IPR2025-00700

U.S. Patent 6,182,128 B1

Patent Owner

Demonstrative Exhibits

NOT EVIDENCE

Hearing Demonstratives

THE MEANING OF "SUBSTANTIALLY REAL TIME"

Is Not Dispositive of the Obviousness Question

Petitioner's analysis is an oversimplification.

It improperly isolates the playback-timing element from the broader architectural elements that comprise the '128 patent invention as a whole.

References on the following slides cite:

Petitioner's Authorized Post-Sur-Reply Claim Construction Brief (Paper 24)
Petitioner's Motion to Strike a Portion of Patent Owner's Sur-Reply (Paper 20)
Petitioner's Reply to Patent Owner's Response (Paper 14)

ARGUMENT · 1

"Substantially Real Time" Is Not Dispositive of Obviousness

Petitioner's analysis minimizes an important aspect of the '128 invention.

The '128 patent is not simply concerned with moving media from point A to point B.

The invention solves a broader commercial and technical problem: how to deliver content in substantially real time while simultaneously capturing user-specific information that supports billing, marketing, and personalized services.

It does so through an architecture that supplies a combination of features with specific capabilities.

INTEGRATION WITH REAL-TIME DELIVERY

Four features the architecture integrates:

- **User identification**

  EX1001, Col. 1:13–15; 4:45–47; 5:10–13; 6:12–13, 58–67; Claim 1a)4)(b),(e)

- **Content selection tracking**

  EX1001, Col. 6:9–12

- **Billing**

  EX1001, Fig. 2 (52); Col. 5:27–32; 6:58–61; 7:5–8; Claim 14

- **Marketing**

  EX1001, Col. 1:13–15; 2:30–34; 3:63–65; 4:15–17; 6:64–67; Claim 14

Sources: EX2007, Johnson Declaration ¶ 20, ¶¶ 34, 36, 54 · EX2009, McCulloh Declaration ¶¶ 15–16, 29–30, 32–35.
References: Paper 24 (Claim Construction Brief) · Paper 20 (Motion to Strike) · Paper 14 (Reply).

PRIOR ART · YURT (EX1005)

Petitioner Neglects Yurt's Complete Context

Fallacy of Incomplete Evidence

Petitioner devotes attention only to selected statements in Yurt, focusing on those that appear to support its position while ignoring teachings that undermine it.

Petitioner "cherry picks" phrases such as:

"immediate viewing as it is distributed"

transmission occurring in a "fraction of real time"

Yurt, however, is fundamentally a download / buffer / decompress architecture centered on local receipt and playback — not the substantially real-time, request-driven routing architecture claimed by the '128 patent.

YURT — ABSTRACT

"...preferably in less than real time, for later playback."

[57] **ABSTRACT**

A system of distributing video and/or audio information employs digital signal processing to achieve high rates of data compression. The compressed and encoded audio and/or video information is sent over standard telephone, cable or satellite broadcast channels to a receiver specified by a subscriber of the service, preferably in less than real time, for later playback and optional recording on standard audio and/or video tape.

Sources: EX1005, Yurt '992 Patent (Abstract) · EX2007, Johnson Declaration ¶¶ 20, 24–25, 29–30, 33–34, 36, 38, 45, 49, 51, 54.
References: Paper 24 · Paper 20 · Paper 14.

EXPERT TESTIMONY · EX2009

Dr. McCulloh on the True Innovation of the ’128 Patent

DR. MCCULLOH

Declaration EX2009

“The innovation was not merely transmission itself, but routing requested content to where it was needed in real time through coordinated distributed systems.”

Engineers in the late 1990s were not building systems that coordinated these functions across distributed environments.

The ’128 patent is directed to more than a streaming improvement — namely:

- Active distributed orchestration
- Content discovery
- Centralized management
- Distributed routing
- Integration of delivery, tracking, billing, and user-specific information

Clarified that the invention concerns coordinated distributed systems — not isolated streaming — and explains why engineers of that era were not building systems that coordinated these functions across distributed environments.

Sources: EX2009, McCulloh Declaration ¶¶ 3, 12, 20, 24–25, 30–33, 37.

THE '128 INVENTION AS A WHOLE

A Coordinated, Request-Driven Architecture

Playback while the file is arriving is just one feature of the invention.
The claims require considerably more than playback timing.

Content location
EX1001, Col. 6:9–12

Centralized control
Claim 1b); Claim 2a)4)(b), 2b)

Routing between centers
Col. 4:8–12; 3:38–40; 5:2–4; Claims 1a),b); 2b)

Substantially real-time delivery
Claim 1a)4)(d)

User identification
Col. 1:13–15; 4:45–47; 5:10–13; 6:12–13, 58–67; Claim 1a)4)(b),(e)

Usage tracking
Col. 7:2–5

Billing
Fig. 2 (52); Col. 5:27–32; 6:58–61; 7:5–8; Claim 14

Marketing
Col. 1:13–15; 2:30–34; 3:63–65; 4:15–17; 6:64–67; Claim 14

'128 PATENT · Col. 7:21–48

What is claimed is:

1. A system for distributing digital audio files in substantially real time to users connected to a plurality of satellite or cable TV networks, said system comprising:

a) a plurality of private distribution centers, each including:

1) a network interface including an input and an output for connecting to one of the satellite or cable TV networks;

2) a library including a plurality of digital audio files;

3) a library interface including an input and an output connected to said library; and

4) a processor connected to said network interface and said library interface, said processor for:

(a) displaying to a user a menu of said audio files;

(b) receiving requests from a user for a plurality of said digital audio files and a user address;

(c) retrieving said requested digital audio files from said library via said library interface;

(d) sequentially transmitting said requested digital audio files in substantially real time to said user through one of the satellite or cable TV networks via said output of said network interface; and

(e) recording the digital audio files requested by said user and said user address in a data base; and

b) a central controller connected to said network interface of each of said distribution centers for routing digital audio data files between said distribution centers.

Sources: EX1001, '128 Patent (claims & specification, cited columns and figures) · EX2007, Johnson Declaration ¶¶ 20, 24, 32, 37.