

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPORTRADAR AG,
Petitioner

v.

SPORTSCASTR INC.,
(D/B/A PANDA INTERACTIVE),
Patent Owner.

IPR2025–00635
U.S. Patent No. 11,871,088

**PETITIONER’S OPPOSITION TO PATENT OWNER’S REQUEST
FOR DISCRETIONARY DENIAL**

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I. INTRODUCTION AND DISCUSSION OF THE TOTALITY OF THE CIRCUMSTANCES

Patent Owner has recently stipulated that it will no longer assert *any* of the claims challenged in the present IPR in the parallel district court litigation¹. Exs. 1063, 1064. In effect, currently there is no parallel proceeding involving *any* of the claims of US 11,871,088 (“the ‘088” patent) challenged by the current petition.

This only serves to underscore the fact that the only forum available to comprehensively challenge the challenged claims is the PTAB. Denying review in favor of the parallel district court proceedings will only serve to leave loose ends unaddressed, that could ultimately form the basis of additional future disputes. The exercise of discretionary denial would facilitate piecemeal litigation and future disputes, and would be both unfair and inefficient. *See Tesla Inc. v. Intellectual Ventures II LLC*, IPR2025–00217, Paper 10, at 2–3 (Director June 13, 2025) (denying request for discretionary denial at least in part based on the finding that the PTAB was to most appropriate forum to address the scope of the invalidity issues presented).

Patent Owner does not address this issue its request for discretionary denial. To the contrary, Patent Owner incorrectly alleges that “this Petition asks the Board

¹ *SportsCastr Inc. v. Sportradar Group AG*, No. 2:23–cv–04771–JRG (E.D.Tex.) (“the district court litigation”).

to decide the validity of *the same '088 patent claims* that are already set to be adjudicated in parallel district court litigations . . .” Patent Owner’s Discretionary Denial Brief, Paper 12, p. 1 (emphasis added). Patent Owner made this assertion in its brief filed June 13, 2025, more than two months after stipulating on April 11, 2025 that it would only pursue claims 1–3, 5–6, 24–25, 27, 29 and 32 of the ‘088 patent in district court litigation. Exs. 1063, 1064.

Patent Owner filed its original complaint in the district court litigation on October 5, 2023, and coordinated Petitioner’s acceptance of service of the complaint on December 14, 2023. Ex. 1014. Patent Owner then served its infringement contentions on January 18, 2024, wherein it did *not* allege infringement of the ‘088 patent. Ex. 1065.

Long after serving its infringement contentions, Patent Owner sought leave from the district court to amend those contentions, seeking to add *117* new claims to the case. Ex. 1066. Petitioner opposed the Motion. Ex. 1067, pp. 10–13. Ultimately the district court permitted the amendment of Patent Owner’s infringement contentions, including the assertion of the claims of the ‘088 patent, in an order dated September 30, 2024. Ex. 1068.

Patent Owner then served its amended contentions on Petitioner on September 30, 2024. Ex. 1069².

This background is believed helpful in understanding that both the number of challenges lodged against the '088 patent, as well as the timing of those challenges, are the direct result of Patent Owner's own litigious conduct.

Given the above, principles of efficiency and fairness dictate that institution of trial should be granted.

II. *FINTIV* DOES NOT WARRANT DISCRETIONARY DENIAL

Fintiv seeks to address questions around efficiency – will the PTAB be duplicating efforts already undertaken in the district court? This concern is mitigated by the current petition because the Patent Owner has stipulated that it will not pursue *any* of the claims challenged in current petition in the district court. Exs. 1063, 1064. Namely, the current petition challenges claims 8–23 of the '088 patent. However, Patent Owner has stipulated that it will only pursue claims 1–3, 5–6, 24–25, 27, 29 and 32 of the '088 patent in the district court litigation. *Id.* Given that the district court has stipulated that no more than *five* claims *per patent*

² The copy of the amended contentions attached to the service email of September 30, 2024 was also attached as an exhibit to the sealed version of Patent Owner's redacted motion (Ex. 1066), and bears the label "Filed Under Seal." Thus, a copy of the served contentions has not been provided.

can be asserted, Patent Owner will be required to further reduce the number of claims of the '088 pursued in the District Court litigation in the near future. Ex. 1070 at 2. Furthermore, Petitioner has offered a *Sotera* stipulation. Although the Director's June 2022 Guidance Memorandum was recently rescinded, the Petitioner's *Sotera* stipulation referenced above nonetheless resolve the *Fintiv* analysis strongly against discretionary denial. *Guidance Memorandum dated March 24, 2025 from Chief Administrative Patent Judge Boalick*, at p. 2–3 (“a timely-filed *Sotera* stipulation. . . is highly relevant”). Ex. 1071. Thus, instituting *inter partes* review based on the current petition does not represent a duplication of effort relative to the district court proceedings.

