

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**AMAZON.COM, INC.,  
AMAZON.COM SERVICES LLC,  
AMAZON WEB SERVICES, INC., and  
AUDIBLE, INC.,**  
Petitioners,

v.

**AUDIO POD IP, LLC,**  
Patent Owner.

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Case No. IPR2025-00769  
U.S. Patent No. 9,954,922

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**PETITION FOR *INTER PARTES* REVIEW OF  
U.S. PATENT NO. 9,954,922**

**Page No.**

**I. INTRODUCTION** 1

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**DECLARATION OF PROFESSOR KETAN MAYER-PATEL, Ph.D.**

*Amazon v. Audio Pod*  
US Patent 9,954,922  
**Amazon EX-1002**

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~~C. Lead and Backup Counsel (37 C.F.R. §42.8(b)(3))~~ 78

~~D. Service Information (37 C.F.R. §42.8(b)(4))~~ 80

~~E. Grounds for Standing (37 C.F.R. §42.104(a))~~ 80

~~Payment~~

~~I, Ketan Mayer-Patel, do hereby declare:~~

~~F. I am making this declaration at the request of Fees (37 C.F.R. §42.15(a))~~ 80

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| <u>Apple v. Fintiv,</u><br><u>IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)</u>                                                                                   | 72, 76      |
| <u>Aptiv., Amazon.com Services US, LLC v. Microchip Technology, Amazon Web Services,</u><br><u>Inc.,</u><br><u>IPR2024-00646, Paper 11 (P.T.A.B. Sept. 25, 2024)</u> | 73          |
| <u>Cal. Inst. of Tech. v. Broadcom Ltd.,</u><br><u>25 F.4th 976 (Fed. Cir. 2022)</u>                                                                                 | 75          |
| 1. <u>Eriasson and Audible, Inc. v. XR Communications LLC, (“Petitioners”).</u>                                                                                      |             |
| <u>I have been retained by Petitioners as a technical expert in this mat- ter.</u>                                                                                   |             |
| <u>IPR2024-00613, Paper 9 (P.T.A.B. Oct. 9, 2024)</u>                                                                                                                | 74, 75      |
| <u>Google LLC v. Jawbone Innovations, LLC,</u><br><u>IPR2022-00630, Paper 10 (P.T.A.B. Sept. 13, 2022)</u>                                                           | 75          |
| <u>In re GPAC Inc.,</u><br><u>57 F.3d 1573 (Fed. Cir. 1995)</u>                                                                                                      | 6           |
| <u>KSR Int’l Co. v. Teleflex Inc.,</u><br><u>550 U.S. 398 (2007)</u>                                                                                                 | passim      |
| <u>Leapfrog Enters., Inc. v. Fisher-Price, Inc.,</u><br><u>485 F.3d 1157 (Fed. Cir. 2007)</u>                                                                        | 71          |
| <u>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.,</u><br><u>868 F.3d 1013 (Fed. Cir. 2017)</u>                                                           | 6           |
| <u>Quasar Sci. LLC v. Colt Int’l Clothing, Inc.,</u><br><u>IPR2023-00611, Paper 10 (P.T.A.B. Oct. 10, 2023)</u>                                                      | 76          |
| <u>Samsung Electronics Co. v. Empire Technology Development LLC,</u><br><u>IPR2024-00896, Paper 15 (P.T.A.B. Dec. 13, 2024)</u>                                      | 74          |

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No. 2:23-cv-00097, 2024 WL 234720 (E.D. Va. Jan. 22, 2024) 72

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No. 2:17-cv-00351, 2018 WL 11198604  
(E.D. Va. Jan. 10, 2018) 72

*Shenzen Chic Elecs. v. Pilot, Inc.*,  
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*Sotera Wireless, Inc. v. Masimo Corp.*,  
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*Uber Techs., Inc. v. X One, Inc.*,  
957 F.3d 1334 (Fed. Cir. 2020) 46, 47

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### Statutes and Rules

35 U.S.C. §102 7, 8

35 U.S.C. §103 7

35 U.S.C. §325 76, 77

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2. I am being compensated for my work on this case. My compensation  
does not depend on the content of this Declaration or the outcome of these proceed-  
ings.

**I. BACKGROUND**

**A. Experience and Qualifications**

3. I received Bachelor of Arts degrees in Computer Science and Econom-  
ics in 1992, a Master of Science in 1997 from the Department of Electrical Engi-  
neering and Computer Science, and a Ph.D. in 1999 from the Department of Electri-  
cal Engineering and Computer Science, all from the University of California, Berke-  
ley.

4. I have been involved in the research and development of multimedia  
computing systems for nearly 30 years. I have been a faculty member at the Uni-  
versity of North Carolina since January 2000, where I perform research and teach in  
the areas of networking, web programming, and multimedia computing. I also have

**TABLE OF AUTHORITIES**

expertise other areas, including distributed systems, networking devices, and the  
(cont'd)  
general operation of computer systems.

5. I am a member of the Association for Computing Machinery (ACM)  
and the Institute of Electrical and Electronics Engineers (IEEE). These are the two  
leading professional societies for both academic and practicing computer scientists.

6. I have authored or co-authored over 30 papers in peer-reviewed jour-  
nals and conference proceedings. I have served as an Associate Editor for both IEEE  
Transactions on Multimedia and ACM Transactions on Multimedia Computing,  
Communications, and Applications, which are the two leading journals in the field.  
I regularly serve as a member of the technical program committee for a number of  
different conferences and workshops including ACM Multimedia, The International  
Workshop on Network and Operating System Support for Digital Audio and Video  
(NOSSDAV), IFIP Networking, ACM Multimedia Systems (MMSys), MMEDIA,  
and SIGMAP. I am also currently chair of the standing executive committee for both  
NOSSDAV and MMSys. A complete listing of all my publications can be found in  
my CV, which I understand is being submitted as Exhibit 1096. I am also a named  
inventor or co-inventor on multiple issued patents, which are also listed in my CV.

7. My research has been supported by both government agencies as well  
as private industry. I received the National Science Foundation (NSF) CAREER  
Award in 2003 while an Assistant Professor. I have been a principal investigator for

**TABLE OF AUTHORITIES**

grants awarded by the NSF, the Office of Naval Research, and the Laboratory of  
(cont'd)

Analytic Sciences. I have also served on several NSF reviewing panels for funding  
recommendations.

8. In my research and teaching I have considered problems of video  
streaming, dynamic adaptation and transcoding of media, adaptive streaming  
transport protocols, telepresence, and scalable display architectures, among others.

9. In the classroom, I have regularly taught classes on Data Structures,  
Foundations of Programming, Modern Web Programming, Files and Databases, and  
Multimedia Computing and Networking. I also serve as the Director of Undergrad-  
uate Studies for the Department of Computer Science.

**B. Materials Considered**

10. In preparing this Declaration, I have considered the following materi-  
als:

| <b>Exhibit No.</b>                                   | <b>Description</b>                                        |
|------------------------------------------------------|-----------------------------------------------------------|
| 1001                                                 | U.S. Patent No. 9,954,922 (“the ’922 patent”)             |
| <del>1002</del>                                      | <del>Declaration of Professor Ketan Mayer-Patel</del>     |
| <i><del>Exhibit Number 1003 Not Used</del></i>       |                                                           |
| 1004                                                 | European Patent Publication No. EP 1463258 A1 (“Lindahl”) |
| 1005                                                 | U.S. Patent Publication No. 2002/0069218 (“Sull”)         |
| <i><del>Exhibit Numbers 1006–1034 Not Used</del></i> |                                                           |
| 1035                                                 | U.S. Patent Publication No. 2004/0148638 (“Weisman”)      |

Amazon.com, Inc. v. Audio Pod IP, LLC  
Declaration of Ketan Mayer-Patel – U.S. Pat. No. 9,954,922

|      |                                      |
|------|--------------------------------------|
| 1036 | U.S. Patent No. 7,398,312 (“Guo”)    |
| 1037 | U.S. Patent No. 5,950,205 (“Aviani”) |

Amazon.com, Inc. v. Audio Pod IP, LLC  
IPR Petition – U.S. Pat. No. 9,954,922

| <u>Exhibit No.</u>                        | <u>Description</u>                                                                                                                                                       |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1038                                      | Loukopoulos et al., <i>An Overview of Data Replication on the Internet</i> , PROC. INT’L SYMP. ON PARALLEL ARCHITECTURES, ALGORITHMS AND NETWORKS (2002) (“Loukopoulos”) |
| 1039                                      | U.S. Patent No. 5,930,493 (“Ottesen”)                                                                                                                                    |
| <i>Exhibit Numbers 1040–1076 Not Used</i> |                                                                                                                                                                          |
| 1077                                      | U.S. Patent No. 5,652,613 (“Lazarus”)                                                                                                                                    |
| 1078                                      | U.S. Patent Publication No. 2003/0093790 (“Logan”)                                                                                                                       |
| <i>Exhibit Numbers 1079–1094 Not Used</i> |                                                                                                                                                                          |
| 1095                                      | Excerpts from the File History for U.S. Patent No. 9,954,922                                                                                                             |
| <del>1096</del>                           | <del>CV of Professor Ketan Mayer-Patel, Ph.D.</del>                                                                                                                      |
| <del>1097</del>                           | <del>Declaration of Sylvia D. Hall-Ellis, Ph.D.</del>                                                                                                                    |

~~Amazon.com Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Audible, Inc. (“Petitioners” or “Amazon”) respectfully request *inter partes* review of claims 1–20 of U.S. Patent No. 9,954,922 (“the ’922 patent”), which Audio Pod IP, LLC (“Patent Owner” or “PO”) purportedly owns.~~

## ~~I. INTRODUCTION~~

~~The ’922 patent relates to rendering digital content on two devices. The claims recite the well-known steps of: (1) downloading, storing, and rendering content on a first device; (2) creating a bookmark on the first device and transferring it to a second device; (3) downloading, storing, and rendering content on the second device; and (4) releasing unneeded content from storage to free up memory. Because the ’922 patent claims these well-known steps in the same way they were used in the prior art, the claims would have been obvious. The Board should cancel them.~~

## ~~BACKGROUND AND STATE~~

~~11. In addition, I have reviewed the full file history of the ’922 patent. I have also relied on my education, training, and experience, and my knowledge of pertinent literature in the field of the ’922 patent.~~

## ~~II. APPLICABLE LEGAL STANDARDS~~

~~12. I have been asked to provide my opinion as to whether the claims of the ’922 patent would have been obvious to a person of ordinary skill in the art at the time of the alleged invention, in view of the prior art.~~

~~13. I am a computer scientist by training and profession. The opinions I am~~

Amazon.com, Inc. v. Audio Pod IP, LLC

IPR Petition – U.S. Pat. No. 9,954,922

expressing in this report involve the application of my training and technical knowledge and experience to the evaluation of certain prior art with respect to the '922 patent.

14. Although I have been involved as a technical expert in patent matters before, I am not an expert in patent law. Therefore, the attorneys from Knobbe,

Martens, Olson & Bear, LLP have provided me with guidance as to the applicable patent law in this matter. The paragraphs below express my understanding of how I must apply current principles related to patent validity to my analysis.

**A. Claim Construction**

15. It is my understanding that in determining whether a patent claim is obvious in view of the prior art, the Patent Office construes the claim by giving the claim terms their plain and ordinary meaning, as they would have been understood by a person of ordinary skill in the art at the time of the invention in view of the intrinsic record (patent specification and file history). For the purposes of this review, and to the extent necessary, I have interpreted each claim term in accordance with its plain and ordinary meaning as it would have been understood by a person of ordinary skill in the art at the time of the invention, in view of the intrinsic record. I understand that the time of the invention is December 13, 2005.

16. I understand that a patent and its prosecution history are considered “intrinsic evidence” and are the most important sources for interpreting claim language in a patent. I also understand that in reading the claim, I must not import limitations from the specification into the claim terms; in other words, I must not narrow the scope of the claim terms by implicitly adding disclosed limitations that have no express basis in the claims. The prosecution history of related patents and applications can also be relevant.

17. I understand that sources extrinsic to a patent and its prosecution history (such as dictionary definitions and technical publications) may also be used to help interpret the claim language, but that such extrinsic sources cannot be used to contradict the unambiguous meaning of the claim language that is evident from the intrinsic evidence.

18. Unless expressly stated herein, I have applied the plain and ordinary meaning of the claim terms, which I understand is the meaning that a person of ordinary skill in the art would have given to terms in December 2005 based on a review of the intrinsic evidence.

**B. Obviousness**

19. It is my understanding that a claim is “obvious” if the claimed subject matter as a whole would have been obvious to a person of ordinary skill in the art at the time of the alleged invention. I understand that an obviousness analysis involves a number of considerations. I understand that the following factors must be evaluated to determine whether a claim would have been obvious: (i) the scope and content of the prior art; (ii) the differences, if any, between each claim of the ’922 patent and the prior art; (iii) the level of ordinary skill in the art in December 2005; and (iv) additional considerations, if any, that indicate that the invention was obvious or not obvious. I understand that these “additional considerations” are often referred to as “secondary considerations” of non-obviousness or obviousness.

20. I also understand that the frame of reference when evaluating obviousness is what a hypothetical person of ordinary skill in the pertinent art would have known in December 2005. I understand that the hypothetical person of ordinary skill is presumed to have knowledge of all pertinent prior art references.

21. It is my understanding that something is “inherent in,” and therefore taught by, the prior art, if it necessarily flows from the explicit disclosure of the prior art. I understand that the fact that a certain result or characteristic *may be* present in the prior art is not sufficient to establish inherency. However, if the result or characteristic is *necessarily* present based upon the explicit disclosure in the prior art, it is inherent in the prior art and is therefore disclosed.

22. I understand that a prior art reference may be a pertinent prior art reference (or “analogous art”) if it is in the same field of endeavor as the patent or if it is pertinent to the problem that the inventors were trying to solve. A reference is reasonably pertinent if it logically would have commended itself to an inventor’s attention in considering the problem at hand. If a reference relates to the same problem as the claimed invention, that supports use of the reference as prior art in an obviousness analysis. Here, all of the references relied on in my obviousness analysis below are from the same field of endeavor as the ’922 patent, e.g., content distribution and/or rendering. The references are also pertinent to a particular problem the

inventor was focused on, e.g., efficient and effective distribution and/or rendering of content.

23. It is my understanding that the law recognizes several rationales for combining references or modifying a reference to show obviousness of claimed subject matter. Some of these rationales include:

- combining prior art elements according to known methods to yield predictable results;
- simple substitution of one known element for another to obtain predictable results;
- a predictable use of prior art elements according to their established functions;
- using known techniques to improve similar devices (methods, or products) in the same way;
- applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success (in which case a claim would have been obvious to try);
- known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives

or other market forces if the variations would have been predictable to one of ordinary skill in the art; and

- some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

24. I understand that “secondary considerations” must be considered as part of the obviousness analysis when present. I further understand that the secondary considerations may include: (1) a long-felt but unmet need in the prior art that was satisfied by the claimed invention; (2) the failure of others; (3) skepticism by experts; (4) commercial success of a product covered by the patent; (5) unexpected results achieved by the claimed invention; (6) industry praise of the claimed invention; (7) deliberate copying of the invention; and (8) teaching away by others. I also understand that evidence of the independent and nearly simultaneous “invention” of the claimed subject matter by others is a secondary consideration supporting an obviousness determination and may support a conclusion that a claimed invention was within the knowledge of a person of ordinary skill as of December 13, 2005. I am not aware of any evidence of secondary considerations that would suggest that the claims of the ’922 patent would have been nonobvious in December 2005.

25. I understand that when assessing obviousness, using hindsight is impermissible; that is, what is known today or what was learned from the teachings of

the patent should not be considered. The patent should not be used as a road map for selecting and combining items of prior art. Rather, obviousness must be considered from the perspective of a person of ordinary skill at the time the alleged invention was made – December 2005 in this case.

26. I also understand that an obviousness analysis must consider the invention as a whole, as opposed to just a part or element of the invention. I understand this “as a whole” assessment to require showing that one of ordinary skill in the art at the time of invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would have selected the elements from the prior art and combined them in the claimed manner.

#### **IV. PERSON OF ORDINARY SKILL IN THE ART**

27. It is my understanding that when interpreting the claims of the '922 patent and evaluating whether a claim would have been obvious, I must do so based on the perspective of a person of ordinary skill in the art at the relevant priority date. I understand that the relevant priority date of the '922 patent is December 13, 2005.

28. I understand that in determining the level of ordinary skill in the art, several factors are considered. Those factors may include: (i) the type of problems encountered in the art; (ii) prior art solutions to those problems; (iii) the rapidity with which innovations are made; (iv) the sophistication of the technology; and (v) the educational level of active workers in the field. A person of ordinary skill in the art

must have the capability of understanding the scientific and engineering principles applicable to the pertinent art.

29. The '922 patent describes the use of well-known technologies for the rendering and/or distribution of digital content. Based on my review of the specification and claims of the '922 patent, it is my opinion that a person of ordinary skill in the art would have had a minimum of a bachelor's degree in electrical engineering, computer engineering, or computer science, and at least three years of industry or academic experience in the design, development, and/or implementation of content rendering and/or distribution systems. Work experience could substitute for formal education and additional formal education could substitute for work experience.

30. My conclusions below that the claims of the '922 patent would have been obvious would remain the same even if the priority date, field of endeavor, or level of ordinary skill were slightly different.

31. I meet the above definition of a person of ordinary skill in the art, and did so as of December 13, 2005. Also, I have worked with persons of ordinary skill in the art through my professional and academic experiences, and I have an understanding of their skill level around December 2005.

#### **IV. TECHNOLOGY BACKGROUND**

##### **A. Downloading, Storing, and Bookmarking Media Files Was Known.**

Weisman discloses delivering multimedia files to a client device (called a “station”) over a network. (EX-1035; (Weisman), Abstract, Fig. 1; ~~EX-1002 ¶32~~.) The “head- end” (which includes a server) receives a request for media and transmits a first portion of the media to the client. (*Id.*) The transmission may be suspended. (*Id.*) If transmission is later resumed, the head-end sends a second portion of media and uses stored bookmark data to indicate the starting location in the second portion.

(*Id.*) Weisman further teaches transferring bookmarks among users. (~~EX-1035~~

~~2.32. *Id.* ¶¶[0135]-[0138].~~) Weisman also teaches that the client includes a buffer to ~~down-load~~download and store content so a user can access that content even if the network ~~connec-tion~~connection is interrupted. (*Id.* ¶¶[0277]-[0287], Fig. 5.)

### **B. Memory Management For Media Content Was Known.**

33. Aviani discloses a method for storing multimedia objects in a cache memory. (~~EX-1037, (Aviani), Abstract, EX-1002 ¶33.~~) This cache memory is used to temporarily ~~stores~~store objects that have recently been downloaded over the Internet. (~~EX-1037, *Id.*, 1:30-38.~~) When the cache memory “is insufficient to accommodate a new multimedia object, the new multimedia object is written from the beginning of the cache memory, thereby writing over a previously stored” object. (*Id.*, Abstract.)

Aviani “allocates-  
disk space for subsequent writing of data,” and creates a file after an object has “been-

retrieved by the caching engine from a remote server.” (*Id.*, 8:1-9.) The size of the object is determined, and the free disk space is computed. (*Id.*, 8:5-25.) If there is not enough free space, the system deletes objects until the “requisite amount of memory has been freed up.” (*Id.*, 8:35-37, 8:54-67, Fig. 4.)

Guo discloses a method to enhance cache memory management. (EX-1036, (Guo), Abstract, 2:57-61; ~~EX-1002 ¶34.~~) Guo segments “streaming multimedia objects (SM objects) into smaller units (i.e., chunks)” allowing ~~improved~~ “novel cache placement and replacement policies.” (~~EX-1036,~~ of the constituent units (chunks) which make up the SM ob- jects.) (*Id.*, 2:61-67.) The chunks are saved and replaced

~~3.34.~~ independently, which “significantly” increases cache storage utilization. (*Id.*, 6:24-30, Fig. 5a.) Guo teaches a “Cache Replacement Policy” that “specifies which cache item(s) should be removed ... when the cache is full or nearly full.” (*Id.*, 3:56-58; 10:45-60.)

35. Ottesen is directed to a multimedia server system that sends program segments to a local display. (EX-1039, (Ottesen), Abstract; ~~EX-1002-¶35.~~) Ottesen stores a ~~window~~win- dow (e.g., 30 minutes) of content at a client. (~~EX-1039~~, Id., 20:33-51; Fig. 12.) Ottesen ~~determines~~teaches determining the available storage capacity and ~~requests~~requesting a narrowed window if needed. (*Id.*, 40:56-41:9, Fig. 21.) Ottesen’s control window can be stored as ~~multiple~~mul- tiple segments within memory. (*Id.*, 30:15-19.) As the user watches, the video ~~segments~~seg- ments of the presentation control window “will be replaced by newly received video segments.” (*Id.*, 33:31-35; see also *id.*, 33:40-60.) When the memory is filled,-

Ottesen will “overwrit[e] previously stored program segments.” Id., 45:66-46:5, Fig. 24.)

## **H.V. THE '922 PATENT**

### **A. Overview**

The '922 patent is primarily directed to distributing, rendering, and bookmarking audio. (EX-1001, ('922 patent), 2:42-57, 7:48-59.) The patent notes that there is a “demand for a significant quantity of memory” when opening a new stream or reopening a bookmarked stream. (*Id.*, 12:60-62.) If there is not sufficient memory available, older content is purged. (*Id.*, 12:66-13:37, Fig. 13.) For bookmarked

4.36. book- marked streams, this involves removing segments from the end of the bookmarked content. (*Id.*) At an extreme, the entire bookmarked content is removed. (*Id.*, 13:32- 34.)

## **B. Claims**

~~All 20 I have been asked to consider~~ claims ~~are challenged 1-20~~ in this ~~Petition~~Declaration. Of those, claims 1 and 20 are independent. Claim 1 (~~below~~) is representative and recites: ~~(1) downloading, storing, and rendering content on a first device (elements 1[a]-1[c]); (2) creating and transferring a bookmark to a second device (elements 1[d]-1[f]); (3) downloading, storing, and rendering content on the second device (elements 1[g]-1[i]); and (4) memory management (elements 1[j]-1[m]):~~

5.37. 1-A a “method of rendering digital content across multiple client devices ~~com-prising~~comprising” several steps. First, downloading, storing, and rendering content on a first device:

[a] downloading first digital content corresponding to a media work from a network accessible library to a first client device via a network, the first digital content including at least a first portion of a first media stream;

[b] storing the first digital content on the first client device;

[c] rendering at least a portion of the first digital content on the client device; Second, creating a transferring a bookmark to a second device:

[d] tracking a current position in the first media stream as the first digital content is rendered;

[e] creating a bookmark by setting the current position as a bookmarked position, the bookmark including information for identifying the media work and the bookmarked position;

[f] transferring the bookmark to a second client device via the network; Third, downloading, storing, and rendering content on the second device:

~~[a]~~ downloading second digital content corresponding to the media work from the network accessible library to the second client device via the network, the second digital content including at least a second portion of the first media stream or at least a portion of a second media stream,

[g] the second portion of the first media stream or the portion of the second media stream including the bookmarked position;

[h] storing the second digital content on the second client device;

[i] rendering at least a portion of the second digital content on the second client device in dependence upon the bookmarked position;

Fourth, memory management:

- [j] identifying a range of content surrounding the bookmarked position in the second digital content as content to be retained;
- [k] releasing storage resources allocated to all content of the second digital content that is not identified as content to be retained on the second client device;
- [l] determining whether sufficient storage is available on the second client device to meet storage demand after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained; and
- [m] if insufficient storage is available, narrowing the range of content surrounding the bookmarked position that is identified as content to be retained.

**A. Prosecution**

~~During prosecution, the Examiner rejected the then pending claims as obvious. (EX 1095, 67-88.) The applicant added the memory management limitations, after which the claims were allowed. (Id., 53-63.) Other than Sull, cited for dependent claim 16, the references relied on herein were not considered by the~~

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~~Examiner.~~

**~~B. — Priority~~**

~~The '922 patent's earliest possible priority date is December 13, 2005. (EX-1001, 1.) Petitioners do not concede that the claims are entitled to that priority date.~~

**~~II. — LEVEL OF ORDINARY SKILL IN THE ART~~**

~~A POSITA is “a person of ordinary creativity, not an automaton.” *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007). A POSITA would have had at least a bachelor's degree in electrical engineering, computer engineering, or computer science, and at least three years of industry or academic experience in the design, development, and/or implementation of content rendering and/or distribution systems. (EX-1002 ¶¶27-31); see *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). Work experience could substitute for formal education and additional formal education could substitute for work experience. (EX-1002 ¶29.)~~

**~~III. — CLAIM CONSTRUCTION~~**

~~No claim terms require construction to resolve the obviousness challenges here. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). For this proceeding only, Petitioner assumes the claims are not invalid as indefinite under §112.~~

#### **~~IV. STATEMENT OF PRECISE RELIEF REQUESTED~~**

##### **~~A. Grounds~~**

~~The Board should cancel claims 1-20 as obvious under 35 U.S.C. §103 on the following Grounds:~~

| <b><del>Ground</del></b> | <b><del>Challenged Claims</del></b> | <b><del>References</del></b>                     |
|--------------------------|-------------------------------------|--------------------------------------------------|
| <del>1A</del>            | <del>1-3, 7-15, 17-20</del>         | <del>Weisman, Guo, and Aviani</del>              |
| <del>1B</del>            | <del>2-6</del>                      | <del>Weisman, Guo, Aviani, and Loukopoulos</del> |
| <del>1C</del>            | <del>16</del>                       | <del>Weisman, Guo, Aviani, and Sull</del>        |
| <del>2A</del>            | <del>1-3, 7-15, 17-20</del>         | <del>Weisman and Ottesen</del>                   |
| <del>2B</del>            | <del>2-6</del>                      | <del>Weisman, Ottesen, and Loukopoulos</del>     |
| <del>2C</del>            | <del>16</del>                       | <del>Weisman, Ottesen, and Sull</del>            |

~~Additional support is included in the Declaration of Professor Ketan Mayer-Patel, Ph.D. (EX-1002.)~~

##### **~~B. Status of References as Prior Art~~**

~~Each reference is prior art under pre-AIA 35 U.S.C. §102(b) because it published more than one year before the '922 patent's earliest possible priority date of December 13, 2005: (i) Weisman (July 29, 2004); (ii) Aviani (September 7, 1999); (iii) Ottesen (July 27, 1999); (iv) Loukopoulos (August 7, 2002); and (v) Sull (June 6, 2002). (EX-1035, 1; EX-1037, 1; EX-1039, 1; EX-1097 ¶¶45-53; EX-1005, 1.)~~

~~Guo is prior art under at least pre-AIA 35 U.S.C. §102(e) because it is an issued patent filed on March 29, 2000. (EX-1036, 1.)~~

~~These references are analogous art because they are from the same field of endeavor as the '922 patent, e.g., content distribution and/or rendering. (EX-1002 ¶22); *Unwired Planet, LLC v. Google Inc.*, 841 F.3d 995, 1000 (Fed. Cir. 2016). They are also pertinent to a particular problem the inventor was focused on, e.g., efficient and effective distribution and/or rendering of content. (*Id.*)~~

**III.VI. GROUND 1A: CLAIMS 1-3, 7-15, AND 17-20 OF THE '922 PATENT WOULD HAVE BEEN OBVIOUS IN VIEW OF WEISMAN, GUO, AND AVIANI.**

**A. Claims 1-3, 7-15, and 17-20 Would Have Been Obvious in View of Weisman, Guo, and Aviani.**

38. For at least the reasons I discuss below, Weisman, Guo, and Aviani render claims 1-3, 7-15, and 17-20 obvious.

**1. Claim 1**

**a. Preamble**

6.39. The preamble recites “[a] method of rendering digital content across multiple client devices.” Weisman discloses a “method and system for entertainment and information services delivered via mobile telecommunication devices” linked to a head-end database via a communication network. (EX-1035, Abstract.) Weisman can include a “plurality of stations,” such as cell phones or computers. (*Id.* such a method ¶¶[0054], [0095]-[0099], Fig. 1; *id.* ¶¶[0065], [0089].) These render digital content. (*Id.*

40. Weisman discloses a “method and system for entertainment and information services delivered via mobile telecommunication devices” linked to a head-end database via a communication network. (EX-1035 (Weisman), Abstract.) Weisman can include a “plurality of stations,” such as cell phones or computers. (*Id.* ¶¶[0054], [0095]-[0099], Fig. 1; *see also id.* ¶¶[0065], [0089].) These render digital content. (*Id.* ¶¶[0019], [0021], [0092], [0098]-[0099].)

