaning, contrary to settled claim-construction principles."

Farber is **absolutely silent** with respect to a caching unit. EX1003, *See entire document*. Farber includes an embodiment which can include a data storage device, wherein that storage device can receive output from a multiplexer for playout at a later time. EX1003, Col. 7, Lns. 66-67. However, a data storage device is not a caching unit.



Farber fails to teach, suggest, or disclose “creating a plurality of multimedia assets at a caching unit, for each of the plurality of multimedia assets” as recited in independent claims 1 and 7 of the ‘441 patent. Any premise that a storage device is a caching unit, is erroneous. As such, it cannot satisfy the active method step of “creating a plurality of multimedia assets at a caching unit, for each of the plurality of multimedia assets” required by the challenged claims. Accordingly, Farber fails to disclose the “caching unit” limitation.

Element 1b	<u>determining</u> that there is sufficient storage space for the multimedia asset at the <u>caching unit</u> ;
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Farber fails to teach, suggest, or disclose a caching unit and additionally fails to teach "determining that there is sufficient storage space for the multimedia asset at the caching unit" as recited in claims 1 and 7. A POSITA would understand "determining" as an evaluation, calculation, or check performed prior to storing the multimedia asset. Farber's silence regarding any checking mechanism means it does not teach, suggest, or require such determination. Any assertion that the "determining" step is inherent is legally and factually deficient because inherency requires inevitability, not possibility—the mere fact that a result may occur is insufficient. The challenged claim requires an explicit pre-storage evaluation step absent from Farber; a system that merely stores until it fails, overwrites, or errors

out is not performing such determination. The '441 intrinsic record supports this limitation: "the streamer will check if the Caching server is 'alive' 815." EX1001, 10:41-43, "If it is determined that the caching server is functioning properly" EX1001, 10:56. Petitioner's reliance on inherency fails as a matter of law because Farber is silent on storage sufficiency evaluation, and inherency requires inevitability, not speculation. The challenged claim requires an express, affirmative determining act—a distinct step, not an implicit byproduct of having or lacking storage capacity. Accordingly, the limitation is neither expressly disclosed nor inherently taught."

Element 1e	for each one of the media files, creating a custom hypertext transfer markup language (HTML) user interface that includes video;
-------------------	--

Farber fails to disclose "for each one of the media files, creating a custom hypertext transfer markup language (HTML) user interface that includes video" because Farber discloses no capability to generate HTML user interfaces. While Farber discloses data carousels managing HTML-coded templates, EX1003, 5:50-52, it remains silent regarding functionality for generating custom HTML user interfaces that include video

Farber fails to enable "creating a custom HTML user interface that includes video." At most, it discloses generic HTML content or separate video file references, but lacks teaching regarding generating tailored, user-facing HTML interfaces that integrate video. Anticipation requires disclosure of every claim

element as arranged, and inherency cannot be established by speculation. Because Farber lacks teaching of customization, HTML interface creation, and embedded video functionality, it cannot anticipate this limitation."

Element 1f	encoding each of the media files and encapsulating them together using an MPEG transport stream format;
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Farber fails to teach, suggest, or disclose “encoding each of the media files and encapsulating them together using an MPEG transport stream format” because Farber does not encode and encapsulate, at all.

Encapsulating refers to the process of enclosing one or more multimedia items or streams within a defined container, packet, or protocol structure—together with associated control information—so that the multimedia can be transmitted, stored, or processed in an organized and interpretable manner.

Farber is completely silent with respect to encapsulation. EX1003, *See entire document*.

The ‘441 intrinsic record discloses “a “format” parameter can be received which refers to the output format or encapsulation, MPEG TS or MPEG4. The caching unit encodes audio and video” EX1001, 6:44-46, “Programs and libraries such as FFMPEG or VLC can then be used to encapsulate the stream feed to an MPEG TS and multicast it to the pre-programmed multicast address and port” EX1001, 11:25-26.

Accordingly, Farber fails to teach, suggest, or disclose at least encoding each of the media files and encapsulating them together using an MPEG transport stream format.

Element 1h	receiving a request at the caching unit for one of the multimedia assets from a broadcasting unit; and
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Farber fails to teach "caching unit" and is silent regarding "receiving a request at the caching unit" because Farber discloses no request whatsoever.