Consideration of the individual *Fintiv* factors themselves do not lead to a different conclusion.

A. *Fintiv* Factor 1: whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted

As acknowledged by Patent Owner, “[t]o date, no stay in the district court has been granted or requested.” Patent Owner's Discretionary Denial Brief at 4. Thus, how the district court could choose to treat such a request should not be inferred. *Google LLC et al. v. Mullen Industries LLC*, IPR2025–00019, Paper 14 at 10 (P.T.A.B. May 12, 2025) (“Given that [Judge Gilstrap] denied Samsung's motion to stay ‘WITHOUT PREJUDICE . . .’, we decline to speculate whether the District Court will grant a stay”).

Patent Owner argues for discretionary denial asserting that “the district court does not have a track record of granting stays *prior to institution*.” Patent Owner’s Discretionary Denial Brief, Paper 10 at 4 (emphasis added). As noted above, this argument should be rejected because it is speculative. This argument is also circular – Patent Owner argues on the one hand that the Director should not institute because a stay has not yet been granted, and on the other, that the district court will not grant a stay without institution.

Finally, this factor is clearly not dispositive, especially in situations such as this one, where a number of other factors clearly favor institution. *Tesla*, IPR2025–00217, Paper 10 at 2 (refusing to exercise discretionary denial despite finding insufficient evidence that the district court is likely to grant a stay even if the Board were to institute trial).

Fintiv factor 1 does not favor discretionary denial.

B. *Fintiv* Factor 2: proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision

As noted above, Patent Owner has stipulated that it will no longer assert *any* of the challenged claims in the district court litigation. Exs. 1063, 1064 (confirming that only claims 1–3, 5–6, 24–25, 27, 29 and 32 of the ‘088 patent will be pursued). This, coupled with the petitioner’s *Sotera* stipulation strongly mitigate concerns related to overlap in the trial schedule and the risk of conflicting decisions between the related litigation and the current requested IPR proceedings. Thus, even if trial

concludes first, the institution of the current petition will not result in duplication of efforts by the PTAB relative to the district court.

Patent Owner cites median time-to-trial trial statistics in the Eastern District of Texas of “721days.” However, such median statistics are not reliable indicators in the present case, due in no small part to the Patent Owner’s own litigation conduct, as outline above. Most recently, on the last possible day to amend its complaint (February 14, 2025), added new antitrust allegations:

Plaintiff filed its initial Complaint in October 2023 asserting only patent claims. ECF 1. Plaintiff filed an Amended Complaint in March 2024, adding a fourth asserted patent. ECF 17. The parties engaged in dispositive motion practice (e.g., ECF 40, 57), began discovery (ECF 43, 45, 94, 103), *twice sought and obtained leave to amend the Docket Control Order* (ECF 70, 93), and supplemented the protective order (ECF 99). On August 8, 2024, Plaintiff sought leave to amend its infringement contentions to add 117 new claims and numerous additional accused products (ECF 42), which the Court granted on September 30, 2024 (ECF 61). *As a result, the DCO was amended to provide additional time necessitated by plaintiff’s addition of new claims and accused products.* (ECF 61, 70; see also ECF 93.)

Then, on February 14, 2025—the last day to amend under the DCO—Plaintiff filed a Second Amended Complaint (‘SAC’) adding extensive new antitrust allegations . . .

Ex. 1072, p. 3 (emphasis added).

As noted above, this has necessitated multiple changes in the schedule, including the most recent 10 week delay in the trial date. Ex. 2046, p. 1. Whether Patent Owner is finished with its attempts to pile-on in the district court litigation remains to be seen.