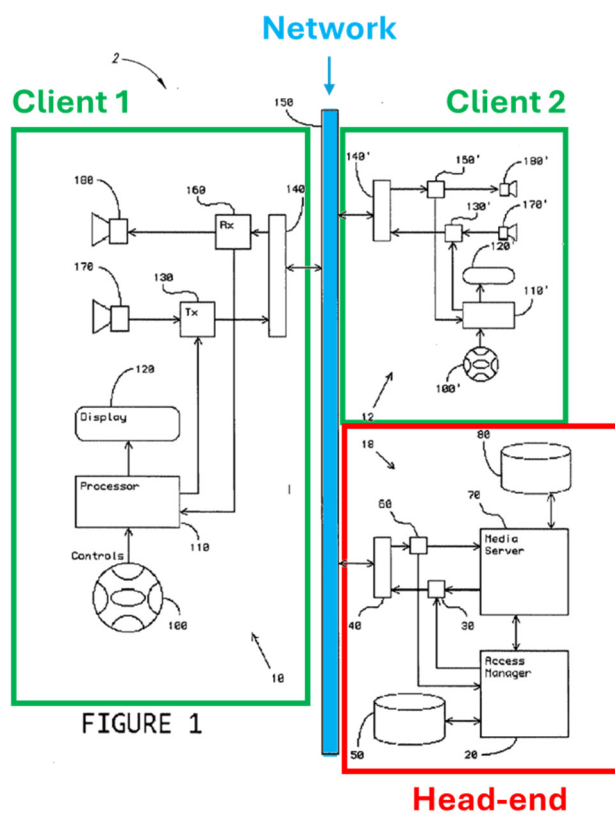
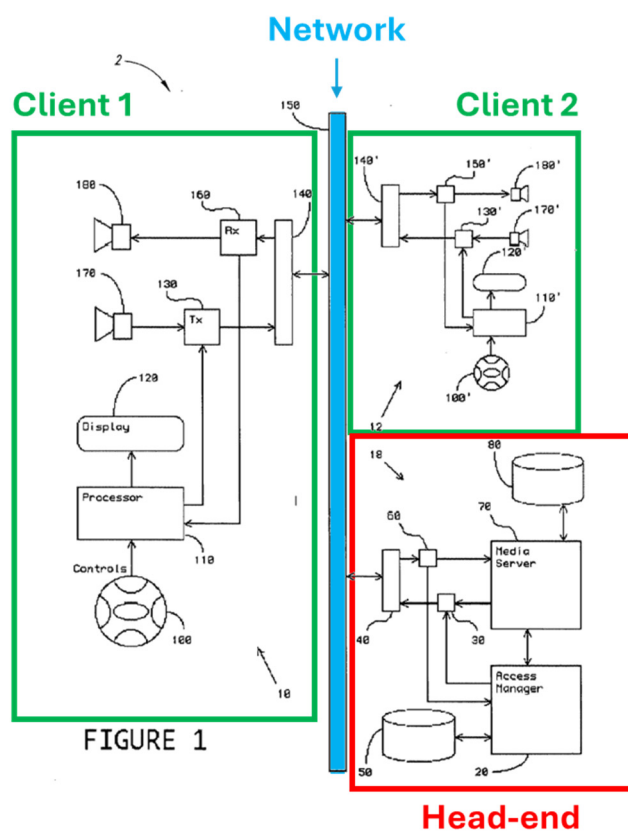
Weisman further teaches a media player resident on the station (client). (*Id.* ¶[0204], Figs. 3, 5.)

~~7.41.~~ ~~Thus~~ Accordingly, Weisman discloses a system and method of rendering ~~digital~~ dig- ital content (e.g., digital audio) across multiple client devices (e.g., stations). ~~(EX-1002 ¶¶ 39–41.)~~ Thus, Weisman discloses the preamble of claim 1.

**a. Element 1[a]: Downloading First Content**

~~8.42.~~ Element 1[a] recites “downloading first digital content corresponding to a media work from a network accessible library to a first client device via a ~~network~~ net- work, the first digital content including at least a first portion of a first media stream.” Weisman discloses or renders obvious this claim element.

9.43. Weisman discloses a method for delivering “entertainment and ~~information~~infor- mation services” over a “communications channel” from a “head-end” to a series of client devices (“stations”). (EX-1035 (Weisman) ¶¶[0049]-[0062], [0070]-[0072].) The “entertainment and information services” include music, radio broadcasts, news programs, audiobooks, ~~etc., as well as series~~radio dramas, and audio games. (*Id.* ¶¶[0070], [0169]-[0172].) These services are saved as and referred to by Weisman as “media stream[s].” (*Id.* ¶¶[0103], [0171], [0237]; ~~EX-1002 ¶43.~~.) Figure 1 illustrates Weisman’s architecture including: (1) a head-end (red) comprising a media server and a media database; and (2) two clients (“referred to as “stations”) (green), wherein the head-end is connected to the clients via a network (blue). (~~EX-1035~~*Id.* ¶¶[0070], [0092], [0107], [0146]-[0147], Abstract.)



(*Id.*, Fig. 1<sup>+</sup>, ¶¶[1<sup>1</sup>, ¶¶[0049], [0054], [0056], [0065], [0089]-[0092]; EX-1002 ¶43.), [0095]-[0099], [0103],

[0107], [0143]-[0148], [0277], [0283], Fig. 5, Abstract.)

Weisman's stations download audio content by sending "queries" to the head-end—for audio content. (EX-1035 (Weisman) ¶¶[0056], [0103], claims 44, 109; see also *id.* ¶¶[0049], [0058], [0143]—

10.44.]—[0144], Fig. 4; EX-1002 ¶44.) The head-end processes the query and returns the requested content to the station using the network connection (e.g., the Internet). (*Id.*) The audio content is delivered in segments that can be saved (e.g., buffered) by the stations. (EX-1035, (*Id.*, Abstract, claims 1, 48, ¶¶[0277]-[0284], Fig. 5; *infra* 5; see ¶¶46-48, below.) Upon receipt, a station renders the digital content. (EX-1035 (Weisman) ¶¶[0098]-[0099] (streaming media plugins), [0186], Fig. 3; see also *id.* ¶[0031].)

§VII.A.3; EX-1002 ¶44.) Upon receipt, a station renders the digital content.

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<sup>+</sup>Figures herein may be colored and/or annotated for clarity.

~~(EX-1035 ¶¶[0098] [0099] (streaming media plugins), [0186], Fig. 3; id. ¶[0031]; EX-1002 ¶44.)~~

~~11.45.~~ Thus, Weisman therefore discloses or renders obvious downloading first ~~digital~~dig- ital content corresponding to a media work (e.g., audiobook, news program, series, etc.) from a network accessible library (e.g., head-end) to a first client device (e.g., ~~first~~ station) via a network, the first digital content including at least a first portion of a first media stream (e.g., audio stream comprising audiobook, program, series, etc.). ~~(EX-1002~~ Thus, Weisman discloses or renders obvious claim element 1[a].

---

<sup>1</sup> Figures in this Declaration may be colored and/or annotated for clarity.

~~¶¶42-45.)~~

**a. Element 1[b]: Storing First Content**

~~12.46.~~Element 1[b] recites “storing the first digital content on the first client device.” Weisman discloses this claim element.

~~13.47.~~Weisman’s media player can be resident on the station, which allows the user to download and store content so ~~#~~that the stored content can be played even if the network connection is severed. (EX-1035 (Weisman) ¶[0204].) Figure 5 shows an exemplary memory storage buffer used to store content at the station. (*Id.* ~~¶¶[0069], [0277]-[0278], [0280], claim 48.)~~  
¶¶[0069], [0277]-[0278], [0280], claim 48.)

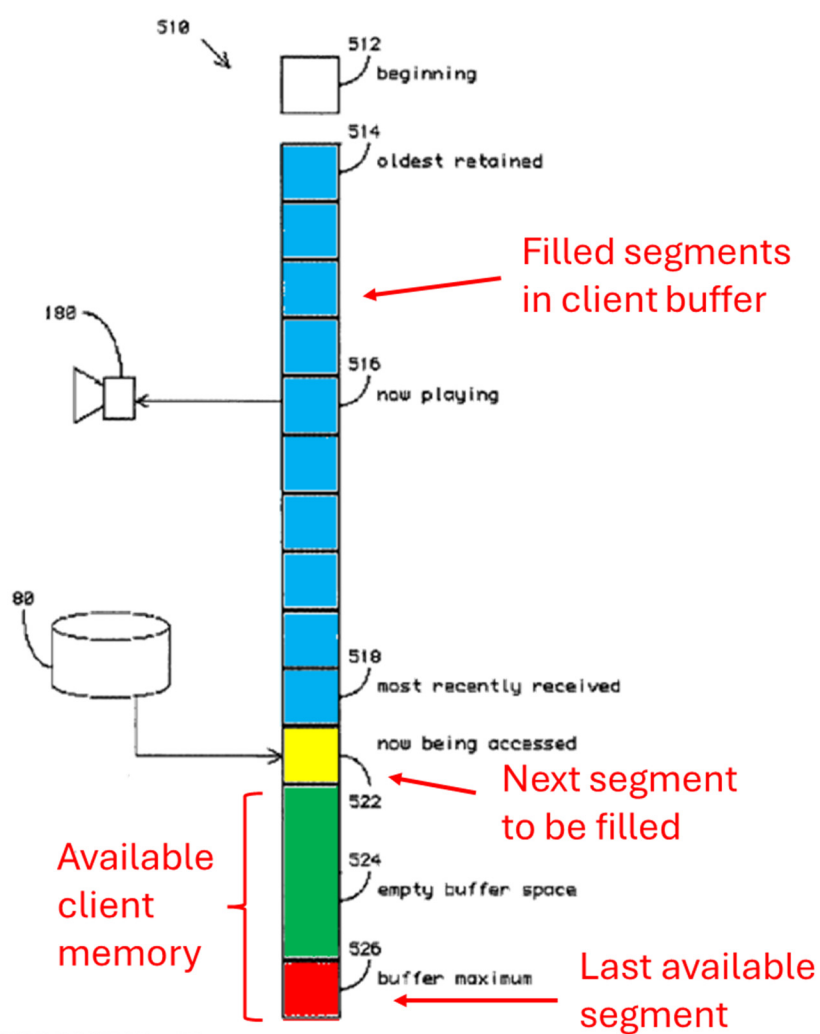


FIGURE 5

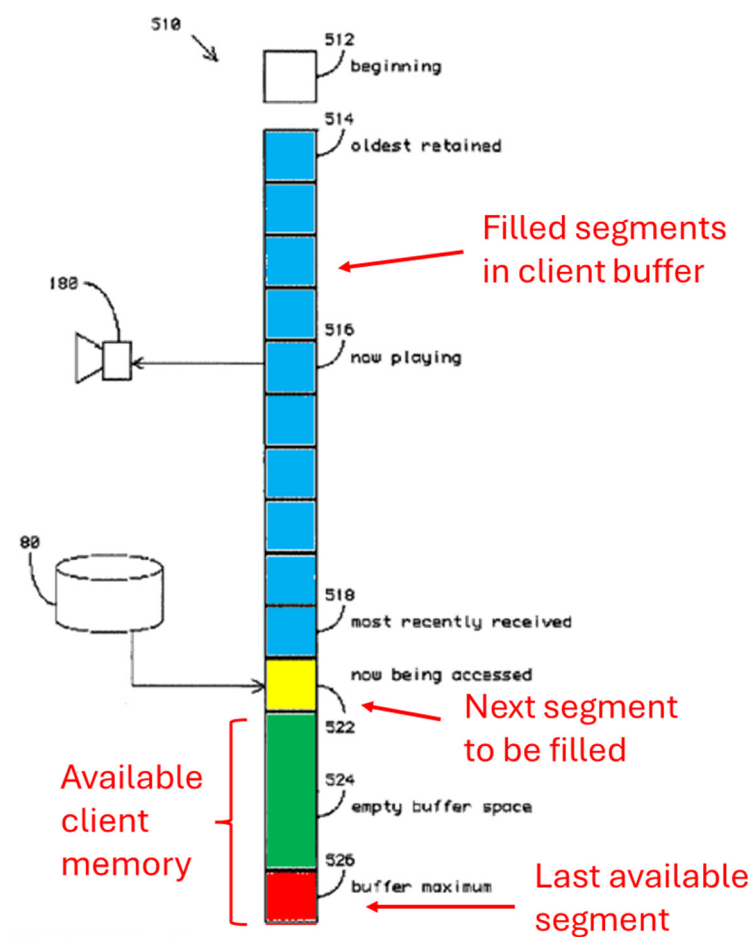


FIGURE 5

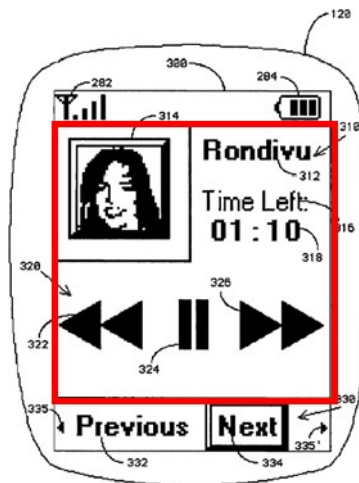
(*Id.*, Fig. 5; ~~EX-1002 ¶47.~~) The buffer stores “received portions of the desired ~~pro-gram~~program before being played.” (~~EX-1035~~*Id.* ¶[0057]; see also *id.* ¶¶[0280], [0282], [0284], Fig. 5, claims 48, 113.) The stored content is shown ~~above~~ in blue. (~~EX-1002 ¶47.~~, above.

~~14.48. Thus,~~ Weisman therefore discloses storing the first digital content (e.g., ~~portion~~por- tion of an entertainment and information service) on the first client device (e.g., ~~station~~). (~~EX-1002 ¶¶46-48.~~sta- tion). Thus, Weisman discloses claim element 1[b].

a. **Element 1[c]: Rendering First Content**

~~15.49.~~Element 1[c] recites “rendering at least a portion of the first digital ~~content~~con- tent on the client device.” Weisman discloses this claim element.

~~16.50.~~Weisman discloses that a station can play audio using a digital media player such as “RealAudio” or “Quicktime.” (EX-1035 (Weisman) ¶¶[0099], [0182], [0186].) Figure 3 illustrates a media player’s interface while “playback is in progress.” (*Id.* ¶[0067], Fig. 3.)



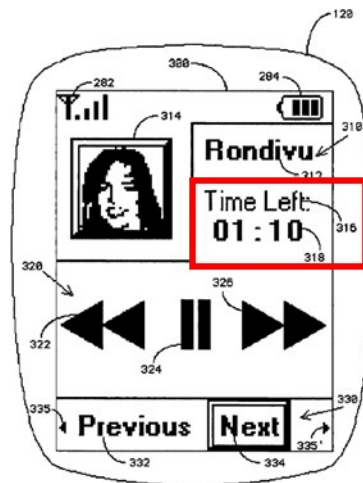
(*Id.*, Fig. 3; see also *id.* ¶¶[0204] (“a media player resident on the station), 10”), [0182], claims 48, 113.)

~~17.51.~~~~Thus,~~ Weisman therefore discloses rendering (e.g., playing) at least a portion of the first digital content (e.g., portion of the entertainment and information service) on the client device (e.g., station). ~~(EX-1002 ¶¶49-51.)~~Thus, Weisman discloses claim element 1[c].

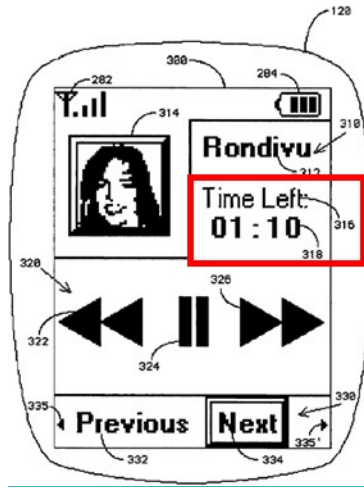
**a. Element 1[d]: Tracking Position**

~~18.52.~~Element 1[d] recites “tracking a current position in the first media stream as the first digital content is rendered.” Weisman discloses this claim element.

19.53. Weisman discloses ~~computing that~~ the ~~media's~~ play position of the media can be computed “continually or periodically” locally by the station. (EX-1035 (Weisman) ¶¶ [0196]-[0197], [0199], [0204], claims 22 (tracking “current position”), 93, 62 (station ~~displays~~ dis- plays title and “time remaining”), 127.) For example, Figure 3 (below) shows ~~Weisman's~~ Weis- man's station tracking the current



position within an episode, chapter, or segment of the media and providing the user with a “time left” display:



(*Id.*, Fig. 3, ¶¶[0124], [0196]-[0197]; ~~EX-1002 ¶53.~~.) The system stores and updates the position information from the media player (located on the station or the head-end) in ~~the~~ “position column” of ~~the~~ “Player” table. (~~EX-1035~~*Id.* ¶¶[0186]-[0188], [0196], Fig. 4; ~~EX-1002 ¶534.~~)

~~20.54. Thus,~~ Weisman therefore discloses tracking a current position (e.g., time ~~position~~po- sition) in the first media stream (e.g., audio stream comprising audiobook, program, series, etc.) as the first digital content (e.g., portion of an entertainment and ~~information~~infor- mation service) is rendered. (~~EX-1002 ¶52-54.~~)Thus, Weisman discloses claim element 1[d].

**a. Element 1[e]: Bookmarking**

~~21.55.~~Element 1[e] recites “creating a bookmark by setting the current ~~position~~posi- tion as a bookmarked position, the bookmark including information for identifying the media work and the bookmarked position.” Weisman discloses this claim ele- ment in multiple ways.

~~Weisman discloses creating a bookmark using the current position in multiple ways. (EX-1002 ¶¶55-60.)~~

22.56. First, if playback is interrupted, the system creates a bookmark at that position and stores it in the “[r]ecent table.” (EX-

1035; (Weisman), Fig. 4; *id.* ¶¶[0049]-[0050], [0203]-[0204], [0208]-[0209].)

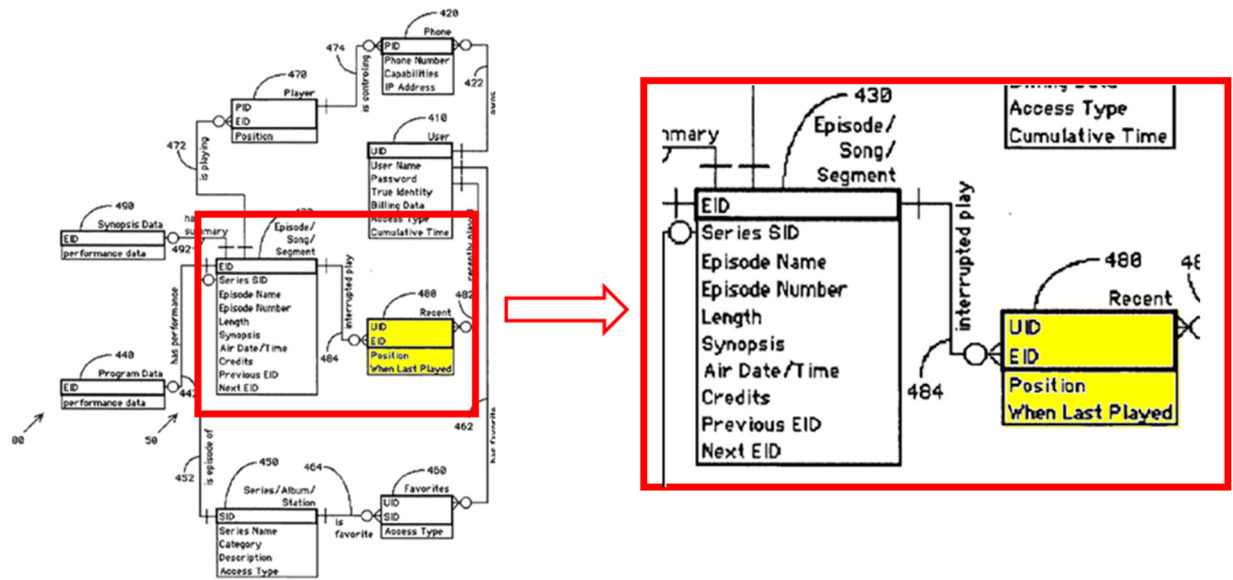


FIGURE 4

¶¶[0049]-[0050], [0203]-[0204], [0208]-[0209].)

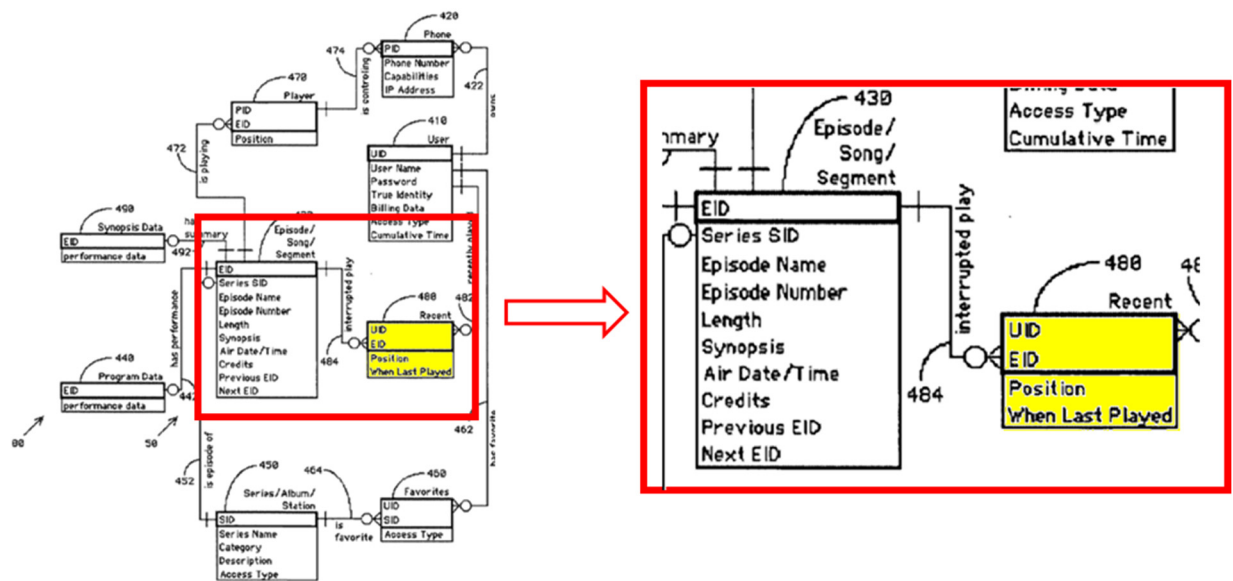


FIGURE 4

(*Id.*, Fig. 4; EX-1002 ¶56.) Bookmarks include information identifying the media

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work (e.g., ~~episode~~episode/song/segment's EID), the user (e.g., UID), and the

bookmarked position (e.g., position). (~~EX-1035~~Id. ¶¶[0151], [0171], [0203]-[0204],

[0208]-[0209],

[0212]-[0213].)–

When resuming the program, Weisman detects the “stored bookmark data,” which indicates the “starting location in the program of the second portion,” and restarts the content there. (*Id.* ¶¶[0049], [0213], [0219], claims 1, 73.)

23.57. Second, the user can create a bookmark with the same content discussed above using a “save” button. (~~*Id.*~~ EX-1035 (Weisman) ¶¶[0051], [0203]; ~~EX-1002~~ ¶57.1).)

58. Third, the user can use a “mark” button to create a bookmark stored in a “bookmark table.” ~~(EX-1035 (Weisman) ¶¶[0054], [0135], [0216], claims 26-27, 96.)~~ The bookmark table is analogous to the recent table, and stores the “position column” with the UID and EID “in the same manner” discussed above. (*Id.* ~~¶[0216]; EX-1002 ¶58.)~~)

24.59. Weisman discloses that each of these functions (e.g., generating and storing bookmark data through exiting, saving, or marking) can be performed by the station. (EX-1035 (Weisman) ¶¶[0050] (“the station is configured to generate and store the stored bookmark data”), [0051], claims 3, 10-11, 75, 81-82 ~~→~~ (station generates and stores bookmark data after activation of “save” or “bookmark” control).)

25.60. ~~Thus,~~ Weisman therefore discloses creating (e.g., saving or marking) a ~~bookmark~~ book- mark by setting the current position (e.g., time position) as a bookmarked position, the bookmark including information for identifying the media work (e.g., EID) and the bookmarked position. ~~(EX-1002 ¶¶55-60.)~~ Thus, Weisman discloses claim element 1[e].

a. **Element 1[f]: Transferring the Bookmark**

~~26-61.~~Element 1[f] recites “transferring the bookmark to a second client ~~device~~de- vice via the network.” Weisman discloses ~~this~~ or renders ~~it~~ obvious this claim element in two ways. (~~Id. ¶¶61–67.~~)

62. First, Weisman discloses that a user at a first station ~~transferring~~can transfer a ~~bookmark~~book- mark via the network to a second user at a second station. (~~Id. ¶62.~~)

For example, a user may-

“bookmark a passage ... for transferring to another participant.” (EX-1035 (Weis- man) ¶¶[0081]; *id.* ¶¶[0134]-[0135] (“send button” allows user to send bookmarked passage to another user). The bookmark itself is ~~transmitted~~sent. (*Id.* ¶¶[0138] (bookmark “sent by another participant”), [0216]-[0219]; ~~EX-1002 ¶62.~~)]).

27.63. The sent bookmark includes the content’s EID and position, and ~~generates~~gener- ates a new bookmark entry for the receiving user. (~~(EX-1035 (Weisman) ¶¶[0135], [0216]-[0218], [0221], [0253].)~~ After receiving the bookmark, the second client ~~displays~~dis- plays an “in-progress user interface” and highlights the “goto” button so the user can jump to the bookmarked location. (*Id.* ¶[0138]; ~~*supra* §VII.A.6; EX-1002 ¶63~~see ¶¶55-60, above.)

28.64. Second, Weisman also discloses, or renders obvious, the same user ~~generating~~gen- erating a bookmark on a first client device and transferring it to a second client ~~device asso- ciated~~de- vice associated with the same user. (~~EX-1002 ¶64.~~) Weisman discloses registering a user so when the user “return[s] to use the system ..., they make use of the records ~~previ- ously~~previously associated with them.” (EX-1035 (Weisman) ¶[0152].) Such records include book- marks. (*Id.* ¶¶[0143], [0151]-[0152], [0206].) bookmarks  
A user can access those records from different stations based on identifying information for the user and station. (*Id.*

~~(*Id.* ¶¶[0143], [0151]–[0152], [0206].) A user can access those records from different stations based on identifying information for the user and station. (*Id.* ¶¶[0153]–[0154].)~~ Weisman further teaches storing such “user specific data (such as ~~book-~~  
~~mark~~bookmark information used for resumption of recently played material) ... on the stations 10, 12.” (*Id.* ¶[0143].)

65. Because a user could switch clients, Weisman's system "record[s] which of the stations 10, 12 is being used[.]" (~~EX-1035~~ (Weisman) ¶[0157]; *id.*-¶[0159]-[0163].) When a station makes "initial contact" with the head-end, the station is associated with either a new or previous user (UID). (*Id.* ¶[0166]-[0167].) Thus, the combination of UID and EID lets a specific user resume specific content "from where it was left off," even if the user switches clients. (*Id.* ¶[0212]-[0213]; ~~EX-1002 ¶65.~~ 1.)

