

HULU, LLC
Petitioner
V.
SITO MOBILE R&D IP, LLC and
SITO MOBILE, LTD.
Patent Owner

Case No. IPR2021-00265: U.S. Pat. No. 9,591,360

Case No. IPR2021-00308: U.S. Pat. No. 8,825,887

Patent Owner's Demonstratives

Overview of the Claimed Invention

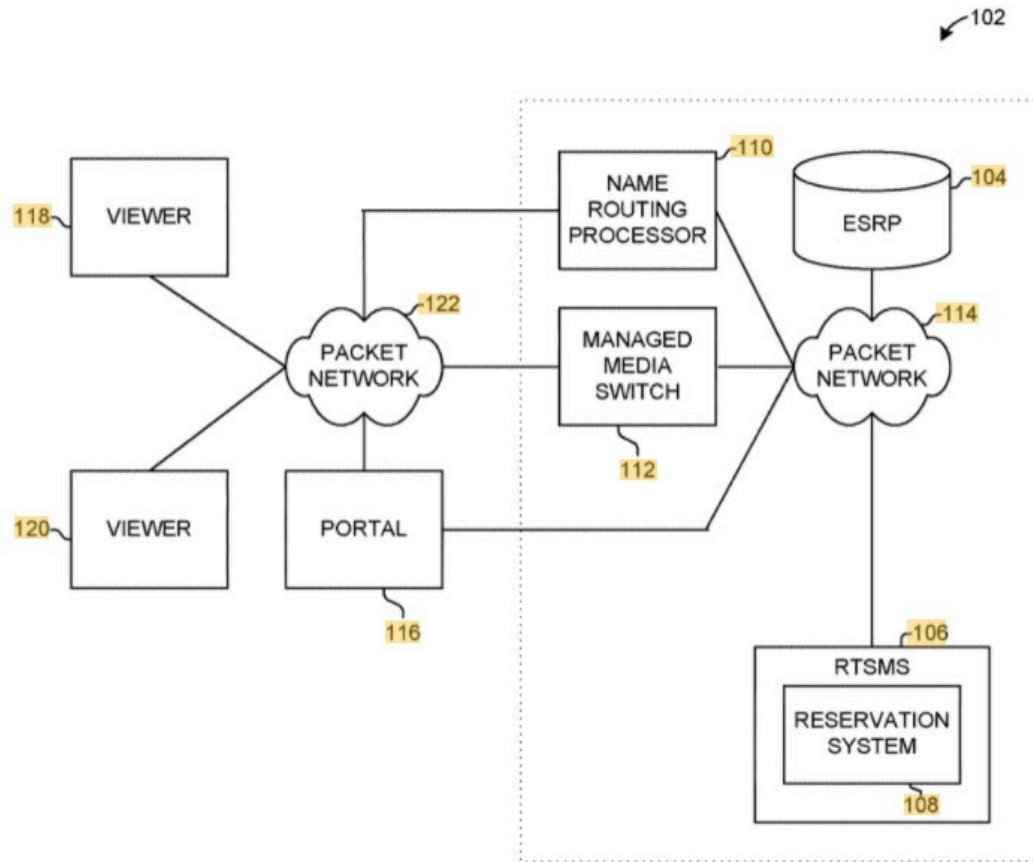


FIG. 1

-00265: Pet. (Paper 1) at 12 (360 Patent, Fig. 1) (annotated in yellow); Pet. at 12-13

Overview of the Claimed Invention: “Media”; “Program”; “Request for Media”; “Signaling”

Media

Media = audio, video, images, etc.

“Media may include **audio, video, images, moving text messages** such as stock ticker tapes, and other data. Media may include one or more media clips or a part of a media clip.” 360 Patent, 4:53-66.

Program

Program = media + media rules

“The streaming system 102 also enables a media owner to identify a program or a portion of a program that is made available for streaming. **The program typically identifies the sequencing, whether sequential, parallel, timing, or other, in which media clips are to be streamed, where the media clips are to be placed, and, in some instance, to whom the media clips can be transmitted.**” 360 Patent, 6:56-62.

“**A program may have a list of media, an order, and/or other media rules.** The program may also have program creation rules and/or program routing rules. Network distribution rules generated by the owner and/or operator of the streaming system 102 (hereafter, “network owner”) or one or more other packet network suppliers also may be associated with the program. The network distribution rules, the media list, the order, and any other special media rules, such as program creation rules and/or program routing rules, govern the transmission of the media for a program.” 360 Patent, 6:63-7:5.

Requests for Media / Signaling

“The initial signaling from the viewer 118 or 120 typically is a request for a program or programs. **However, a simple request for an individual media or list of media may be honored in some embodiments.**” 360 Patent, 11:22-26.