EX1003. Farber teaches reducing display burn-in by changing graphical image locations based on triggers, EX1003, 2:60-67, and pre-programmed movement of graphical assets on displays based on time or two-dimensional incremental movement. EX1003, 4:31-67. However, Farber contains no request and accordingly no receiving. A "request" refers to active, intentional action by a user or client device to obtain data, services, or content, explicitly initiated by users (e.g., clicking play) and directed to remote entities requiring volition or specific invocation. Farber is silent regarding receiving requests at caching units for multimedia assets from broadcasting units.

Petitioner alleges Avellan combined with other prior art obviates the '441 patent; however, Claim 10 sub-elements contain industry-specific terms of art not taught, disclosed, or suggested by Avellan. When claim sub-elements use industry-specific words of art, claim construction gives those terms the meaning a POSITA would understand at the invention's time, informed by the patent's disclosure, then

industry usage, supplemented only by extrinsic evidence. Their specific functional role ensures scope remains tethered to the invention's actual operation."

Element 10b	receiving, from a <u>content provider</u> , a <u>request</u> for at least one <u>media stream</u> for <u>playback</u> on a broadcast media channel, wherein the at least one media stream includes a plurality of multimedia items of different types;
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A. Content Provider

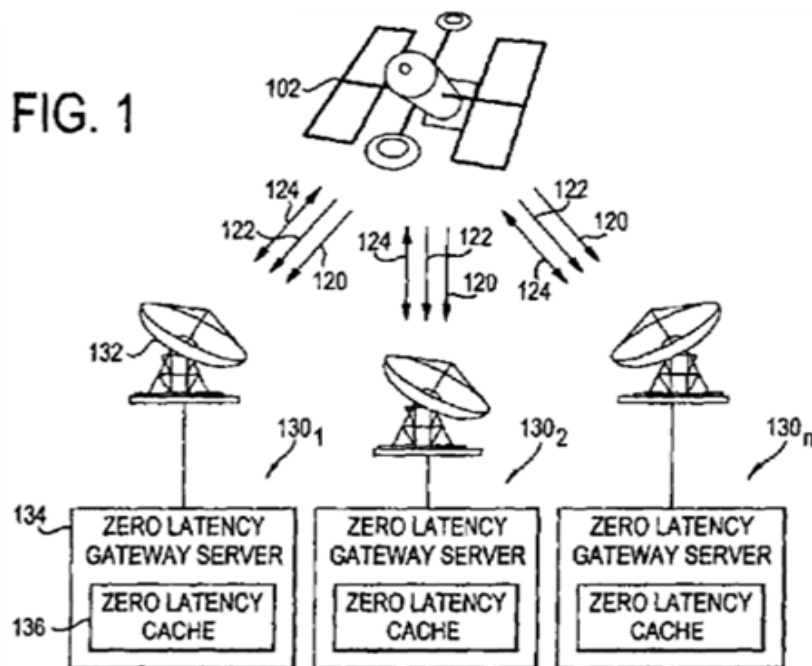
The intrinsic record confirms "content provider" refers to cable/satellite operators. The specification states: "receive, from a content provider such as a cable or satellite operator, a request for at least one media stream for playback on a broadcast channel." EX1001, 2:50. Dependent claim 9 limits claim 1 where "the content provider is a cable television operator or a satellite television operator." EX1001, 15:31-50. Under claim differentiation, dependent claim 9 confirms "content provider" means content source entity—consistent with industry usage (W3C, FCC, IEEE). Petitioner's relabeling a "gateway platform" as "content provider" contradicts this intrinsic evidence. Gateways are transmission intermediaries, not content sources.

Avellan's gateway platform is an intermediary system facilitating communication between user computers using copied website information. It does not originate content but acts as distribution intermediary—receiving, processing, and delivering webpage images to end users.

Avellan fails to disclose "receiving, from a content provider, a request for at least one media stream for playback." Any premise that requests come from passive intermediary infrastructure like broadcast devices is erroneous. Broadcast devices cannot perform "request" capability—they are passive intermediaries that only transmit user-generated requests, not actively request media streams. This cannot satisfy the active method step "receiving, from a content provider, a request for at least one media stream" required by challenged claims.