Moreover, the Board has found on several occasions that this factor is not outcome determinative. The Board has reached similar conclusions, *even under the holistic approach adopted after rescission of the Director's June 2022 Fintiv Guidance Memorandum*. *Tesla*, IPR2025–00217, Paper 10 at 2 (refusing to exercise discretionary denial despite scheduled trial date preceding the final written decision due date); *Samsung Display Co., Ltd., v. Pictiva Displays Int'l Ltd.*, IPR2024–01222, Paper 12 at 9 (P.T.A.B. Mar. 6, 2025) (“[o]n balance, after weighing the *Fintiv* factors, we decline to exercise our discretion to deny institution,” even when the expected trial date was seven months before the final written decision deadline); *Posco Co., Ltd., v. Arcelormittal*, IPR2024–01376, Paper 11 at 13–14, 17 (P.T.A.B. Mar. 18, 2025) (declining to exercise discretionary denial despite a trial date five months earlier than the expected final written decision in light of other factors); *Palo Alto Networks, Inc. v. Croga Innovations Ltd.*, IPR2024–01421, Paper 8 at 11, 13–14 (P.T.A.B. Mar. 14, 2025) (instituting trial despite an expected litigation trial date approximately five months prior to the

deadline for issuing a final written decision citing, *inter alia*, the petitioner's proffered *Sotera* stipulation).

Furthermore, the currently scheduled trial date in the related litigation is far from certain. Judge Gilstrap's trial schedule is chronically overbooked. Apparently Judge Gilstrap recently had *fourteen trials* scheduled during the same time as the trial in the related litigation. Ex. 1073. It is of course impossible for Judge Gilstrap to preside over fourteen trials at the same time. Therefore, unless *all* of these matters settle, something has to give, and trials will need to be rescheduled.

Finally, as previously noted, whenever trial does occur, it will not have the same scope as that of the Genius IPR for the current petition. Namely, the current petition challenges claim **8–23** of the '088 patent. However, the court has ordered that the Patent Owner shall assert "no more than *five* asserted claims per patent." Ex. 1070, p. 2. In fact, Patent Owner has already stipulated that it will no longer assert any of the claims challenged in the present IPR. Exs. 1063, 1064. This fact also weighs *against* exercising discretionary denial according to *Fintiv* factor 2. *Samsung Bioepis Co. v. Regeneron Pharm., Inc.*, IPR2023–00739, Paper 9 at 58 (P.T.A.B. Oct. 20, 2023) ("Because the district court action does not include all of the challenged claims within the scope of the litigation, we find that *Fintiv* factors 2 and 3 favors institution.").

Fintiv factor 2 does not favor discretionary denial.

C. Fintiv Factor 3: investment in the parallel proceeding by the court and the parties

Again, this factor is strongly mitigated – given the Patent Owner's stipulation that it will not pursue any of the challenged claims in district court, coupled with Petitioner's *Sotera* stipulation, the investment in those proceedings will not overlap with the requested IPR trial. Furthermore, this factor is not dispositive where numerous other factors weigh in favor of instituting trial, as is the case here. *Tesla*, IPR2025–00217, Paper 10 at 2 (refusing to exercise discretionary denial despite finding meaningful investment in the parallel proceedings by the parties).

The Board's expected institution decision is prior to any expected substantive orders being issued by the district court related to validity, with the possible exception of a claim construction ruling. *Apple Inc. v. Fintiv Inc.*, IPR2020–00019, Paper 11 at 10 (P.T.A.B. March 20, 2020) (precedential) (“If, at the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion to deny institution . . .”). Although a *Markman* hearing was held on May 9, 2025, to date no claim construction ruling has been issued by the court. It is unclear whether any such ruling will be issued prior to the institution deadline.

As acknowledged by Patent Owner, much remains to be done in the related litigation, including completion of fact and expert discovery. Patent Owner's

Discretionary Denial Brief, Paper 10 at 6–7. Specifically, the deadline to complete expert witness discovery is October 10, 2025, and deadline to complete fact discovery of August 22, 2025. Ex. 2046, pp. 4–5. *See Samsung*, IPR2024–01222, Paper 12 at 7 (finding this factor weighs against exercise of discretionary denial, despite the fact that a *Markman* hearing had already been conducted, citing “much remains to be done, including expert discovery”); *Hulu, LLC v. SITO Mobile R&D IP, LLC*, IPR2021–00298, Paper 11 at 12–13 (P.T.A.B. May 19, 2021) (finding factor 3 favors institution of trial even after issuance of a Markman ruling citing, *inter alia*, incomplete fact and expert discovery, as well as future dispositive and *Daubert* motion deadlines).

Petitioner's proffered *Sotera* stipulation also mitigates if not eliminates redundancy of efforts undertaken by the district court.

Finally, as noted above in the discussion of *Fintiv* factor 2, whatever trial is undertaken by the district court will not be of the same scope as that of the Genius IPR or the current petition. This fact also weighs *against* exercising discretionary denial according to *Fintiv* factor 3. *Samsung*, IPR2023–00739, Paper 9 at 58 (“Because the district court action does not include all of the challenged claims within the scope of the litigation, we find that *Fintiv* factors 2 and 3 favors institution.”).