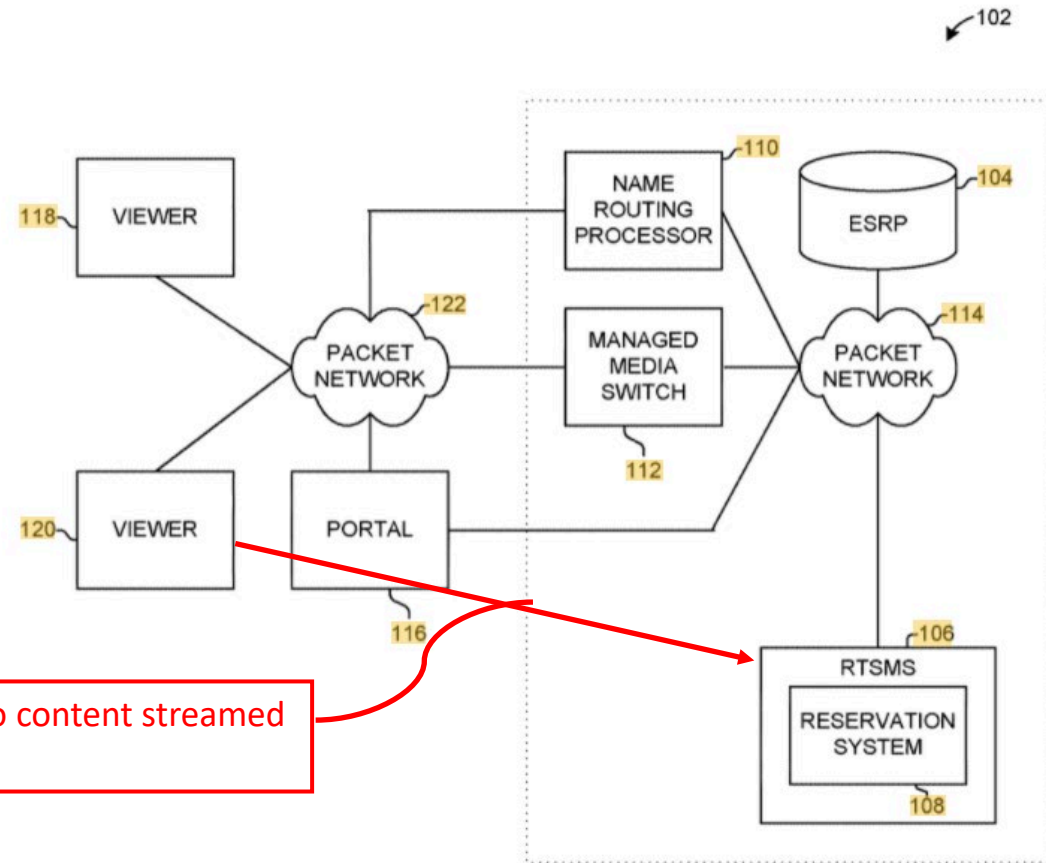
“The RTSMS 106 then generates a customized play script for the requested program to the viewer.” 360 Patent, 11:33-34.

Overview of the Claimed Invention

360, Claim 15: “receiving from a client device **signaling to have video content streamed to the client device**”

887, Claim 39: “receiving . . . **a request for media** from at least one communication device”

360 – “signaling” to have video content streamed
887 – “request for media”



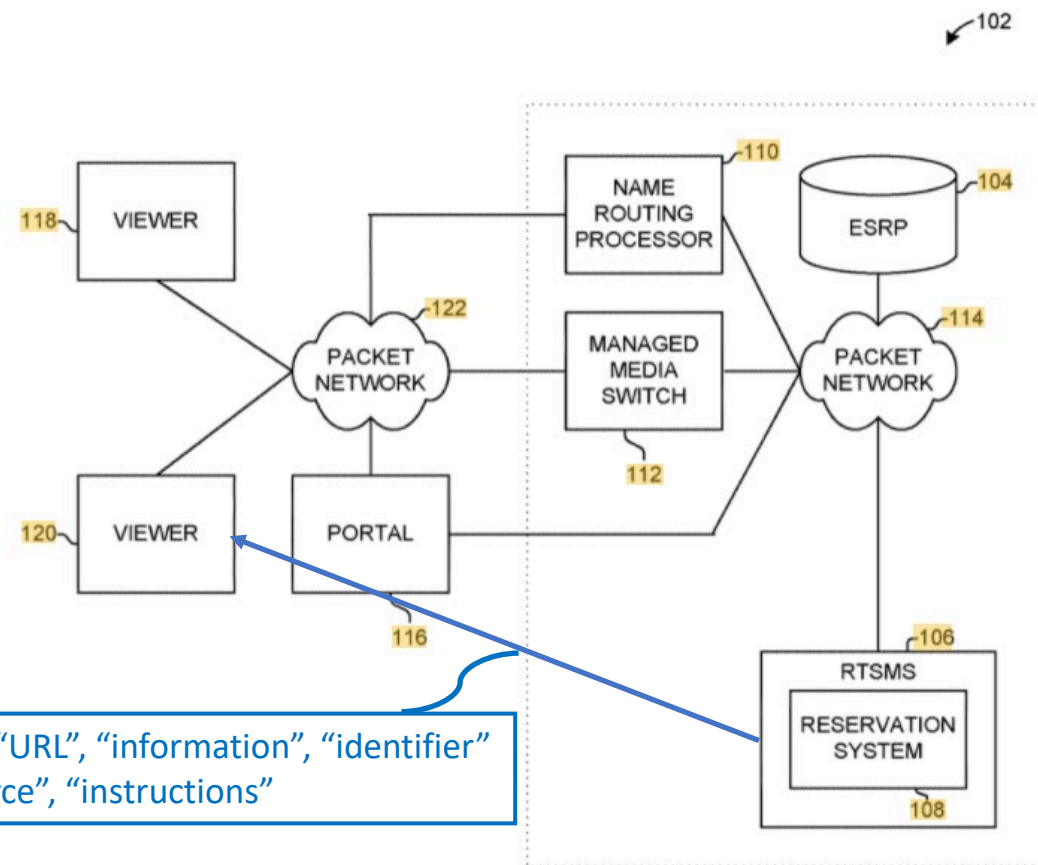
-00265: Pet. (Paper 1) at 12 (360 Patent, Fig. 1) (annotated in red/yellow); Pet. at 12-13

Overview of the Claimed Invention

360, Claim 15: in response to the received signaling . . . transmitting to the client device . . . **“(i) an indication of one or more segments of the video content, (ii) a URL including an identification of one or more resources of a content distribution network available to facilitate streaming of the one or more segments to the client device, (iii) information instructing the client device how to communicate with the one or more resources of the content distribution network to cause the plurality of segments to be streamed to the client device by the content distribution network, (iv) information instructing the client device how to communicate with an advertising server to cause one or more advertisements to be streamed from the advertising server to the client device in sequence with the streaming of the plurality of segments to the client device by the content distribution network, and (v) the identifier”**

887, Claim 39: “transmitting the **at least one list**, the **least one identification of the at least one resource**, and the **one or more instructions** from the at least one computing device to the at least one communication device via the communication network”

-00265: Pet. (Paper 1) at 12 (360 Patent, Fig. 1) (annotated in blue/yellow); Pet. at 12-13



360 – “indication”, “URL”, “information”, “identifier”
887 – “list”, “resource”, “instructions”

