

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER, INC.,

Petitioner

- vs. -

VIDSTREAM, LLC,

Patent Owner

Case IPR2017-00830

Patent 9,083,997

PETITIONER TWITTER, INC.'S

ORAL HEARING DEMONSTRATIVE EXHIBITS

In accordance with the Order – Oral Hearing (Paper 61), Petitioner Twitter,
Inc. hereby submits its oral hearing demonstrative exhibits.

Respectfully submitted,

October 12, 2018

/David L. McCombs/

David L. McCombs
Registration No. 32,271

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Twitter, Inc.
Petitioner

IPR2017-00830

U.S. Patent No. 9,083,997

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6, that service was made on the counsel of record for Vidstream LLC as detailed below.

Date of service October 12, 2018

Manner of service Electronic mail to eagle.robinson@nortonrosefulbright.com;
eric.hall@nortonrosefulbright.com;
eric.green@nortonrosefulbright.com.

Documents served Petitioner Twitter, Inc.'s Oral Hearing Demonstrative Exhibits

Persons served Eagle Robinson
Eric Hall
Eric Green

/Raghav Bajaj/
Raghav Bajaj
Counsel for Petitioner
Registration No. 66,630

Petitioner
Twitter, Inc.

U.S. Patent No. 9,083,997
IPR2017-00829 (claims 1-19)
IPR2017-00830 (claims 20-35)

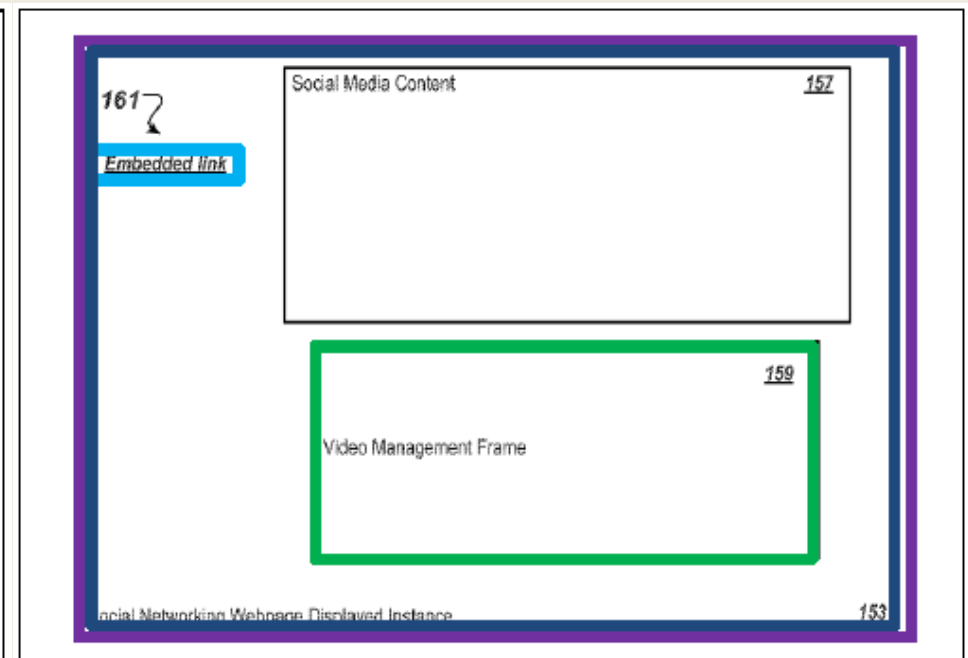
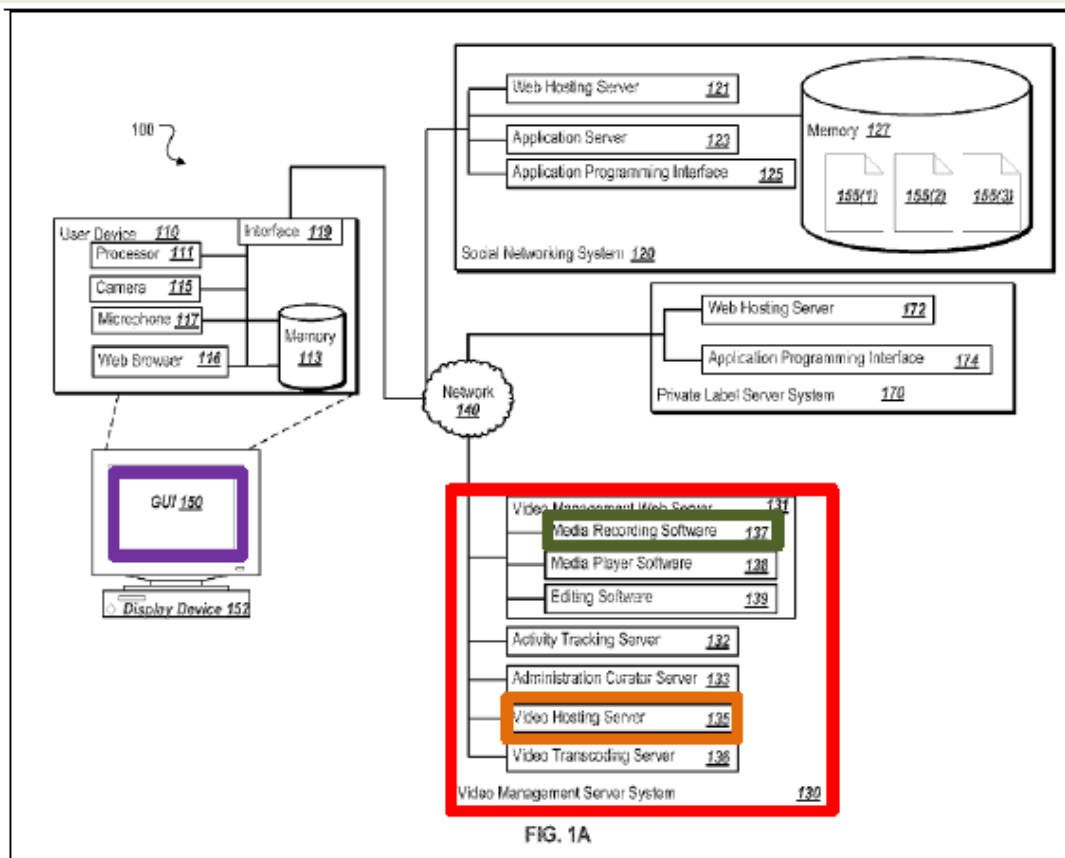
David McCombs
Raghav Bajaj
Haynes and Boone, LLP
October 19, 2018