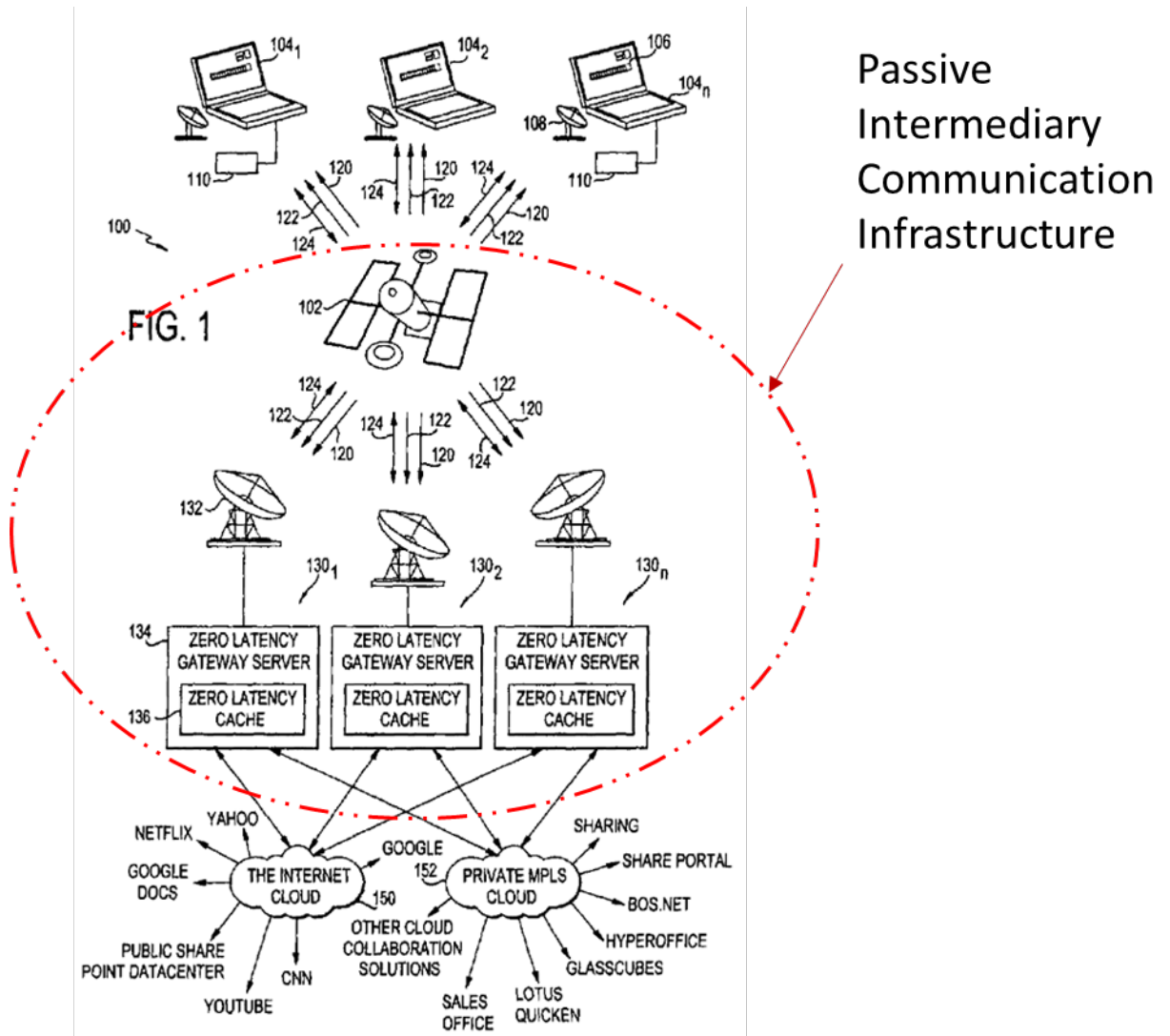
Because the gateway server, cache, antennas, and satellite function as passive intermediaries, the gateway platform only provides transmission infrastructure."

..