29.66. The bookmark is transferred from one station to another via the network ~~be-cause~~ because the devices and head-end are all connected via a network. (~~*Supra* §§VII.A.1—VII.A.2~~ (See ¶¶39-45, above; EX-1035, (Weisman), Fig. 4; EX-1002 ¶66.1.)

~~30.67.~~ Thus, Weisman therefore discloses or renders obvious transferring the ~~bookmark~~ book- mark to a second client device (e.g., second station) via the network. (~~*Id.* ¶¶61-67.~~ Thus, Weisman discloses or renders obvious claim element 1[f].

**a. Element 1[g]: Downloading Second Content**

Element 1[g] recites "downloading second digital content ~~corresponding~~ correspond- ing to the media work from the network accessible library to the second client device via the network, the second digital content including at least a second portion of the first

68. media stream or at least a portion of a second media stream, the second portion of the first media stream or the portion of the second media stream including the bookmarked position.” [Weisman discloses this claim element.](#)

~~31.69.~~ Weisman's disclosure, which I discuss above, of downloading digital content to a station from a network accessible library applies to both the first and second client. (~~*Supra* §§VII.A.2-VII.A.3~~ See ¶¶42-48, above; EX-1035, (Weisman), Abstract, Fig. 1, ¶¶[0056], [0065], [0102]-[0103] (stations download data), [0176].) ~~[0103] (stations download data), [0176]; EX-1002 ¶¶68-69.)~~

**i. Second Portion of the First Media Stream**

As I discuss above, Weisman ~~discloses transferring a bookmark to a second station.~~ (*Supra* ~~§VII.A.7.~~) (~~See~~ ¶¶61-67, above.) Once the ~~second~~ station receives the bookmark, the user can “jump to a location within a show that was bookmarked[.]” (EX-1035 (Weisman) ¶[0136].) Weisman ~~further~~ likewise discloses that a user ~~selecting~~ can select “an episode to be played from where it was left off<sup>2</sup>,” using the position value “of the associated record in the recent table 480.” (*Id.*

~~32.70.~~ ¶[0213].) The head-end thus “transmits the second portion of the program” based on the bookmarked location. (~~*Id.*, Abstract, ¶[0049], claims 1, 73; EX-1002 ¶70~~ (*Id.*, Abstract, ~~.)~~ Likewise, the station “retrieve[s] a segment of a program previously bookmarked.” (~~EX-1035, claim 27; EX-1002 ¶70.~~) Content transmitted by the head-end and retrieved by the client is downloaded. (~~EX-1002 ¶70; *supra* §§VII.A.2-VII.A.3.~~)

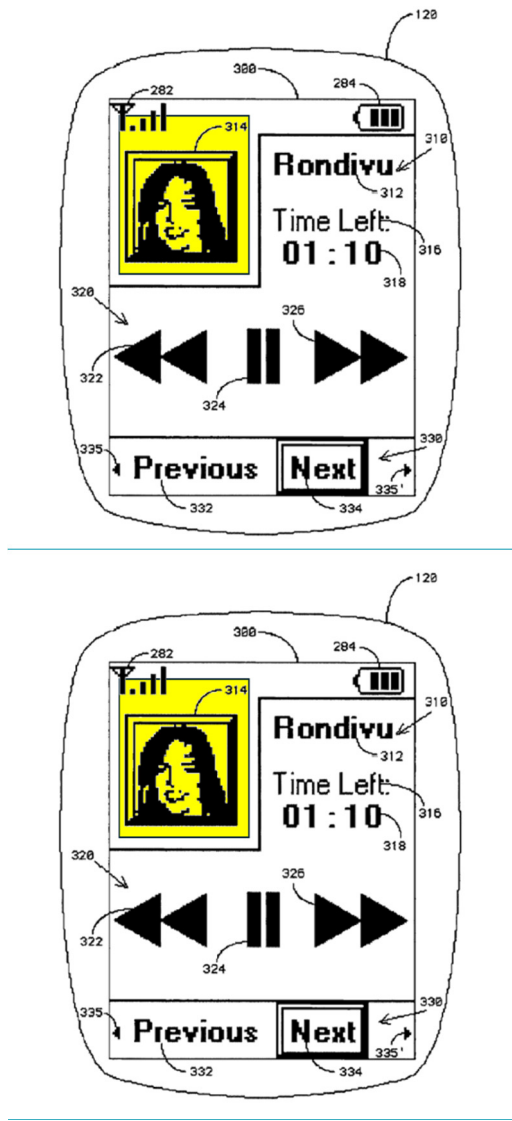
¶[0049], claims 1, 73.) Likewise, the station “retrieve[s] a segment of a program previously bookmarked.” (*Id.*, claim 27.) Content that is transmitted by the head-end and retrieved by the client is downloaded. (See ¶¶42-48, above.)

**ii. Second Media Stream**

33.71. Weisman further discloses downloading and rendering an image, series of images, or video related to and presented in “synchronization” with a show’s audio- dio stream. (EX-1035 (Weisman) ¶¶[0120]-[0123], Fig. 3.) Weisman

Figure 3

~~stream. (EX 1035 ¶¶[0120]-[0123], Fig. 3.) Weisman's Figure 3~~  
illustrates ~~a client rendering~~ an audio stream with additional  
image(s)/video (314, highlighted): ren-dered on the client device:



(*Id.*, Fig. 3; ~~EX-1002 ¶71.~~) These images, series of images, or videos are  
a second media stream. ~~(EX-1002 ¶71.)~~ When a user at a second station  
receives a bookmark and “jump[s] to a location within a show that was  
bookmarked” (~~EX-1035~~*Id.* ¶[0136]), the program is played on the second

station from the bookmarked position. That second-station playback

~~includes~~in- cludes the audio stream and the images/videos. ~~(EX-1002~~(See  
¶¶76-78, below.) And, because the image/video is presented in  
“synchronization” with the audio stream, the second stream includes the  
bookmarked position.

~~¶71; infra §VII.A.10 (rendering).) Because the image/video is presented in~~  
~~“synchronization” with the audio, the second stream includes the bookmarked~~  
~~position. (Id.)~~

~~34.72. Thus,~~ Weisman therefore discloses downloading second  
digital content ~~corresponding~~cor- responding to the media work (e.g.,  
audiobook, news program, series, etc.) from the network accessible library  
(e.g., head-end) to the second client device (e.g., second~~station~~)

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station) via the network (e.g., Internet or other network), the second digital content-

including at least a second portion (e.g., a second portion of the same show including the bookmarked ~~location~~position) of the first media stream (e.g., audio stream) comprising audiobook, program, series, etc.) or at least a portion of a second media stream (e.g., image or video streams synchronized with the audio stream), the second portion of the first media stream or the portion of the second media stream including the ~~bookmarked~~book- marked position (e.g., saved or marked position). (~~EX-1002 ¶¶68-72.~~)Thus, Weisman discloses claim element 1[g].

**i. Element 1[h]: Storing Second Content**

~~35-73.~~Element 1[h] recites “storing the second digital content on the second client device.” Weisman discloses this claim element.

~~Weisman’s stations download (supra §§VII.A.2, VII.A.7) and store (supra~~  
~~36-74. §VII.A.3) digital content. A POSITA~~As I discuss above, the station in Weisman  
downloads (see ¶¶42-45, 61-67, above) and stores (see ¶¶46-48, above) the digital  
content on the station. A person of ordinary skill in the art would have understood that Weisman’s disclosure of storing content on the client applies generally to any content to be rendered and any network-connected client device (e.g., stations 10, 12), including both the first and second client devices. (~~EX-1002 ¶74;~~See EX-1035 (Weisman) ¶[0176] (“program captur[ed]” by stations 10, 12), Fig. 5.)

~~37-75. Thus,~~Weisman therefore discloses storing the second digital content (e.g., portion of an entertainment and information service) on the second client

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device (e.g., second station). ~~(EX-1002 ¶¶ 73-75.)~~ Thus, Weisman discloses claim

element 1[h].

j. **Element 1[i]: Rendering Second Content**

~~38.76.~~Element 1[i] recites “rendering at least a portion of the second digital content on the second client device in dependence upon the bookmarked position.” Weisman discloses this claim element.

~~As discussed for limitations 1[g] and 1[h], Weisman discloses downloading and storing second digital content on a second client device. (Supra §§VII.A.8–VII.A.9.) The second device renders at least a portion of that content. (Id.; EX-1002 ¶77.) When a user indicates they would like to access a show, Weisman’s station presents the user with a menu that allows a user to resume a previous program or select a new program. (EX-1035 (Weisman) ¶[0113].) For example, Weisman discloses that a user may, on a second device, use a “goto button” that allows a user to “jump to a location within a show that was bookmarked by a participant.” (EX-1035 Id. ¶¶[0135]–[0138], [0049], [0081], Abstract, claims 1 (“stored bookmark data indicating starting location”), 73 (similar), 2-3, 10–13, 74-75, 81-85.) If a bookmark is received from another user, then the show selection menu will show that the bookmarked program is “in-progress” and the “goto button” takes will take the bookmark recipient to the bookmarked position of the recommended program. (Id. ¶¶[0136]–[0138], [0045]; EX-1002 ¶77.)~~ In both situations, ~~the second station renders~~ Weisman renders the content (e.g., audio and/or synchronized images/video) after jumping to the bookmarked location. ~~(Supra~~  
~~39-77. §VII.A.8; EX-1002 ¶77.)~~ “Once a show is selected, the UI provides a means for a participant participant to control the playback of the show.” (EX-1035 Id. ¶¶[0080], [0213].)

78. ~~Thus,~~ Weisman therefore discloses rendering at least a portion of the second digital content (e.g., playing) at least a second portion of ~~the second digital content (e.g.,~~

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~~second portion of audio stream or images/video~~ an entertainment and information service) on

the second client device (e.g., station) in dependence upon the bookmarked position-

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(e.g., jump to the bookmarked location). ~~(EX-1002 ¶¶76-78.)~~ and play).

Thus, Weisman discloses claim element 1[i].

**1. ~~Memory Management Limitations~~**

**k. ~~Elements~~Element 1[j]: Identifying Content to Be Retained**

79. I note that claim elements 1[j]-[m] are related to memory management.-

Weisman, alone or in combination with Guo and/or Aviani, discloses these ~~limitations~~limita- tions in much the same way as described in the '922 ~~patent~~patent's specification~~-describes.~~ (EX-1002 ¶79.)

**a. ~~The '922 Patent's Memory Management~~**

. The '922 patent indicates that opening an audio stream requires “significant” memory. (EX-1001, ('922 patent), 12:60-67.) If there is not enough memory for the incoming content, the '922 patent “purges” stored content “resident” on the client by removing segments from that content’s end(s). (*Id.*, 13:11-37.) “The purging process ~~continues~~contin- ues, reducing the quantity of content surrounding bookmarked positions until, at the ultimate extreme, no content remains.” (*Id.*; *id.*, Fig. 13.)

**b. ~~1[j]: Identifying Content to Be Retained~~**

40-80. Element 1[j] recites “identifying a range of content surrounding the bookmarked position in the second digital content as content to be retained.” Weis-  
man, alone or with Guo, discloses or renders obvious this claim element.

**i. Weisman**

81. Weisman discloses bookmarking a program (*e.g.*, EX-1035 (Weisman)  
¶¶[0051], [0135], claims 10, 12) and saving it on the client station for “future play”

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(*e.g.*, *id.* ¶¶[0055], [0203], claims 30, 99). For example, Weisman teaches that a

buffer can be preloaded with bookmarked (and other desired) content to be retained

for playback at a later time. (*Id.* ¶¶[0284] (“recommendations” and next episodes can be anticipated and

transmitted in advance of the request for playback), [0285]-[0287], [0253] (recommendation is a bookmark with a note), [0284] (disclosing ~~retaining~~gre- taining entire program); ~~supra §VII.A.3; EX-1002 ¶81.)~~see ¶¶46-48, above.) It would have been obvious to a person of ordinary skill in the art that bookmarked content (and content surrounding ~~it~~the bookmark) would be desirable to preload into the buffer in “anticipation of demand.” (*Id.*)

41.82. Weisman’s “buffer 510,” illustrated below, “is comprised of many ~~segments~~seg- ments.” (*Id.* ¶¶[0277]-[0279].)

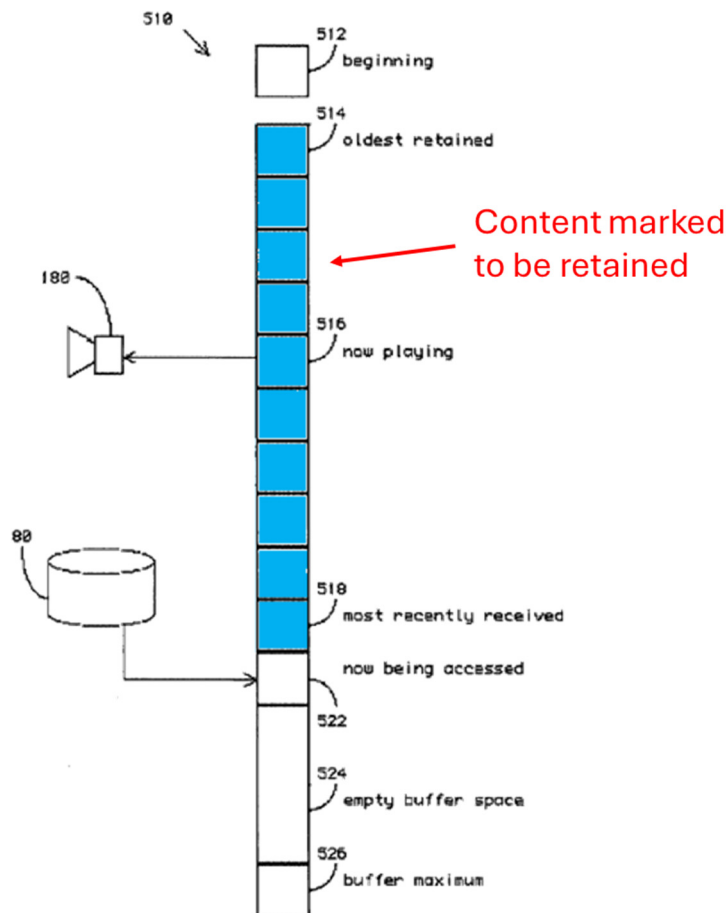


FIGURE 5

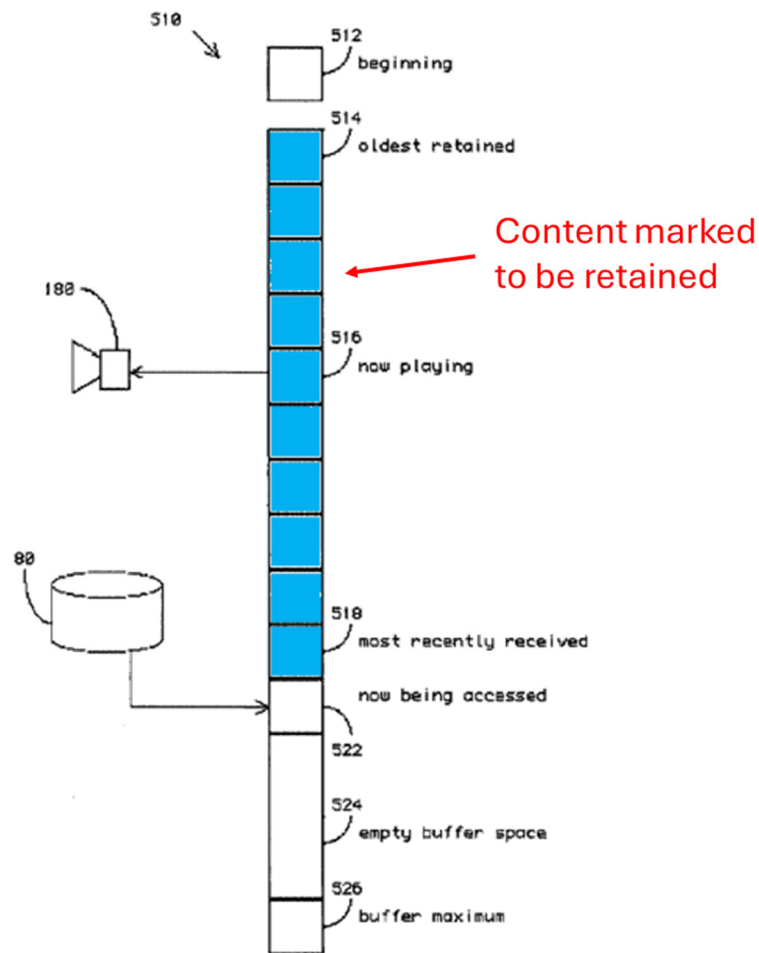


FIGURE 5

(*Id.*, Fig. 5; ~~EX-1002 ¶82.~~) The buffer includes data “available for playback.” (~~EX-1035~~*Id.* ¶[0282].)

83. As I discuss above, Weisman teaches that the bookmark information includes the current position and that playback is restarted there. ~~(Supra §§VII.A.6-VII.A.10.)~~ (See ¶¶55-78, above.) Accordingly, when a user resumes play based on a bookmark, the “now playing” position in Figure 5 is the bookmarked position, and the content before and after the “now playing” position is content surrounding the bookmarked position. (EX-1035 (Weisman) ¶¶[0135]-[0137]; ~~EX 1002 ¶83.)~~)  
Weisman also teaches retaining a first-

portion of a program in the buffer as well, e.g., so a user can jump to the beginning of an episode. (~~EX-1035~~*Id.* ¶[0287].) Weisman also teaches retaining, e.g., recommendations sent by other participants (which can include a bookmark at the current position) or next episodes. (*Id.* ¶[0284].)

~~42.84.~~ Thus, Weisman discloses or renders obvious identifying a range of ~~content~~con- tent (e.g., beginning of an episode of bookmarked position, content before and after the bookmarked position, next episode) surrounding the bookmarked position in the second digital content (e.g., a second portion of an episode or second media stream associated with the bookmark) as content to be retained (e.g., in buffer). (~~*Id.* ¶¶81–84.~~)

## **ii. Guo**

~~43.85.~~ This limitation also would have been obvious in view of Guo, which discloses it in two ways. (~~EX-1002 ¶¶85–93.~~)

44.86. First, Guo discloses storing digital media content by breaking it into “multiple chunks ... made up of a fixed number of segments,” which can be saved and replaced independently. (EX-1036, (Guo), 2:61-67, 6:24-30.) Figure 5a illustrates a media file broken into chunks corresponding to different timestamps:

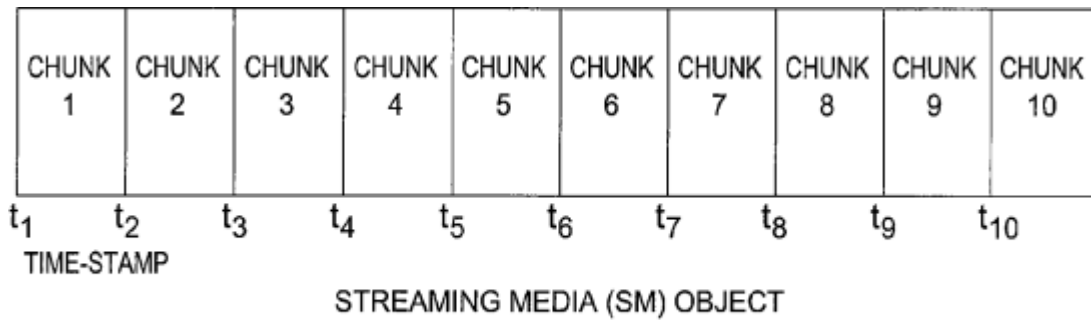


FIG. 5a

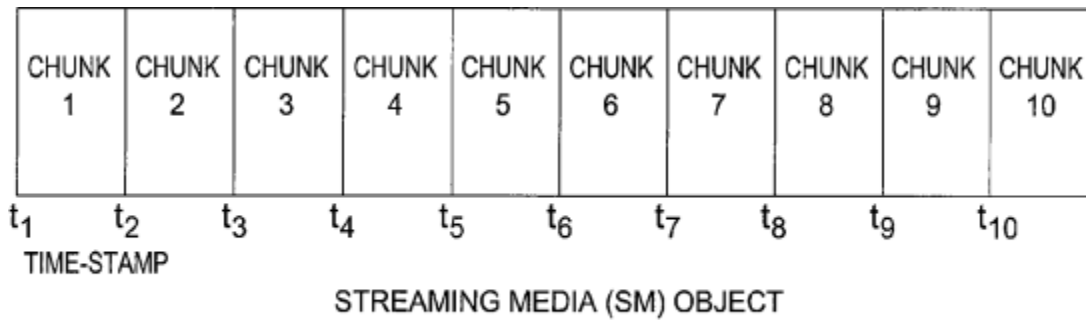


FIG. 5a

(*Id.*, Fig. 5a; ~~EX-1002 ¶86.~~) Guo’s entire media object can be stored

“chunk-by--chunk, ~~continuously~~continuously from the beginning[.]”

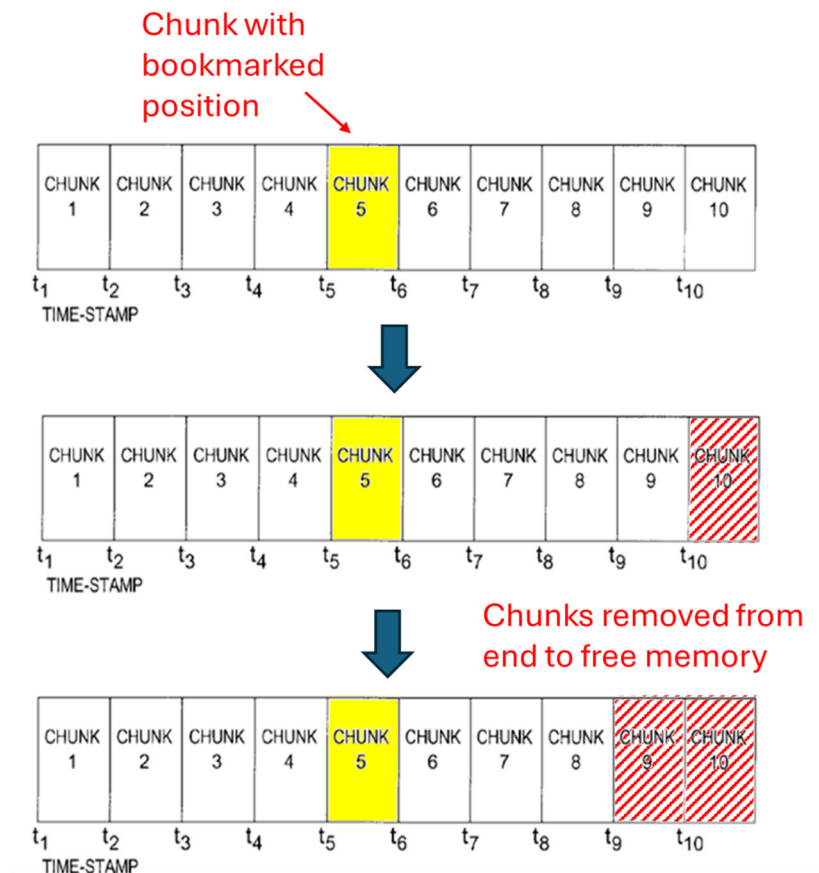
(~~EX-1036, *Id.*, 10:35-37.~~) A ~~POSITA~~person of ordinary skill would have understood that storing Guo’s object identifies it as content to be retained.

~~(EX-1002 ¶86.)~~

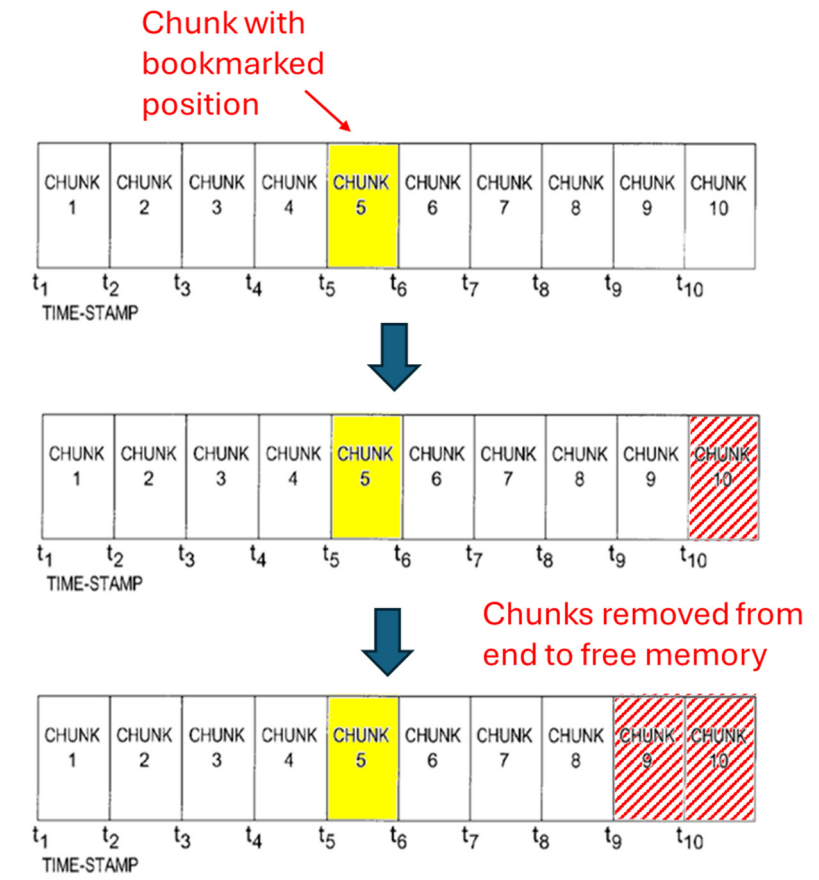
Second, and alternatively, Guo teaches “simultaneously replacing the end ~~por-~~  
~~tions~~portions of [] older SM objects” with new objects when storage is full. (EX-  
1036, ~~(Guo),~~ 10:56-60, 3:56-58.) Guo accomplishes this by removing  
“~~successives~~successive chunk units starting from the end of the SM object.” (*Id.*,  
10:47-60.) Thus, Guo discloses ~~re-~~movingremoving the “end portions” of  
previously stored objects (e.g., the end chunks of time of the audio or video file)  
until there is space for a new object. ~~(EX-1002 ¶87.)~~ The

45-87. system then retains the remainder of the previously stored object. ~~(Id.)~~

Each time the system removes a chunk while retaining the rest of the object, it is identifying a range of content as content to be retained. ~~(Id.)~~ An example of this is shown below, with an arbitrary chunk identified as containing a bookmarked position:



~~(EX-1036,~~



(*Id.*, Fig. 5a (modified); ~~EX-1002 ¶87.~~)).

~~46.88.~~ Accordingly, Guo discloses or renders obvious identifying a range of content (e.g., chunks not marked for removal) surrounding the bookmarked position in the second digital content (e.g., saved object) as content to be retained. (~~EX-1002 ¶88.~~)

i. ~~Motivation to Combine Weisman with Guo~~

47.89. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~modify~~mod-ify Weisman's buffer using Guo's teachings about chunk storage and deletion. ~~(Id. ¶¶89-92.)~~ for several reasons.