Overview of the Claimed Invention

360, Claim 15: “(ii) . . . one or more resources of a content distribution network available to facilitate streaming of the one or more segments to the client device, (iii) information **instructing the client device how to communicate with the one or more resources** of the content distribution network to cause the plurality of segments to be streamed to the client device by the content distribution network, (iv) information **instructing the client device how to communicate with an advertising server to cause one or more advertisements to be streamed** from the advertising server to the client device in sequence with the streaming of the plurality of segments to the client device by the content distribution network”

887, Claim 39: “(ii) . . . at least one resource other than the at least one computing device available to facilitate streaming of the at least one portion of the requested media, and (iii) one or more instructions as to how **the at least one portion of the requested media is to be streamed to the communication device**”

360 – “client device” communicates with CDN resources to control streaming
887 – “communication device” communicates with at least one resource to control streaming

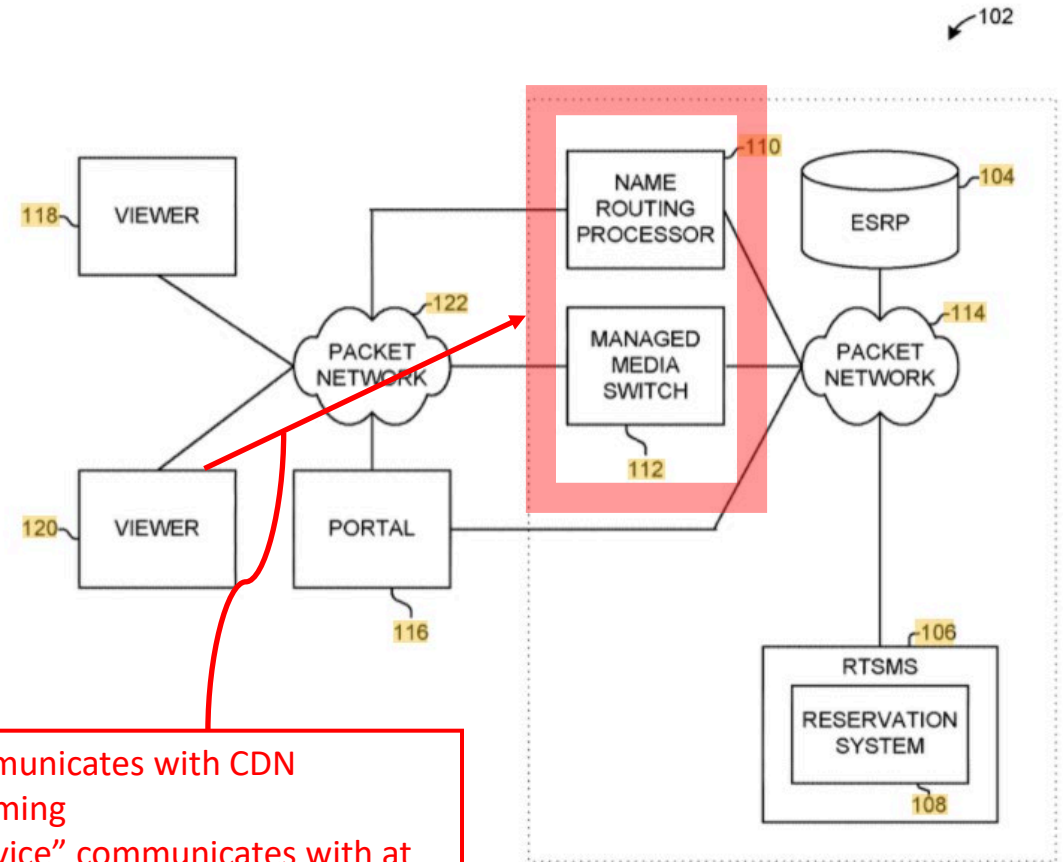


FIG. 1

-00265: Pet. (Paper 1) at 12 (360 Patent, Fig. 1) (annotated in red/yellow); Pet. at 12-13

Overview of the Claimed Invention

360, Claim 15: “(ii) . . . **one or more resources of a content distribution network available to facilitate streaming of the one or more segments to the client device**, (iii) information instructing the client device how to communicate with the one or more resources of the content distribution network **to cause the plurality of segments to be streamed to the client device by the content distribution network**, (iv) information instructing the client device how to communicate with an advertising server **to cause one or more advertisements to be streamed from the advertising server to the client device in sequence with the streaming of the plurality of segments to the client device** by the content distribution network”

887, Claim 39: “(ii) . . . at least one resource other than the at least one computing device available **to facilitate streaming of the at least one portion of the requested media**, and (iii) one or more instructions as to how **the at least one portion of the requested media is to be streamed to the communication device**”

360 – streaming of video content “segments”
887 – streaming of requested media “portions”



-00265: Pet. (Paper 1) at 12 (360 Patent, Fig. 1) (annotated in blue, red, yellow); Pet. at 12-13



US009591360B2

(12) **United States Patent**
Jennings et al.

(10) **Patent No.:** **US 9,591,360 B2**

(45) **Date of Patent:** **Mar. 7, 2017**

(54) **SYSTEM AND METHOD FOR ROUTING MEDIA**

(71) Applicant: **SITO Mobile R&D IP, LLC**, Jersey City, NJ (US)

(72) Inventors: **Charles A. Jennings**, Kansas City, MO (US); **Donald H. Bate**, Plano, TX (US)

(73) Assignee: **SITO Mobile R&D IP, LLC**, Jersey City, NJ (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **15/268,255**

(22) Filed: **Sep. 16, 2016**

(65) **Prior Publication Data**

US 2017/0006318 A1 Jan. 5, 2017

Related U.S. Application Data

(60) Continuation of application No. 14/819,107, filed on Aug. 5, 2015, now Pat. No. 9,450,996, which is a (Continued)

(51) **Int. Cl.**
G06F 15/16 (2006.01)
H04N 21/458 (2011.01)
(Continued)

(52) **U.S. Cl.**
CPC **H04N 21/458** (2013.01); **H04L 47/724** (2013.01); **H04L 65/4084** (2013.01);
(Continued)

(58) **Field of Classification Search**
CPC H04L 65/4069; H04L 67/32; H04L 67/18; H04L 65/4092; H04L 47/724;
(Continued)

(56) **References Cited**

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(Continued)

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(Continued)