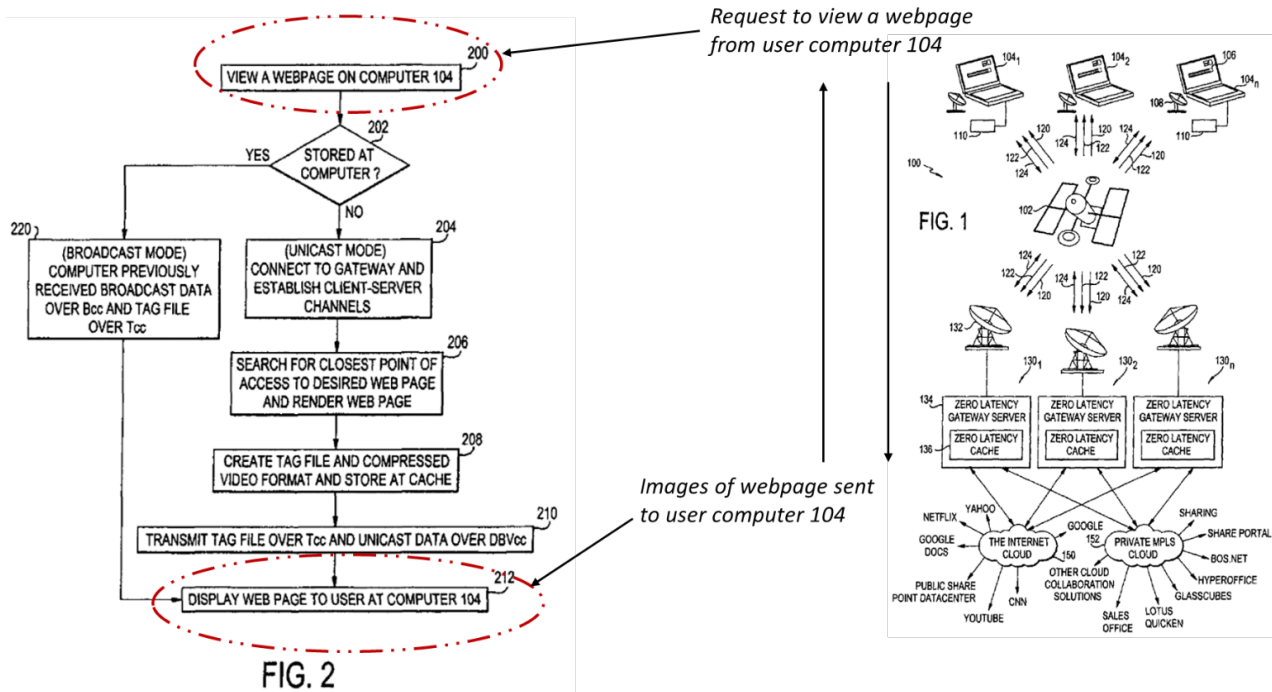


There is no request from a content provider, there is no action step that begins or ends within the communication infrastructure of Avellan, and in particular, Avellan does not in any way at all teach as the Petitioner and Petitioner's expert

allege that the Gateway Platform is a content provider. Avellan does not teach, suggest, or disclose any such interpretation.



further, In Avellan, all requests generate from the user computers.

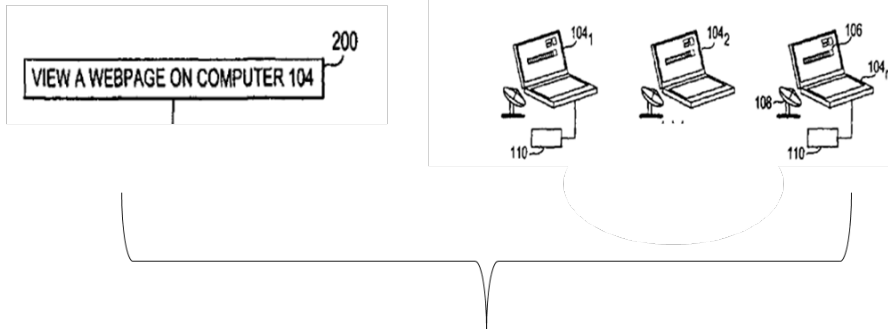


B. Request, Media stream, and Playback

With respect to “receiving from a content provider, a request for at least one media stream for playback”, Avellan fails to teach, suggest, or disclose at least each and every element within the context of the claim language of claim 1.