90. First, Guo explains that its approach to storing and deleting chunks is ~~advan-tageous~~ advantageous for "live and on-demand streaming multimedia," like Weisman's ~~multime-dia~~

multimedia content. (EX-1036, (Guo), 2:54-67; ~~EX-1002 ¶90~~.) For example, Guo explains that it is advantageous to break such content “into smaller pieces” while still maintaining “the logical relationship” among the pieces. (~~EX-1036, Id.~~, 2:27-33.) Guo accomplishes this in part by storing multimedia objects in chunks of time. (*See id.*, Fig. 5a, 3:56-58, 10:47-60.) Guo’s approach “significantly” increases utilization of storage. (*Id.*, 6:24-30.) Weisman also suggests storing objects as chunks. (EX-1035 (Weisman) ¶[0278].) ~~Thus, a POSITA would have been motivated to implement Guo’s teachings in Weis-~~ man’s buffer to gain Guo’s benefits. (EX-1002 ¶90.)

¶[0278].) Thus, a person of ordinary skill would have been motivated to implement Guo’s teachings in Weisman’s buffer to gain Guo’s benefits.

Second, the combination represents the simple addition of one known element (Guo’s storing and deleting chunks) to another known element (Weisman’s buffer) to obtain predictable results (storing and deleting chunks of Weisman’s content). (~~EX-1002 ¶91~~); KSR, 550 U.S. at 417.

48-91.con- tent). Third, the combination represents the use of a known technique (Guo’s storing and deleting chunks) to improve a similar device and method (Weisman’s station and buffering) in the same way. ~~(Id.)~~ Fourth, the combination applies a known technique (Guo’s storing and deleting chunks) to a known device and method (Weisman’s sta- tion and buffering method) that is ready

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for improvement and yields predictable re- sults (significantly increased storage utilization and streaming performance).

~~Fourth, the combination applies a known technique (Guo's storing and deleting chunks) to a known device and method (Weisman's station and buffering method) that is ready for improvement and yields predictable results (significantly increased storage utilization and streaming performance). (Id.)~~

92. A ~~POSITA~~person of ordinary skill would have reasonably expected success in combining the ~~teach-ings~~teachings because such memory management techniques were well-known and necessary. ~~(EX-1002-¶92.)~~ Moreover, Weisman already discloses storing content in-

segments (chunks) (EX-1035 (Weisman) ¶[0278]) and Guo explains how that could be implemented more efficiently. (~~EX-1002-¶92.~~) Also, Guo expressly recognizes that using a cache memory to implement buffering on a multimedia client was well known in the art. (EX-1036, (Guo), 1:31-36.)

Thus, Weisman, alone or with Guo, discloses or renders this-obvious claim element obvious. (~~Id.~~ ¶¶79-93.)

93. 1[j].

**k.l. Element 1[k]: Releasing Storage**

~~49.94.~~ Element 1[k] recites “releasing storage resources allocated to all ~~content~~con- tent of the second digital content that is not identified as content to be retained on the second client device.” Weisman, alone or with Guo, discloses or renders obvious this claim element.

Weisman discloses retaining the stored content between the “oldest ~~retained~~re- tained” pointer 514 and the “most recently received segment” 518. (EX-1035, (Weis- man), Fig. 5; *supra*

§VII.A.11.b.i.) see ¶¶81-84, above.) Weisman discloses that data segments beyond the “oldest retained”

pointer are not available for playback and are released. (EX-1035 [\(Weisman\)](#) ¶[0282]; *id.*

[50-95.](#) ¶[0287] (content is “no longer retained in the buffer”).) Indeed, Weisman teaches optimizing its system by retaining commonly used file portions while releasing other portions. (*Id.*) Weisman also discloses [storing stor- ing](#) an entire program, thereby retaining all of the program’s content when releasing storage resources. (*Id.* ¶[0284]; [EX-1002 ¶95.\)](#).) Weisman also releases content from memory ~~when it is no longer needed (e.g., already read book chapters) and then downloads new content. (EX-1035 ¶[0291]; EX-1002 ¶95.)~~

it is no longer needed (e.g., already-read book chapters) and then downloads new content. (Id. ¶¶0291.)

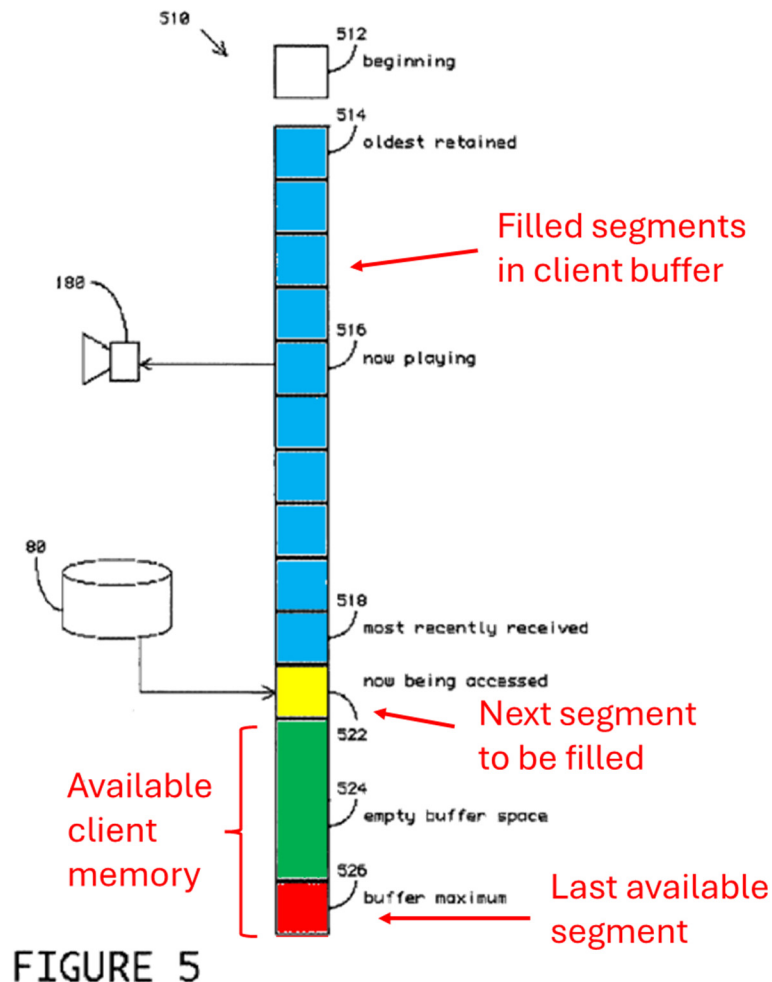
51.96. Guo also teaches releasing storage resources by removing chunks from the end of media files (e.g., content not identified to be retained). (Supra §VII.A.11.b.ii. See ¶¶85-93, above; EX-1036, (Guo), 10:47-60.)

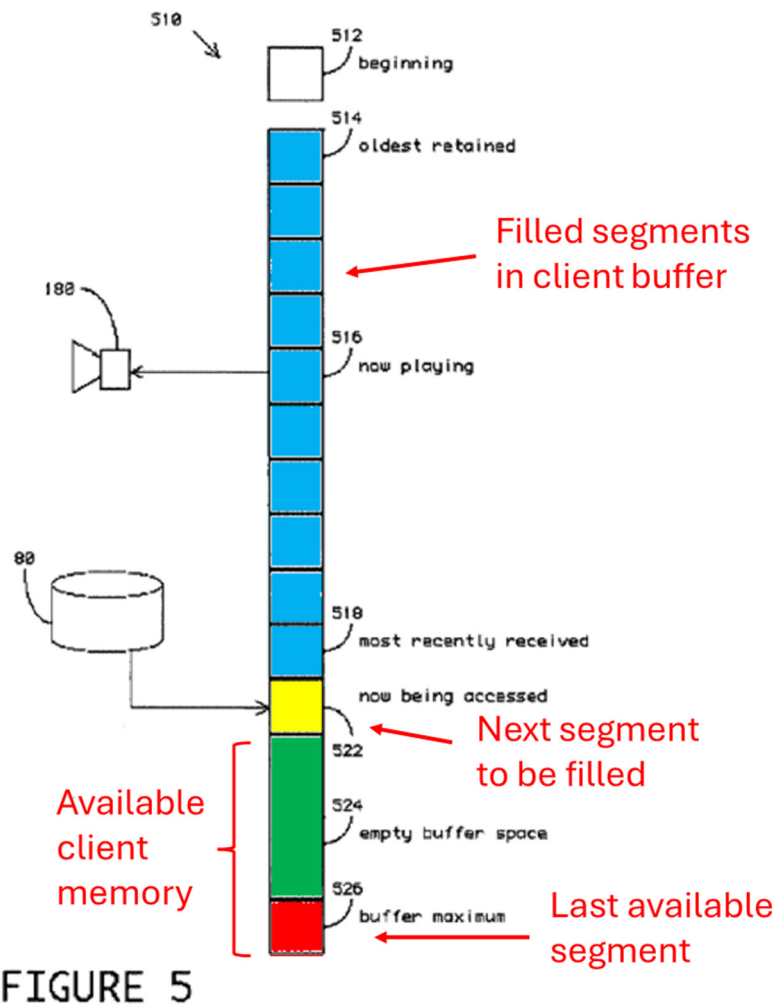
52.97. Accordingly, Weisman, alone or with Guo, discloses or renders obvious releasing storage resources (e.g., chunks in a buffer) allocated to all content of the second digital content (e.g., episode) that is not identified as content to be retained (e.g., in the buffer) on the second client device (e.g., station). (EX-1002 ¶¶94-97.) Thus, Weisman, alone or with Guo, discloses or renders obvious claim element 1[k].

**4.m. Element 1[l]: Determining Available Storage**

53.98. Element 1[l] recites “determining whether sufficient storage is available on the second client device to meet storage demand after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained.” Weisman, alone or with Aviani and/or Guo, discloses or renders obvious this claim element.

54.99. Weisman's Figure 5 illustrates retained content between pointers 514 ("oldest retained") and 518 ("most recently received"); beyond that is space for the content being accessed from the server (522) and "empty buffer space" (524), with a "buffer maximum" (526):





(EX-1035, (Weisman), Fig. 5; EX-1002 ¶¶99.)

After Weisman downloads the second digital content, and stores it between pointers 514 and 518, it can download and store additional content such as a later

~~55-100.~~ episode or chapter into empty buffer space (524). (See, e.g., ~~EX-103~~sid. ¶¶[0284], [0286], [0290]-[0291].) Weisman explains that prior art systems check for sufficient available memory at, e.g., a client terminal before sending on-demand content. (*Id.*

¶[0011]; ~~supra §VII.~~ see ¶¶94-97, above.) A.11.c.) A POSITA person of ordinary skill in the art would have-

understood Weisman's buffer would benefit from a similar memory check. ~~(EX-1002 ¶100.)~~ Thus, Weisman ~~ren—ders~~renders obvious determining whether sufficient storage (e.g., empty buffer space) is available on the second client device (e.g., station) to meet storage demand (e.g., for subsequent episodes or chapters) after releasing the storage resources ~~allocated~~allo- cated to the content of the second digital content that is not identified as content to be retained (~~supra §VII.A.11.c).~~ ~~(EX-1002 ¶100.)~~see ¶¶94-97, above).

56.101. Guo also teaches monitoring whether sufficient storage is available to accommodate incoming content. Guo discloses cache replacement strategies that enhance memory storage. (EX-1036, (Guo), 2:61-67.) Guo explains that a cache is “a region in a computer disk that holds a subset of a larger collection of data,” and a cache replacement policy “specifies which cache item(s) should be removed ... when the cache is full or nearly full.” (*Id.*, 3:54-58.) ~~A POSITA~~A person of ordinary skill would have understood that Guo's replacement policy requires monitoring whether there is sufficient storage for incoming content, or whether it is “full or nearly full.” (*Id.*; ~~EX-1002 ¶101.~~)

102. Accordingly, Weisman in combination with Guo discloses or renders obvious determining whether sufficient storage is available (e.g., determining if memory is full or nearly full) on the second client device to meet storage demand after releasing the storage resources (e.g., chunks) allocated to the content of the

second digital content (e.g., part of an episode) that is not identified as content to be retained (e.g., not preserved under the replacement policy). ~~(EX-1002 ¶¶98-102.)~~

~~57.103. Even if Weisman, alone or in combination with Guo, did not render obvious~~  
~~this~~This limitation, ~~it~~ would also have been obvious over Aviani. Aviani teaches determining whether sufficient storage is available to accommodate ~~incoming~~incoming data when streaming content over a network. (EX-1037, (Aviani), 8:38-42.)  
~~Figure~~Fig- ure 4 shows steps assessing the size of the received object (402), computing free disk space (410), and determining whether sufficient disk space exists (412). (*Id.*, Fig. 4, 8:18-41.) Further, Aviani teaches that, each time an object (or chunk, as in Guo) is deleted, “free disk space is then recomputed.” (*Id.*, 8:61-64; ~~EX-1002 ¶103.~~) If there is insufficient space, the steps of deleting objects (or chunks) and evaluating available space are repeated. (*Id.*)

**Fig. 4**

Steps 410-424  
Are Repeated

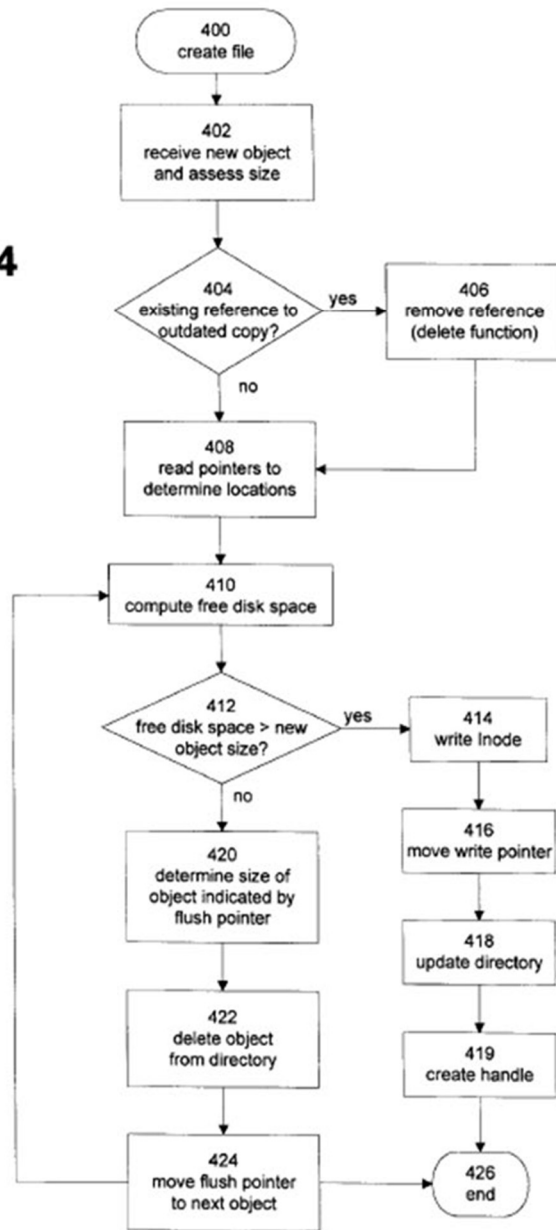
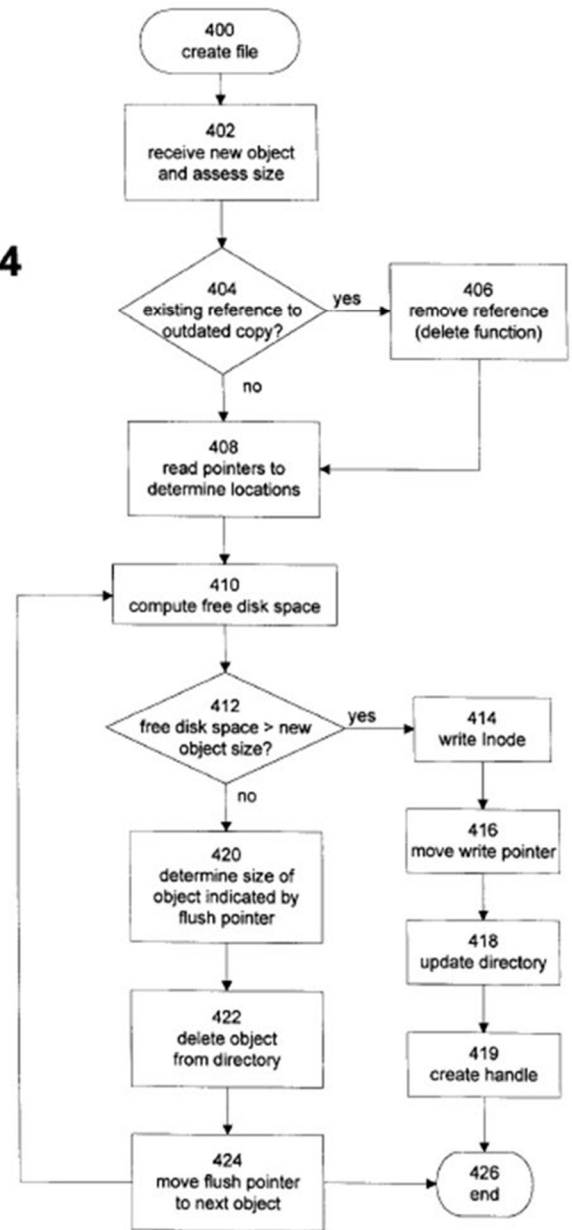


**Fig. 4**

Steps 410-424  
Are Repeated



(EX-1037,

(*Id.*, Fig. 4; EX-1002 ¶103.)

58-104. By determining whether sufficient memory is available whenever an object (or chunk) is deleted, Aviani determines whether sufficient storage is available (e.g., computes free disk space) on the second client device to meet storage demand (e.g., based on object size) after releasing the storage

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resources allocated to ~~the content~~

the content (e.g., deleting object) of the second digital content that is not identified as content to be retained. ~~(EX-1002 ¶104.)~~

105. A ~~POSITA~~person of ordinary skill would have been motivated to modify ~~Weisman's~~Weis- man's system to ~~in-corporate~~incorporate Aviani's checks for sufficient storage for several ~~reasons. (Id. ¶¶105-11.)~~rea- sons.

First, Weisman and Aviani both disclose storing multimedia content.

(EX-1035 (Weisman) ¶¶[0277]-[0282]; ~~supra~~ §§VII.A.3, VII.A.9; see ¶¶46-48, 73-75, above; EX-1037, (Avi- ani), Abstract, 1:42-

59-106. 44.) Weisman discloses that in certain circumstances “a ~~generous~~gener- ous portion” of the station's buffer is filled with content that is “no longer needed.” (EX-1035 (Weisman) ¶[0291].) Aviani explains an advantageous “garbage ~~collection~~collec- tion” process that allows for “identifying and flushing obsolete files.” (EX-1037, (Aviani), 2:1-19.) Aviani's process keeps a cache memory “substantially full” at all times, which “increases the probability” that content a client requests will be found in the memory. (*Id.*, 2:57-61.) A ~~POSITA~~person of ordinary skill in the art would have been motivated to implement Aviani's memory management in Weisman's system to maximize the utilization of Weisman's buffer and thus improve streaming ~~performance. (EX-1002 ¶106.)~~perfor- mance.

107. Second, Weisman teaches that it is typical to check available memory at a terminal to ensure there is sufficient space before sending on-demand content.

(EX-1035 (Weisman) ¶[0011].) Aviani provides a method for implementing such a memory check and managing memory accordingly.

~~(EX-1002 ¶107.)~~

Third, the combination represents the simple addition of one known ~~element~~-~~ement~~ (Aviani's memory management) to another known element (Weisman's client ~~sta-tion~~station) to obtain predictable results (determining whether content should be retained or removed). (~~EX-1002 ¶108~~); *KSR*, 550 U.S. at 417.

~~60-108.~~ Fourth, the combination represents the use of a known technique (~~Aviani's~~Avi- ani's memory management) to improve a similar device and method (Weisman's station and content storage) in the same way. (~~Id.~~)Fifth, the combination applies a known technique (Aviani's memory management) to a known device and method (Weis- man's station and content storage) that is ready for improvement and yields predict- able results (improved buffer performance).

~~Fifth, the combination applies a known technique (Aviani's memory manage-ment) to a known device and method (Weisman's station and content storage) that is ready for improvement and yields predictable results (improved buffer perfor- mance). (Id.)~~

109. Finally, a ~~POSITA~~person of ordinary skill would have been motivated to ~~combine~~com- bine the teachings ~~be-cause~~because it was well known that downloading and storing ~~multimedia~~multi- media content required client memory management. (~~EX-1002 ¶¶109-10 (citing EX-1035 ¶¶0011)~~; Weisman itself recognizes that prior art systems required ensuring that the receiving client "has adequate storage" before sending multimedia content. (EX-1035 (Weisman) ¶¶0011).)

110. Lindahl, like Weisman, describes a system for transferring data over a

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wireless communications network to a client such as a cell phone. (EX-1004 ¶¶0038]

(deleting(Lin- dahl), Abstract.) Lindahl explains that “only the latest requested file or

portion of a file is saved for later use” with older “files or portions of files))”

deleted. (Id.

¶[0038].) “How much to store and whether anything should be stored at all” on the client device is based on configurable parameters. (Id. ¶[0038].)

Thus, memory management techniques like Aviani’s, such as those in Aviani, are directly applicable to Weisman. (EX-1002 ¶110.) Weis- man’s well-understood client memory management.

A ~~POSITA~~person of ordinary skill would have reasonably expected success because be- cause memory man- agementmanagement techniques were well-known and worked in predictable ways. (Id. ¶111.) Furthermore, Weisman already discloses storing content in segments in a buffer,

~~61.111.~~ with only some content marked for retention; Aviani provides details about how that could be accomplished efficiently. ~~(Id.)~~

~~62.112.~~ Thus, Weisman, alone or ~~in combination~~ with Aviani and/or Guo, discloses or renders obvious ~~this limitation~~ claim element 1[1].

**~~m.n.~~ Element 1[m]: Narrowing Content to Be Retained**

~~63.113.~~ Element 1[m] recites “if insufficient storage is available, narrowing the range of content surrounding the bookmarked position that is identified as content to be retained.” Weisman, alone or with Guo, discloses or renders obvious this claim element.

As I discuss above, Weisman’s buffer has a “buffer maximum” (526). (EX-1035, (Weisman), Fig. 5; *supra*

114. §VII-see ¶¶98-100, above.) A.11.d.) A POSITA person of ordinary skill in the art would have understood that, as the user downloads content, the accessed ~~content~~ content will fill (blue, below) the empty buffer space until the “now being accessed”-

position reaches the buffer's maximum. ~~(EX-1002 ¶114.)~~ It would have been obvious to a person of ordinary skill that a routine way to free additional buffer space after reaching the maximum is to change the location of the “oldest retained” pointer to a more recent segment, thereby narrowing the range of content surrounding the bookmarked (“now playing”) position that is retained. ~~(Id.)~~ This narrowing is illustrated using Weisman's Figure 5:

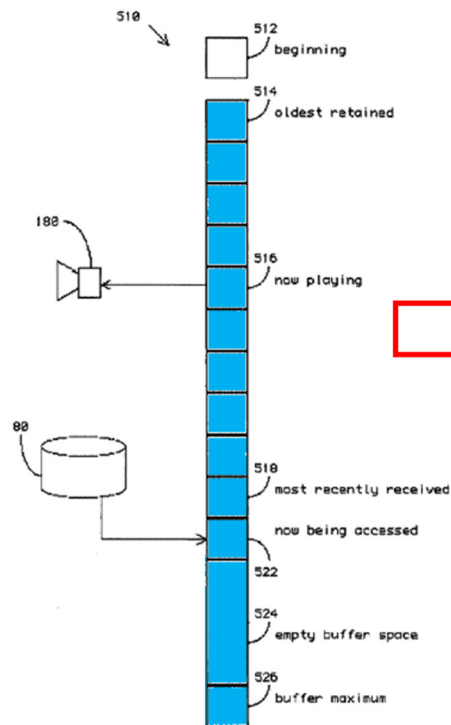


FIGURE 5

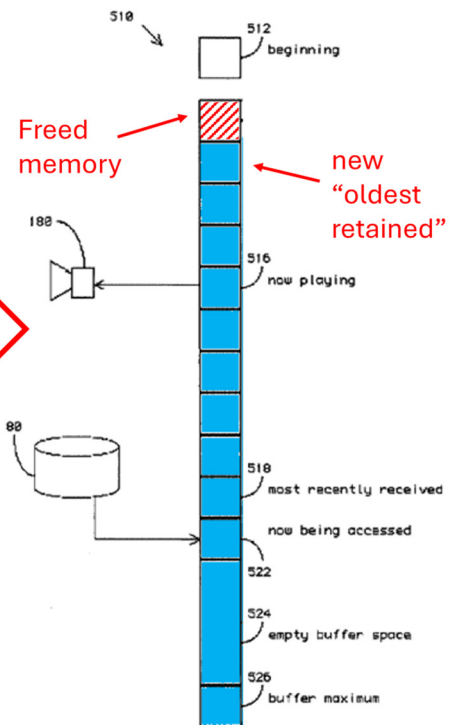


FIGURE 5

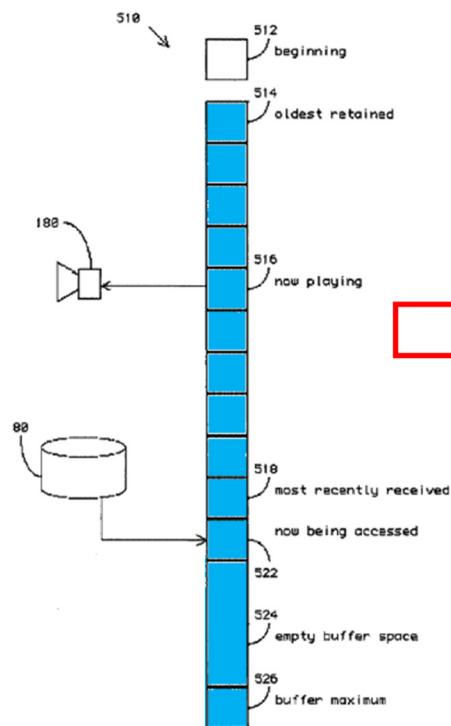


FIGURE 5

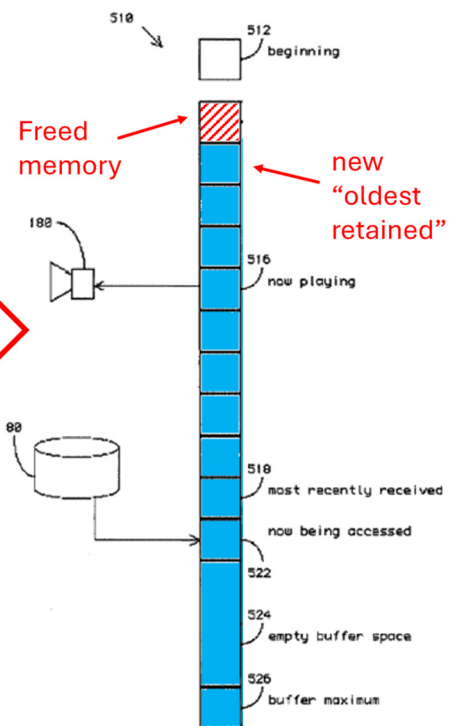


FIGURE 5

(EX-1035, (Weisman), Fig. 5 (modified); EX-1002 ¶114.)) As additional data is downloaded,

