

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner

Case IPR2018-01817
U.S. Patent No. 9,762,907

PATENT OWNER'S NOTICE OF APPEAL

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Submitted Electronically via the PTAB E2E System

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-90.3, Patent Owner Realtime Adaptive Streaming LLC ("Realtime") appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board ("Board") entered on June 15, 2020, in IPR2018-01817 (Paper No. 35) ("FWD"),¹ and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 9,762,907 (the "'907 patent").

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Realtime states that the issues on appeal may include the issues decided adversely to Realtime in the FWD or Rehearing Denial including for example:

- The Board's finding that Pauls renders obvious claims 1–4, 6–14 of the '907 patent under Ground 1 (FWD at 15–29);
- The Board's finding that Pauls and Imai render obvious claims 1–4, 6–14 of the '907 patent under Ground 2 (FWD at 29–36);
- The Board's finding that Pauls, Imai and Dawson render obvious claim 5 of the '907 patent under Ground 3 (FWD at 36–39);

¹ The Board also issued an order denying Patent Owner's request for rehearing of the final written decision. IPR2018-01817, Paper 37 (PTAB June 16, 2020) ("Rehearing Denial").

- The Board's findings and claim constructions or interpretations concerning limitation 1[d] of the '907 patent: "a processor . . . to analyze one or more data parameters from one or more data blocks containing video data wherein at least one data parameter relates to an expected or anticipated throughput of a communications channel";
- The Board's findings and claim constructions or interpretations concerning limitation 1[e] of the '907 patent: "to select two or more different data compression routines from among a plurality of different data compression routines based upon, at least in part, the one or more data parameters relating to the expected or anticipated throughput of the communications channel";
- The Board's findings regarding whether Realtime made any new arguments or waived any arguments; and
- The Board's The Board's findings regarding whether Petitioner made any new arguments or waived any arguments.

This Notice of Appeal is being e-filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with payment of the required docketing fees. In addition, a copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board

IPR2018-01817 ('907 Patent)
Patent Owner's Notice of Appeal

Dated: August 17, 2020

Respectfully submitted,

/s/ Philip X. Wang

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on August 17, 2020, by filing this document through the Patent End to End system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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Copies of this Notice of Appeal were also sent on August 17, 2020 by Federal Express to the United States Patent and Trademark Office and to the United States Court of Appeals for the Federal Circuit at the following addresses:

Office of the General Counsel
United States Patent & Trademark Office
P.O. Box 1450
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