C. Request

A “request” refers to an active, intentional action taken by a user or a client device to obtain data, services, or content. Further, a request is explicitly initiated by a user, such as, by clicking a play button. Additionally, a request is directed to a remote entity and requires some degree of volition or specific invocation. In Avellan, the only “request” comes from the user computers 104, not from a content provider.



All requests originate from the Avellan user computers 104, there are absolutely no "requests" from any other components, which teach or disclose the limitation "receiving, from a content provider, a request for at least one media stream . . ."

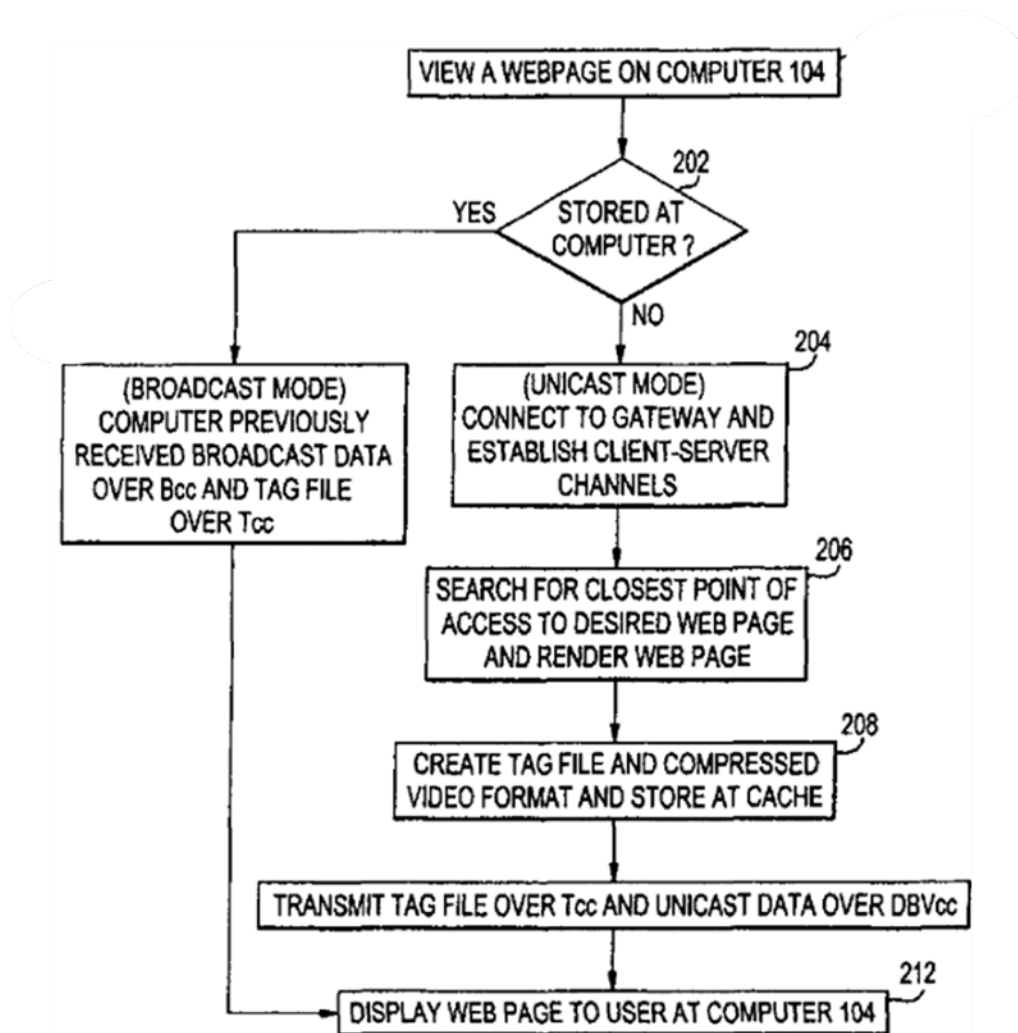
D. Media Stream

A media stream is continuous, temporally ordered multimedia data transmitted for playback, not static file transfer. Playback involves outputting stored or streamed content through retrieving, decoding, and rendering steps. A "media stream" requires time-dependent data organized as continuous sequence and intended for playback. Avellan fails to teach receiving from a content provider, a request for at least one media stream for playback because it solely discloses imaging webpages based on user requests, then transmitting images to user computers via unicast or broadcast modes. In broadcast mode, Avellan transmits updated webpage images when changes occur for display on user computer screens. No playback exists because no media stream exists—only static image transmission

E. Playback

Avellan fails to teach, suggest, or disclose playback because Avellan is silent with respect to any “playback”. Notably, Avellan’s specification does not recite “playback” in any way whatsoever.