'997 Patent

1. A method comprising:
providing, on a first webpage, a link to media recorder software stored on a video management server system;
receiving a request to invoke the media recorder software within a displayed instance of the first webpage;
providing, using the media recorder software executing on the video management server system, a video recorder interface in response to the request, wherein the video recorder interface is adapted to allow a user to record video from within the displayed instance of the first webpage to the video management server system as the video is captured;
receiving a video stream at the video management server system, wherein the video stream defines video captured using controls included in the video recorder interface and wherein the video stream is received as the video is captured using the media recorder software executing on the video management server system;
generating a video file using the received video stream;
storing the video file on the video management server system.

'997 Patent

Recording and Publishing Content on Social Media Websites



Summary

- 1 Patent Owner's claim construction of "video stream" is incorrect.
- 2 Nassiri teaches receiving a video stream.
- 3 Nassiri and Bradford teach providing a link to recorder / capture software.
- 4 Bradford is a printed publication.
- 5 Nassiri and Tosh.o would have been combined.
- 6 Nassiri and Lerman teach server-side video editing.

Claim Construction Dispute – “Video Stream”

Petitioner

10. First, as I stated above, a POSITA would have understood the term “video stream” to include “sequential video data.” Because the ’997 Patent does



also discussed during my deposition, or segmenting). Thus, a POSITA would have understood “segmenting” techniques to be consistent with the ordinary meaning of the term “video stream.” but adopting Dr. Olivier’s construction would exclude

Encompasses Use of Segmenting

Patent Owner

49. A POSITA would have understood that, in the context of the ’997 Patent, the broadest reasonable interpretation of “video stream” is “sequential video data that is independent of and not associated with a file container.”



56. In contrast to Segmenting (“chunking”), Streaming involves sequentially transmitting video data independent of a file container—*i.e.*, not as a video file. With video streaming, an end user’s computer can play the streamed

Excludes Use of Segmenting

“Video Stream” is Associated With a File Container

'997 Patent

tools for users to edit the created videos. The media recording software 137 can be accessed on the user device 110 as a thin client application such that a recording interface is displayed through the web browser 116 of the user device 110 and used to capture audio/video data that is temporarily buffered in the memory 113 of the user device 110 and sent to the video management server system 130 as a video stream as the audio/video data is captured (as described in U.S. patent application Ser. No. 13/185,471). For example, during



Incorporated '471 Application/'304 Patent

The digital video can be recorded in Flash® format (i.e., FLV format) using a Flash® server (e.g., server 202 of FIG. 2) (408). Other formats (e.g., capable of providing streaming video data) other than the FLV format (e.g., silverlight, SVG, etc.) can be implemented. In particular, and in the case of recording through a website, the website receives video and audio from the selected input devices through a communication interface on the user computer, and scripts provided in the retrieved web page encode the video in FLV format in accordance with quality parameters. Example quality param-

Video data can be transmitted from the mobile device 230 or computing device 232 to the web content server 210. Video data that is captured using the Flash® server 208 can be transmitted (e.g., in FLV format) as the video data is captured, although there may be some buffering of data to ensure compliance with video quality constraints, as discussed further in this specification. Video data can also be stored on the device

Microsoft Computer Dictionary

stream¹ *n.* Any data transmission, such as the movement of a file between disk and memory, that occurs in a continuous flow. Manipulating a data stream is a programming task. Consumers, however, are likely to encounter references to streams and streaming in connection to the Internet, which has increased reliance on stream techniques to enable users (even those with slower equipment) to access large multimedia files—especially those containing audio and video components—and to display or play them before all the data has been transferred.

'997 Patent (Ex-1001) at 10:1-10, **SEE ALSO:** 7:9-14; '304 Patent (Ex-1005) at 21:54-22:11, 15:9-15, **SEE ALSO** 4:33-36; Microsoft Computer Dictionary (Ex-1044) at 8 (Reply at 2-5).

“Video Stream” is Associated With a File Container

Patent Owner Expert Dr. Olivier

5 Q. Okay. And you have reviewed the file
6 history and the patents that are incorporated in the
7 specification by reference previously. Correct?

8 A. I have reviewed them. I haven't reviewed
9 them in regards to certain claim terms that are --
10 I've been asked to make an understanding of.

“Video Stream” is Associated With a File Container

Adobe Flash Video File Format Specification

Flash® is the de facto standard for dynamic media on the Web, supporting a number of media formats, including two core container formats for delivering synchronized audio and video streams:

- F4V, for H.264/AAC-based content, and
- FLV, for other supported codecs such as Sorensen Spark and On2 VP6.

Patent Owner Expert Dr. Olivier

Q. So FLV and MPEG were two types of common video files in 2012?

A. They were designations of the type of file that the video was stored in.

Q. Okay. And what does FLV stand for?

A. Flash video.

“Video Stream” Encompasses Segmenting Techniques

Patent Owner Expert Dr. Olivier

'997 Patent

55. Structurally, as explained in the above-quoted portion of Dr. Almeroth's deposition testimony, “segmenting” or “chunking” involves dividing a video file into a set of smaller files (themselves each an individually playable video file with their own file containers) that may be downloaded to an end user's computer. This enables the end user to begin viewing a video as soon as the first smaller file is downloaded to the end user's computer.