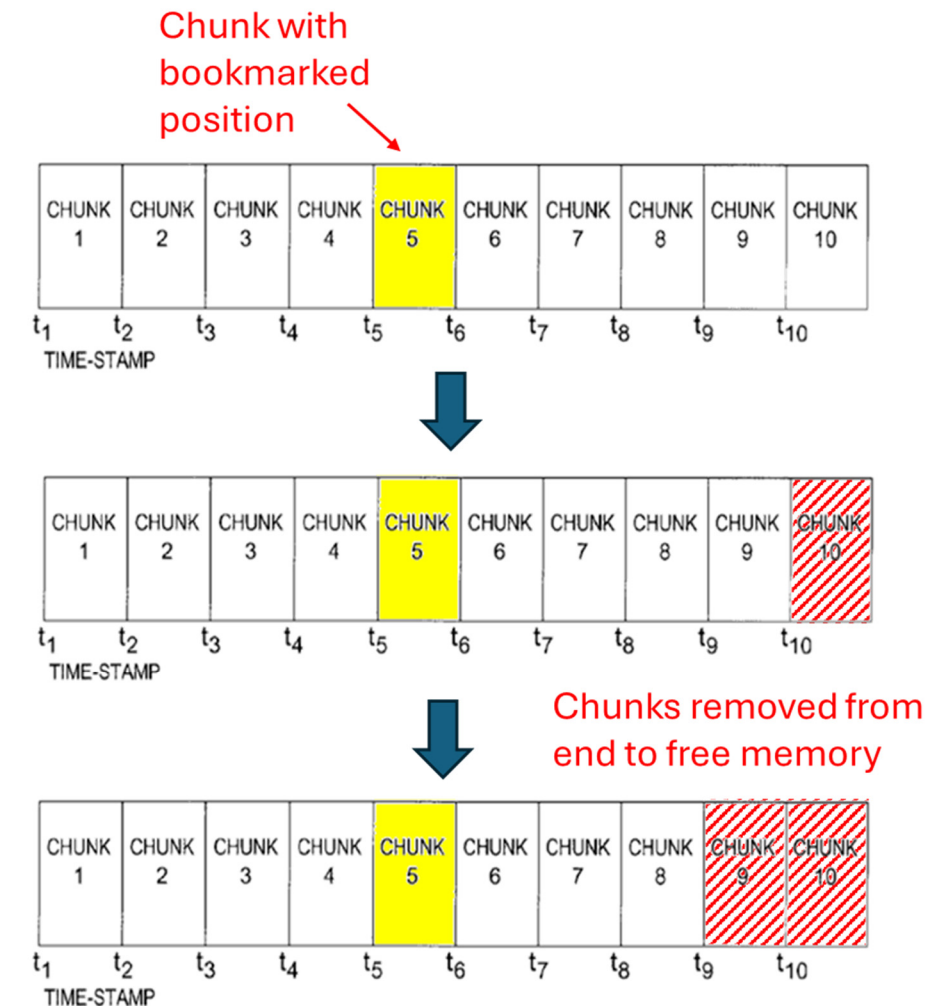
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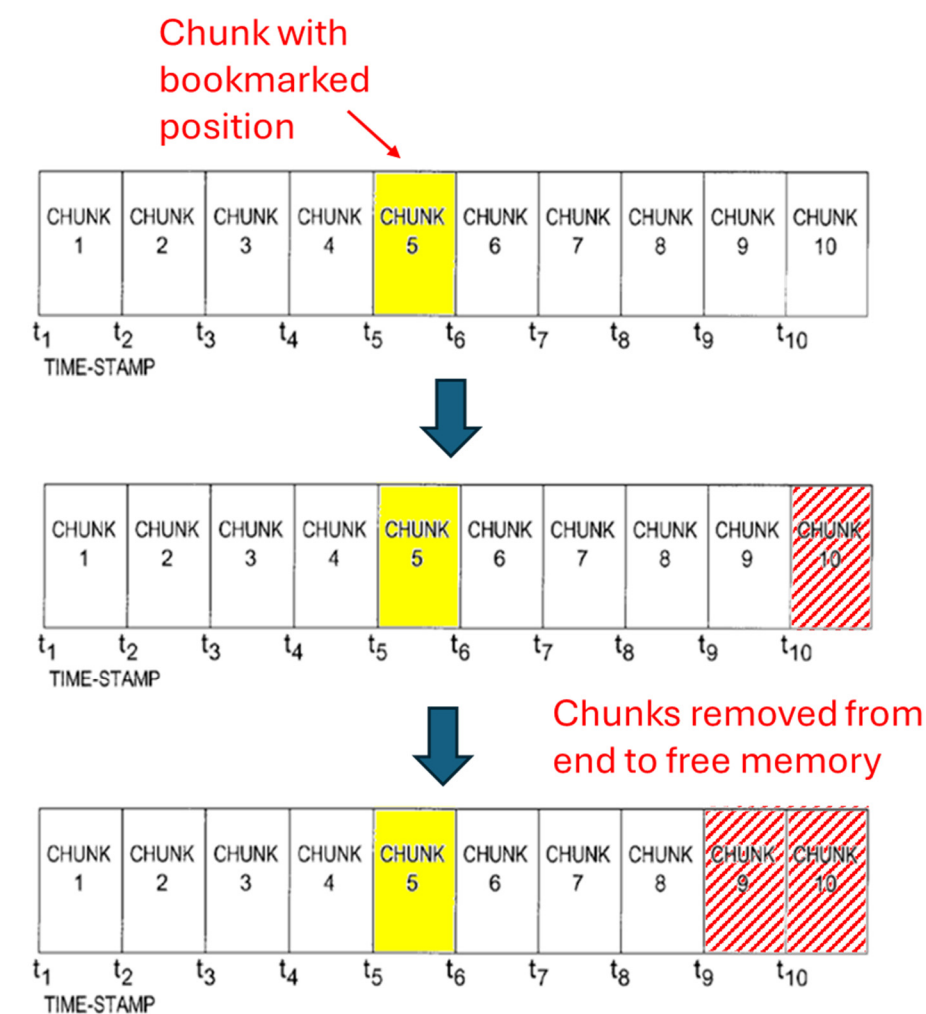
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it would have been obvious to a ~~POSITA~~person of ordinary skill that the “oldest retained” pointer can be repeatedly adjusted. ~~(EX-1002 ¶¶114.)~~ Indeed, Weisman suggests this. ~~(EX-1035~~  
Id. ¶¶[0287], [0291] (portions “no longer needed” are not “retained in the buffer”).)

64.115. It would further have been obvious to a ~~POSITA~~person of ordinary skill to retain the bookmarked portion and remove content surrounding it. ~~(EX-1002 ¶115.)~~ It was well known in the art to retain content important to the user, like a bookmarked segment, while removing other content to make room. ~~(Id. (citing EX-1035; EX-1077; EX-1078).) Even if Weisman did not render this limitation obvious, as discussed, Guo discloses a replacement policy that “specifies which cache item(s) should be~~(E.g., EX-1077 (Lazarus), 5:20-26 (“least valuable information” should be deleted), 6:15-9 (information for programs marked by user can be higher value); EX-1078 (Logan) ¶¶[0121] (preference data can mark segments of content “so that only those which are more likely to be of interest to the user are saved, thus conserving storage space”), [0124] (preference data can include bookmarks).) Indeed, Weisman teaches retaining important content, such as the beginning of an episode, even though surrounding portions may be released from storage. (EX-1035 (Weisman) ¶[0287].)

65-116. ~~removed~~ This limitation would also have been obvious in view of Guo, which discloses a replacement policy that “specifies which cache item(s) should be re- moved ... when the cache is full or nearly full.” (*Supra* §VII.A.11.d(See ¶¶101-111, above; EX-1036, (Guo), 3:54-58.) When the storage is filled, new content should “replace a set of older [] objects by simultaneously replacing the end portions[.]” (EX-1036, (Guo), 10:47-60.) Guo does so by removing “successive chunk units starting from the end of the [] object.” (*Id.*, 10:47-51.) This approach is illustrated using Figure 5a:





(*Id.*, Fig. 5a4a (modified); EX-1002 ¶116.)).

~~66.117.~~ As illustrated, each time Guo determines there is insufficient memory for incoming content, it removes a chunk from the end of the existing content. ~~(EX-1002 ¶117.)~~ By removing chunks, the system is narrowing the range of content surrounding the bookmarked position that is identified as content to be retained. ~~(Id.)~~ This is consistent with the '922 patent, which also purges saved content by removing end segments:

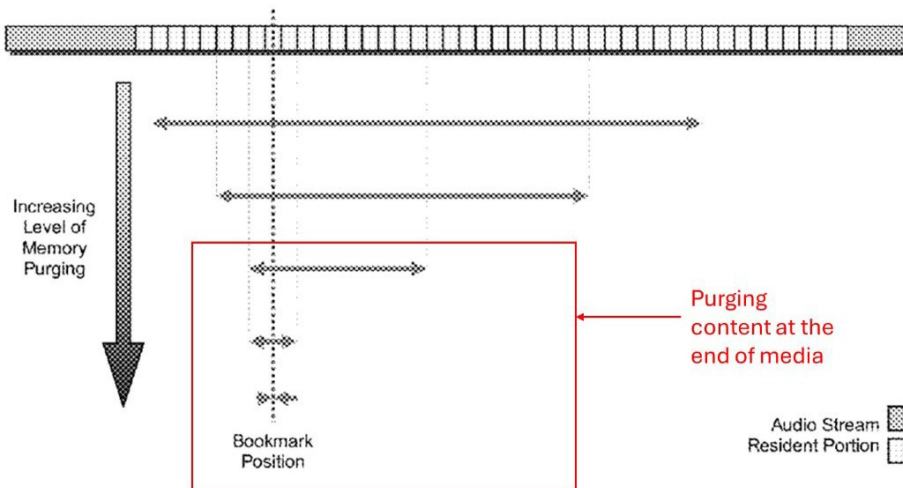


Fig. 13

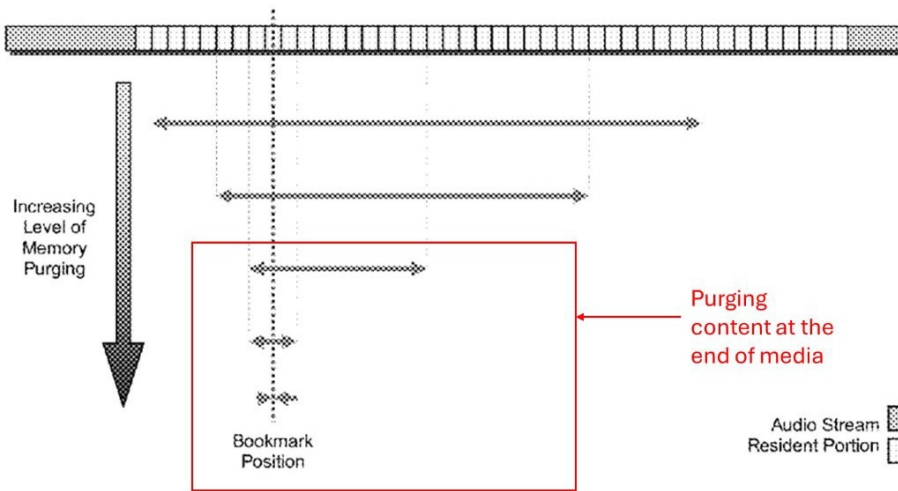


Fig. 13

(EX-1001; ('922 patent), Fig. 13; EX-1002 ¶¶1173.)

Thus Accordingly, Weisman, alone or in combination with Guo, discloses or renders ~~obvi-~~~~ous~~-obvious that ~~-if~~ ~~-insufficient~~ ~~-storage~~ ~~-is~~ ~~-available~~ ~~-(e.g.,~~ monitoring ~~-discussed~~ *supra* §§VII.A.11.c-VII.A.11.dI discuss above, see ¶¶94-112), narrowing the range of content (e.g., moving oldest-retained pointer or deleting end chunks) surrounding the bookmarked position that is ~~-identified~~-identi- fied as ~~-content~~ ~~-to~~ ~~-be~~ ~~-retained~~ (e.g., ~~-previously~~ ~~-saved~~, ~~-discussed~~ *supra* §VII.A.11.b-VII.A.11.c). (EX-1002 ¶¶113-18.)

118. ~~Because as I discuss above, see ¶¶79-97).~~ Thus, Weisman, ~~Aviani, and alone~~  
~~or with~~ Guo ~~together disclose, discloses~~ or ~~render renders~~ obvious ~~each limitation of claim~~  
~~element 1, they~~[m].

67.119. Accordingly, for at least the reasons I discuss above, Weisman,  
Guo, and Aviani render claim 1 obvious as a whole. ~~(Id. ¶¶39-119.)~~

## 2. Claim 2

120. Claim 2 depends from claim 1 and further recites that “the network  
~~accessible~~ac- cessible library includes one or more server devices at one or more  
network-

addresses, and wherein the one or more server devices are each capable of serving digital content.” Weisman discloses or renders obvious the additional claim element of claim 2.

121. Weisman’s head-end “can include cache servers located in different ~~geographical~~ge- ographical areas.” (EX-1035 (Weisman) ¶[0056]; see also id. ¶[0104].] (optimization using cache servers or mirrors), claims 43, 108.) Because the servers are ~~geographically~~geograph- ically separated, a ~~POSITA~~person of ordinary skill in the art would have understood that they have one or more network addresses. ~~(EX-1002 ¶121.)~~As I discuss above, Weisman’s servers serve digital content. ~~(Supra §§VII.A.1-VII.A.2; EX-1002 ¶121.)~~(See ¶¶39-45, above.)

68-122. Thus, Weisman ~~dis- closes~~discloses or renders obvious ~~this limitation.~~ ~~(EX-1002 ¶¶120-23.)~~the additional claim ele- ment of claim 2.

123. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 2 obvious as a whole.

### 3. **Claim 3**

69-124. Claim 3 depends from claim 2 and further recites that “the first digital content is downloaded from at least one of the one or more server devices, and wherein the second digital content is downloaded from at least one of the one or more server devices.” Weisman discloses or renders obvious the additional claim element of claim 3.

125. As I discuss above, Weisman’s stations download content from its head-end (~~supra §§VII.A.2, VII.A.8~~see ¶¶42-45, 68-72, above), which comprises at least one server (~~supra §VII.B~~.see ¶¶120-123, above). Thus, Weisman ~~dis-closes~~discloses or renders obvious ~~this limitation. (EX-1002 ¶¶124-26.)~~the additional claim element of claim 3.

126. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 3 obvious as a whole.

#### 4. Claim 7

70.127. Claim 7 depends from claim 1 and further recites that “the first digital content and the second digital content each include audio content, illustration ~~content, video con-~~ tent, video content, audio/video content, advertising content, static graphic content, moving graphic content, or a combination thereof.” Weisman discloses the addi- tional claim element of claim 7.

128. Weisman’s digital content is “primarily audio, but may include ~~---~~visual enhancements such as still images or even video clips.” (EX-1035 (Weisman) ¶¶[0070], [0121]-[0123], [0186]; ~~EX-1002 – ¶128.)~~.) Thus, Weisman discloses the additional claim el- ement of claim 7.

~~Weisman therefore discloses this limitation. (Id. ¶¶127-29.)~~

#### C. Claim 8

129. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 7 obvious as a whole.

71.130. Claim 8 depends from claim 1 and further recites that “the first media stream and the second media stream each include a plurality of digital media ~~segments.~~” seg-ments.” Weisman, alone or with Guo, discloses or renders obvious the additional claim element of claim 8.

72.131. Weisman discloses that media streams ~~are~~ stored as “many segments,” for ~~ex-ample~~ example “chunks ... the size of the data payload in a UDP or TCP/IP datagram,” or a hard drive sector. (EX-1035 (Weisman) ¶[0278].) Guo also discloses media streams including segments (“chunks”) (EX-1036, (Guo), 2:61-67) that improve memory utilization. (*Id.*, 6:24-31.) Thus, a ~~POSITA~~ person of ordinary skill would have been motivated to segment Weisman’s ~~me-dia~~ media streams into smaller “chunks” (e.g., as in Guo) to enhance delivery speed and memory utilization (e.g., as taught by Guo). (~~EX-1002 ¶131.~~) A ~~POSITA~~ person of ordinary skill also would have had a reasonable expectation of success in doing so because media ~~seg-menting~~ segmenting was well-known and routine. (~~*Id.*~~)

**5. Claim 8**

~~73-132.~~ ~~Thus~~ Accordingly, Weisman, alone or in combination with Guo, discloses or renders ~~obvi-ous~~ obvious that the first and second media streams each include a plurality of digital media (e.g., audio data) segments (e.g., chunks). ~~(Id.~~  
~~¶¶130-33.)~~ Thus, Weisman, alone or with Guo, discloses or renders obvious the additional claim element of claim 8.

133. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 8 obvious as a whole.

**6. Claim 8**

74.134. Claim 9 depends from claim 8 and further recites that “the digital media segments are directly addressable.” Weisman, alone or with Guo, discloses or renders obvious the additional claim element of claim 9.

75.135. As I discuss above, Weisman’s Figure 5 illustrates that segments within the buffer are ~~individually~~individually added or deleted (e.g., the oldest-retained or most-recently-added segments). (Supra §§VII.A.11.b-VII.A.11.d)(See ¶¶81-84, 95, 99-100, above; EX-1035, (Weisman), Fig. 5.) Weisman’s individual segments are identified through pointers. (EX-1035 (Weisman) ¶[0282].) ~~A POSITA~~A person of ordinary skill in the art would have ~~understood~~understood the individual segments are directly addressable because they can be accessed ~~individually.~~ (EX-1002 ~~¶135.)~~indi- vidually. Further, Guo similarly teaches that “chunks” can be “cached and replaced independently.” (EX-1036, (Guo), 6:24-31.)

76.136. Thus, Weisman, alone or in combination with Guo, discloses or renders ~~obvi- ous~~obvious that the digital media segments are directly addressable (e.g., identified by a pointer and/or accessed individually). (EX-1002 ¶¶134-38.) ~~A POSITA~~A person of ordinary skill would have been motivated to combine the teachings of Guo and Weisman for the reasons ~~discussed~~I discuss above. (See ~~§VII.A.11.b.iii; EX-1002 ¶136~~§VII.A.11.b.iii; EX-1002 ¶136)

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[¶¶89-92, above.\)](#)  
**5. Claim 8**

137. Thus, Weisman, alone or with Guo, discloses or renders obvious the additional claim element of claim 9.

138. Accordingly, for at least the reasons I discuss above,  
Weisman, Guo, and Aviani render claim 9 obvious as a whole.

7. Claim 10

77.139. Claim 10 depends from claim 8 and further recites that  
“the digital ~~media-~~ dia segments have sizes that are dependent on a  
network throughput rate, a media stream size, natural language gaps, a  
target segment size, a target segment size range, or a ~~com-~~ bination  
~~thereof.~~ combination thereof.” Weisman, alone or with Guo, discloses or  
renders obvi- ous the additional claim element of claim 10.

140. Weisman discloses or suggests that segments have a target  
segment size, e.g., “the size of the data payload in a UDP or TCP/IP  
datagram, or the size of  
[a] sector on the hard drives ... of media database 80.”- (EX-1035 (Weisman)  
¶[0278]; ~~EX-1002 ¶140.)~~ Likewise, Guo discloses selecting a chunk  
size based on a target segment size, for example four times the  
“fundamental disk block unit.” (EX-1036, (Guo), 6:53-57; ~~EX-1002.)~~  
~~¶140.)~~

78.141. Thus, Weisman, alone or in combination with Guo,  
discloses or renders ~~obvi- ous~~ obvious that the digital media segments have  
sizes that are dependent on a target segment size or size range (e.g., size of  
hard drive sector, data payload, or four ~~times~~ times the size of a disk block unit).

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~~(EX-1002 ¶¶139-43.)~~ A ~~POSITA~~person of ordinary skill would have been

motivated to combine the teachings of Guo and Weisman for the reasons

~~discussed~~I discuss above. ~~(Supra §VII.A.11.b.iii; EX-1002 ¶141.)~~(See

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¶¶89-92, above.)

142. Thus, Weisman, alone or with Guo, discloses or renders obvious the additional claim element of claim 10.

143. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 10 obvious as a whole.

### **8. Claim 11**

79.144. Claim 11 depends from claim 1 and further recites that “the bookmark is transferred from the first client device to the second client device via the network accessible library.” Weisman discloses or renders obvious the additional claim ele- ment of claim 11.

80.145. Weisman’s stations can generate bookmarks using their “save” feature. (EX-1035 (Weisman) ¶[0051].) This causes the head-end to update its records with the ~~book-mark~~bookmark information. (*Id.* ¶[0209]-[0211].) When ~~at~~the user resumes the ~~program~~pro- gram, Weisman’s system detects the “stored bookmark data indicating starting ~~location~~loca- tion” and restarts the content from that position. (*Id.*, Abstract, ¶[0049].) Weisman further teaches that a user can access those records from different stations. (*Id.* ¶[0154]; ~~supra~~ §VII.A.7.) ~~When accessed, the bookmark will appear in the second station’s menu and can be activated using the “goto button.” (EX-1035 ¶[0135]-[0136]; *id.*~~ (*Id.* ¶[0154]; see ¶[61-67, above.] When accessed, the bookmark will appear in the second station’s menu and can be activated using the “goto button.” (EX-1035 (Weis-

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man) ¶¶[0135]-[0136]; see also id. ¶¶[0053] (bookmark stored on station), [0059]

(station requests head-end to send information to another user), [0216]-[0218]

(~~sendingsend-~~ing bookmark creates entry in “~~re-centrecent~~ table” for receiving

user).) Thus, Weisman

~~Thus, Weisman~~

discloses the bookmark is transferred (e.g., generated by a first client, then received and stored by a different client), from the first client device (e.g., station) to the ~~second~~sec- ond client device (e.g., different station) via the network ~~ac- cessible~~accessible library (e.g., head-end). ~~(EX-1002 ¶145.)~~

~~81.146.~~ Even if Weisman did not disclose this This limitation, it also would have been obvious. ~~(Id. ¶146.)~~ in view of Weisman. A ~~POSITA~~ person of ordinary skill in the art would have understood that there are only two ways ~~of trans-fer-ring the stations could transfer~~ bookmark between stations information to each other as Weisman teaches: through the head-end (network accessible library) or bypassing the head-end. ~~(Id.)~~ Thus, it would have been obvious to a ~~POSITA~~ person of ordinary skill to try both ~~methods~~ meth- ods of sending the bookmark ~~infor- mation.~~ ~~(Id.); Uber Techs., Inc. v. X One, Inc., 957 F.3d 1334, 1339-40 (Fed. Cir. 2020) (“only two identified, predictable solutions” both obvious to try).~~ information. A ~~POSITA~~ person of ordinary skill would have reasonably expected success because transfer of information, via a ~~li- brary~~ library or ~~otherwise~~ other- wise, was routine. ~~(EX-1002 ¶146.)~~

147. Thus, Weisman discloses or renders obvious the additional claim element of claim 11.

148. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 11 obvious as a whole.

## 9. Claim 12

~~82.149.~~ Claim 12 depends from claim 1 and further recites that “the bookmark is transferred from the first client device to the second client device by bypassing the ~~network accessible library.~~”

network accessible library.” Weisman discloses or renders obvious the additional claim element of claim 12.

83.150. Weisman’s station may be “configured to generate” and “store the bookmark data.” (EX-1035 (Weisman) ¶¶[0051], [0053]; see also id., claims 3, 19.) A user may identify a ~~book—mark~~ recipient of the bookmark by entering the recipient’s telephone number. (*Id.* ¶[0217].) The user sending the bookmark can annotate it with a text message or voice mail message. (*Id.* ¶¶[0134]-[0135].) Moreover, Weisman’s ~~clientscli-~~ ents connect directly to, e.g., the Internet, (*id.*, Fig. 1, ¶[0058], ¶[0059]) and therefore can communicate without accessing the library. (~~EX-1002 ¶150.~~) Weisman’s bookmarks include only four pieces of data (*Id.*, Fig. 4) and could be sent directly from one client to another using a network-based transfer, e.g., text message, email attachment, or link (*id.*

~~(EX-1035, Fig. 4) and could be sent directly from one client to another using a network-based transfer, e.g., text message, email attachment, or link (id. ¶[0054]), thereby bypassing the head-end. (EX-1002 ¶150.)~~ Accordingly, it would have been obvious to a person of ordinary skill in the art to transfer the bookmark from the first client device to the second client device by bypassing the network accessible library (e.g., using text, voicemail, or Internet). ~~(Id. ¶¶149-53.)~~ A POSITA person of ordinary skill in the art would have been motivated to do so to provide more flexibility in how bookmarks are transferred and to reduce dependence on the head-end. ~~(Id.)~~

84.151. ~~Even if Weisman did not disclose this~~ This limitation, ~~it~~ would also have been obvious because it reflects one of only two options, as ~~discussed~~ I discuss above for claim 11. ~~(Supra~~ (See ¶146, above.)

§VII.H.)

152. Thus, Weisman discloses or renders obvious the additional claim element of claim 12.

153. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 12 obvious as a whole.

### **10. Claim 13**

~~85-154.~~ Claim 13 depends from claim 1 and further recites that “transferring the bookmark includes sending the bookmark from the first client device while the first client ~~de-vice~~device is connected to the network, and receiving the bookmark by the second client device while the second client device is connected to the network” and that “the bookmark is transferred without requiring a simultaneous connection of the first ~~client~~entclient device and the second client device to the network.” Weisman discloses or renders obvious the additional claim element of claim 13.

As ~~discussed~~I discuss above, Weisman discloses or renders obvious sending bookmark ~~infor-mation~~information from a first client to the server, and from the server to the second client, using

~~86-155.~~ the network. (~~Supra §§VII.A.7-VII.A.8, VII.E, VII.H-VII.I.) Weisman~~(See ¶¶61-72, 130-133, 144-153, above.) Weis- man does not require both clients to be simultaneously connected to the network. (~~EX-1002 ¶155.)~~ Indeed, a user may later log in from a different station and obtain the bookmark, which teaches (or at least renders obvious) that the two clients need not be connected simultaneously. (EX-1035 (Weisman) ¶¶[0153]-[0157]; ~~EX-1002 ¶155.)~~.)

156. Thus, Weisman discloses transferring the bookmark includes sending the bookmark from the first client device (e.g., station) while the first client device is connected to the network, and receiving the bookmark by the second client device (e.g., a different station) while the second client device is connected to the network (e.g., the Internet) and that the bookmark is transferred without requiring a simultaneous connection of the first client device and the second client device to the network.

In addition, a POSITA person of ordinary skill in the art would have been ~~motivated~~ motivated to transfer bookmarks via the network without requiring a simultaneous ~~connection~~ connection to improve flexibility. (*Id.*

87.157. ~~¶157.)~~ A POSITA person of ordinary skill would have recognized that different clients routinely access ~~cen- trally~~ centrally stored data, such as a bookmark or media content, individually, without ~~requir- ing~~ requiring the clients also be simultaneously connected. (*Id.*) A POSITA person of ordinary skill would have reasonably expected success ~~because~~ be- cause, as recognized by Weisman, a client's connection to a network could be ~~interrupted~~ inter- rupted, and connecting at a later time would have been a routine step. (EX-1035 (Weisman) ¶¶[0204], [0291] (re-establishing connection); ~~EX-1002 ¶¶157-59.)~~.)

158. Thus, Weisman discloses or renders obvious the additional claim element of claim 13.

159. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 13 obvious as a whole.

**11. Claim 14**

160. Claim 14 depends from claim 1 and further recites the steps of: identifying a range of content surrounding the current position in the first dig-

ital content as content to be retained;

releasing, determin- ing, and storage resources allocated to all content of the first digital content that is not identified as content to be retained on the first client device; determining whether sufficient storage is available on the first client device to meet storage demand

after releasing the storage resources allocated to

the content of the first digital content that is not identified as content to be retained; and

if insufficient storage is available, narrowing steps corresponding to the range of content surrounding the current position that is identified as content to be retained.

These steps correspond to the identifying, releasing, determining, and narrowing steps in claim elements 1[j]-1[m], but for the current position in the first digital content on the first client device. (EX-1002 ¶160.)  
Weisman, alone or with Aviani and/or Guo, discloses or renders obvious the additional claim elements of claim 14.