"Avellan merely discloses transmitting image sequences, fundamentally differing from the claimed "request for at least one media stream for playback." A person of ordinary skill would recognize "playback" requires temporal continuity, synchronization, and stream decoding for time-based content presentation. Transmitting discrete images, even successively, lacks continuous stream rendering and cannot satisfy the claim's "playback" requirement."



Avellan solely teaches imaging websites, compressing those images, and then broadcasting those compressed images to user computers. A POSITA would not recognize “broadcasting compressed website images” as a “media stream” because they lack time-synchronized playback properties, they are static data objects delivered in bulk, In fact, POSITA will not recognize the use of a “Web to HD Video Protocol,” as suggested (Supra VI.A.3) is still unclear how that works.

Accordingly, Petitioner’s reliance on this disclosure to satisfy a “media stream” limitation is misplaced.

Element 10c	obtaining content corresponding to the plurality of multimedia items from at least one source offering the content in at least one first format;
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Avellan merely discloses identifying a list of media items, such as image files and tag files, but does not obtain the underlying media content corresponding to those items. A person of ordinary skill in the art would understand that “obtaining content” requires retrieval of the substantive audio/video data for each multimedia item, not simply referencing or displaying descriptive information. Therefore, the reference fails to disclose the claimed limitation.

Element 10d	rendering a web page by a browser using the content;
--------------------	--

Avellan teaches away from *rendering a web page by a browser using the content*. This rendering process is derived from an unknown “Web to HD Protocol” of an unknown functionality.

Element 10f	assembling the at least one media stream using the temporal sequence of screen captures; and
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The limitation “assembling the at least one media stream . . .” requires more than transmitting or displaying individual media items. A person of ordinary skill in the art would understand “assembling” to mean organizing, synchronizing, and packetizing media content into a continuous stream suitable for playback. By contrast, Avellan merely discloses transmitting a series of separate image files, in some other cases “compressed video files” without any disclosure of assembling those items into a coherent media stream with temporal continuity or

synchronization. Assembling, is simply implied in hindsight to the Web to HD Protocol (Supra VI.A.3) Therefore, Avellan fails to meet this limitation.

Element 10g	providing the at least one media stream to the content provider for broadcast on the broadcast media channel.
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Avellan fails to disclose "providing the at least one media stream" because it merely stores image files without delivering continuous multimedia streams for playback. A POSITA would understand "providing" requires furnishing streams in forms suitable for playback. Transmitting static images or image file series fails this requirement

F. Impermissible Hindsight

Petitioner and their expert improperly rely on hindsight reconstruction. The alleged teachings of the cited prior art do not disclose or suggest at least all of the claimed limitations. Instead, Petitioner's expert identifies the aggregate limitations only by using the challenged patent as a roadmap, retroactively piecing together disparate elements from the prior art. Prior art must provide some teaching or motivation without reliance on the invention itself. The cited references contain no disclosure of the aggregate claim limitations in total, and the Petition offers no reasoned motivation to combine them apart from the teachings of the challenged patent itself. Accordingly, Petitioner's obviousness theories fails.

Petitioner cites numerous prior art references, including POSITA inherency determinations and motivation arguments, for curing deficiencies of primary prior art, as in Avellan, in challenging patentability of the '441 claims.

Specifically, Petitioner cites secondary prior art that are focused on the claim limitations of the individual dependent claims of the '441 patent.

Because Avellan fails to teach, suggest, or disclose at least all the elements of the independent claims of '074 patent, and further, because Avellan fails for numerous sub element limitations in anticipating the '441 independent claims, the inclusion of other prior art references in challenging dependent '441 claims, are not effective in curing the deficiencies of the primary prior art of Avellan.