Fintiv factor 3 favors institution.

D. *Fintiv* Factor 4: overlap between issues raised in the petition and in the parallel proceeding

As previously noted, there is little or no overlap between the district court and the present IPR petition. Granting the current IPR petition will not result in a duplication of effort.

Further, given the Petitioner's *Sotera* stipulation, any concerns related to overlap with the related litigation are mitigated if not rendered irrelevant. Recent panels have found that a stipulation commensurate with the stipulation Petitioner has proffered in this case strongly favors institution *under the holistic approach taken after rescission of the Director's June 2022 Fintiv Guidance Memorandum*. *Palo Alto Networks*, IPR2024–01421, Paper 8 at 12 (“A broad stipulation by a petitioner to not pursue in a parallel district court proceeding any ground raised or that could have been reasonably raised in its *inter partes* review petition mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions.”); *Samsung Elecs. Co. v. Headwater Rsch. LLC*, IPR2024–01407, Paper 9 at 8 (P.T.A.B. Mar. 20, 2025) (“Based on Petitioner's stipulation, we determine there would be no overlap between issues raised in the Petition and in the parallel proceeding, thereby saving the resources of the district court. *Fintiv* factor 4, therefore, weighs strongly against exercising our discretion to deny institution”); *SAP Am., Inc. v. Cyandia, Inc.*, IPR2024–01433, Paper 13 at 12 (P.T.A.B. Apr. 7, 2025) (“In light of the

stipulation and nature of the asserted ground...this [factor] strongly favors institution.”); *Google*, IPR2025–00019, Paper 14 at 12 (“We find that Petitioner’s stipulation mitigates some, but not all of the concerns of overlap, and weighs against exercising discretionary denial.”).

Therefore, the claims at issue in this proceeding will not be coextensive with those challenged in district court. *See Hanwha Sols. Corp. v. Maxeon Solar PTE. LTD.*, IPR2024–01203, Paper 17 at 19 (P.T.A.B. Feb. 26, 2025) (weighing factor 4 against denial where Petitioner challenged more claims in the IPR than in district court and noting that “some overlap of issues may exist” but “complete overlap does not exist” and that resolving the district court case will not address all challenged claims).

Fintiv factor 4 weighs strongly in favor of institution.

E. *Fintiv* Factor 5: whether the petitioner and the defendant in the parallel proceeding are the same party

Fintiv did not suggest Factor 5 *favors denial* when the petitioner and the defendant in the parallel proceeding are the same. *Fintiv*, IPR2020–00019, Paper 11 at 13–14 (“If a petitioner is *unrelated* to a defendant in an earlier court proceeding, the Board has weighed this fact ***against exercising discretion to deny institution*** under NHK”) (emphasis added). Petitioner is also a defendant in the related litigation, as is true of most petitioners in IPR proceedings.

Fintiv factor 5 does not favor discretionary denial.

F. *Fintiv* Factor 6: other circumstances that impact the Board's exercise of discretion, including the merits

Patent Owner notes that the current Petition is a copycat of a petition that was denied institution in IPR2025–00252. However, as noted in the current Petition, “Petitioner intends to rely on the instant petition as grounds for seeking inter partes review of ‘088.” Petition, p. 1. It is respectfully submitted that the grounds presented in the instant petition have merit.

With respect to the grounds based upon the combination of Ellis and Spivey, Patent Owner notes that the Board found in IPR2025–00252 that “Petitioner did ‘not include a rationale for adding a webserver to the Ellis-Spivey combination’ and ‘the addition of a facilitator-type webserver lacks any basis in the disclosures of Ellis and Spivey.’” Patent Owner’s Discretionary Denial Brief, p. 9. Petitioner respectfully disagrees.

First, the grounds do not seek to “add” a webserver to the combination of Ellis and Spivey, because these references both expressly contemplate the inclusion of webserver in the arrangements disclosed therein. Petition, pp. 18, 23, 41; Ex. 1016, ¶40 (“[c]ontent source 130 may be any suitable source of media content, such as . . . Internet or network media/*web server* or any other suitable *facility or system* for originating or distributing passive or interactive content to user equipment 102.”); Ex. 1017, ¶35 (“[m]essage queue server 120 may *comprise* one or more electronic devices capable of receiving, processing and sending

information for the system 100. Examples of an electronic device may *include . . . a **web server** . . .*”).