Primary Examiner — Richard G Keehn

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Polsinelli PC

(57) **ABSTRACT**

A video streaming system comprises one or more servers, each of the one or more servers including one or more processors and a memory. The one or more servers receive signaling from a client device via a packet-based telecommunication network. In response to the received signaling, the one or more servers transmit to the client device, via the packet-based telecommunication network, one or more files in a format compatible with a media player on the client device, the one or more files including (i) an indication of one or more segments of video content, (ii) one or more URLs identifying one or more resources of a content distribution network available to facilitate streaming of the one or more segments and one or more advertisements to the client device, (iii) information instructing the client device how to communicate with the one or more resources to cause the one or more segments of the video content and the one or more advertisements to be streamed to the client device

(Continued)

15. A method performed by an apparatus having a processor, memory, and a packet-based network interface, the method comprising:

receiving from a client device via a packet-based telecommunication network signaling to have video content streamed to the client device; and

in response to the received signaling, generating an identifier uniquely associated with the client device and a viewing session for the video content and transmitting to the client device, via the packet-based telecommunication network and in one or more files, each of the one or more files being in a format compatible with a media player on the client device, (i) an indication of one or more segments of the video content, (ii) a URL including an identification of one or more resources of a content distribution network available to facilitate streaming of the one or more segments to the client device, (iii) information instructing the client device how to communicate with the one or more resources of the content distribution network to cause the plurality of segments to be streamed to the client device by the content distribution network, (iv) information instructing the client device how to communicate with an advertising server to cause one or more advertisements to be streamed from the advertising server to the client device in sequence with the streaming of the plurality of segments to the client device by the content distribution network, and (v) the identifier.



US008825887B2

**(12) United States Patent
Jennings et al.****(10) Patent No.: US 8,825,887 B2
(45) Date of Patent: Sep. 2, 2014****(54) SYSTEM AND METHOD FOR ROUTING
MEDIA****(71) Applicants:** Charles A. Jennings, Kansas City, MO
(US); Donald H. Bate, Plano, TX (US)**(72) Inventors:** Charles A. Jennings, Kansas City, MO
(US); Donald H. Bate, Plano, TX (US)**(73) Assignee:** Single Touch Interactive R&D IP,
LLC, Jersey City, NJ (US)**(*) Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.**(21) Appl. No.:** 13/841,015**(22) Filed:** Mar. 15, 2013**(65) Prior Publication Data**
US 2013/0218650 A1 Aug. 22, 2013**Related U.S. Application Data****(60)** Continuation of application No. 11/680,407, filed on
Feb. 28, 2007, which is a division of application No.
10/051,406, filed on Jan. 18, 2002, now Pat. No.
7,191,244, which is a continuation-in-part of
application No. 09/838,993, filed on Apr. 20, 2001,
now Pat. No. 7,054,949, which is a
continuation-in-part of application No. 09/766,519,
filed on Jan. 19, 2001, now abandoned.**(60)** Provisional application No. 60/263,044, filed on Jan.
19, 2001.**(51) Int. Cl.**
G06F 15/16 (2006.01)
G06F 15/173 (2006.01)
H04L 29/08 (2006.01)
H04N 7/173 (2011.01)
H04N 21/472 (2011.01)
H04L 29/06 (2006.01)
H04N 21/8355 (2011.01)**G06Q 30/02** (2012.01)
H04N 21/81 (2011.01)
H04N 21/262 (2011.01)
H04N 21/2385 (2011.01)
H04N 7/16 (2011.01)
H04N 21/238 (2011.01)
H04N 21/2543 (2011.01)**(52) U.S. Cl.**CPC **G06Q 30/0251** (2013.01); **H04L 67/306**
(2013.01); **H04N 7/17318** (2013.01); **H04N**
21/47214 (2013.01); **H04L 65/4084** (2013.01);
H04L 67/2838 (2013.01); **H04N 21/8355**
(2013.01); **H04N 21/812** (2013.01); **H04N**
21/262 (2013.01); **H04N 21/2385** (2013.01);
H04L 65/60 (2013.01); **H04N 7/165** (2013.01);
G06Q 30/0274 (2013.01); **H04N 21/23805**
(2013.01); **H04N 21/2543** (2013.01)
USPC **709/231**; 709/239; 709/226; 709/227;
709/219**(58) Field of Classification Search**CPC . H04L 65/4084; H04L 67/2838; H04L 67/18;
H04L 67/303; H04L 67/306
USPC 709/231
See application file for complete search history.**(56) References Cited****U.S. PATENT DOCUMENTS**4,814,883 A 3/1989 Perine
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5,777,994 A 7/1998 Takihiro et al.
5,778,187 A 7/1998 Monteiro et al.
5,784,449 A 7/1998 Ardon
5,787,253 A 7/1998 McCreery et al.**39. A method comprising:**receiving, at at least one computing device via a commu-
nication network, a request for media from at least one
communication device, the at least one communication
device capable of executing instructions received from
the at least one computing device to obtain at least one
portion of the requested media using at least one
resource other than the at least one computing device;identifying, at the at least one computing device, whether
the requested media is available for streaming to the at
least one communication device in accordance with at
least one program;generating, at the at least one computing device based on
the at least one program, one or more capabilities of the
communication device, and at least one characteristic
associated with a user of the communication device, (i)
at least one list identifying at least a portion of the
requested media, (ii) at least one identification of the at
least one resource other than the at least one computing
device available to facilitate streaming of the at least one
portion of the requested media, and (iii) one or more
instructions as to how the at least one portion of the
requested media is to be streamed to the communication
device;transmitting the at least one list, the least one identification
of the at least one resource, and the one or more instruc-
tions from the at least one computing device to the at
least one communication device via the communication
network;identifying at least one revenue sharing rule for sharing
between at least two parties at least a percentage of
revenue generated by streaming the at least the portion
of the requested media; andgenerating at least one settlement record based on the at
least one revenue sharing rule for sharing between the at
least two parties the at least the percentage of revenue
generated by streaming the at least the portion of the
requested media.

Grounds for -00265 (360 Patent) and -00308 (887 Patent)

Grounds for 360 Patent:

Ground 1: Eyal + Wiser

Ground 2: Madison 273 + Wiser

See Pet. (-00265) (Paper 1), at 10.