15 back-end servers. The web-based recorder may capture and cache sufficient video data to retain broadcast quality requirements and transmits the video data to the one or more back-end servers in quasi-real time. More specifically, as video data is generated, the video data is cached and a predetermined amount of video data is intermittently transmitted from the client computing device to the one or more back-end servers.

20 The pre-determined amount of video data that is transmitted can be determined based on the available transmission bandwidth instead of, for example, adapting image quality to meet limited bandwidth availability. The video stream can be received by the video management server system **130**, and the

25 video hosting server **135**, for example, can generate and store a video file that corresponds to the received video stream. In

“Video Stream” Encompasses Segmenting Techniques

Petitioner Expert Dr. Almeroth

This is like MPEG-DASH and HTTP Live Streaming: in a real-world implementation using HTTP Live Streaming to stream a live video, a server would take a predetermined duration of video data (e.g., ten seconds), encode it as a video segment, and transmit that video segment to recipient devices. The server would repeat this process for the next predetermined duration of video data. The transmittal of the entirety of the video data forms the overall video stream.

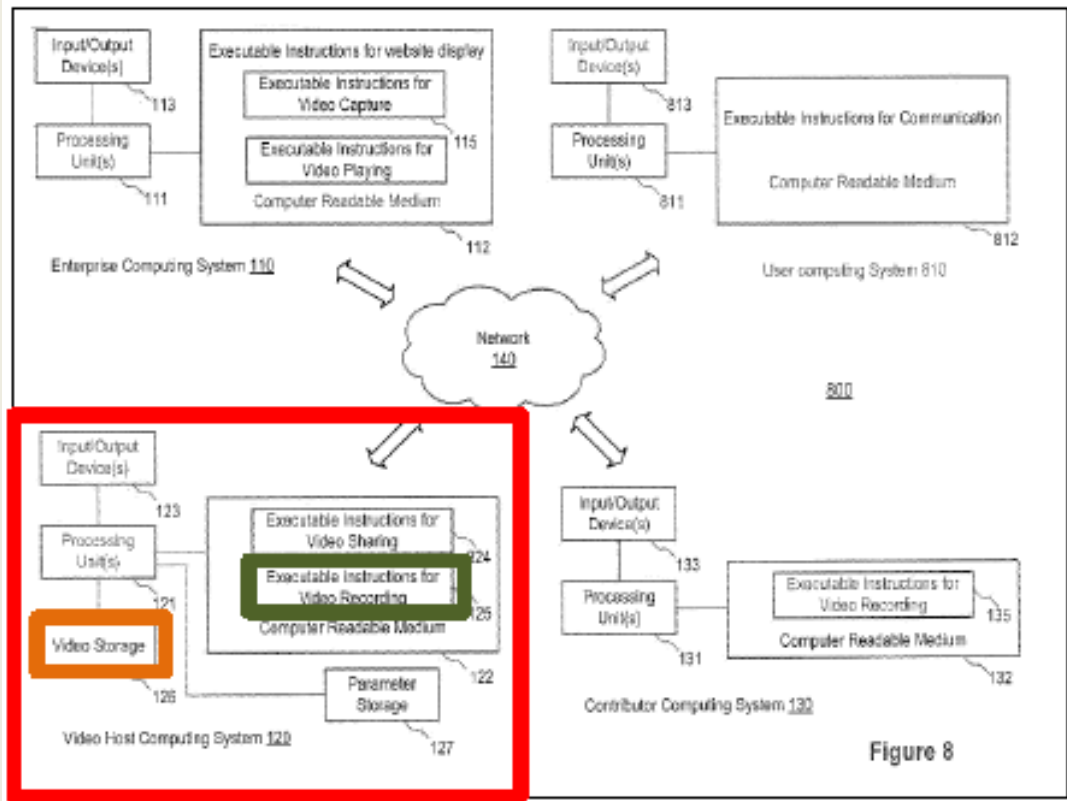
Summary

- 1 Patent Owner's claim construction of "video stream" is incorrect.
- 2 Nassiri teaches receiving a video stream.
- 3 Nassiri and Bradford teach providing a link to recorder / capture software.
- 4 Bradford is a printed publication.
- 5 Nassiri and Tosh.o would have been combined.
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Claim 1 – Limitations [1.4] and [1.5]

1. A method comprising:
providing, on a first webpage, a link to media recorder software stored on a video management server system;
receiving a request to invoke the media recorder software within a displayed instance of the first webpage;
providing, using the media recorder software executing on the video management server system, a video recorder interface in response to the request, wherein the video recorder interface is adapted to allow a user to record video from within the displayed instance of the first webpage to the video management server system as the video is captured;
receiving a video stream at the video management server system, wherein the video stream defines video captured using controls included in the video recorder interface and wherein the video stream is received as the video is captured using the media recorder software executing on the video management server system;
generating a video file using the received video stream;
storing the video file on the video management server system.

Computer Systems and Methods for Video Capturing, Managing, and/or Sharing



[0028] The video generated using the video recorder may be transmitted to the video host computing system 120 for storage in video storage 126. In some examples, the video may be transmitted to the video host computing system while it is being recorded in accordance with the executable instructions for video recording 125. In other examples, the video

[0035] In block 235, the recorded video may be received and stored. In some examples, the video may be transmitted to the video host computing system 120 of FIG. 1 in part as it is being recorded. In other examples, the video is received by

Nassiri Teaches “Receiving a Video Stream”

[0035] In block 235, the recorded video may be received and stored. In some examples, the video may be transmitted to the video host computing system 120 of FIG. 1 in part as it is being recorded. In other examples, the video is received by

stream² vb. To transfer data continuously, beginning to end, in a steady flow. Many aspects of computing rely on the ability to stream data: file input and output, for example, and communications. If necessary, an application receiving a stream must be able to save the information to a buffer in order to prevent loss of data. On the Internet, streaming enables users to begin accessing and using a file before it has been transmitted in its entirety.