Second, given the above, the inclusion of a webserver in the combined arrangement of Ellis and Spivey is in no way contradictory to the teachings of these references – they already explicitly contemplate the inclusion of a webserver therein.

Third, as explained in the present petition, webserver are known to facilitate communication between client devices and socket servers as well as between client devices and media sources. Petition, pp. 7–8 and 23–24; Ex. 1001, ¶¶ 49–53; Ex. 1052. Further, webserver facilitate such communications by, for example, establishing connections that allow for the delivery and display of different types of data on a mobile device. Petition, pp. 24 –25; Ex. 1015, ¶¶ 51, 56, 58, 64. Thus, the grounds set forth in the Petition provide ample motivation to a person having ordinary skill in the art for the proposed modification so as to include a webserver in the arrangement of Ellis and Spivey. *Intel Corp. v. PACT XPP Schweiz AG*, 61 F.4th 1373, 1380 (Fed. Cir. 2023) (“if there's a known technique to address a known problem using ‘prior art elements according to their established functions,’ then there is a motivation to combine.”) (citation omitted).

Fourth, this is true regardless of whatever speculative effects the inclusion of a webserver in the arrangement of Ellis and Spivey might have on the overall

latency of the system. *Id.* (“And we specify [*sic*] address a known problem because ‘[i]t’s not necessary to show that a combination is the best option, only that it be a suitable option.’”) (citation omitted).

With respect to the grounds based upon the combination of Herzog and Spivey, Patent Owner asserts that the Board found in IPR2025–00252 that the petition in that case did not establish how Herzog's application server functions as webserver the transmits instructions to clients or enables clients to make connections, receive audio/video feed and event information, and render them on a display. Petitioner respectfully disagrees.

As explained in the present Petition, Herzog's system includes a content provider 42 and a solution integrator 44 that publishes video, related audio and metadata to users of the system on, for example, a mobile device, through a content distribution network 47. Ex. 1015, ¶49; Fig. 4. The solution integrator 44 includes an application server (53)/webserver that facilitates streaming with a client mobile device via an origin server by receiving a “request with the timecode call out” from the client device. In the process of doing so, the application server/webserver “satisfies time synchronization requirements between a client application residing in mobile device 45 and the solution integrator 44.” Petition, pp. 55–56, *citing* Ex. 1015, ¶51. Herzog further discloses that the above described audio/video and metadata content is displayed on a client viewer device by streaming multiple paths

of content, then displaying the different content in a synchronous manner. Petition, p. 57; Ex. 1015, ¶12, Fig. 7. As illustrated in figure 6 of Herzog, the user of the system receives the audio/video feed after making a request to the solutions integrator (44) comprising the application server/webserver. Petition, pp. 57–58; Ex. 1015, Fig. 6. Thus, it is respectfully submitted that the grounds set forth in the current Petition sufficiently explain how Herzog discloses and teaches a webserver having the claimed functionality.

Fintiv factor 6 favors institution.

III. PATENT OWNER'S "ADDITIONAL FACTORS" ARGUMENTS DO NOT WARRANT DISCRETIONARY DENIAL

Patent Owner cites the *Stewart Memo*³ in support of its arguments that the Director should exercise discretionary denial because of the Board's (not the Director's) prior institution decision issued in IPR2025-00252, and alleged "anticompetitive" conduct on part of the Petitioner. However, the *Stewart Memo* does not expressly identify a decision on institution as a form of "prior adjudication" of the "validity or patentability" of the claims at issue by the *Board* as an "additional factor," and contains no mention whatsoever of alleged and

³ *Interim Process for PTAB Workload Management*, Acting Director Coke Morgan Stewart, March 26 2025 ("*Stewart Memo*"). Ex. 2015.

unproven “anticompetitive” conduct as being a form of compelling economic interest supporting a request for the exercise of discretionary denial.

As further noted below, it is respectfully submitted that the procedure established by the *Stewart Memo*, including the retroactive application of the procedure to cases having previously-filed petitions, and the reliance upon the “additional factors” described therein, is not supported by prior PTAB precedent and is contrary to at least the American Invents Act and the Administrative Procedures Act.

A. Prior Institution Decision in IPR2025–00252

Patent Owner's arguments in this regard, couched as “Additional Factor 1” and “Additional Factor 2,” do not raise any new issues apart from those set forth above. Thus, for at least the same reasons explained above in the discussion of *Fintiv* factor 6, Patent Owner's arguments are unavailing.