Grounds for 887 Patent:

Ground 1: Eyal + Angles

Ground 2: Eyal + Angles + Chang

Ground 3: Madison 273 + Wolfe

See Pet. (-00308) (Paper 1), at 2.

Claim construction -00265 (360 Patent)

“Reservation”

HULU:

“Reservation” is “a set of instructions uniquely identifying the communication device and the play script, and reserving system resources for streaming the requested media.”

Pet. at 20.

SITO:

arrangement regarding reserved resources of a streaming system

POR at 16.

“Reservation Identification”

HULU:

A “reservation identification” is “a designator uniquely identifying a reservation.”

Pet. at 22. See also - 00206, -00219.

SITO:

A “reservation identification” is an identification of a reservation. The term “identification” has no special meaning. As such, “reservation identification” should be given its plain and ordinary meaning.

POR at 17.

Claim Construction -00265 (360 Patent)

“Play Script”

SITO: a file containing one or more media references and other information used by a communication device to obtain media -00265, POR at 13

HULU: No construction proposed for “play script” in -00265 IPR. -00265, Pet. at 20-23; but see other IPRs below.

“a list customized for the communication device
containing one or more media references and instructions executable by the
communication device.” -00158, Pet. (Paper 2) at 22. See also -00206, -00219.

Claim Construction -00308 (887 Patent)

“Settlement Record”

HULU: A “settlement record” is a “billable event record to be used for revenue settlement purposes.” -00308, Pet. at 11.

SITO: None is required. -00308, POR at 16.

-00265, Reply at 7.

Claim Construction -00265 (360 Patent)

“Content Distribution Network”

HULU:	A “content distribution network” is a “distributed network of servers.”	-00265, Pet. (Paper 1) at 22-23.
SITO:	None required.	-00265, POR at 13-18.

On Reply, Parties agree constructions are not required.

HULU:	Although Hulu maintains its constructions, the Board need not determine whether Hulu’s or SITO’s constructions apply for these terms because it need only construe terms as required to resolve the controversy between the parties with respect to the grounds of invalidity presented.	-00265, Reply at 6.
SITO:	Agrees that proposed constructions are not material to IPR. HULU and SITO do agree a “reservation” requires a reservation of system resources .	-00265, Reply at 7; Sur-Reply at 18.

360 Patent Issue #1

“In Response to the Received Signaling, Generating an Identifier Uniquely Associated with the Client Device and a Viewing Session of Video Content”

Ground 1 (Eyal and Wiser)

360 Patent (Issue #1)

“In Response to the Received Signaling, Generating an Identifier Uniquely Associated with the Client Device and a Viewing Session of Video Content”

Ground 1: Eyal and Wiser

360 Patent (Ex. 1001) at 54:7-10.

HULU:

A POSITA would

have understood that the voucher ID is uniquely associated with the client device and a viewing session for the media as the “voucher ID 302 limits the use of the media voucher 300 to a single purchase or preview transaction.” *Id.*, 8:30-33.

-00265, Pet. (Paper 1) at 32.

SITO:

As Hulu admits, Wiser specifically states that its voucher ID merely represents a “specific purchase transaction” – not a client device. POR, 33. This understanding consistent with Wiser’s statement that the system “should allow a consumer to playback purchased [content] not merely on a single computer, but on any platform equipped with an appropriately licensed playback device.” POR, 34 (citing Ex-1006, 2:35-40).

-00265, Sur-Reply (Paper 25) at 32.

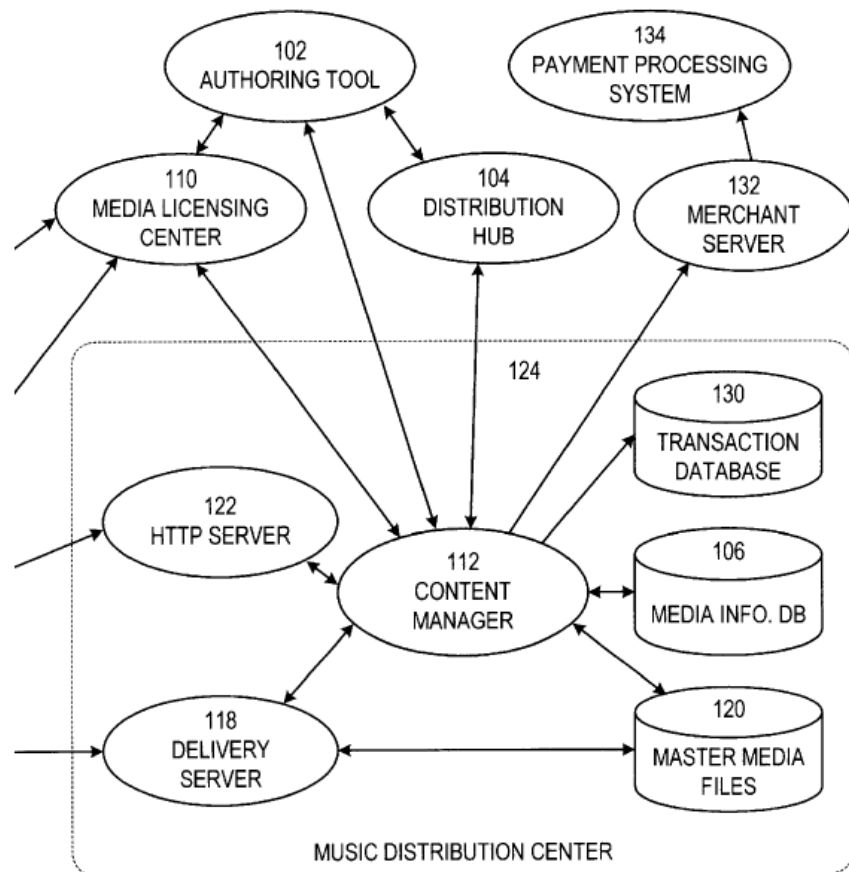


FIGURE 1B

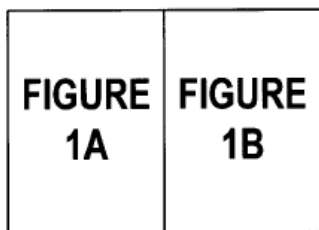


FIGURE 1

Ex. 1006, Wiser, Fig. 1.