Petitioner Expert Dr. Almeroth

A POSITA would have understood that Nassiri’s disclosure of transmitting video to the video host computing system 120 “*in part as it is being recorded*” describes a real time operation in which the video is streamed to the video host computing system 120. This is consistent with the ’997 Patent which similarly describes streaming video “in real time as the contents are created.” Ex. 1001, 12:59-62.

Nassiri Teaches “Streaming” Even Under PO’s Construction

[0027] Accordingly, as the video host computing system 120 receives video data from the contributor computing system 130, the executable instructions for video recording 125 may include instructions for comparing the volume and/or the visual aspects of the data, including but not limited to brightness or contrast, with a threshold condition.

The threshold may be stored in the parameter storage 127, for example. If the received video data quality does not meet the threshold, the executable instructions for video recording may transmit feedback data to the contributor computing system for display to a contributor. For example, a light or other indicator may be displayed prompting the contributor to use more or less lighting, or to speak louder or softer. In other

Petitioner Expert Dr. Almeroth

In particular, as Nassiri here refers to “video data” and not a “video file” or a file, Nassiri suggests that “sequential video data independent of and not associated with a file container” is being transmitted, meeting the definition of a “video stream” according to Dr. Olivier’s claim construction.

Patent Owner Expert Dr. Olivier

Q. If I say “transmit video data,” do you know whether it's a stream or a file?

A. If you say it, no, I don't know. You have to give me more information.

Nassiri (Ex-1009), ¶ 27; Almeroth Reply Declaration (Ex-1036) at ¶ 39; Olivier Deposition (Ex-1035) at 51:21-24 (Reply at 10-11).

Nassiri and the '997 “Stream” by Segmenting

Patent Owner Expert Dr. Olivier

but a POSITA would have expected from Nassiri's context that Nassiri's discussion of transmitting video “while it is being recorded” and “*in part* as it is being recorded” to refer to Segmenting, or saving video data into smaller files and transmitting those smaller files during recording, rather than to transmitting a video stream. Because a

'997 Patent

back-end servers. The web-based recorder may capture and cache sufficient video data to retain broadcast quality requirements and transmits the video data to the one or more back-end servers in quasi-real time. More specifically, as video data is generated, the video data is cached and a predetermined amount of video data is intermittently transmitted from the client computing device to the one or more back-end servers. 15 The pre-determined amount of video data that is transmitted can be determined based on the available transmission bandwidth instead of, for example, adapting image quality to meet limited bandwidth availability. The video stream can be received by the video management server system **130**, and the 20 video hosting server **135**, for example, can generate and store a video file that corresponds to the received video stream. In 25

Segmenting with HTTP Live Streaming

This document describes a protocol for transferring unbounded streams of multimedia data. The protocol supports the encryption of media data and the provision of alternate versions (e.g. bitrates) of a stream. Media data can be transferred soon after it is created, allowing it to be played in near real-time. Data is usually carried over HTTP [RFC2616].

Summary

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- 4 Bradford is a printed publication.
- 5 Nassiri and Tosh.o would have been combined.
- 6 Nassiri and Lerman teach server-side video editing.

Claims 1 and 13 – Link to Recorder / Capture Software

1. A method comprising:

providing, on a first webpage, a link to media recorder software stored on a video management server system;

receiving a request to invoke the media recorder software within a displayed instance of the first webpage;

providing, using the media recorder software executing on the video management server system, a video recorder interface in response to the request, wherein the video recorder interface is adapted to allow a user to record video from within the displayed instance of the first webpage to the video management server system as the video is captured;

receiving a video stream at the video management server system, wherein the video stream defines video captured using controls included in the video recorder interface and wherein the video stream is received as the video is captured using the media recorder software executing on the video management server system;

generating a video file using the received video stream;

storing the video file on the video management server system.

13. A method comprising:

providing, on a first webpage hosted on a web server system, an imbedded link to capture software stored on a user content management server system, wherein the software is adapted to capture user submissions using controls including within a frame displayed in the first webpage;

receiving a request to invoke the capture software within a frame included in a displayed instance of the first webpage;

providing, using capture software executing on the user content management server system, a content capture graphical user interface through a communication interface between the web server system and the user content management server system, wherein the content capture graphical user interface is provided in response to the request to invoke the capture software, and wherein the content capture graphical user interface is adapted to allow a user to provide a user submission to the user content management server system;

receiving a user submission at the user content management server system, wherein the user submission defines content captured using the content capture graphical user interface;

generating a user submission content file using the received user submission; and

storing the user submission content file on the user content management server system.

Nassiri Teaches a Page with Displayed Link to Recorder

'997 Patent

1. A method comprising:
providing, on a first webpage, a link to media recorder software stored on a video management server system;

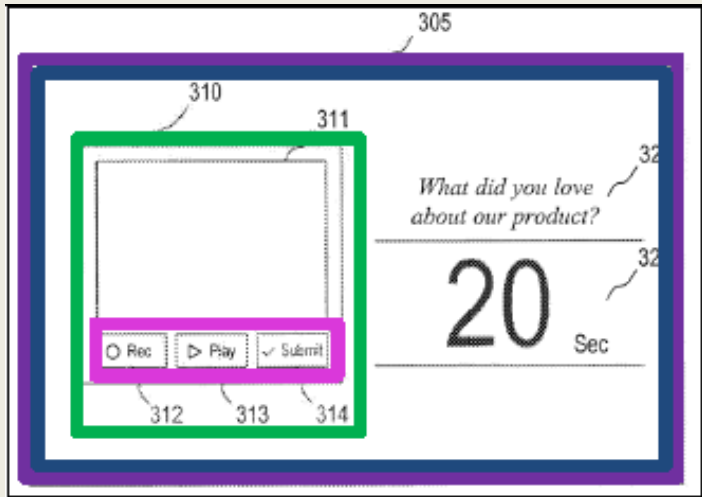
Nassiri at [0026]