B. No Compelling Economic Interests Justify the Exercise of Discretionary Denial

First, Patent Owner's meritless and belated claims around alleged unproven “anticompetitive” conduct are part of a transparent litigation tactic intended to gain leverage in the corresponding district court litigation. Petitioner has moved for dismissal of these meritless claims. Ex. 1074.

Second, the *Stewart Memo* never identifies alleged und unproven “anticompetitive” behavior as a “compelling economic interest” warranting

exercise of discretionary denial. Patent Owner cites absolutely no authority establishing otherwise.

Third, Patent Owner argues that its claims of allegedly anticompetitive behavior on behalf of the current Petitioner (Sportradar AG) consists of excerpts from alleged email correspondence sent from personnel bearing a “*geniussports.com*” domain. Patent Owner’s Discretionary Denial Brief, at 11–12 (emphasis added). Patent Owner Fails to explain how email correspondence apparently sent by persons associated with a geniussports.com domain demonstrates anticompetitive behavior on behalf of the current Petitioner (Sportradar AG).

Fourth, respectfully, the Director is not in a position to adjudicate Patent Owner’s heavily disputed, unproven and meritless antitrust law-based claims. *See* Ex. 1074.

**IV. THE INTERIM PROCESS OF THE MARCH 26, 2025
MEMORANDUM AND THE *FINTIV* AND *GENERAL PLASTIC*
RULES ARE UNLAWFUL**

Petitioner reserves the right to challenge the *Stewart Memo*, and the *Fintiv* and *General Plastic* rules, as unlawful for one or more of the following reasons: (1) they are contrary to the letter and spirit of the America Invents Act, (2) they exceed the Director’s authority, (3) they are arbitrary and capricious and violate principles of due process, (4) they are substantive rules that were adopted without

notice-and-comment rulemaking, and (5) they improperly retroactively apply these new rules to petitions that were already filed prior to the enactment of the new rules.

V. CONCLUSION

For the reasons explained herein, discretionary denial of the current petition is inappropriate. Considering the lack of overlap with the parallel district court litigation, and that the Petitioner has proffered a *Sotera* stipulation, under the facts presented here the concerns of *Fintiv* and the March 26, 2025 Stewart Memorandum are not implicated. It is respectfully requested that the Director refer this case to a panel of the Board for consideration on the merits.

Date: July 14, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This Petitioner's Opposition to Request for Discretionary Denial complies with the type-volume limitations as mandated in 37 C.F.R. §42.24 and the memorandum entitled Interim Processes for PTAB Workload Management dated March 26, 2025. According to the word processing system used to prepare this document, the brief contains 4,294 (14,000 word limit) words.

Date: July 14, 2025

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CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a copy of the foregoing Petitioner's Opposition to Request for Discretionary Denial was served by email correspondence on the following correspondence email addresses of record for Patent Owner:

acochran@cahill.com; and

ctracyjames@cahill.com.

Date: July 14, 2025

Respectfully submitted,

/Teresa C. Rodriguez/

Teresa C. Rodriguez

TABLE OF EXHIBITS

Exhibit No.	Description
Exhibit 1001	Declaration of Dr. Omid Kia, Ph.D.
Exhibit 1002	<i>Curriculum Vitae</i> of Dr. Omid Kia, Ph.D.
Exhibit 1003	U.S. Patent No. 10,805,687
Exhibit 1004	Reserved
Exhibit 1005	Reserved
Exhibit 1006	U.S. Patent No. 10,425,697
Exhibit 1007	Reserved
Exhibit 1008	Reserved
Exhibit 1009	U.S. Patent No. 11,039,218
Exhibit 1010	Reserved
Exhibit 1011	Reserved
Exhibit 1012	U.S. Patent No. 11,871,088
Exhibit 1013	Director Vidal Memorandum re: <i>Sotera</i> Stipulations
Exhibit 1014	SportsCastr's Complaint for Patent Infringement against Genius Sports (October 5, 2023)
Exhibit 1015	U.S. PGPub No. 2015/0163379 ("Herzog")
Exhibit 1016	U.S. PGPub 2014/0229992 ("Ellis")
Exhibit 1017	U.S. PGPub 2016/0036910 ("Spivey")