As ~~discussed~~I discuss above, the bookmarked position is the current position

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in the first content. ~~(Id.~~

~~¶161~~(See ¶¶52-60, above; *see also, e.g.*, EX-1035, (Weisman), Fig. 4, Fig. 5 (storing content around “now playing”

161. position); *id.* ¶¶[0049]-[0050], [0203~~H~~]-

~~[0204], [0208]-[0209]; *supra* §§VII.A.5-~~

~~VII.A.6.)].) Weisman, Aviani, and Guo do not limit their memory ~~management ap-~~  
~~proaches~~management approaches to any particular client. (~~*Supra* §§VII.A.9-~~  
~~VII.A.11~~(See ¶¶73-119, above.))~~

~~88-162. A POSITA~~A person of ordinary skill would have been motivated to apply these approaches on the first client to optimize memory and performance for the same reasons discussed above for the second client. (~~*Supra* §§VII.A.9-VII.A.11.)~~  
~~Accordingly, Weisman, Aviani, and Guo disclose or render obvious claim 14 for the same reasons discussed for claim 1. (EX-1002 ¶¶160-64~~(See ¶¶73-119, above.))

163. Thus, Weisman, alone or with Aviani and/or Guo, discloses or renders obvious the additional claim elements of claim 14.

164. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 14 obvious as a whole.

## 12. Claim 15

~~89-165.~~Claim 15 depends from claim 1 and further recites “deleting the  
~~bookmark~~book- mark from the second client device; and upon deleting the bookmark, deleting the second digital content from the second client device.” Weisman discloses the addi- tional claim element of claim 15.

90-166. Weisman discloses that when a user decides a show “has no further value,” the user “can select the drop button,” “playback is halted,” and “any

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~~associated record associated record~~ in the recent table 480 is deleted.” (EX-1035

(Weisman) ¶[0206]; see also *id.* ¶[0214] (~~partici- pant~~participant deletes record from

recent table).) This removes “~~access~~ac- cess to any bookmarks” on the station (client).

*(Id.)* –The show the user is watching ~~is also discarded.~~ ~~(Id.~~

is also discarded. (Id. ¶[0133].) A POSITA person of ordinary skill in the  
art would have understood that discarding the show means ~~delet-~~  
~~ing~~deleting the content from memory. (~~Id.; EX-1002 ¶166.) Thus, .)~~

Weisman therefore discloses ~~de-leting~~deleting the bookmark from the second client  
device (e.g., select drop button, which

91.167. removes access to bookmarks on ~~station~~sta- tion); and upon deleting the bookmark, deleting the second digital content (e.g., ~~disca~~dis- card unwanted show) from the second client ~~de- vice. (EX-1002 ¶¶165-68.)~~device. Thus, Weisman discloses the additional claim element of claim 15.

168. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 15 obvious as a whole.

### 13. **Claim 17**

92.169. Claim 17 depends from claim 1 and further recites “downloading third digital content corresponding to the media work from the network accessible library to the first client device via the network, the third digital content including at least a portion of a third media stream, the portion of the third media stream including the bookmarked position, the first media stream and the third media stream having ~~different~~dif- ferent data formats; and storing the third digital content on the first client device.” Weisman discloses the additional claim element of claim 17.

170. As ~~discussed~~I discuss above for claim 1, Weisman discloses downloading audio, image, video content, and/or text on the same or different clients. (*Supra* §§VII.A.2–VII.A.3, VII.A.7–VII.A.8 See ¶¶42-48, 61- 72, above; EX-1035 (Weisman) ¶[0279].) A synchronized video, text, or image-

stream would be a third media stream, and the first (e.g., audio) and third (e.g., movie or text) streams would have different data formats (e.g., JPEG for images, MOV or AVI for video, and MP3 for audio).) (EX-~~1002~~ ¶~~170~~; EX-1035 (Weisman) ¶[0186].) Because the image/video/text is presented in “synchronization” with the first (e.g., audio) stream, the downloaded portion of the third stream would also contain the bookmarked ~~position~~position. (*Id.*)

93-171. ~~Thus,~~ Weisman therefore discloses downloading third digital content (e.g., video or text) corresponding to the media work from the network accessible library (e.g., head-end) to the first client device (e.g., station) via the network (e.g., the ~~Internet~~In- ternet), the third digital content including at least a portion of a third media stream (e.g., the video or text stream), the portion of the third media stream including the bookmarked position (e.g., the position in the video/text streams synchronized to the bookmarked position), the first media stream (e.g., audio) and the third media stream (e.g., video/text) having different data formats (e.g., ~~MP3~~ MP3 and JPEG/MOV); and ~~storing~~stor- ing the third digital content (e.g., video/text) on the first client device (e.g., as ~~discussed~~I dis- cuss above for the first digital content, ~~supra §VII.A.2-VII.A.3).~~ (EX-1002 ¶¶169-72.)see ¶¶42-48, above). Thus, Weisman dis- closes the additional claim element of claim 17.

172. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 17 obvious as a whole.

**14. Claim 18**

173. Claim 18 depends from claim 17 and further recites the ~~same~~steps of:  
identifying a range of content surrounding the bookmarked position in the first  
digital content as content to be retained;  
identifying a range of content surrounding the current position in the first dig-  
ital content as content to be retained;  
identifying a range of content surrounding the bookmarked position in the  
third digital content as content to be retained; and  
releasing storage resources allocated to all content of the first digital content  
and the third digital content that is not identified as content to be re-  
tained on the first client device.

These steps correspond to the identifying step ~~as ele—ment of element~~ 1[j], but  
applied to the bookmarked position in the first and third content and the current  
position in the first content. ~~The claim also recites, and~~ the ~~same~~releasing step as of  
element 1[k] applied to the first and third content. ~~(EX-1002 ¶173.)~~Weisman, alone  
or with Guo, discloses or renders obvious the additional claim ele- ments of claim  
18.

174. Weisman, alone or with Guo, discloses, ~~or Weisman in view of Guo~~ or renders  
obvious, the first two identifying steps of claim 18 for the reasons ~~discussed~~I discuss  
above. ~~(Supra §VII.A.11.b; EX-1002 ¶174.)~~regarding claim 1. (See

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¶¶79-93, above.)

Weisman further discloses that the third media stream (e.g., video/text) is played in “synchronization” with the audio content. (~~*Supra* §VII.M.)~~ ~~*Because*~~ *See* ¶¶169-172, above.) ~~*Be-*~~ *cause* the

94.175. third stream (e.g., video/text) is synchronized with the first stream (e.g., audio), the station also renders the third stream starting at the bookmark. (~~#~~)See ¶¶169- 172, above.) A ~~POSITA~~person of ordinary skill in the art would have understood that ~~Weisman's~~Weis- man's station identifies content surrounding the bookmarked position in the third stream (e.g., video/text) as content to be retained in the same manner as it would any other content. (~~EX-1002 ¶175.~~) Thus, Weisman, alone or ~~in view of~~with Guo, discloses or renders obvious ~~identifying~~iden- tifying a range of content surrounding the bookmarked position in the third digital content as content to be retained. (~~Supra §VII.A.11.b; EX-1002 ¶175.~~(See ¶¶79-93, above.))

95.176. Lastly, Weisman, alone or ~~in view of~~with Guo, discloses or renders obvious the releasing step of claim 18 for the same reasons as ~~discussed~~I discuss above. (~~Supra regarding claim 1. (See ¶¶79-97, above.)~~)

~~§§VII.A.11.b-VII.A.11.e; EX-1002 ¶¶176-78.)~~

177. Thus, Weisman, alone or with Guo, discloses or renders obvious the additional claim elements of claim 18.

178. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 18 obvious as a whole.

## 15. Claim 19

179. Claim 19 depends from claim 1 and further recites that “the second ~~digital~~dig- ital content includes a second media stream” and that “the first media stream

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and the-

second media stream have different data formats.” Weisman discloses the additional claim elements of claim 19.

96.180. As I discuss above, Weisman discloses that the second ~~dig-ital~~digital content can include a second media stream (e.g., images). ~~(Supra §VII.A.8.b~~(See ¶¶71-72, above.) Weisman also discloses that the first (e.g., audio) and second (e.g., image) media streams have different data formats. ~~(Supra §VII.M~~See ¶¶169-172, above; EX-1035 (Weisman) ~~¶[0186]; EX-1002].)~~  
~~¶¶179-82.)~~

181. Thus, Weisman discloses the additional claim elements of claim 19.

182. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 19 obvious as a whole.

**16. Claim 20**

~~97.~~183. Independent claim 20 recites substantially the same limitations as claim 1, but recites a system rather than a method. ~~Thus, Weisman, Aviani, and/or Guo disclose or render obvious claim 20 for the same reasons as claim 1. (EX-1002 ¶¶183-85)~~The system comprises “a first client device; a second client device; and a network accessible library accessible by the first and second client devices via a network.” As I discuss above, Weisman discloses and renders obvious such a system. (See ¶¶42-45 (first client device), 42-45, 61-67 (second client device), 42-45 (network accessible library), above.)

**~~V. GROUND 1B: CLAIMS 2-6 WOULD HAVE BEEN OBVIOUS IN VIEW OF WEISMAN, GUO, AVIANI, AND LOUKOPOULOS.~~**

184. I have compared the elements in claim 20 to the elements in claim 1. As shown, the functional steps recited in claim 20 mirror the method steps recited in claim 1. The table below demonstrates how the elements correspond. As I discuss

above for claim 1, Weisman, Guo, and Aviani together disclose all the steps recited in claim 20. (See ¶¶39-119, above.)

|                   | <u>Claim 20</u>                                                                                                                                                                                                |               | <u>Claim 1</u>                                                                                                                                                                                                                         |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>20[pre]</u>    | <u>A system for rendering digital content across multiple client devices comprising:</u>                                                                                                                       | <u>1[pre]</u> | <u>A method of rendering digital content across multiple client devices comprising:</u>                                                                                                                                                |
| <u>20[a]</u>      | <u>a first client device;</u>                                                                                                                                                                                  |               |                                                                                                                                                                                                                                        |
| <u>20[b]</u>      | <u>a second client device; and</u>                                                                                                                                                                             |               |                                                                                                                                                                                                                                        |
| <u>20[c]</u>      | <u>a network accessible library accessible by the first and second client devices via a network;</u>                                                                                                           |               |                                                                                                                                                                                                                                        |
| <u>20[d]</u>      | <u>wherein the first client device is configured to:</u>                                                                                                                                                       |               |                                                                                                                                                                                                                                        |
| <u>20[d][i]</u>   | <u>download first digital content corresponding to a media work from the network accessible library via the network, the first digital content including at least a first portion of a first media stream;</u> | <u>1[a]</u>   | <u>downloading first digital content corresponding to a media work from a network accessible library to a first client device via a network, the first digital content including at least a first portion of a first media stream;</u> |
| <u>20[d][ii]</u>  | <u>store the first digital content;</u>                                                                                                                                                                        | <u>1[b]</u>   | <u>storing the first digital content on the first client device;</u>                                                                                                                                                                   |
| <u>20[d][iii]</u> | <u>render at least a portion of the first digital content;</u>                                                                                                                                                 | <u>1[c]</u>   | <u>rendering at least a portion of the first digital content on the client device;</u>                                                                                                                                                 |
| <u>20[d][iv]</u>  | <u>track a current position in the first media stream as the first digital content is rendered;</u>                                                                                                            | <u>1[d]</u>   | <u>tracking a current position in the first media stream as the first digital content is rendered;</u>                                                                                                                                 |
| <u>20[d][v]</u>   | <u>create a bookmark by setting the current position as a bookmarked position, the bookmark including information for identifying the</u>                                                                      | <u>1[e]</u>   | <u>creating a bookmark by setting the current position as a bookmarked position, the bookmark including information for identifying the</u>                                                                                            |

|                   | <u><b>Claim 20</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |             | <u><b>Claim 1</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | <u>media work and the book-</u><br><u>marked position; and</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             | <u>media work and the book-</u><br><u>marked position;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <u>20[d][vi]</u>  | <u>transfer the bookmark to the</u><br><u>second client device via the</u><br><u>network; and</u>                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>1[f]</u> | <u>transferring the bookmark to</u><br><u>a second client device via the</u><br><u>network;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>20[e]</u>      | <u>wherein the second client de-</u><br><u>vice is configured to:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>20[e][i]</u>   | <u>download second digital con-</u><br><u>tent corresponding to the me-</u><br><u>dia work from the network</u><br><u>accessible library via the net-</u><br><u>work, the second digital con-</u><br><u>tent including at least a sec-</u><br><u>ond portion of the first media</u><br><u>stream or at least a portion of</u><br><u>a second media stream, the</u><br><u>second portion of the first</u><br><u>media stream or the portion</u><br><u>of the second media stream</u><br><u>including the bookmarked</u><br><u>position;</u> | <u>1[g]</u> | <u>downloading second digital</u><br><u>content corresponding to the</u><br><u>media work from the network</u><br><u>accessible library to the sec-</u><br><u>ond client device via the net-</u><br><u>work, the second digital con-</u><br><u>tent including at least a sec-</u><br><u>ond portion of the first media</u><br><u>stream or at least a portion of</u><br><u>a second media stream, the</u><br><u>second portion of the first</u><br><u>media stream or the portion</u><br><u>of the second media stream</u><br><u>including the bookmarked</u><br><u>position;</u> |
| <u>20[e][ii]</u>  | <u>store the second digital con-</u><br><u>tent;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <u>1[h]</u> | <u>storing the second digital</u><br><u>content on the second client</u><br><u>device;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <u>20[e][iii]</u> | <u>render at least a portion of</u><br><u>the second digital content in</u><br><u>dependence upon the book-</u><br><u>marked position;</u>                                                                                                                                                                                                                                                                                                                                                                                                 | <u>1[i]</u> | <u>rendering at least a portion</u><br><u>of the second digital content</u><br><u>on the second client device in</u><br><u>dependence upon the book-</u><br><u>marked position;</u>                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>20[e][iv]</u>  | <u>identify a range of content</u><br><u>surrounding the bookmarked</u><br><u>position in the second digital</u><br><u>content as content to be re-</u><br><u>tained;</u>                                                                                                                                                                                                                                                                                                                                                                  | <u>1[j]</u> | <u>identifying a range of content</u><br><u>surrounding the bookmarked</u><br><u>position in the second digital</u><br><u>content as content to be re-</u><br><u>tained;</u>                                                                                                                                                                                                                                                                                                                                                                                                      |

|                   | <u><b>Claim 20</b></u>                                                                                                                                                                                                                                         |             | <u><b>Claim 1</b></u>                                                                                                                                                                                                                                            |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>20[e][v]</u>   | <u>release storage resources allocated to all content of the second digital content that is not identified as content to be retained on the second client device;</u>                                                                                          | <u>1[k]</u> | <u>releasing storage resources allocated to all content of the second digital content that is not identified as content to be retained on the second client device;</u>                                                                                          |
| <u>20[e][vi]</u>  | <u>determine whether sufficient storage is available on the second client device to meet storage demand after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained; and</u> | <u>1[l]</u> | <u>determining whether sufficient storage is available on the second client device to meet storage demand after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained; and</u> |
| <u>20[e][vii]</u> | <u>if insufficient storage is available, narrow the range of content surrounding the bookmarked position that is identified as content to be retained.</u>                                                                                                     | <u>1[m]</u> | <u>if insufficient storage is available, narrowing the range of content surrounding the bookmarked position that is identified as content to be retained.</u>                                                                                                    |

185. Accordingly, for at least the reasons I discuss above, Weisman, Guo, and Aviani render claim 20 obvious as a whole.

**B. Claims 2-6 Would Have Been Obvious in View of Weisman, Guo, Aviani, and Loukopoulos.**

186. Claims 2-6 depend directly or indirectly from claim 1 and include limitations related to known steps for optimizing the server arrangement to achieve known benefits. As I discuss above, Weisman, Guo, and Aviani disclose or render obvious each limitation of claim 1. (Supra §VII.A.) Loukopoulos (See ¶¶39-119, above.) For at least the reasons

I discuss below, claims 2-6 would have been obvious in further view of  
Loukopoulos, which discloses or renders obvious the additional  
limitations of those claims ~~2-6. (EX-1002 ¶¶186-88.)~~.

187. Loukopoulos teaches that network congestion can lead to  
high latency for end-users.—(EX-1038, (Loukopoulos), 1.)—

Loukopoulos discloses that caching and replication were commonly used  
to address latency problems.—(Id.)—Caching stores “commonly  
accessed objects as close to the clients as possible, while ~~replication~~replica-  
tion distributes a site’s contents across multiple mirror servers.” (Id.) Both  
serve digital content. (Id.)

Loukopoulos explains that server selection was “extensively discussed in the  
relevant literature.” ~~(Id.,~~(EX-1038 (Loukopoulos), 2.) Loukopoulos teaches the  
response time experienced by a user depends on metrics including “server  
~~capabilities~~capabili- ties,” “server load,” “network path characteristics,” and “path  
load.” (Id.) Client-based algorithms reduce latency,

98-188. and avoid service interruptions, by managing and optimizing server selection. (*Id.*, 2-3.) Such algorithms automatically select a server by weighing performance ~~met-ries~~metrics and measurements. (*Id.*~~.~~).

**1. Claim 2**

189. Claim 2 depends from claim 1 and further recites that “the network accessible library includes one or more server devices at one or more network addresses, and wherein the one or more server devices are each capable of serving digital content.” Loukopoulos discloses the additional claim element of claim 2.

~~99.~~190. Loukopoulos discloses improving content delivery using cache or ~~mirror~~mir-  
ror servers capable of serving digital content. (EX-1038, (Loukopoulos), 1.) The servers have one or more network (IP) addresses. (*Id.*, 2; ~~EX-1002 ¶190.~~) Thus, Loukopoulos in combination with Weisman (*supra* §§VII.A.2, VII.B see ¶¶42-45, 120-123, above) discloses the network ~~access-  
ible~~ac-  
cessible library includes one or more server devices (e.g., cache or mirror servers) at one or more network addresses (e.g., IP addresses), and wherein the one or more server devices are each capable of serving digital content.

191. Thus, Loukopoulos discloses the additional claim element of claim 2.

~~100.~~192. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~combine~~com-  
bine the head-end system of Weisman with Loukopoulos's teachings regarding caches and mirror servers for several reasons. (~~EX-1002 ¶¶192-95.~~)

~~101.~~193. First, Weisman teaches "using regional cache servers or mirrors" to "optimize bandwidth demands." (EX-1035 (Weisman) ¶[0104].) Loukopoulos teaches techniques for selecting cache or mirror servers that alleviate latency ~~problems~~prob-  
lems. (EX-1038, (Loukopoulos), 2-3.) Thus a ~~POSITA~~person of ordinary skill would have been motivated to combine the teachings to reduce latency for Weisman's users. (~~EX-1002 ¶193.~~)

~~102.194.~~ Second, the combination represents the simple addition of one known element (Loukopoulos's latency reducing techniques) to another known element (Weisman's head-end) to obtain predictable results (reducing latency). ~~(EX-1002 ¶194); KSR, 550 U.S. at 417.~~ This ~~combination~~combi- nation uses Loukopoulos's known latency reducing techniques to improve ~~Weisman's head-end in the same way. (Id.)~~ The combination thus applies a known technique, with the predictable result of reducing latency. ~~(Id.) A POSITA would have reasonably expected success because Weisman al-~~

Weisman's head-end in the same way. ~~ready~~ The combination thus applies a known tech- nique, with the predictable result of reducing latency.

~~103.~~ 195. A person of ordinary skill would have reasonably expected success be- cause Weisman already discloses cache or mirror servers and Loukopoulos provides details about how those could be implemented efficiently.  
(~~EX-1002 ¶195.~~)

196. Accordingly, for at least the reasons I discuss above, Weisman, Guo, Aviani, and Loukopoulos render claim 2 obvious as a whole.

## 2. **Claim 3**

197. Claim 3 depends from claim 2 and further recites that “the first digital content is downloaded from at least one of the one or more server devices, and wherein the second digital content is downloaded from at least one of the one or more server devices.” Loukopoulos discloses or renders obvious the additional claim element of claim 3.

Loukopoulos discloses optimized server selection that minimizes ~~latency~~ la- tency. (EX-1038; ~~(Loukopoulos), 1-3.~~) As ~~discussed, a POSITA~~ discuss above, a person of ordinary skill in the art would have been motivated to implement Loukopoulos's optimization in Weisman's system. (~~Supra §VIII.A; EX-1002~~

~~104.~~ 198. ~~¶198~~ See ¶¶189-196, above.) Accordingly, it would have been ~~obvious~~ ob- vious to download the first digital content from at least one of the one or

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more server devices (e.g., selected cache or mirror server), and to download the

second digital ~~content from at least one of the one or more server devices (e.g., selected cache or mirror~~

~~server). (EX-1002 ¶¶ 197-99.)~~

content from at least one of the one or more server devices (e.g., selected cache or mirror server).

199. Thus, for at least the reasons I discuss above, Weisman, Guo, Aviani, and Loukopoulos render claim 3 obvious as a whole.

### **3. Claim 4**

Claim 4 depends from claim 3 and further recites “managing and optimizingopti- mizing network connections between the first client device and the one or more server devices and

~~105-200.~~ between the second client device and the one or more server ~~devices~~~~de- vices~~, without user interaction.” Weisman and Loukopoulos disclose or render ob- vious the additional claim element of claim 4.

~~106-201.~~ Weisman teaches “using regional cache servers or mirrors that are ~~provided~~pro- vided to better optimize bandwidth demands.” (EX-1035 (Weisman) ¶[0104].)

202. Loukopoulos teaches that client-based algorithms automatically ~~manage~~man- age and optimize such connections. (EX-1038, (Loukopoulos), 2-3 (discussing, e.g., an applet or DNS resolver, and algorithms used).) ~~Thus~~

~~107-203.~~ Accordingly, Weisman and Loukopoulos disclose or render obvious managing and optimizing network connections (e.g., ~~client-based redirection~~ algorithms~~algo- rithms~~) between the first client device (e.g., station) and the one or more server ~~devices~~de- vices (e.g., cache or mirror servers) and between the second client device (e.g., ~~station~~sta- tion) and the one or more server devices (e.g., cache or mirror servers), without user ~~interaction (e.g., algorithms).~~ ~~(EX-1002 ¶[200-05].)~~

interaction (e.g., algorithms). Thus, Weisman and Loukopoulos disclose  
or render obvious the additional claim element of claim 4.

108.204. \_\_\_\_\_ A

~~s discussed~~I discuss above, a ~~POSITA~~person of ordinary skill in the art would  
have been motivated to implement Loukopoulos’s optimization in

Weisman’s system. (Supra §VIII.A; EX-1002 \_\_\_\_\_) (See

¶204.)

¶¶189-196, above.)

205. Accordingly, for at least the reasons I discuss above,  
Weisman, Guo, Aviani, and Loukopoulos render claim 4 obvious as a  
whole.

#### 4. Claim 5

109.206. Claim 5 depends from claim 4 and further recites “the  
network ~~connections~~connec- tions are ~~man-aged~~managed and optimized to  
maintain uninterrupted rendering of the first digital content and the second  
digital content.” Loukopoulos renders obvious the additional claim  
element of claim 5.

207. Loukopoulos teaches managing and optimizing network connections to reduce perceived latency. (EX-1038, (Loukopoulos), 1.) Excessive bandwidth ~~demands~~de- mands or latency could result in interrupted rendering. (See, e.g., EX-1035 (Weis- man) ¶[0026] (insufficient bandwidth prevents transmission); ~~EX-1002 ¶[207.)).~~) Accordingly, it would have been obvious to manage and optimize the network connections (e.g., using ~~algo- rithms~~algorithms) to maintain uninterrupted rendering (e.g., avoiding latency) of the first ~~digi- tal~~digital content and the second digital content. ~~A POSITA~~A person of ordinary skill in the art would have been motivated to apply Loukopoulos's algorithms to Weisman's-

system by the desire to improve user experience, and with an expectation of success because such algorithms were routinely used. (~~EX-1002 ¶207.~~) A ~~POSITA~~person of ordinary skill would have been further motivated to implement Loukopoulos's optimization in Weisman's ~~system, and sys-~~tem for the reasons I discuss above. (See ¶¶189-196, above.) A person of ordinary skill would also have reasonably expected success ~~in doing so,~~ for the reasons ~~discussed~~I discuss above. (*Supra Id.*)  
~~§VIII.A; EX-1002 ¶207.)~~

208. Accordingly, for at least the reasons I discuss above, Weisman, Guo, Aviani, and Loukopoulos render claim 5 obvious as a whole.

### 5. Claim 6

~~110-209.~~209. Claim 6 depends from claim 2 and further recites that

[i] the network accessible library includes a plurality of server devices, further comprising:

[ii] collecting, by the second client device, performance metrics for each of the server devices in the network accessible library; and

[iii] selecting, by the second client device, one of the server devices in the network accessible library on the basis of the collected ~~performance met-~~performance metrics, wherein the second digital content is ~~downloaded~~down- loaded from the selected

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server device.

Weisman and Loukopoulos disclose or render obvious the additional claim elements  
of claim 6.

~~111-210.~~ As discussed I discuss above for claim 2, Weisman and Loukopoulos disclose the network accessible library (e.g., head-end) includes a plurality of server devices (e.g., cache or mirror servers). (*Supra* §VIII.A (See ¶¶189-196, above).)

~~112-211.~~ Loukopoulos discloses collecting, by the second client device (e.g., ~~client~~cli- ent based server selection), performance metrics (e.g., response time or other ~~distance~~dis- tance metric) for each of the server devices in the network accessible library (e.g., querying all available servers). (See EX-1038, (Loukopoulos), 2-3; ~~EX-1002 ¶211.~~)

~~113-212.~~ Loukopoulos further discloses selecting, by the second client device (e.g., ~~cli- ent~~client-based redirection), one of the server devices (e.g., mirror or cache server) in the network accessible library on the basis of the collected performance metrics, (e.g., algorithms to assign “closest” server) wherein the second digital content is ~~down- loaded~~downloaded from the selected server device (e.g., minimizing download delays by using the selected server). (EX-1038, (Loukopoulos), 1-3; ~~EX-1002 ¶212.~~) Indeed, it would have been obvious to use the selected server to download content to avoid “download delays.” (~~EX-1038, 1; EX-1002 ¶212.~~) ~~As discussed, a POSITA would have been motivated to implement Loukopoulos’s optimization, and would have reasonably expected success in doing so, in Weisman’s system. (Supra §VIII.A; EX-1002 ¶213 (Id., 1.)~~

**~~VI. — GROUND 1C: CLAIM 16 WOULD HAVE BEEN OBVIOUS IN VIEW  
OF WEISMAN, GUO, AVIANI, AND SULL.~~**

213. Thus, Weisman and Loukopoulos disclose or render obvious the additional claim elements of claim 6. As I discuss above, a person of ordinary skill would have been motivated to implement Loukopoulos’s optimization in Weisman’s system. (See ¶¶189-196, above.) A person of ordinary skill would also have reasonably expected success for the reasons I discuss above. (Id.)

214. Accordingly, for at least the reasons I discuss above, Weisman, Guo, Aviani, and Loukopoulos render claim 6 obvious as a whole.

**C. Claim 16 Would Have Been Obvious in View of Weisman, Guo, Aviani, and Sull.**

114.215. Claim 16 depends from claim 1 and further recites that “the second ~~digital~~dig- ital content is rendered starting from a start position” and “the start position ~~corresponds~~corre- sponds to the bookmarked position adjusted by an arbitrary value.” As I discuss above, Weisman, Guo, and Aviani disclose or render obvious each limitation of claim 1. (See ¶¶39-119, above.) Weisman and Sull disclose or render obvious the additional claim elements of claim 16.

115.216. As ~~discussed~~I discuss above, Weisman discloses the second digital content is rendered from a start position. (~~Supra~~ §VII.A.10) (See ¶¶76-78, above; see, e.g., EX-1035, (Weisman), claim 1.) Sull, like Weisman, teaches bookmarking multimedia files. (EX-1005, (Sull), Abstract.) Sull teaches that when playback is interrupted, e.g., when a user starts “a video at work” and then continues “watching the video at home,” it is ~~beneficial~~ben- efcial to restart playback “a certain time before the terminated point” because “~~rewinding~~re- winding could help refresh the user’s memory.” (*Id.* ¶¶[0013]-[0014].) In an ~~example~~exam- ple implementation, Sull rewinds “a fixed amount before the termination position.” (*Id.* ¶[0308].)