Accordingly, the contributor computing system 130 may access a website or other content provided by the enterprise computing system 110, including the embedded or standalone link provided by the executable instructions for video capture 115. A video recorder accessible through the embedded or standalone link may be displayed on an input/output device 133. A user may follow the embedded or standalone link and utilize the video recorder functionality provided by the executable instructions for video recording 125. The timer

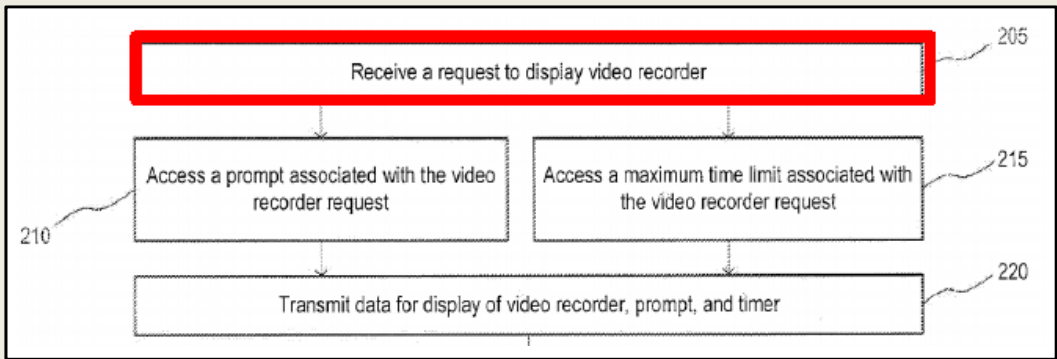
Nassiri at [0018]

example, by the video host computing system 120. In this manner, a user accessing the website or other content delivered by the executable instructions for website display may follow a link to a video capture page hosted by the video host computing system 120. The link may, in some examples, be provided in a page of or otherwise integrated with other information provided by the enterprise computing system 110. In this manner, a user may not know they are being

Nassiri Fig. 3



Nassiri Fig. 2



'997 Patent at claim 1; Nassiri (Ex-1009) at ¶¶ 26, 18, Fig. 3, Fig. 2, **SEE ALSO** ¶ 30 (Petition at 20-26, Reply at 12-24).

Nassiri's Embedded Link is Displayed to Invoke Recorder

'997 Patent

1. A method comprising:
providing, on a first webpage, a link to media recorder
software stored on a video management server system;
receiving a request to invoke the media recorder software
within a displayed instance of the first webpage;

Nassiri at [0026]

capture 115. A video recorder accessible through the embedded or standalone link may be displayed on an input/output device 133. A user may follow the embedded or standalone link and utilize the video recorder functionality provided by the executable instructions for video recording 125. The timer

Nassiri at [0047]

to go to contribute their videos for the campaign. The link may be used to direct users to a standalone site or to embed in a website or other content providing application of the enterprise. In block 620 of FIG. 6, videos for the campaign may be

Patent Owner Expert Dr. Olivier

Q. Okay. So if a user wanted to follow a link, they would typically have to see the link on the web page. Correct?

MR. ROBINSON: Objection; form.

A. They would have to see something that they could select on the web page.

Q. Okay. And then the user would have to click that something, call it a link, to follow it. Correct?

A. Correct.

MS Computer Dictionary

embedded hyperlink *n.* A link to a resource that is embedded within text or is associated with an image or an image map. *See also* hyperlink, image map.

hyperlink *n.* A connection between an element in a hyper-text document, such as a word, a phrase, a symbol, or an image, and a different element in the document, another document, a file, or a script. The user activates the link by clicking on the linked element, which is usually under-

'997 Patent at claim 1; Nassiri (Ex-1009) at ¶¶ 26, 47; Olivier Deposition (Ex-1035) at 97:9-18; Microsoft Computer Dictionary (Ex-1044) at 4 (Petition at 20-26, Reply at 12-24).

The Embedded Link is Followed to Populate the iframe

'997 Patent

1. A method comprising:
providing, on a first webpage, a link to media recorder software stored on a video management server system;

13. A method comprising:
providing, on a first webpage hosted on a web server system, an imbedded link to capture software stored on a user content management server system, wherein the software is adapted to capture user submissions using controls including within a frame displayed in the first webpage;
receiving a request to invoke the capture software within a frame included in a displayed instance of the first webpage;

Nassiri at [0019]

[0019] In other examples, the executable instructions for video capture 115 may include executable instructions for an embedded video recorder. For example, an HTML iframe may be used to embed a video recorder in a web page provided by the enterprise computing system 110. The iframe may point users to the video host computing system 120. One

Nassiri at [0047]

[0047] In block 615 of FIG. 6, responsive to a request to create a campaign, a link may be generated for the campaign. The link may be generated by the video host computing system 120 in some examples. As was generally described above, the link may provide a unique location for contributors to go to contribute their videos for the campaign. The link may be used to direct users to a standalone site or to embed in a website or other content providing application of the enterprise. In block 620 of FIG. 6, videos for the campaign may be

The ‘src’ Attribute is Not Nassiri’s ‘Embedded Link’

Petitioner Expert Dr. Almeroth – Reply Declaration

53. First, a POSITA would not have interpreted a value in a “src” attribute of an iframe tag to correspond to a “link” as Dr. Olivier concludes. Ex. 2008, ¶ 91 (“in what Nassiri calls an ‘embedded link,’ the link is the web address for the video capture interface included in the ‘src’ attribute for the iframe code...”). A link has a clear meaning to those experienced with web design and HTML: it is an anchor tag, i.e., an “<a>” tag with an “href” attribute that specifies the URL of the page that the link goes to. As the w3schools website currently³ states, “[i]f the href

Petitioner Expert Dr. Almeroth – Petition Declaration

Nassiri discloses an “imbedded link to capture software” as recited in [13.1.1], for example by stating that “the contributor computing system 130 may access a website or other content provided by the enterprise computing system 110, including the *embedded* or standalone *link* provided by the executable instructions for video capture 115...A user may follow the *embedded* or standalone *link* and utilize the video recorder functionality provided by the *executable instructions for video recording 125*” Ex. 1009, ¶ 26.