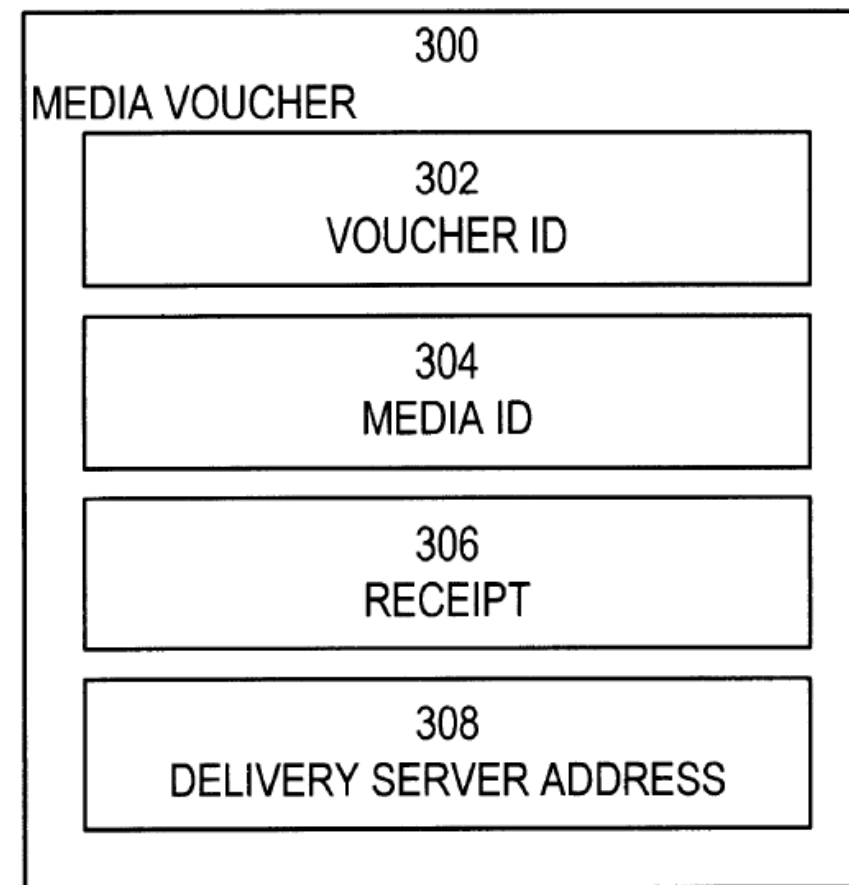


FIGURE 3

Ex. 1006, Wiser, Fig. 3.

Voucher ID in Wiser

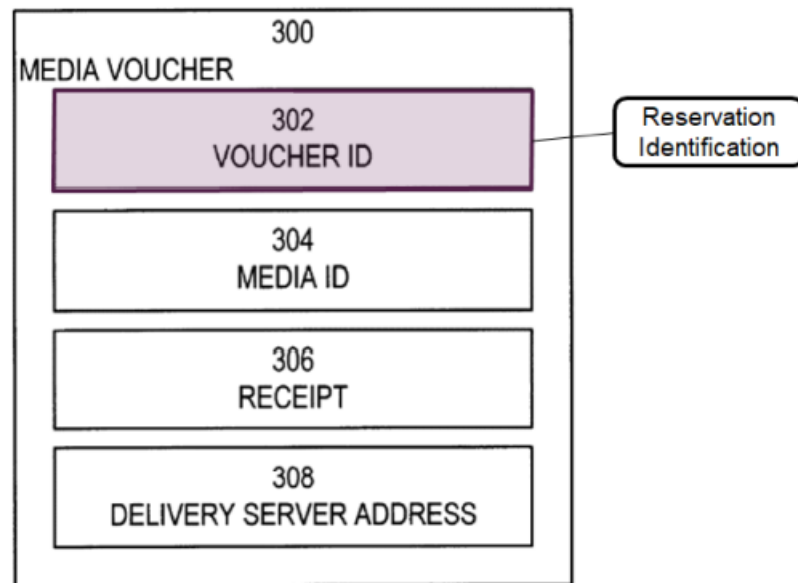


FIGURE 3

POR (Paper 18). 33

Referring now to FIG. 3, there is shown an embodiment of a media voucher. A media voucher **300** includes a unique voucher ID **302** which is generated by the content manager **112**, and a media ID **304** that uniquely identifies the media data file **200**. The voucher ID **302** limits the use of the media voucher **300** to a single purchase or preview transaction. A receipt **306** is a strong random number generated by the content manager **112** which is used to create a message authentication code (MAC) of the voucher ID and consumer certificate to bind the delivery of the media data to the purchase transaction. Preferably, the MAC is a keyed message authentication code as defined in Internet RFC **2104**. A delivery server address **308** is the IP address and TCP port of a delivery server **118** that will provide the media data file **200** to the user's media player **116**.

112, passing in the media ID of the requested media data file **200**, a requested quality level (bit rate and number of channels in the audio image). The reservation verifies that the requested song at the specified quality level actually exists in the master media files **120** and is available for purchase.

Wiser at 8:27-41, 17:1-6

360 Patent (Issue #1)

“In Response to the Received Signaling, Generating an Identifier Uniquely Associated with the Client Device and a Viewing Session of Video Content”

Ground 1: Eyal and Wiser

360 Patent (Ex. 1001) at 54:7-10.

HULU:

15:23-28 (An “HTTP response embedding the media voucher data” is returned to the Web browser “to invoke the media player 116 with the response data.”). For example, in the case of a single preview transaction, the one-to-one interaction between the end user and the delivery server, from the request for the preview to the delivery of the stream of media, constitutes a single session.

-00265, Pet. (Paper 1) at 32.

-00265, Sur-Reply (Paper 25) at 32.