Exhibit 1018	U.S. PGPub 2015/0163379 (“Mitic”)
Exhibit 1019	Reserved
Exhibit 1020	Reserved
Exhibit 1021	Reserved
Exhibit 1022	James F. Kurose & Keith W. Ross, <i>Application Layer</i> , in <i>Computer Networking A Top-Down Approach</i> (Michael Hirsch et al. eds., 4th ed. 2012) (“Kurose I”)
Exhibit 1023	Reserved
Exhibit 1024	Mário Marques da Silva, <i>Multimedia Communications and Networking</i> (2012) (“Silva”)
Exhibit 1025	<i>A Brief History of the Internet</i> , ONLINE LIB. LEARNING CENTER. (Feb. 9, 2024), https://www.usg.edu/galileo/skills/unit07/internet07_02.phtml (“Online Library”)
Exhibit 1026	Hisayuuki Ohmata et al., <i>Hybridcast: A new media experience by integration of broadcasting and broadband</i> , 2013 ITU Kaleidoscope: Building Sustainable Communities, April 2013 (“Ohmata”)
Exhibit 1027	Henning Schulzrinne et al., <i>RTP: A Transport Protocol for Real-Time-Applications</i> , DataTracker (January 1996), https://datatracker.ietf.org/doc/html/rfc1889 (“Schulzrinne”)
Exhibit 1028	Brijesh Kumar, <i>Making Sense of Video Streaming Protocols</i> , LinkedIn. (Aug. 11, 2016), https://www.linkedin.com/pulse/making-sense-video-streaming-protocols-dr-brijesh-kumar/ (“Kumar”)
Exhibit 1029	Ian Fette & Alexey Melnikov, <i>The WebSocket Protocol</i> , RFC Editor. (Dec. 2016), https://www.rfc-editor.org/rfc/rfc6455.html .

Exhibit 1030	Marcin Warczygłowa, <i>Real-time Web Application with Websockets and Vert.X</i> (Nov. 10, 2015), https://blog.allegro.tech/2015/11/real-time-web-application-with-websockets-and-vert-x.html .
Exhibit 1031	Randall Stewart & Chris Metz, <i>SCTP: new transport protocol for TCP/IP</i> , 5 IEEE 64, (2001) (“Stewart”)
Exhibit 1032	Lydon Ong, John Yoakum &, <i>An Introduction to the Stream Control Transmission Protocol (SCTP)</i> , Datatracker. (May. 2002), https://datatracker.ietf.org/doc/rfc3286/ (“Ong”)
Exhibit 1033	Jan Newmarch, <i>Introduction to Stream Control Transmission Protocol</i> , LINUX J. (Sep. 1, 2007), https://www.linuxjournal.com/article/9748 (“Newmarch”)
Exhibit 1034	Kyung-Hoe Kim et al, <i>A transmission control SCTP for real-time multimedia streaming</i> , 54 Computer Networks 1418, (2010) (“Kim”)
Exhibit 1035	High Scalability, <i>How Facebook Live Streams to 800,000 Simultaneous Viewers</i> , ByteByteGo (Jun. 27, 2016), https://blog.bytebytego.com/?utm_source=hs&utm_medium=ann&utm_campaign=top (“ByteGo”)
Exhibit 1036	Hardeep Singh Parmar & Michael C. Thornburgh, <i>Adobe's Real Time Messaging Protocol</i> , Veriskope. (Dec. 21, 2002) (“Parmer”)
Exhibit 1037	Ilya Grigorik, <i>WebRTC</i> , in High Performance Browser Networking, (2013) (“Grigorik”)
Exhibit 1038	Sam Dutton, <i>Get started with WebRTC</i> , web.dev. (Jul. 23, 2012), https://web.dev/articles/webrtc-basics (“Dutton”)
Exhibit 1039	Andy Salo, <i>MPEG DASH: A Technical Deep Dive and Look at What's Next</i> , RGB Networks, (2012) (“Salo”)
Exhibit 1040	Jan Ozer, <i>Upstream, Justin.tv, Livestream, and Bambuser: Streaming Unplugged</i> , Streaming Media Magazine., Jun.-Jul. 2012 (“Ozer”)