Almeroth Reply Decl. (Ex-1036) at ¶ 53; Almeroth Decl. (Ex-1007) at ¶ 296 (Reply at 12-24, Petition at 63-64).

Bradford Provides Code for Linking to an iframe in a Webpage

'997 Patent

1. A method comprising:
providing, on a first webpage, a link to media recorder software stored on a video management server system;

13. A method comprising:
providing, on a first webpage hosted on a web server system, an imbedded link to capture software stored on a user content management server system, wherein the software is adapted to capture user submissions using controls including within a frame displayed in the first webpage;
receiving a request to invoke the capture software within a frame included in a displayed instance of the first webpage;

Bradford

Targeting inline frames

The iframe has one last attribute—which isn't new—the name attribute, which can be used to identify a particular inline frame among other inline frames used on a page. Doing so means a particular inline frame can be used as a target for links when the target attribute is set to a particular inline frame's name. Here's an example:

Petitioner Expert Dr. Almeroth

137. Thus, Bradford provides a mechanism to control *where* the hyperlinked content is loaded, and specifically, by using an iframe with a name attribute and an <a> hyperlink with a corresponding target attribute, a user's selection of the hyperlink would cause the hyperlinked content to display within the iframe displayed in the webpage of Nassiri. The iframe with the video recorder would be within a displayed instance of the webpage, and therefore Nassiri and Bradford together teach invoking the media recorder software “within a displayed instance of the first web page.”

Vidstream Concedes Nassiri / Bradford Combination Works

Patent Owner Expert Dr. Olivier

121. When this webpage is loaded it produces the following display.



[Do you want to load the video capture software?](#)

Note: Because the target of the link matches the name of the iframe, the link will open in the iframe.

Olivier Decl. (Ex-2008) at ¶ 121.

Petitioner Expert Dr. Almeroth

Dr. Olivier's example is close to how I envisioned an implementation of the combination of Nassiri and Bradford. Specifically, there is a link on a webpage that targets an iframe – in Dr. Olivier's example, an initially-blank iframe. Dr. Olivier also confirms that, for purposes of the example, if Nassiri and Bradford were combined, when the link is clicked, a POSITA would have understood that the iframe would be populated with content, and specifically, when considering Nassiri, the iframe would be populated with the video recorder interface of Nassiri

Almeroth Reply Decl. (Ex-1036) at ¶ 59 (Reply 12-24).

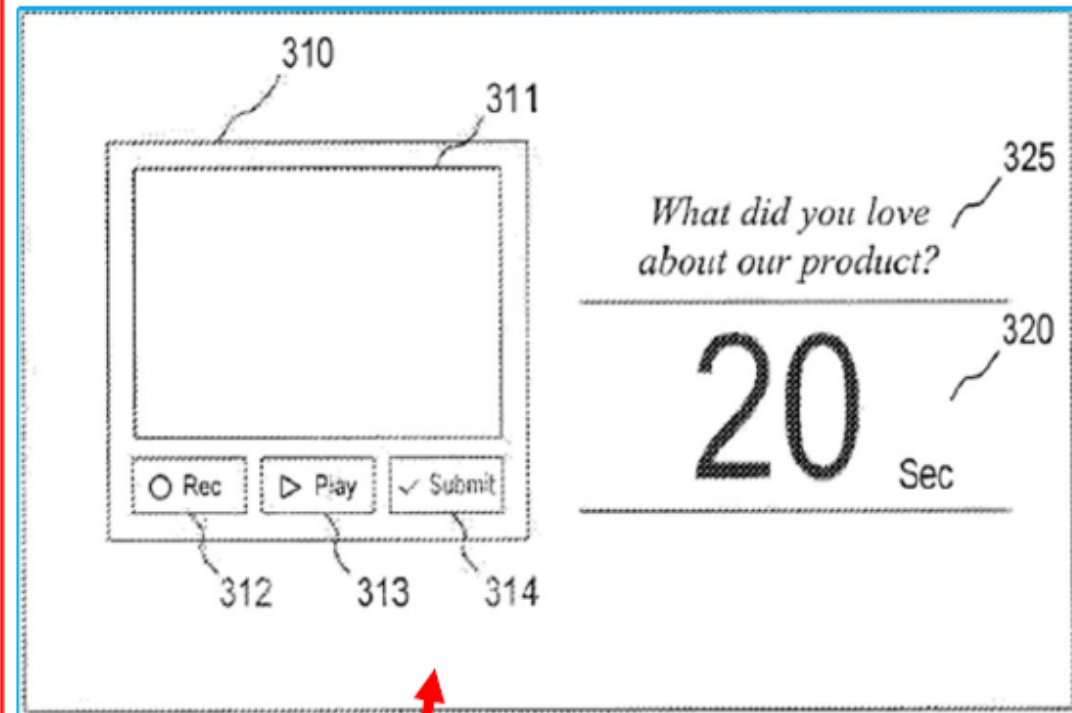
Web Design Experience Eliminates Motivation Concerns

67. In fact, creating the webpage using Dr. Olivier's example as a starting point, and modifying it further even slightly, would be *consistent* with Nassiri.