116.217. The combination renders obvious the second digital content is rendered ~~start- ing from a start position (e.g., supra §VII.A.10) and the start position corresponds to the bookmarked position (e.g., the previous stop position, supra §§VII.A.6–VII.A.7, VII.A.10) adjusted by an arbitrary~~

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value (e.g., rewinding by a fixed amount). (EX-1002 ¶¶215-17.)

starting from a start position (e.g., as I discuss above in ¶¶76-78) and the start

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position corresponds to the bookmarked position (e.g., the previous stop position, see ¶¶55-67, 76-78, above) adjusted by an arbitrary value (e.g., rewinding by a fixed amount).

A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~combine~~com- bine the bookmarking and ~~play-back~~playback approach of Weisman with Sull's teaching of rendering content from a start

~~117.218.~~ position that is a fixed amount before the termination position for several reasons. ~~(Id. ¶¶218-21.)~~

~~118.219.~~ First, Weisman teaches it is desirable for a user to easily identify and return to a bookmarked position. (EX-1035 (Weisman) ¶¶[0212], [0216]-[0217]; see also id. ¶[0138].) Sull teaches adjusting the start position from the bookmarked position beneficially ~~pre-v~~provides context and refreshes a user's memory. (EX-1005 (Sull) ¶[0014].) A ~~POSITA~~person of ordinary skill would have been motivated to implement Sull to gain the benefits disclosed by Weisman and Sull. ~~(EX-1002 ¶219.)~~

~~119.220.~~ Second, the combination represents the simple addition of one known element (Sull's adjusted restart position) to another known element (Weisman's bookmarked playback) to obtain predictable results (refreshing user's memory and providing ~~con-~~text). ~~(EX-1002 ¶220); KSR, 550 U.S. at 417.~~context). That combination improves a similar device and method in the same way. ~~(Id.)~~ — And the combination merely applies Sull's known approach to ~~Weisman's~~Weis- man's playback to obtain a predictable benefit. ~~(Id.) A POSITA would have reasonably expected success in the combination be-~~  
~~cause~~

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120.221. A person of ordinary skill would have reasonably expected success in the combination because Weisman already discloses bookmarking and restarting media content. ~~(EX 1002 ¶221.)~~ Sull provides details about how that could be accomplished efficiently. ~~(Id.)~~

222. ~~GROUND 2A: CLAIMS~~ Accordingly, for at least the reasons I discuss above, Weisman, Guo, Aviani, and Sull render claim 16 obvious as a whole.

**A.D. Claims 1-3, 7-15, ANDand 17-20 WOULD HAVE BEEN OBVIOUS IN VIEW OF WEISMAN AND OTTESEN**  
**Would Have Been Obvious in View of Weisman and Ottesen.**

121.223. ~~Ground 1A explains how~~ For at least the reasons I discuss below, Weisman and Ottesen render claims 1-3, 7-15, and 17-20 obvious. As I discuss above, Weisman discloses and/or renders obvious certain limitations of ~~these~~those claims. ~~Petitioner incorporates its~~(See ¶¶38-185, above.) I incor- porate that discussion of Weisman from Ground 1A here. ~~Petitioner discusses below the, and only discuss~~ limitations for which Ottesen is relevant in combination with Weisman.

~~Claims 1-3, 7-15, and 17-20 would have been obvious over Weisman in view of Ottesen for the reasons set out below and identified in Ground 1A. (EX-1002~~

~~¶223.)~~

## **1. Claim 1**

### **a. Element 1[j]: Identifying Content to Be Retained**

224. ~~Weisman~~Element 1[j] recites “identifying a range of content surrounding the bookmarked position in the second digital content as content to be retained.” Weis- man, alone or with Ottesen, discloses or renders obvious this ~~limitation. (Supra §VII.A.11.b.)~~claim element.

225. As I discuss above, Weisman discloses or renders obvious this limita-

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tion. (See ¶¶79-84, above.)

~~122.226.~~ Ottesen further teaches memory management approaches useful for streaming multimedia over a network. (*See generally* EX-1039; ~~EX-1002 ¶226.~~) (Ottesen.) Ottesen discloses that “a portion or all of a multimedia program” can be stored on a storage device, which allows “VCR-type control over the presentation of the entire ~~multimedia~~multi- media program.” (~~EX-1039~~, Id., 20:18-32.) Ottesen teaches that the amount of storage ~~capacity~~capac- ity on the device impacts the amount of the multimedia program stored on the device. (*Id.*, 20:33-36.)

123-227. Ottesen illustrates “a portion of a multimedia program defined within a virtual presentation control window 90,” for example “a thirty minute portion of a two-hour (120 minute) movie.” ([EX-1039 \(Ottesen\)](#), 20:36-45; Fig. 12.)

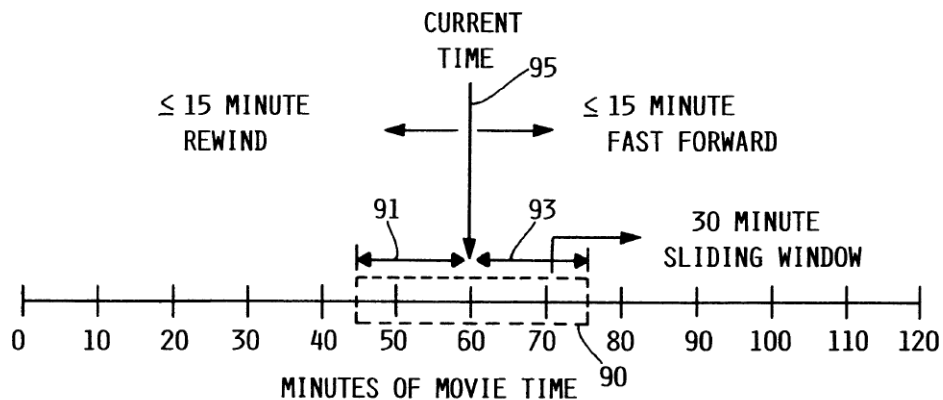


FIG. 12

(*Id.*, Fig. 12.) The size of the control window is determined by the storage available and the size of each video segment packet. (*Id.*, 21:9-18.) “Moving outside of the presentation control window will generally require re-transmission of previously transmitted compressed video segments 48.” (*Id.*, 21:23-25.)

124.228. Ottesen thus discloses a defined window of content surrounding the “current time” position in the program. Weisman discloses bookmarking the current position (~~*supra*~~ §VII.A.6 see ¶¶55-60, above) and Ottesen teaches that identifying content ~~surrounding~~ surround- ing such a bookmarked position as retained content beneficially allows the user to easily fast-forward or rewind within that window. (EX-1039 (Ottesen), 20:18-32, 20:45-51.) Thus, Weisman, alone or in combination with Ottesen, discloses or ren- ders obvious identifying a range of content (e.g., a window) surrounding the book- marked position (e.g., the current time) in the second digital content (e.g., a program) as content to be retained (e.g., saved or not removed).

~~forward or rewind within that window. (EX-1039, 20:18-32, 20:45-51.) Thus, Weisman, alone or~~  
~~A person of ordinary skill in combination with Ottesen, discloses or renders obvious~~  
~~identifying a range of content (e.g., a window) surrounding the bookmarked position (e.g., the~~  
~~current time) in the second digital content (e.g., a program) as content to be retained (e.g.,~~  
~~saved or not removed). (EX-1002 ¶¶224-28.)~~

125:229. ~~A POSITA~~art would have been motivated to ~~combinecom- bine~~  
Weisman's system, which includes the storage of content containing ~~bookmarks~~book-  
marks, with Ottesen's system for storing content on a local device for several ~~reasons.~~  
~~(Id. ¶¶229-33.)rea- sons.~~

230. First, Weisman's system discloses how to store multimedia content in  
memory (e.g., EX-1035 (Weisman) ¶¶[0277]-[0280]) and provides client control to  
rewind or fast-forward content (*id.* ¶[0283], Fig. 3). Ottesen similarly discloses how.

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to store multimedia objects in memory (EX-1039, (Weisman), 20:18-32) and ~~provides~~pro- vides “local VCR-type control” while also reducing the processing hardware and software needed to stream that media (*id.*, 3:7-17). ~~(EX-1002 ¶230.)~~ Thus, a ~~POSITA~~person of ordinary skill would have been motivated to implement Ottesen’s local storage to provide “local VCR-type control” to Weisman’s users. ~~(*Id.*)~~

Second, the combination represents the simple addition of one known element (Ottesen’s approach to storing content on a local device) to another known element (Weisman’s client station) to obtain predictable results (~~Weisman’s~~allowing Weis-  
man’s stations ~~providing to provide local~~ VCR-type ~~con-trol~~). ~~(*Id.* ¶231); KSR, 550~~  
~~U.S. at 417.~~

control). Third, the combination ~~represents~~repre- sents the use of a known technique (Ottesen's method of managing memory ~~management~~ for ~~multimedia~~mul- timedia content) to improve a similar device and method (Weisman's client memory for storing multimedia content) in the same way. ~~(Id.)~~

~~126.231.~~ Fourth, the combination applies a known technique (Ottesen's method of managing memory ~~man- agement~~ for multimedia content) to a known device and method (Weisman's memory for storing multimedia content) that is ready for improvement and yields predictable results (allowing efficient memory usage and VCR-type control). ~~(Id.)~~

~~127.232.~~ A ~~POSITA~~person of ordinary skill would have reasonably expected success ~~because~~be- cause Weisman ~~at- ready~~already discloses storing multimedia content in segments in a buffer, with only some content marked for retention. ~~(EX-1002 ¶232.)~~  
Ottesen describes how that could be accomplished efficiently. ~~(Id.)~~

233. Thus, Weisman, alone or with Ottesen, discloses or renders obvious claim element 1[j].

**a. Element 1[k]: Releasing Storage**

234. Weisman Element 1[k] recites “releasing storage resources allocated to all content of the second digital content that is not identified as content to be retained on the second client device.” Weisman, alone or with Ottesen, discloses or renders obvious this limitation. (Supra §VII.A.11.c.) claim element.

235. As I discuss above, Weisman discloses or renders obvious this limitation. (See ¶¶94-97, above.)

128-236. Ottesen discloses downloading and retaining video content. (EX-1039, (Ottesen), 20:18-32.) Thus, Ottesen determines that it will store on disk (identify to be retained) the entire digital file (second digital content) and would release no storage resources. (Id.; EX-1002 ¶236.)

Ottesen also discloses downloading and retaining a specific window of content (the “presentation control window”). (EX-1039, (Ottesen), 20:7-45.) This window can

be stored in multiple segments in different locations within the memory. (*Id.*, 30:15-

~~129-237.~~ 19 (control window “can be viewed as comprising a total of twenty ~~storage~~stor- ~~age~~ locations”).) During playback, these video segments “will be replaced by newly received video segments.” (*Id.*, 33:31-35; see also *id.*, 33:40-60.) Each time ~~Ottesen’s~~Ot- ~~tesen’s~~tesen’s system replaces a previously stored segment with new content, it releases ~~storage resources for the portions of the previously stored content (the replaced segment) not identified as content to be retained.~~ (EX-1002 ¶237.)

Thus

storage resources for the portions of the previously stored content (the replaced segment) not identified as content to be retained.

~~130.238.~~ Accordingly, Weisman, alone or in combination with Ottesen, discloses or renders obvious releasing storage resources (e.g., replacing stored segments ~~outside~~out- side the window with new content) allocated to all content of the second digital ~~content~~con- tent (e.g., program) that is not identified as content to be retained (e.g., is outside the window) on the second client device. ~~(Id. ¶¶234–38.)~~ Thus, Weisman, alone or with Ottesen, dis- closes or renders obvious claim element 1[k].

**a. Element 1[l]: Determining Available Storage**

239. Element 1[l] recites “determining whether sufficient storage is available on the second client device to meet storage demand after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained.” Weisman, alone or with Ottesen, discloses or renders obvious this claim element.

~~131.240.~~ Ottesen teaches determining whether sufficient storage exists on the ~~client~~cli- ent device to meet storage demand. ~~(EX-1002 ¶240.)~~ Ottesen teaches that, after selecting a program for download, the client (a “set-top controller”) “performs various internal ~~computations~~compu- tations to determine the ... storage capacity needed to support the customer–specified presentation control window 90.” (EX-1039, (Ottesen), 40:41-46, Fig. 21.) The ~~system~~sys- tem compares the size of the

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control window ~~size~~ to the available storage capacity. (*Id.*, ~~40:59–62~~)

40:59-62.) If there is insufficient storage space, the user is prompted to reduce the size of the window-~~size~~. (*Id.*, 40:62-41:9.)

132.241. Thus, ~~in view of~~ as taught by Weisman and Ottesen, it would have been obvious to determine whether sufficient storage was available on the client device to meet storage demands when downloading new content. (~~EX-1002 ¶¶239-41.~~) A ~~POSITA~~ A person of ordinary skill in the art would have been motivated to do so for several reasons. (~~Id.~~ ¶¶241-44.)

First, Weisman teaches that it is typical to check available memory at a terminal to ensure there is sufficient space ~~exists~~ before sending on-demand content. (EX-1035

133.242. (Weisman) ¶[0011].) Ottesen provides a method for implementing such a memory check. (~~EX-1002 ¶242.~~) Second, the combination represents the simple addition of one known element (Ottesen's memory check) to another known element (Weisman's client station) to obtain ~~pre-dictable~~ predictable results (identifying available storage). (~~Id.~~; ~~KSR, 550 U.S. at 417.~~) Third, the combination represents the use of a known technique (Ottesen's memory check) to improve a similar device and method (Weisman's storage) in the same way. (*Id.*) Fourth, the combination applies a known technique (Ottesen's memory check) to a known device and method (Weisman's storage) that is ready for improvement and yields predictable results (identifying available storage). (~~Id.~~)

134.243. A ~~POSITA~~ person of ordinary skill would have reasonably expected

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success ~~because~~be- cause memory ~~man—agement~~management techniques were well-

known. ~~(EX 1002 ¶243.)~~ Furthermore, Weisman

teaches that checking for sufficient memory space is typical and Ottesen provides a method for doing so. ~~(Id.)~~

~~135-244.~~ ~~Thus~~ Accordingly, Weisman, alone or in combination with Ottesen, discloses or renders obvious determining whether sufficient storage is available (e.g., ~~determined~~ deter- mine storage capacity) on the second client device to meet storage demand (e.g., the window size) after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained (~~supra §X.A.2.~~ ~~(EX 1002~~ see ¶¶234-238, above). Thus, Weisman, alone or with Ottesen, discloses or renders obvious claim element 1[1].  
~~¶¶239-44.)~~

**a. Element 1[m]: Narrowing Content ~~To~~ Be Retained**

245. Element 1[m] recites “if insufficient storage is available, narrowing the range of content surrounding the bookmarked position that is identified as content to be retained.” Weisman, alone or with Ottesen, discloses or renders obvious this ~~limitation.~~ (~~Supra §VII.A.11.e.)~~ claim element.

246. As I discuss above, Weisman discloses or renders obvious this limita-  
tion. (See ¶¶113-119, above.)

247. Ottesen teaches determining whether sufficient free disk space exists to  
store a new object. (~~Supra §X.A.3~~ See ¶¶239-244, above.) Ottesen also teaches erasing  
“the ~~contents~~ con- tents of a presentation control window” for a previously viewed

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program. (EX-1039, (Ottesen), 46:6-9.) Ottesen explains that “the storage locations

defining a

presentation control window 90 buffer will contain program segment data of the previously viewed program.” (*Id.*, 46:13–16.) Ottesen teaches that memory must be freed to make room for new programs. (*Id.*, 46:6-16.) Ottesen teaches “a selective erasure procedure” that erases segments of prior content until the buffer is filled with the new program’s segments. (*Id.*, 46:21-44.)

~~136-248.~~ A person of ordinary skill in the art would have understood that ~~Ottesen's~~ Ot-tesen's teaching of removing or overwriting segments from the presentation control window associated with ~~previously~~ previously stored content (e.g., the second content ~~downloaded~~ down-loaded to the second client) results in narrowing the content surrounding the ~~bookmarked~~ book-marked position. ~~(EX-1002 ¶248.)~~

~~137-249.~~ Moreover, ~~it~~ a person of ordinary skill would have ~~been~~ found it obvious to narrow the range of content surrounding the bookmarked position that is identified as content to be retained to free additional space by narrowing the range of ~~previously~~ previously downloaded content that is stored on the client. ~~(Id. ¶249.)~~ The bookmarked position indicates a location of interest, and it would have been a routine step to prioritize keeping that location of interest while narrowing the content surrounding the ~~bookmarked~~ book-marked position. ~~(Id.)~~

250. ~~Thus~~ Accordingly, Weisman, alone or in combination with Ottesen, discloses or renders obvious, if insufficient storage is available (~~supra~~ §X.A.3), ~~narrowing~~ see ¶¶239-244, above, narrowing (e.g., selective erasure) the range of content (e.g., program segment data)-

surrounding the bookmarked position that is identified as content to be retained. ~~(EX-1002 ¶¶245–51.)~~ Thus, Weisman, alone or with Ottesen, discloses or renders obvious claim element 1[m].

**A. — Claim 8**

251. ~~Weisman discloses or renders obvious this limitation. (*Supra* §VII.E.)~~  
Accordingly, for at least the reasons I discuss above, Weisman and Ottesen render claim 1 obvious as a whole.

**2. Claim 8**

252. Claim 8 depends from claim 1 and further recites that “the first media stream and the second media stream each include a plurality of digital media segments.” Weisman, alone or with Ottesen, discloses or renders obvious the additional claim element of claim 8.

253. As I discuss above, Weisman discloses or renders obvious this limitation. (*See* ¶¶130-133, above.)

Ottesen discloses that a multimedia server stores “sequentially ordered discrete ~~program~~ program segments.” (EX-1039, (Ottesen), 3:25-30, Abstract.) Ottesen’s media streams each ~~in-clude~~ include a plurality of digital media segments. (*Id.*, 21:9-50.) Ottesen teaches that

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~~138-254.~~ transmitting programs using segments improves efficiency. (*Id.*,  
39:41-52 (“~~effi- cientl~~efficiently transmitted...in a format specifically tailored to the  
~~system~~sys- tem configuration”); ~~EX 1002 ¶(254.)~~”).)

255. Thus, Weisman, alone or in combination with Ottesen, discloses or ~~renders~~ren- ders obvious the first media stream and the second media stream each include a ~~plurality~~plu- rality of digital media segments (e.g., discrete program segments). ~~(EX-1002 ¶¶252-55.) A POSITA~~

~~139.~~256. A person of ordinary skill in the art would have been motivated to apply Ottesen to Weisman with a reasonable expectation of success because Weisman ~~already~~al- ready discloses segments or chunks corresponding to hard drive segments (EX-1035 (Weisman) ¶[0278]), and Ottesen teaches an implementation for that approach. ~~(EX-1002 ¶¶256-58.)~~

257. Thus, Weisman, alone or with Ottesen, discloses or renders obvious the additional claim element of claim 8.

258. Accordingly, for at least the reasons I discuss above, Weisman and Ottesen render claim 8 obvious as a whole.

### 3. Claim 9

259. Claim 9 depends from claim 8 and further recites that “the digital media segments are directly addressable.” Weisman, alone or with Ottesen, discloses or renders obvious the additional claim element of claim 9.

260. As I discuss above, Weisman discloses or renders obvious this ~~limitation.~~  
~~(Supra §VII.F.) Ottesen limita- tion. (See ¶¶134-138, above.)~~

261. Ottesen further teaches that individual segments are directly

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addressable-addressable. (See, e.g., EX-1039, (Ottesen), 9:60-10:9 (each digital video

segment is encoded-

with a unique segment address), 41:38-46 (unique addresses encoded into each ~~segment~~); ~~EX-1002 ¶¶261~~.)segment.)

140.262. Thus, Weisman discloses, or Weisman in combination with Ottesen discloses or renders obvious the digital media segments (e.g., program segment) are directly addressable (e.g., have a unique segment address). (~~EX-1002 ¶¶259-64~~.) A POSITA A person of ordinary skill in the art would have been motivated to combine the teachings of these references for the reasons ~~discussed~~ I discuss above for claims 1 and 8. (~~Id.~~ ¶262 (See ¶¶229-232, 241-243, 256, above.))

263. Thus, Weisman, alone or with Ottesen, discloses or renders obvious the additional claim element of claim 9.

264. Accordingly, for at least the reasons I discuss above, Weisman and Ottesen render claim 9 obvious as a whole.

**4. Claim 10**

265. Claim 10 depends from claim 8 and further recites that “the digital media segments have sizes that are dependent on a network throughput rate, a media stream size, natural language gaps, a target segment size, a target segment size range, or a combination thereof.” Weisman, alone or with Ottesen, discloses or renders obvious the additional claim element of claim 10.

266. As I discuss above, Weisman discloses or renders obvious this ~~limitation.~~ (~~Supra §VII.G.)~~ limita- tion. (See ¶¶139-143, above.)

141.267. Ottesen further teaches that the digital media segments have sizes that are dependent on a target segment size. (EX-1039, (Ottesen), 35:7-23 (parameters include “S0,” the “[s]ize of each video segment in megabytes”), 38:54-58 (segments with “an average size of 0.167 MB”), 39:41-52 (varying size of segments).)  
0.167 MB”), 39:41-52 (varying size of segments); EX-1002 ¶267.)

142.268. Thus, Weisman, alone or in combination with Ottesen, discloses or ~~renders~~ren- ders obvious that the digital media segments have sizes that are dependent on a target segment size or a target segment size range (e.g., a size S0 or an average size of 0.167 MB). (~~EX-1002 ¶¶265-70.~~) A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~combine~~com- bine the teachings of these references for the reasons ~~discussed~~I discuss above for claims 1 and 8. (~~EX-1002 ¶268~~(See ¶¶229-232, 241-243, 256, above.))

269. Thus, Weisman, alone or with Ottesen, discloses or renders obvious the additional claim element of claim 10.

270. Accordingly, for at least the reasons I discuss above, Weisman and Ottesen render claim 10 obvious as a whole.

## 5. Claim 14

271. Claim 14 depends from claim 1 and further recites the steps of:

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identifying a range of content surrounding the current position in the first dig-

ital content as content to be retained;

releasing storage resources allocated to all content of the first digital content

that is not identified as content to be retained on the first client device;

determining whether sufficient storage is available on the first client device to meet storage demand after releasing the storage resources allocated to the content of the first digital content that is not identified as content to be retained; and  
if insufficient storage is available, narrowing the range of content surrounding the current position that is identified as content to be retained.

These steps correspond to the identifying, releasing, determining, and narrowing steps in claim elements 1[j]-1[m], but for the current position in the first digital content on the first client device. Weisman, alone or with Aviani and/or Guo, discloses or renders obvious the additional claim elements of claim 14.

143-272. Weisman and Ottesen do not limit their memory management ~~approaches~~ap- proaches to any particular client. ~~(EX-1002 ¶272.)~~  
Accordingly, a ~~POSITA~~person of ordinary skill in the art would have ~~under-~~stoodunderstood that this approach could be used on either the first or second clients. ~~(Id.)~~ ~~A POSITA~~A person of ordinary skill would have been motivated to apply a similar approach to the first client to optimize memory and performance for the same ~~reasons discussed~~rea- sons I discuss above. ~~(Supra)~~(See ¶¶224-251, above.)

~~§X.A.) Accordingly, Weisman and Ottesen disclose or render obvious claim 14 for~~

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~~the same reasons discussed above for claim 1. (EX-1002 ¶¶271-74.)~~

**B. — Claim 18**

273. Weisman Thus, Weisman, alone or with Ottesen, discloses or renders obvious ~~this limitation. (Supra §VII.N)~~ the additional claim elements of claim 14, for the same reasons I discuss above regarding claim 1.

274. Accordingly, for at least the reasons I discuss above, Weisman and Ottesen render claim 14 obvious as a whole.

**6. Claim 18**

275. Claim 18 depends from claim 17 and further recites the steps of:

identifying a range of content surrounding the bookmarked position in the first

digital content as content to be retained;

identifying a range of content surrounding the current position in the first dig-

ital content as content to be retained;

identifying a range of content surrounding the bookmarked position in the

third digital content as content to be retained; and

releasing storage resources allocated to all content of the first digital content

and the third digital content that is not identified as content to be re-

tained on the first client device.

These steps correspond to the identifying step of element 1[j], but applied to the

bookmarked position in the first and third content and the current position in the first

content, and the releasing step of element 1[k] applied to the first and third content.

Weisman, alone or with Ottesen, discloses or renders obvious the additional claim

elements of claim 18.

276. As I discuss above, Weisman discloses or renders obvious these limita-  
tions. (See ¶¶173-178, above.) Weisman in view of Ottesen further renders obvious

the three identifying steps and the releasing step in claim 18 for the same reasons as discussed I discuss above for claim 1's second content. (~~EX-1002 ¶¶275-78; *supra* §X.A(See ¶¶224-251, above.)~~)

277. Thus, Weisman, alone or with Ottesen, discloses or renders obvious the additional claim elements of claim 18.

278. Accordingly, for at least the reasons I discuss above, Weisman and Ottesen render claim 18 obvious as a whole.

## 7. Claim 20

~~Claim 20 is a system claim that mirrors claim 1. Thus, Weisman and Ottesen together render obvious claim 20 for the same reasons as for claim 1. (EX-1002 ¶¶279-81.)~~

## ~~VII. GROUND 2B: CLAIMS 2-6 WOULD HAVE BEEN OBVIOUS IN VIEW OF WEISMAN, OTTESEN, AND LOUKOPOULOS.~~

~~Weisman, Ottesen, and Loukopoulos together render these claims obvious for the reasons discussed in Grounds 1B and 2A. (*Supra* §§VIII, X; EX-1002 ¶282.)~~

## ~~VIII. GROUND 2C: CLAIM 16 WOULD HAVE BEEN OBVIOUS IN VIEW OF WEISMAN, OTTESEN, AND SULL.~~

279. Independent claim 20 recites substantially the same limitations as claim 1, but recites a system rather than a method. The system comprises “a first client device; a second client device; and a network accessible library accessible by the first and second client devices via a network.” As I discuss above, Weisman dis-

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closes and renders obvious such a system. (See ¶¶42-45 (first client device), 42-45,  
61-67 (second client device), 42-45 (network accessible library), above.)

280. The functional steps recited in the remainder of claim 20 mirror the  
method steps recited in claim 1. (See ¶184, above.) As I discuss above for claim 1,  
Weisman and Ottesen together render obvious all the steps recited in claim 20. (See  
¶¶39-119, 223-251, above.)

281. Accordingly, for at least the reasons I discuss above, Weisman and Ot-  
tesen render claim 20 obvious as a whole.

**E. Claims 2-6 Would Have Been Obvious in View of Weisman, Ottesen, and Loukopoulos.**

282. As I discuss above, Weisman and Ottesen disclose or render obvious each limitation of claim 1. (See ¶¶223-251, above.) I also discuss above how Loukopoulos, alone or with Weisman, discloses and/or renders obvious each additional limitation of claims 2-6. (See ¶¶186-214, above.) I further discuss above how a person of ordinary skill in the art would have been motivated to combine Weisman with Loukopoulos, with a reasonable expectation of success. (See ¶¶186-196, above.) For at least those reasons I discuss above, Weisman, Ottesen, and Loukopoulos together render claims 2-6 obvious.

**B.F. Claim 16 Would Have Been Obvious in View of Weisman, Ottesen, and Sull together render claim 16 obvious for the reasons discussed in Grounds 1C and 2A. (Supra §§IX-X; EX-1002 ¶283.)**

283. As I discuss above, Weisman and Ottesen disclose or render obvious each limitation of claim 1. (See ¶¶223-251, above.) I also discuss above how Sull, together with Weisman, discloses and/or renders obvious the additional limitation of claim 16. (See ¶¶215-222, above.) I further discuss above how a person of ordinary skill in the art would have been motivated to combine Weisman with Sull, with a reasonable expectation of success. (See ¶¶218-221, above.) For at least those reasons I discuss above, Weisman, Ottesen, and Sull together render claim 16 obvious.

