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Our Ref.: 05001-00006A / 26301428.1
JK/JA/AG/NIB/WS

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26 March 2026

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Case No.: New

Case No. of the main proceedings: UPC-CFI-0001506/2025

Submission ID: 0000045104

Please see the table on p. 3 et seqq. for the **Formal Requirements**.

Counterclaim for Revocation

In the matter of

1. Pinterest Germany GmbH, Edisonstraße 63, Haus A, 1. Stock, 12459 Berlin, represented by Kenneth Frederick Cushman (USA) and Jacqueline Whorms Katzel (USA)

- Counterclaimant and Defendant 1 -

2. Pinterest Europe Ltd., Waterloo Exchange, Waterloo Rd, Ballsbridge, Dublin 4, D04 E5W7, Ireland, represented by its managing directors

- Counterclaimant and Defendant 2 -

3. Pinterest Inc., 651 Brannan Street, San Francisco, CA 94107-1532, USA, represented by Board of Directors, this represented by the CEO

- Counterclaimant and Defendant 3 -

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B.
Grounds for Invalidity and Prior Art

The subject matter of the independent claims 1, 10 and 11 as well as that of the dependent claims 2 to 9 of the Patent in Suit is not new (Art. 65 (2) UPCA, Art. 54 (1), 138 (1) (a) EPC) and, in any event, not inventive (Art. 65 (2) UPCA, Art. 56, 138 (1) (a) EPC). We note that – even though the Court cannot revoke it – the following grounds for invalidity apply equally to the Irish part of EP 3 965 466, which is also invalid.

We submit the following documents as prior art, none of which was considered during prosecution leading to the grant of the Patent in Suit:

D 1: US 2009/0132725 A1 ("Orr") – "*Methods and apparatus for fast channel switching between real time content on a device*", published 21 May 2009;

D 2: "*decodebin3, Modern playback use-cases*", presentation by Edward Hervey at the GStreamer Conference 2015, 8 October 2015 (whereas D 2 consists of D 2a and D 2b),

- **D 2a:** Video "*Decodebin3, or dealing with modern playback use-cases*" – Video of the presentation held by Edward Hervey at the GStreamer Conference 2015, Dublin on 8 October 2015,
- **D 2b:** Presentation "*'decodebin3' Modern playback use-cases*" – Presentation slides for the presentation held by Edward Hervey at the GStreamer Conference 2015, Dublin on 8 October 2015 available at https://web.archive.org/web/20170226222859/https://gstreamer.freedesktop.org/data/events/gstreamer-conference/2015/Edward%20Hervey%20-%20decodebin3.pdf,
- **D 2c:** "*GStreamer 1.10 Release Notes*", last updated 15 June 2017;

D 3: CN101552791B ("Shiping") – "*Method and system for playing multiple media files*", published 19 September 2012;

- **D 3a:** EPO machine translation of D 3;

D 4: U.S. Patent No. 9,628,543 B2 ("Lim") – "*Initially Establishing and Periodically Prefetching Digital Content*", published 18 April 2017;

D 5: U.S. Patent No. 8,516,144 B2 ("Hsu") – "*Startup Bitrate in Adaptive Bitrate Streaming*", published 20 August 2013.