79. The simple changes that I made to the code above would be well within the level of skill in the art for a POSITA in 2012: a web designer, when combining the teachings of Nassiri and Bradford, would have sought to make the combined web page easy to use, and would have been able to make the same or similar incremental changes. And these changes would have been possible in less than an hour (if even that long).

Thank you for making a purchase!

[Would you like to submit a video to describe your experience?](#)



Note: Because the target of the link matches the name of the iframe, the link will open in the iframe.

*media recorder software invoked
within displayed instance of first webpage*

first webpage

Arguments Apply Equally to Claims 20 and 31 (IPR2017-00830)

20. A non-transitory computer storage medium encoded with a computer program, the program comprising instructions that when executed by data processing apparatus cause the data processing apparatus to perform operations comprising:

providing a content capture user interface within displayed instances of a first graphical user interface that includes display elements hosted on a web server system in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system, wherein the content capture user interface is provided within a frame displayed in the first graphical user interface and the content capture user interface is adapted to allow users to provide user submissions to a user content management server system using controls included within the frame that includes the content capture user interface, and the user submissions are captured using content capture software executing on the user content management server system through a communication interface between the web server system and the user content management server system;

receiving a plurality of user submissions, wherein each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface and each user submission is captured using the content capture software executing on the user content management server system;

generating a plurality of user submission content files based on the received user submissions; and
storing the user submission content files on the user content management server system.

31. A system comprising:

one or more user content management servers operable to interact with a plurality of user devices and to:

provide a content capture user interface within displayed instances of a first graphical user interface that includes display elements hosted on a web server system in response to a user selection of a link included in a graphical user interface that includes display elements hosted on the web server system, wherein the content capture user interface is provided within a frame displayed in the first graphical user interface and the content capture user interface is adapted to allow users to provide user submissions using controls included within the frame that includes the content capture user interface, and the user submissions are captured using content capture software executing on one or more of the user content management servers through a communication interface between the web server system and the one or more user content management servers;

receive a plurality of user submissions, wherein each user submission defines content captured through the content capture user interface on a respective displayed instance of the first graphical user interface and each user submission is captured using the content capture software executing on the one or more user content management servers;

generate a plurality of user submission content files based on the received user submissions; and
store the user submission content files on the user content management server system.

Summary

- 1 Patent Owner's claim construction of "video stream" is incorrect.
- 2 Nassiri teaches receiving a video stream.
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- 4 Bradford is a printed publication.**
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- 6 Nassiri and Lerman teach server-side video editing.

Bradford is a Printed Publication

Copyright Registration

Registration Number / Date:
TX0007482555 / 2012-01-18

Application Title: HTML5 Mastery.

Title: HTML5 Mastery.

Description: Book, 293 p.

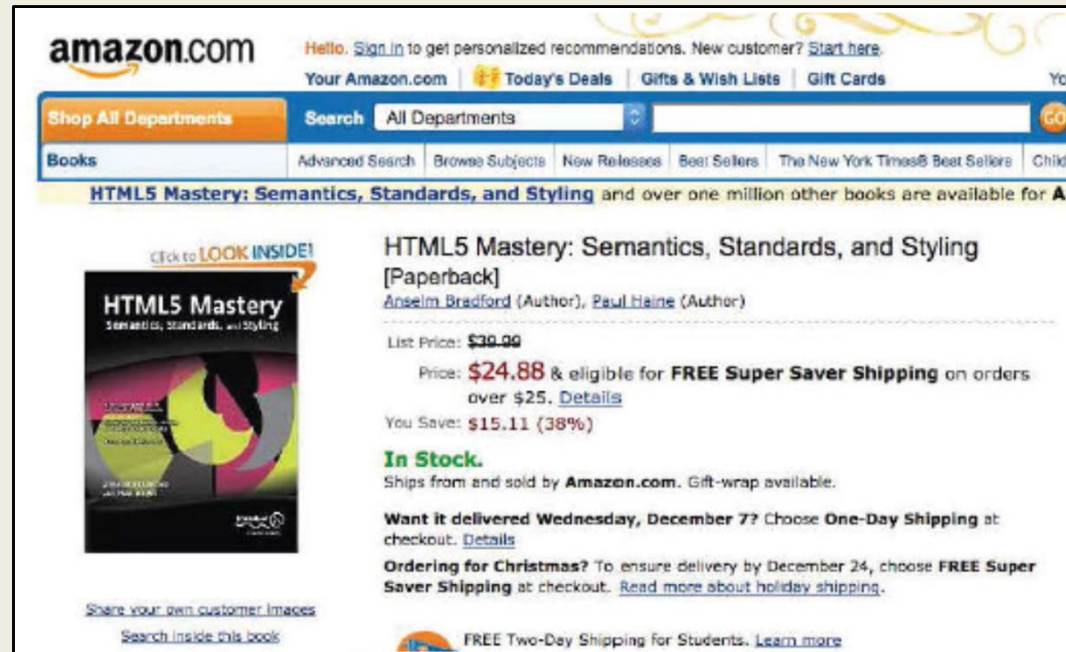
Copyright Claimant:
Anselm Bradford.
Paul Haine.

Date of Creation: 2011

Date of Publication:
2011-11-08

Nation of First Publication:
United States

Public Accessibility on Amazon



17 USC § 410(c)


In any judicial proceedings the certificate of a registration made before or within five years after first publication of the work shall constitute prima facie evidence of the validity of the copyright and of the facts stated in the certificate.


17 USC § 101

“Publication” is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership....

Certified Record Supports Publication

Certificate of Registration

 This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.


