quinn emanuel | **deutschland**
Hermann-Sack-Straße 3, 80331 München
TEL +49 89 20608 3000 | FAX +49 89 20608 3100

PARTNER
Dr. Marcus Grosch[1, 3, 4]
Dr. Jérôme Kommer[3, 4]
Dr. Jesko Preuß[5]
Dr. Katrin Gerstenberg[3, 4]
Dr. Andreas Hahne[4]
Andreas Duensing[5]

COUNSEL
Dr. Tina Steinke[2]
Dr. Michael Krenz[4]
Dr. Jan Axtmann[3]
Henning Wienstroth[2]
Dr. Marlen Yan[3]
Tanja Stooß[5]
Dr. Felix Trumpke[3]
Tina Liebscher[1, 3, 4]
Tonio Allendorf [3]
Carsten Ritter[2]
Dr. Bernd Meyer-Löwy[4]
Dr. Holger Hiss[5]
Dr. Stefan Fuchs[5]
Armin Giesen[4]

OF COUNSEL
Dr. Johannes Bukow[3]
Prof. Dr. Hans-Christoph Ihrig[3]

[1]Berlin, [2]Hamburg, [3]Mannheim, [4]München, [5]Stuttgart

Via CMS

Unified Patent Court
Local Division Munich
Denisstraße 3
80335 Munich

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

Dr. Jérôme Kommer, LL.M. (Berkeley) - Munich
jeromekommer@quinnemanuel.com

Dr. Jan Axtmann - Mannheim
janaxtmann@quinnemanuel.com

Dr. Nina Balta - Stuttgart
ninabalta@quinnemanuel.com

26 March 2026

Electronic address for service on the Counterclaimants:

jeromekommer@quinnemanuel.com

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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Berlin
Leibnizstraße 53
10629 Berlin
TEL +49 30 30014 7000
FAX +49 30 30014 7100

Hamburg
Großer Burstah 18-32
20457 Hamburg
TEL +49 40 89728 7000
FAX +49 40 89728 7100

Mannheim
Mollstraße 42
68165 Mannheim
TEL +49 621 43298 6000
FAX +49 621 43298 6100

München
Hermann-Sack-Straße 3
80331 München
TEL +49 89 20608 3000
FAX +49 89 20608 3100

Stuttgart
Büchsenstraße 10
70173 Stuttgart
TEL +49 711 1856 9000
FAX +49 711 1856 9100

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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.