360 Patent (Issue #1)

“In Response to the Received Signaling, Generating an Identifier Uniquely Associated with the Client Device and a Viewing Session of Video Content”

Ground 1: Eyal and Wiser

360 Patent (Ex. 1001) at 54:7-10.

HULU:

Because the voucher ID “limits the use of the media voucher...to a single...preview transaction,” it would have been obvious to a POSITA that the voucher ID limits the preview transaction to the user device initiating the transaction. Ex-1003, ¶152.

-00265, Pet. (Paper 1) at 32-33.

-00265, Sur-Reply (Paper 25) at 32.

360 Patent (Issue #1)

“In Response to the Received Signaling, Generating an Identifier Uniquely Associated with the Client Device and a Viewing Session of Video Content”

Ground 1: Eyal and Wiser

360 Patent (Ex. 1001) at 54:7-10.

HULU:

For example, that it is “desirable” to allow consumer playback on multiple platforms (Ex-1006, 2:31-40) **says nothing about using a single voucher ID**—indeed, the more natural reading suggests **issuing a new voucher ID when the user switches devices**. Similarly, embedding media voucher data in an HTTP response (*id.*, 15:24-26) **does not mean that Wiser intended its voucher IDs to be transferrable between devices**. *See* POR, 34. Indeed, that is inconsistent with how Wiser explains its voucher ID. *See, e.g.*, Ex-1006, 8:30-33 (“voucher ID 302 limits the use of the media voucher 300 to a single purchase or preview transaction.”).

-00265, Reply (Paper 23) at 14.

SITO:

Hulu’s rebuttal that “SITO provides no explanation as to how the voucher ID [of Wiser] could possibly be associated with multiple different devices...” misses the point. Reply, 14. It is *because* the voucher ID of Wiser does *not* uniquely identify *any* client device, that Wiser’s system can allow playback on multiple devices.⁵

-00265, Sur-Reply (Paper 25) at 11-12.

Claim 15 (360 Patent)

15. . . . transmitting to the client device . . . in one or more files . . .

(i) an indication of one or more segments of the video content,

(ii) a URL including an identification of one or more resources of a content distribution network available to facilitate streaming of the one or more segments to the client device,

(iii) information instructing the client device how to communicate with the one or more resources of the content distribution network to cause the plurality of segments to be streamed to the client device by the content distribution network,

(iv) information instructing the client device how to communicate with an advertising server . . .

(v) the identifier.

-00265, 360 Patent, 54:9-28

360 Patent, Issue # 2

“Transmitting . . . in One or More Files . . .

(iii) Information Instructing the Client Device How to Communicate with . . .
Resources of the Content Distribution Network to Cause the Plurality of Segments
to be Streamed to the Client Device.”

(Ground 1: Eyal and Wiser)

360 Patent (Ex. 1001) at 54:7-22.

Eyal Reference (Ground 1)

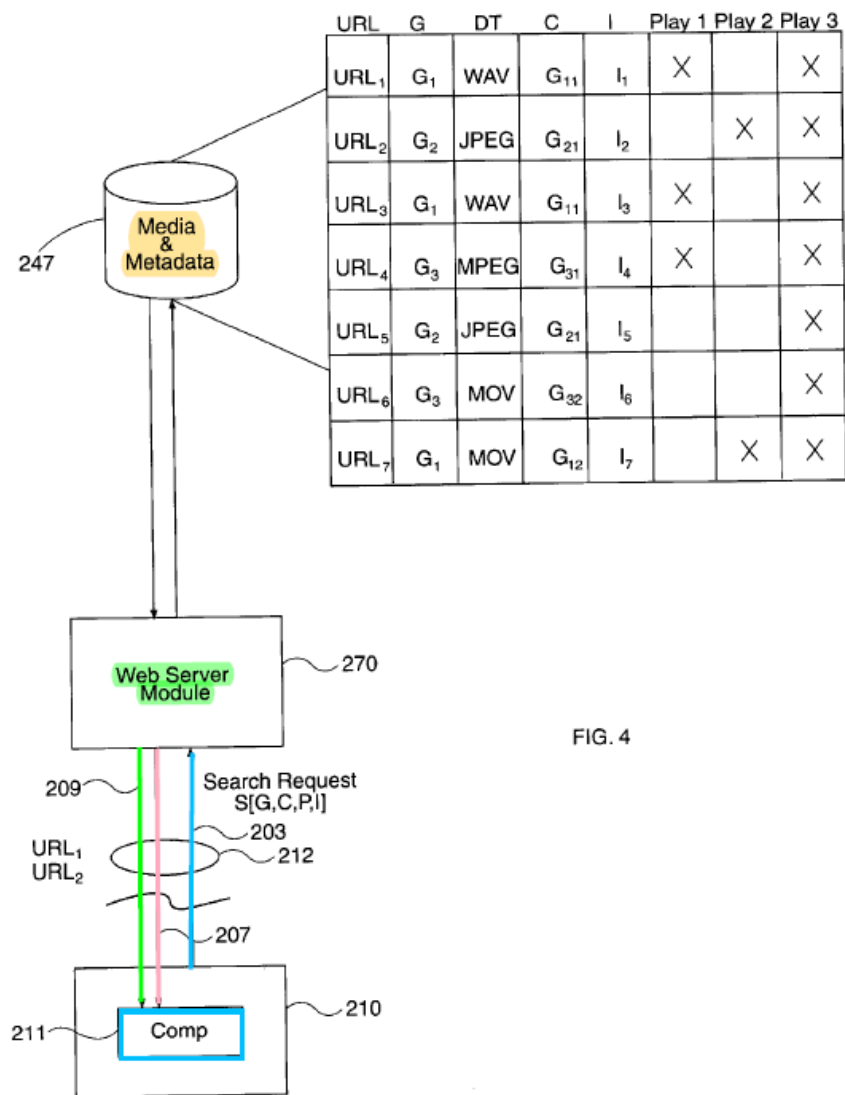
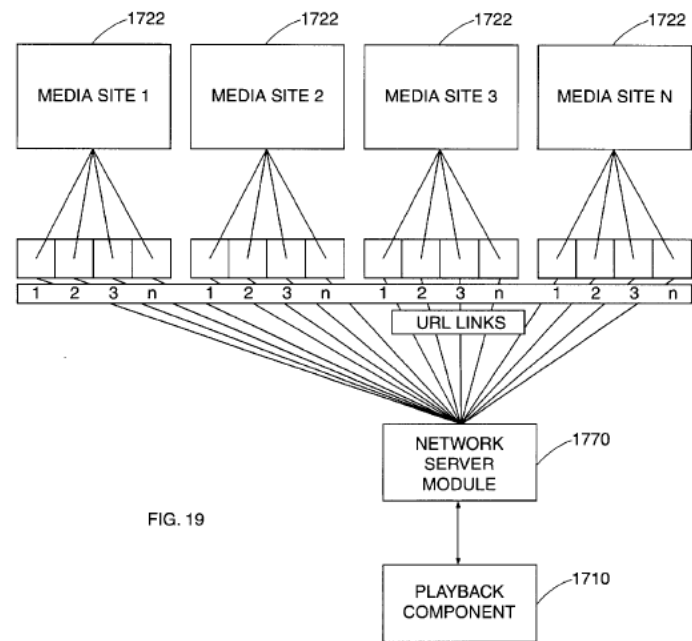