Acting United States Register of Copyrights and Director

Registration Number
TX 7-482-555

Effective date of
registration:
January 18, 2012

Title _____
Title of Work: HTML5 Mastery

Completion/ Publication _____
Year of Completion: 2011

Date of 1st Publication: November 8, 2011 **Nation of 1st Publication:** United States

International Standard Number: ISBN 978-1-4302-3861-4

17 USC § 410(c)

In any judicial proceedings the certificate of a registration made before or within five years after first publication of the work shall constitute prima facie evidence of the validity of the copyright and of the facts stated in the certificate.

17 USC § 101

“Publication” is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership....

Certificate of Registration (Ex-1041); 17 U.S.C. § 410(c) (Reply at 27).

Summary

- 1 Patent Owner's claim construction of "video stream" is incorrect.
- 2 Nassiri teaches receiving a video stream.
- 3 Nassiri and Bradford teach providing a link to recorder / capture software.
- 4 Bradford is a printed publication.
- 5 Nassiri and Tosh.o would have been combined.**
- 6 Nassiri and Lerman teach server-side video editing.

Nassiri and Tosh.o Would Have Been Combined

Claim 9

using the viewer response in selecting video defined in the video file for inclusion in a linear television program.

Petitioner Expert Dr. Almeroth

248. A POSITA would have recognized that including user submitted videos in a television program allows for an efficient way to broaden the distribution of the videos. Accordingly, it would have been obvious and desirable to include Nassiri's videos in traditional television programming, as Tosh.o teaches, because the videos would be displayed to a wider segment of the public via commonly utilized set top boxes, thereby "broadening the distribution" of its videos. Ex-1009, ¶3.

Tosh.o

With "Tosh.o," Comedy Central has found a way to bring the spectacle of amateur Internet videos to television successfully. Each week Mr. Tosh lines up seven or eight videos and dispenses rapid-fire ridicule, mimicking the explicit comments that riddle the same videos on YouTube.

Nassiri

[0056] As has generally been described above, the video host computing system 120 may allow an enterprise to share a selected video or videos directly to another website or content provider associated with the enterprise. For example, a user of the enterprise computing system 110 or other representative of an enterprise may log in to the video host computing system and share captured videos on facebook, twitter, YouTube, their own enterprise website, or other content providing mechanism using a click or touch of an interface, such as that shown in FIG. 7. In particular, the execut-

'997 Patent at claim 9; Almeroth Decl. (Ex-1007) at ¶ 248; Nassiri (Ex-1009) at ¶ 56, 3, Tosh.o (Ex-1017) (Petition at 53-54, Reply at 24-25; see also claims 28, 30, 33).

Summary

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Nassiri and Lerman Teach Server-Side Editing

Claim 10

Lerman

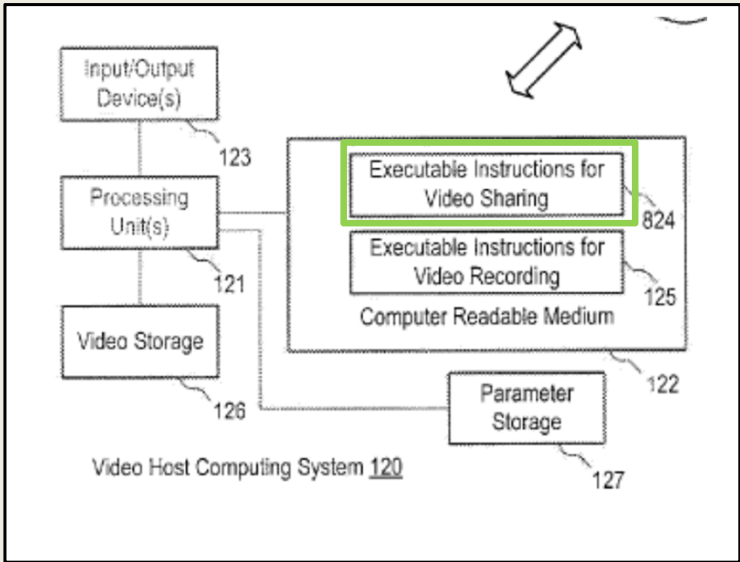
[0005] In one aspect, a method and system disclosed herein includes providing a self contained embeddable software component adapted to be deployed in response to a website video posting interaction, wherein the self contained embeddable software component is adapted to provide video capture and video editing functions. In embodiments, the self contained embeddable software component may be further adapted to be embedded in a browser software application.

10. The method of claim 4 further comprising providing access to editing tools through the media player software, wherein the editing tools allow a user to edit the stored video file.

Petitioner Expert Dr. Almeroth

276. Combining the teachings of Lerman with the teachings of Nassiri is also simply the combination of known elements (Lerman’s video player software component teachings with Nassiri’s video player software component) according to known methods (e.g., incorporating functionality from one software package into another) to yield predictable results (e.g., allowing Nassiri’s user to edit videos, thereby simplifying of posting a video file and providing additional functionality, including: concatenate multiple videos together, add transitions, titles, graphics, and other effects, and mix in another audio source.).

Nassiri



95. That is, a POSITA would have taken Lerman’s video editing functions and incorporated those teachings into Nassiri’s video player software component, which are provided by its “executable instructions for video sharing 824” present on “video host computing system 120” (i.e., a server). Thus, it

‘997 Patent at claim 10; Lerman (Ex-1012), [0005]; Nassiri (Ex-1009), Fig. 8, ¶ 57; Almeroth Decl. (Ex-1007), ¶ 276; Almeroth Reply Decl. (Ex-1036), ¶ 95 (Petition at 57-59, Reply at 25-26).

Petitioner
Twitter, Inc.

U.S. Patent No. 9,083,997
IPR2017-00829 (claims 1-19)
IPR2017-00830 (claims 20-35)

David McCombs
Raghav Bajaj
Haynes and Boone, LLP
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