Accordingly, because the '074 patent independent claims are not anticipated by Avellan, and because Avellan does not anticipate the '441 claims for numerous sub element limitations, the inclusion of any number of secondary prior art references will not cure the deficiencies of Avellan, and therefore no matter how many additional references Petitioner may cite, that do not cure the foundational deficiencies of Avellan in anticipating the '441 independent claims, all independent claims and all dependent claims, at least due to their inherencies to the independent claims, of the '441 remain patentable under all cited §102, §103, and POSITA inherency and obviousness challenges and assertions.

Accordingly,

- 1. The Petition Fails to Show That Farber and Vermeulen Anticipates or Renders Obvious Claim 1,2**
- 2. The Petition Fails to Show That Farber and Pavlovskaja Anticipates or Renders Obvious Claim 3**
- 3. The Petition Fails to Show That Farber and Davis Wannamaker Anticipates or Renders Obvious Claim 4,5, and 8**
- 4. The Petition Fails to Show That Farber and Fogel Anticipates or Renders Obvious Claim 6, 9**
- 5. The Petition Fails to Show That Avellan and Pavlovskaja-PCT Anticipates or Renders Obvious Claim 10-16, 18-23**
- 6. The Petition Fails to Show That Avellan and Pavlovskaja-PCT and Durante Anticipates or Renders Obvious Claim 15**
- 7. The Petition Fails to Show That Avellan and Pavlovskaja-PCT and Ma Anticipates or Renders Obvious Claim 16**
- 8. The Petition Fails to Show That Avellan and Pavlovskaja-PCT and Suzuki Anticipates or Renders Obvious Claim 17**
- 9. The Petition Fails to Show That Avellan and Pavlovskaja-PCT and Gangadharan Anticipates or Renders Obvious Claim 24**
- 10. The Petition Fails to Show That Avellan and Wannamaker Anticipates or Renders Obvious Claim 25**
- 11. The Petition Fails to Show That Avellan Anticipates or Renders Obvious Claim 26**
- 12. The Petition Fails to Show That Avellan and Wannamaker Anticipates or Renders Obvious Claim 26**

XXI. CONCLUSION

The proposed grounds for contesting the patentability of all claims contained in the Petition fail to all grounds, based on numerous deficiencies. The abovementioned gaps in the proffered evidence and substantive content of both the Petition and the cited documents prove fatal to cited anticipation and obviousness assertions by Petitioner. The request to institute these IPR proceedings was based on fundamentally flawed and improper foundation, and infringement of the due process rights of the patent owner have been raised.

For the reasons set forth above, and based on the intrinsic evidence, the testimony of record, and the failure of Petitioner to establish unpatentability by a preponderance of the evidence, Patent Owner respectfully submits that none of the challenged claims are unpatentable under 35 U.S.C. §§ 102 or 103. Petitioner has not shown that the cited prior art references anticipate or render obvious the challenged claims, either individually or in combination, nor that a person of ordinary skill in the art would have been motivated to combine them with a reasonable expectation of success. Accordingly, Patent Owner respectfully requests that the Board enter a Final Written Decision confirming the patentability of all challenged claims and denying the relief requested by Petitioner.

DATED: September 12, 2025

Respectfully submitted,

/s/ Robert Drolet

Robert Drolet, P.E.

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LIST OF EXHIBITS

Exhibit #	Description
2006	Declaration of Dr. Edwin A. Hernandez
2039	Supplemental Declaration of Dr. Edwin A. Hernandez
2053	Mr. Lipoff Deposition Transcript September 2th, 2025
2055	Mr. Lipoff Deposition Transcript September 3rd, 2025

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), the undersigned hereby certifies that the word count for the foregoing PATENT OWNER'S RESPONSE in IPR2025- 0349 totals 11,806, as counted by the Word Count feature of Microsoft Word, which is less than the 14,000 allowed under 37 C.F.R. § 42.24(a)(1)(i), excluding the parts of the paper exempted by 37 C.F.R. § 42.24(a), and complies with the typeface requirements of 37 C.F.R. § 42.6(a)(ii) and the style requirements of 37 C.F.R. §§ 42.6(a)(iii) and (iv).

Dated: September 12, 2025

/s/ Robert Drolet
Robert Drolet, P.E.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically via electronic mail on September 12, 2025 on the following counsel of record for Petitioners:

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/s/ Robert Drolet
Robert Drolet, P.E.