Exhibit 1041	Christopher Mueller, <i>MEPG-DASH vs. Apple HLS vs. Microsoft Smooth Streaming vs. Adobe HDS</i> , BITMOVIN. (Mar. 29, 2015), https://bitmovin.com/mpeg-dash-vs-apple-hls-vs-microsoft-smooth-streaming-vs-adobe-hds/ (“Mueller”)
Exhibit 1042	Stefan Saroiu et al., <i>An analysis of Internet Content Delivery Systems</i> , ACM SIGOPS Operating System Review, Vol. 36 (Dec. 31, 2002), https://doi.org/10.1145/844128.84415 (“Saroiu”)
Exhibit 1043	Charles Marion & Julien Jomier, <i>Real-time Collaborative Scientific WebGL Visualization with Websocket</i> , Ass’n Computing Machinery, August 4-5, 2012 (“Marion”)
Exhibit 1044	Mark Sweney, <i>First ads appear on YouTube Clips</i> , The Guardian, Aug. 22, 2007 (“Sweney”)
Exhibit 1045	Richard Sandomir, <i>The Innovation That Grew and Grew</i> , N.Y. Times, June 12, 2014 (“Sandomir”)
Exhibit 1046	Victoria Pimentel & Bradford G. Nickerson, <i>Communicating and Displaying Real-Time Data with WebSocket</i> , 16 IEEE (2012) (“Pimentel”)
Exhibit 1047	Reserved
Exhibit 1048	Claim Listing of U.S. Patent No. 11,871,088
Exhibit 1049	Certified File History of U.S. Patent No. 11,871,088
Exhibit 1050	U.S. PGPub 2018/0367820 (“Abulikemu”)
Exhibit 1051	U.S. Patent No. 9,973,785 (“Yang”)
Exhibit 1052	James F. Kurose & Keith W. Ross, <i>Computer Networking: A Top-Down Approach</i> (Michael Hirsch et al. eds., 6th ed. 2013) (“Kurose II”)
Exhibit 1053	Sportradar’s proposed <i>Sotera</i> Stipulation to SportsCastr (“ <i>Sotera</i> Stipulation”)
Exhibit 1054	U.S. PGPub 2018/0167427 (“Kedenburg”)

Exhibit 1055	Nick Wingfield, <i>What's Twitch? Gamers Know, and Amazon Is Spending \$1 Billion on It</i> , N.Y. Times, August 25, 2014 ("Wingfield")
Exhibit 1056	Luigi Lo Iacono & Silvia Santano Guillen, <i>Web-native Video Live Streaming</i> , WEB 2014: The Second International Conference on Building and Exploring Web Based Environments, April 2014 ("Iacono")
Exhibit 1057	SportsCastr's Preliminary Infringement Contentions, Exhibit 8 (September 25, 2024)
Exhibit 1058	Arini, ST, MT, <i>Ch 6 Multimedia Distribution</i> , https://www.slideserve.com/tassos/ch-6-multimedia-distribution (October 11, 2014) ("Arini")
Exhibit 1059	SportsCastr's Second Amended Complaint for Patent Infringement against Genius Sports (September 25, 2024)
Exhibit 1060	Declaration of Stephen B. Wicker, dated December 6, 2024, filed as Exhibit 1001 in IPR2025-00251 and IPR2025-00252 ("Wicker Declaration")
Exhibit 1061	Comparison of the Declaration of Dr. Omid Kia, Ph.D. (Ex. 1001) with the Wicker Declaration (Ex. 1060)
Exhibit 1062	Declaration of Alexander Walden in Support of Petitioner's Notice of Intent to Designate a Provisionally Recognized PTAB Attorney as Back-Up Counsel
	<i>Newly Added Exhibits Follow</i>
Exhibit 1063	Correspondence from Counsel for Patent Owner dated April 11, 2025, Stipulating Claims for Assertion in Litigation
Exhibit 1064	Correspondence from Counsel for Patent Owner dated April 14, 2025 Stipulating Claims for Assertion in Litigation
Exhibit 1065	Patent Owner's Infringement Contentions of January 18, 2024

Exhibit 1066	Patent Owner's Motion for Leave to Amend Its Infringement Contentions of August 2024
Exhibit 1067	Sportradar's Opposition to Patent Owner's Motion to Amend
Exhibit 1068	Gilstrap Order of September 30, 2024 authorizing addition of Challenged Claims to the Complaint
Exhibit 1069	Patent Owner's Service Email of Amended Infringement Contentions dated September 30, 2024
Exhibit 1070	Order dated March 23, 2025 – Limiting Asserted Claims and Prior Art
Exhibit 1071	Guidance Memorandum dated March 24, 2025 from Chief Administrative Patent Judge Boalick
Exhibit 1072	Sportradar Motion to Amend Docket Control Order
Exhibit 1073	U.S. District Court Eastern District of Texas, Calendar Events Set for 1/20/2026–1/26/2026, Judge Rodney Gilstrap Presiding
Exhibit 1074	Sportradar Group AG's Redacted Motion to Dismiss Counts V and VI of the Second Amended Complaint