**IV.VII. SECONDARY CONSIDERATIONS OF NONOBVIOUSNESS**

~~Where, as here, a strong prima facie obviousness showing exists, I am not aware of any secondary considerations may not dislodge the obviousness conclusion. *Leapfrog Enters., Inc.*~~

~~v. Fisher-Price, Inc.~~, 485 F.3d 1157, 1162 (Fed. Cir. 2007). ~~Petitioners are aware of~~  
~~proof of nonobviousness. If Patent Owner identifies any alleged evidence supporting a~~  
~~claim for~~of secondary considerations.

**~~IX. DISCRETIONARY DENIAL UNDER §314(A) IS NOT~~**  
**~~APPROPRIATE.~~**

~~Efficiency, fairness, and the merits support institution. *Apple v. Fintiv*,~~  
~~IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020) (“*Fintiv*”).~~

**~~A. Factor 1: Potential Stay~~**

~~On March 20, 2024, PO sued Petitioners for infringement of the ’922 patent~~  
~~in the Eastern District of Virginia (“EDVA”) in *Audio Pod IP, LLC v. Amazon.com,*~~  
~~*Inc.*, 2:24-cv-00185 (E.D. Va.) (“*Audio Pod I*”). On May 30, 2024 PO again sued~~  
~~Petitioners (except Audible, Inc.) for infringement of the ’922 patent in *Audio Pod*~~  
~~*IP, LLC v. Amazon.com, Inc.*, 3:24-cv-00407 (E.D. Va.) (“*Audio Pod III*”), which~~  
~~was joined with a related case, *Audio Pod IP, LLC v. Amazon.com, Inc.*, 3:24-cv-~~  
~~00406 (E.D. Va.) (“*Audio Pod II*”) (collectively, “the Litigations”). Petitioners will~~  
~~move to stay the Litigations pending resolution of this and related IPRs challenging~~  
~~the patents asserted in the Litigations. The EDVA routinely grants motions to stay~~  
~~cases pending IPR proceedings, including pre-institution, when asserted patents are~~  
~~challenged. See, e.g., *Sec. First Innovations, LLC v. Google LLC*, No. 2:23-cv-~~  
~~00097, 2024 WL 234720 (E.D. Va. Jan. 22, 2024); *Sharpe Innovations, Inc. v. T-*~~  
~~*Mobile USA, Inc.*, No. 2:17-cv-00351, 2018 WL 11198604 (E.D. Va. Jan. 10, 2018).~~

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~~On March 14, 2025, Petitioner Audible, Inc. (“Audible”) filed a declaratory judgment action, seeking a declaration that Audible does not infringe the ’922 patent, against PO in *Audible, Inc. v. Audio Pod IP, LLC*, 1:25-cv-02158 (S.D.N.Y.) (the “Audible DJ Action”). That action seeks a declaration of noninfringement only; the validity of the ’922 patent is currently not at issue. However, Audible expects validity to become an issue in that case and, once it does, Audible expects to move to stay the Audible DJ Action in view of this IPR.~~

~~Thus, this factor weighs against denial.~~

**B. — Factor 2: Proximity of Trial to FWD**

~~The EDVA has not set trial dates in the Litigations. The median time to trial in for civil cases in the EDVA for 2024 was 14.6 months<sup>2</sup>, but it is clear a longer schedule will be needed here. (*See infra* §XIV.C.) The Audible DJ Action was filed recently, has no trial date, validity is not currently at issue, and SDNY’s time to trial of 39.3 months is much longer than this proceeding. Thus, this factor weighs against denial. *Amazon.com, Inc. v. Nokia Technologies OY*, IPR2024-01140, Paper 9 at 9 (P.T.A.B. Feb. 12, 2025) (this factor weighs against denial when there is no trial date); *Aptiv Services US, LLC v. Microchip Technology, Inc.*, IPR2024-00646, Paper~~

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<sup>2</sup>~~See U.S. District Courts Combined Civil and Criminal Federal Court Management Statistics (December 31, 2024), available at [https://www.uscourts.gov/sites/default/files/2025-02/fcms\\_na\\_distpro-file1231.2024.pdf](https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distpro-file1231.2024.pdf).~~

11 at 32 (P.T.A.B. Sept. 25, 2024) (same); *see Ericsson Inc. v. XR Communications LLC*, IPR2024-00613, Paper 9 at 34 n.12 (P.T.A.B. Oct. 9, 2024) (“median time to trial information” not useful where circumstances “do[] not reflect the normal course of a litigation”).

**C. —Factor 3: Investment in Parallel Proceeding**

PO filed its complaint in *Audio Pod I* on March 20, 2024 and in *Audio Pod III* on May 30, 2024. Petitioners filed a motion to dismiss or transfer *Audio Pod I* on May 31, 2024, and no hearing date has been set for that motion. Otherwise, the parties have invested very little in *Audio Pod I*.

Fact discovery in *Audio Pod II* remains in its infancy, with only one deposition taken. The parties have not exchanged proposed claim constructions or submitted claim construction briefs. No expert reports have been served. No case schedule has been set in *Audio Pod I*, and in *Audio Pod II*, the court’s scheduling order does not extend beyond the *Markman* hearing on October 8, 2025. Thus, even if the Court denied Petitioners’ pre-institution motionthe fu- ture, I reserve the right to stay and the parties proceeded with claim construction over the coming months, much work will still remain, including expert reports, expert discovery, dispositive motions, pretrial motions, and trial.

Because the remaining investment in the Litigations and Audible DJ Action significantly outweighs any investment made thus far, this factor weighs against denial. *Samsung Electronics Co. v. Empire Technology Development LLC*,

~~IPR2024-00896, Paper 15 at 13 (P.T.A.B. Dec. 13, 2024) (factor weighs against denial where *Markman* hearing and close of fact and expert discovery were after institution deadline); *Ericsson*, IPR2024-00613, Paper 9 at 34-35 (factor weighs against denial where “most efforts from the parties and court will take place after institution”); *Amazon.com*, IPR2024-01140, Paper 9 at 9-10.~~

**~~D. — Factor 4: Overlapping Issues~~**

~~144.284. If this IPR is instituted and the Litigations and/or Audible DJ Action are stayed, Amazon could not pursue in the Litigations any invalidity ground raised or that could have been reasonably raised in this IPR. *Cal. Inst. of Tech. v. Broadcom Ltd.*, 25 F.4th 976 (Fed. Cir. 2022). If this IPR is instituted and the Litigations and/or Audible DJ Action are not stayed, Petitioners hereby stipulate not respond to pursue in those proceedings any ground of invalidity, against any claim challenged herein, that was raised or reasonably could have been raised in this Petition. Thus, this factor weighs heavily against discretionary denial. *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020). that information.~~

**~~E. — Factor 5: The Parties~~**

~~The parties are the same, but it is unlikely that the Litigations or Audible DJ Action will go to trial before a final written decision is entered in this IPR. Thus, this factor is neutral. See *Google LLC v. Jawbone Innovations, LLC*, IPR2022-00630, Paper 10 at 14 (P.T.A.B. Sept. 13, 2022).~~

**F. — Factor 6: Other Circumstances**

~~The merits of this Petition are compelling, as demonstrated above, which fa—vors institution. *Fintiv*, IPR2020-00019, Paper 11 at 18. Further, denying institution would negate Congress’s intent in providing a 1-year period to file petitions and would encourage forum shopping as patent owners look to shield their patents from PTAB scrutiny by seeking judges with aggressive case schedules.~~

~~Thus, the Board should not decline institution under §314(a).~~

**X. — DISCRETIONARY DENIAL UNDER §325(D) IS NOT APPROPRIATE.**

~~The Office has not considered Weisman, Guo, Aviani, Ottesen, or Loukopou—los. Nor has the Office considered “substantially the same prior art or arguments.” 35 U.S.C. §325(d). During prosecution, the Office considered Sull, but the Petition cites Sull for only one dependent claim alongside references the Office did not con—sider. This is sufficient to avoid denial. *Shenzen Chic Elecs. v. Pilot, Inc.*, IPR2023-00810, Paper 12 at 21 n.11 (P.T.A.B. Nov. 8, 2023) (denial inappropriate where challenges based on new art/arguments “address all challenged claims”). The refer—ences here clearly disclose each claim element the Examiner thought was missing from the prior art. (*Supra* §III.C.) Accordingly, they are not—and could not be—cumulative of previously considered references, absent material error by the Exam—iner. See *Quasar Sci. LLC v. Colt Int’l Clothing, Inc.*, IPR2023-00611, Paper 10 at~~

~~14 (P.T.A.B. Oct. 10, 2023). Thus, the Board should not deny institution under §325(d).~~

## **V.VIII. CONCLUSION**

~~Amazon requests that the Board institute trial and cancel all challenged claims.~~

## **XI. MANDATORY NOTICES, GROUNDS FOR STANDING, AND FEE PAYMENT**

~~Pursuant to 37 C.F.R. §42.8(a)(1), the mandatory notices identified in 37 C.F.R. §42.8(b) are provided below as part of this Petition.~~

### **A. Real Party In Interest (37 C.F.R. §42.8(b)(1))**

~~Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Audible, Inc. are the real parties in interest.~~

### **B. Related Matters (37 C.F.R. §42.8(b)(2))**

~~PO asserted the '922 patent against Petitioners in patent infringement lawsuits captioned *Audio Pod IP, LLC v. Amazon.com, Inc. et al.*, No. 2:24-cv-00185 (E.D. Va., filed March 20, 2024) and *Audio Pod IP, LLC v. Amazon.com, Inc. et al.*, No. 3:24-cv-00407 (E.D. Va., filed May 30, 2024)<sup>3</sup>. Audible also filed a complaint for declaratory judgment of noninfringement of the '922 patent, captioned *Audible, Inc. v. Audio Pod IP, LLC*, No. 1:25-cv-02158 (S.D.N.Y., filed March 14, 2025).~~

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<sup>3</sup>~~*Audio Pod IP, LLC v. Amazon.com, Inc. et al.*, No. 1:24-cv-00444 (E.D. Va., filed March 20, 2024) was consolidated with this case.~~

**~~C. — Lead and Backup Counsel (37 C.F.R. §42.8(b)(3))~~**

~~Petitioners provide the following designation of counsel, all of whom are included in Customer No. 20,995 identified in Petitioners' Power of Attorney.~~

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| <b>Lead Counsel</b>                                                                                                                                                                                                                                              | <b>Back-up Counsel</b>                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <del>Colin B. Heideman (Reg. No. 61,513)</del><br><del>2cbh@knobbe.com</del><br><del>BoxSEAZNL2185LP3@knobbe.com</del>                                                                                                                                           | <del>Joseph R. Re (Reg. No. 31,291)</del><br><del>2jrr@knobbe.com</del>                                                                                                                                                                                                    |
| <del><u>Postal and Hand-Delivery Address:-</u></del><br><del>Knobbe, Martens, Olson, &amp; Bear, LLP</del><br><del>925 4th Ave., Ste. 2500</del><br><del>Seattle, WA 98104</del><br><del>Telephone: (206) 405-2000</del><br><del>Facsimile: (206) 405-2001</del> | <del><u>Postal and Hand-Delivery Address:-</u></del><br><del>Knobbe, Martens, Olson, &amp; Bear, LLP</del><br><del>2040 Main Street, 14th Floor</del><br><del>Irvine, CA 92614</del><br><del>Telephone: (949) 760-0404</del><br><del>Facsimile: (949) 760-9502</del>       |
|                                                                                                                                                                                                                                                                  | <del>Christie R.W. Matthaei</del><br><del>(Reg. No. 62,933)</del><br><del>2crw@knobbe.com</del><br><del>Nathan D. Reeves (Reg. No. 77,806)</del><br><del>2ndr@knobbe.com</del>                                                                                             |
|                                                                                                                                                                                                                                                                  | <del><u>Postal and Hand-Delivery Address:-</u></del><br><del>Knobbe, Martens, Olson &amp; Bear, LLP</del><br><del>925 4th Ave., Ste. 2500</del><br><del>Seattle, WA 98104</del><br><del>Telephone: (206) 405-2000</del><br><del>Facsimile: (206) 405-2001</del>            |
|                                                                                                                                                                                                                                                                  | <del>Daniel Hughes (Reg. No. 76,592)</del><br><del>2dph@knobbe.com</del>                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                  | <del><u>Postal and Hand-Delivery Address:-</u></del><br><del>Knobbe, Martens, Olson &amp; Bear, LLP</del><br><del>3579 Valley Centre Dr., Ste. 300</del><br><del>San Diego, CA 92130</del><br><del>Telephone: (858) 707-4000</del><br><del>Facsimile: (858) 707-4001</del> |

**~~D. — Service Information (37 C.F.R. §42.8(b)(4))~~**

~~Please direct all correspondence to lead counsel and back-up counsel at the addresses shown above. Petitioners also consent to electronic service by email to BoxSEAZNL2185LP3@knobbe.com.~~

**~~E. — Grounds for Standing (37 C.F.R. §42.104(a))~~**

~~Petitioners certify the '922 patent is available for IPR and that Petitioners are not barred or estopped from requesting IPR on the identified grounds. This petition is being filed within one year of service of the original complaint against Petitioners in the district court litigation.~~

**~~F. — Payment of Fees (37 C.F.R. §42.15(a))~~**

~~The Office may charge the §42.15(a) fee to Deposit Account No. 11-1410. Review of twenty claims is requested. Payment for any additional fees due may be charged to the above-referenced Deposit Account.~~

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Respectfully submitted,

~~KNOBBE MARTENS OLSON & BEAR, LLP~~

~~Dated: March 21, 2025~~

~~/Colin B. Heideman/~~

~~Colin B. Heideman (Reg. No. 61,513)~~

~~Joseph R. Re (Reg. No. 31,291)~~

~~Christie R.W. Matthaei (Reg. No. 62,933)~~

~~Nathan D. Reeves (Reg. No. 77,806)~~

~~Daniel Hughes (Reg. No. 76,592)~~

~~Counsel for Petitioners Amazon.com, Inc.,~~

~~Amazon.com Services LLC,~~

~~Amazon Web Services, Inc., and~~

~~Audible, Inc.~~

**APPENDIX**

| <b>Listing of Claims from U.S. 9,954,922</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Claim 1</b>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1[pre]                                       | A method of rendering digital content across multiple client devices comprising:                                                                                                                                                                                                                                                                                                                                                  |
| 1[a]                                         | <del>downloading first digital content corresponding to a media work from a network accessible library to a first client device via a network, the first digital content including at least a first portion of a first media stream;</del>                                                                                                                                                                                        |
| 1[b]                                         | <del>storing the first digital content on the first client device;</del>                                                                                                                                                                                                                                                                                                                                                          |
| 1[c]                                         | <del>rendering at least a portion of the first digital content on the client device;</del>                                                                                                                                                                                                                                                                                                                                        |
| 1[d]                                         | <del>tracking a current position in the first media stream as the first digital content is rendered;</del>                                                                                                                                                                                                                                                                                                                        |
| 1[e]                                         | <del>creating a bookmark by setting the current position as a bookmarked position, the bookmark including information for identifying the media work and the bookmarked position;</del>                                                                                                                                                                                                                                           |
| 1[f]                                         | <del>transferring the bookmark to a second client device via the network;</del>                                                                                                                                                                                                                                                                                                                                                   |
| 1[g]                                         | <del>downloading second digital content corresponding to the media work from the network accessible library to the second client device via the network, the second digital content including at least a second portion of the first media stream or at least a portion of a second media stream, the second portion of the first media stream or the portion of the second media stream including the bookmarked position;</del> |
| 1[h]                                         | <del>storing the second digital content on the second client device;</del>                                                                                                                                                                                                                                                                                                                                                        |

| Listing of Claims from U.S. 9,954,922 |                                                                                                                                                                                                                                                                      |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1[i]                                  | <del>rendering at least a portion of the second digital content on the second client device in dependence upon the bookmarked position;</del>                                                                                                                        |
| 1[j]                                  | <del>identifying a range of content surrounding the bookmarked position in the second digital content as content to be retained;</del>                                                                                                                               |
| 1[k]                                  | <del>releasing storage resources allocated to all content of the second digital content that is not identified as content to be retained on the second client device;</del>                                                                                          |
| 1[l]                                  | <del>determining whether sufficient storage is available on the second client device to meet storage demand after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained; and</del> |
| 1[m]                                  | <del>if insufficient storage is available, narrowing the range of content surrounding the bookmarked position that is identified as content to be retained.</del>                                                                                                    |
| Claim 2                               |                                                                                                                                                                                                                                                                      |
| —                                     | <del>The method of claim 1, wherein the network accessible library includes one or more server devices at one or more network addresses, and wherein the one or more server devices are each capable of serving digital content.</del>                               |
| Claim 3                               |                                                                                                                                                                                                                                                                      |
| —                                     | <del>The method of claim 2, wherein the first digital content is downloaded from at least one of the one or more server devices, and wherein the second digital content is downloaded from at least one of the one or more server devices.</del>                     |

| Listing of Claims from U.S. 9,954,922 |                                                                                                                                                                                                                                                                                         |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 4                               |                                                                                                                                                                                                                                                                                         |
| —                                     | <del>The method of claim 3, further comprising managing and optimizing network connections between the first client device and the one or more server devices and between the second client device and the one or more server devices, without user interaction.</del>                  |
| Claim 5                               |                                                                                                                                                                                                                                                                                         |
| —                                     | <del>The method of claim 4, wherein the network connections are managed and optimized to maintain uninterrupted rendering of the first digital content and the second digital content.</del>                                                                                            |
| Claim 6                               |                                                                                                                                                                                                                                                                                         |
| 6[a]                                  | <del>The method of claim 2, wherein the network accessible library includes a plurality of server devices, further comprising:</del>                                                                                                                                                    |
| 6[b]                                  | <del>collecting, by the second client device, performance metrics for each of the server devices in the network accessible library; and</del>                                                                                                                                           |
| 6[c]                                  | <del>selecting, by the second client device, one of the server devices in the network accessible library on the basis of the collected performance metrics, wherein the second digital content is downloaded from the selected server device.</del>                                     |
| Claim 7                               |                                                                                                                                                                                                                                                                                         |
| —                                     | <del>The method of claim 1, wherein the first digital content and the second digital content each include audio content, illustration content, video content, audio/video content, advertising content, static graphic content, moving graphic content, or a combination thereof.</del> |

| Listing of Claims from U.S. 9,954,922 |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 8                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| —                                     | The method of claim 1, wherein the first media stream and the second media stream each include a plurality of digital media segments.                                                                                                                                                                                                                                                                                                                         |
| Claim 9                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| —                                     | The method of claim 8, wherein the digital media segments are directly addressable.                                                                                                                                                                                                                                                                                                                                                                           |
| Claim 10                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| —                                     | The method of claim 8, wherein the digital media segments have sizes that are dependent on a network throughput rate, a media stream size, natural language gaps, a target segment size, a target segment size range, or a combination thereof.                                                                                                                                                                                                               |
| Claim 11                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| —                                     | The method of claim 1, wherein the bookmark is transferred from the first client device to the second client device via the network accessible library.                                                                                                                                                                                                                                                                                                       |
| Claim 12                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| —                                     | The method of claim 1, wherein the bookmark is transferred from the first client device to the second client device by bypassing the network accessible library.                                                                                                                                                                                                                                                                                              |
| Claim 13                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| —                                     | The method of claim 1, wherein transferring the bookmark includes sending the bookmark from the first client device while the first client device is connected to the network, and receiving the bookmark by the second client device while the second client device is connected to the network; and wherein the bookmark is transferred without requiring a simultaneous connection of the first client device and the second client device to the network. |

| Listing of Claims from U.S. 9,954,922 |                                                                                                                                                                                                                                                                    |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 14                              |                                                                                                                                                                                                                                                                    |
| 14[a]                                 | <del>14. The method of claim 1, further comprising:</del>                                                                                                                                                                                                          |
| 14[b]                                 | <del>identifying a range of content surrounding the current position in the first digital content as content to be retained;</del>                                                                                                                                 |
| 14[c]                                 | <del>releasing storage resources allocated to all content of the first digital content that is not identified as content to be retained on the first client device;</del>                                                                                          |
| 14[d]                                 | <del>determining whether sufficient storage is available on the first client device to meet storage demand after releasing the storage resources allocated to the content of the first digital content that is not identified as content to be retained; and</del> |
| 14[e]                                 | <del>if insufficient storage is available, narrowing the range of content surrounding the current position that is identified as content to be retained.</del>                                                                                                     |
| Claim 15                              |                                                                                                                                                                                                                                                                    |
| 15[a]                                 | <del>15. The method of claim 1, further comprising:</del>                                                                                                                                                                                                          |
| 15[b]                                 | <del>deleting the bookmark from the second client device; and</del>                                                                                                                                                                                                |
| 15[c]                                 | <del>upon deleting the bookmark, deleting the second digital content from the second client device.</del>                                                                                                                                                          |
| Claim 16                              |                                                                                                                                                                                                                                                                    |
| —                                     | <del>The method of claim 1, wherein the second digital content is rendered starting from a start position, and wherein the start position corresponds to the bookmarked position adjusted by an arbitrary value.</del>                                             |

| <b>Listing of Claims from U.S. 9,954,922</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Claim 17</b>                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| —                                            | <del>The method of claim 1, further comprising downloading third digital content corresponding to the media work from the network accessible library to the first client device via the network, the third digital content including at least a portion of a third media stream, the portion of the third media stream including the bookmarked position, the first media stream and the third media stream having different data formats; and storing the third digital content on the first client device.</del> |
| <b>Claim 18</b>                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 18[a]                                        | <del>18. The method of claim 17, further comprising:</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 18[b]                                        | <del>identifying a range of content surrounding the bookmarked position in the first digital content as content to be retained;</del>                                                                                                                                                                                                                                                                                                                                                                              |
| 18[c]                                        | <del>identifying a range of content surrounding the current position in the first digital content as content to be retained;</del>                                                                                                                                                                                                                                                                                                                                                                                 |
| 18[d]                                        | <del>identifying a range of content surrounding the bookmarked position in the third digital content as content to be retained; and</del>                                                                                                                                                                                                                                                                                                                                                                          |
| 18[e]                                        | <del>releasing storage resources allocated to all content of the first digital content and the third digital content that is not identified as content to be retained on the first client device.</del>                                                                                                                                                                                                                                                                                                            |
| <b>Claim 19</b>                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| —                                            | <del>The method of claim 1, wherein the second digital content includes a second media stream, and wherein the first media stream and the second media stream have different data formats.</del>                                                                                                                                                                                                                                                                                                                   |
| <b>Claim 20</b>                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 20[pre]                                      | <del>A system for rendering digital content across multiple client devices comprising:</del>                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Listing of Claims from U.S. 9,954,922 |                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20[a]                                 | <del>a first client device;</del>                                                                                                                                                                                                                                                                                                                                                                  |
| 20[b]                                 | <del>a second client device; and</del>                                                                                                                                                                                                                                                                                                                                                             |
| 20[c]                                 | <del>a network accessible library accessible by the first and second client devices via a network;</del>                                                                                                                                                                                                                                                                                           |
| 20[d]                                 | <del>wherein the first client device is configured to:</del>                                                                                                                                                                                                                                                                                                                                       |
| 20[e]                                 | <del>download first digital content corresponding to a media work from the network accessible library via the network, the first digital content including at least a first portion of a first media stream;</del>                                                                                                                                                                                 |
| 20[f]                                 | <del>store the first digital content;</del>                                                                                                                                                                                                                                                                                                                                                        |
| 20[g]                                 | <del>render at least a portion of the first digital content;</del>                                                                                                                                                                                                                                                                                                                                 |
| 20[h]                                 | <del>track a current position in the first media stream as the first digital content is rendered;</del>                                                                                                                                                                                                                                                                                            |
| 20[i]                                 | <del>create a bookmark by setting the current position as a bookmarked position, the bookmark including information for identifying the media work and the bookmarked position; and</del>                                                                                                                                                                                                          |
| 20[j]                                 | <del>transfer the bookmark to the second client device via the network; and</del>                                                                                                                                                                                                                                                                                                                  |
| 20[k]                                 | <del>wherein the second client device is configured to:</del>                                                                                                                                                                                                                                                                                                                                      |
| 20[l]                                 | <del>download second digital content corresponding to the media work from the network accessible library via the network, the second digital content including at least a second portion of the first media stream or at least a portion of a second media stream, the second portion of the first media stream or the portion of the second media stream including the bookmarked position;</del> |
| 20[m]                                 | <del>store the second digital content;</del>                                                                                                                                                                                                                                                                                                                                                       |

| <b>Listing of Claims from U.S. 9,954,922</b> |                                                                                                                                                                                                                                                                    |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20[n]                                        | <del>render at least a portion of the second digital content in dependence upon the bookmarked position;</del>                                                                                                                                                     |
| 20[o]                                        | <del>identify a range of content surrounding the bookmarked position in the second digital content as content to be retained;</del>                                                                                                                                |
| 20[p]                                        | <del>release storage resources allocated to all content of the second digital content that is not identified as content to be retained on the second client device;</del>                                                                                          |
| 20[q]                                        | <del>determine whether sufficient storage is available on the second client device to meet storage demand after releasing the storage resources allocated to the content of the second digital content that is not identified as content to be retained; and</del> |
| 20[r]                                        | <del>if insufficient storage is available, narrow the range of content surrounding the bookmarked position that is identified as content to be retained.</del>                                                                                                     |

**CERTIFICATE OF COMPLIANCE**

Pursuant to 37 C.F.R. §42.24(d), the undersigned certifies that this ~~PETITION FOR~~  
~~INTER PARTES REVIEW OF U.S. PATENT NO. 9,954,922~~ con-  
tains 13,980 words according to the word processing program used to prepare this paper. The  
foregoing word count complies with the 14,000 word type volume limit specified by 37 C.F.R.  
§42.24(a)(1).

Dated: March 21, 2025 By: /Colin B. Heideman/  
Colin B. Heideman (Reg. No. 61,513) KNOBBE  
MARTENS OLSON & BEAR, LLP

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date below a copy of this ~~PETITION~~  
~~FOR INTER PARTES REVIEW OF U.S. PATENT NO. 9,954,922~~ and  
~~ACCOMPANYING EXHIBITS~~ are being served on March 21, 2025 via Federal Express  
overnight mail on counsel of record for U.S. Patent No. 9,954,922 at the Correspondence  
Address of record below:

Neil Teitelbaum Teitelbaum &  
Bouevitch 834 Colonel By Drive  
Ottawa, ON K1S 5C4 Canada

A courtesy copy is also being served via email on counsel for the patent holder in the  
pending district court litigations:

Daignault Iyer LLP 8229 Boone  
Blvd., Suite 450  
Vienna, VA 22182  
Email : ~~DI~~ AudioPod@daignaultiyer.com

Dated: March 21, 2025 By: /Colin B. Heideman/  
285. Colin B. Heideman (Reg. No. 61,513) KNOBBE MARTENS OLSON &

BEAR, LLP For the foregoing reasons, it is my opinion that claims 1-20 of the '922  
patent would have been obvious to a person of ordinary skill in the art at the time of  
the alleged invention in view of the prior art discussed above.

286. I reserve the right to supplement my opinions in the future to address  
or respond to any issues that the Patent Owner may raise, as well as new information  
including, but not limited to, any claim constructions advanced by the Patent Owner

or adopted by the Board in the Institution Decision, and respond to any alleged secondary considerations as they become available to me.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on March 20th , 2025

at Chapel Hill, NC;

A handwritten signature in black ink, appearing to read 'JKMP', is written over a horizontal line.

Professor Ketan Mayer-Patel, Ph.D.