FIG. 4

-00265, POR at 19 (Eyal, Fig. 4).



-00265, Pet. at 24 (Eyal, Fig. 19)

360 Patent (Issue #2)

“Generating . . . in One or More Files . . . (iii) Information Instructing the Client Device How to Communicate with . . . Resources of the Content Distribution Network to Cause the Plurality of Segments to be Streamed to the Client Device.”

(Ground 1: Eyal and Wiser)

360 Patent (Ex. 1001) at 54:7-22.

HULU:

1. Eyal teaches “the media playback component 211 being controlled by one or more modules of system 200.” Ex-1005, 21:3-5. “The web server module 270 signals **control information** to an application program interface 276 of the media playback component 211.” *Id.*, 21:6-7.
2. “The **sequence** for automatically and continuously playing back media may be repeated for each media link included in the play-list.” *Id.*, 27:53-55.
3. Eyal also teaches including instructions for streaming advertisement media: “In some embodiments, **links to streaming media commercials** may be inserted into the play-lists in various locations
4. Eyal teaches that the play-list includes instructions telling the client device how to obtain, **present, and adjust the media** (e.g., media duration, media URL, source web site, media type, clip broadcast quality, and image size
5. Replacement of URL prefixes (“http” by “pnm”).
-00265, Pet. at 36-37; POR, 36-39; Reply, 16-17; Sur-Reply, 14-15

360 Patent (Issue #2)

“Generating . . . in One or More
Files . . . (iii) Information
Instructing the Client Device
How to Communicate with . . .
Resources of the Content
Distribution Network to Cause
the Plurality of Segments to be
Streamed to the Client Device.”

(Eyal and Wiser)

360 Patent (Ex. 1001) at 54:7-22.

SITO:

Nevertheless, the control information set forth in Eyal is used to control a client device (*see, e.g.,* Ex.-1005, 20:41-45), not “information instructing” a client device *how to communicate with a resource (server) to cause video segments to be streamed.* Ex.-2012, ¶185.

Hulu also identifies *the mere sequence/order of URLs* on a play-list (including advertising insertions) as the claimed instructions. Pet., 36-37. The mere *sequence/order* of URLs in a play-list, however, is not the claimed “information instructing.”

Further, Hulu identifies “information instructing” as metadata that is associated with media. Pet., 37. Hulu states that this metadata tells “the client device how to *obtain, present, and adjust the media*” *Id.* Eyal explains that this metadata is *extracted and stored* in a database. Ex.-1005, 12:37-40. This metadata provided to a client device, however, relates to *how the media is displayed* on the user device. Ex.-2012, ¶187.

-00265, POR at 36-37

SITO:

Finally, Hulu points to the protocol that is *part of* (at the beginning of) the URL as the claimed “information instructing.” The claim, however, requires the “information instructing” to be something *separate* from the URL; the claim recites these elements *separately*. As such, Hulu’s position is logically flawed.

Although Hulu disagrees (Reply, 16), the claims require instructions separate from the URL: (1) instructions *together with* (2) the URL, to obtain media. POR, 36-39. Hulu ignores this claim language, suggesting the URL alone can be used as instructions to obtain media, essentially conflating the two. Reply, 16. The URLs of Eyal are simply addresses. POR, 40-42. The whole point of the claimed feature is to use URLs together with the information instructing the client device. Ex-1001, 54:19-20. Eyal does not disclose URLs and “instructions.”

-00265, POR at 39; Sur-Reply at 15.

Claim 15 of the 360 Patent:

“transmitting to the client device . . . in one or more files . . .

(ii) a URL including an identification of one or more resources of a content distribution network available to facilitate streaming of the one or more segments to the client device,

(iii) information instructing the client device how to communicate with . . . resources of the content distribution network to cause the plurality of segments to be streamed to the client device.”

360 Patent (Ex. 1001) at 54:7-17.

360 Patent
(Issue #3)

“streaming the plurality of
segments to the client device”/
“one or more segments”

(Ground 1: Eyal and Wiser)

360 Patent (Ex. 1001) at 54:9-28.

Claim 15:

“Receiving signaling . . . to have **video content streamed** to the client device.

“response to the received signaling . . . transmitting . . . to the client device . . .”

(i) “an indication of **one or more segments** of the **video content**,”

(iii) “information instructing the client device . . . to cause . . . the **plurality of segments** to be streamed to the client device . . .”

(iv) “information instructing the client device . . . to communicate with an advertising server to cause . . . advertisements to be streamed . . . with the **streaming of the plurality of segments** to the client device . . .”

-00265, 360, 54:4-27; Sur-Reply, 13.

360 Patent
(Issue #4)

Dependent Claim 21

(Ground 1: Eyal and Wiser)

360 Patent (Ex. 1001) at 54:9-28.

Claim 21:

“21. The method of claim 15, further comprising, in response to the received signaling, **transmitting to the client device**, via the packet-based telecommunication network and in the one or more files,

a unique identifier associated with

(i) the **one or more segments** and

(ii) rules for streaming the **one or more segments.**”

Note: The “unique identifier” of Claim 21 is distinct from independent Claim 15’s “identifier uniquely” associated with the “client device and a viewing session.”

-00265, 360, 44-49; Sur-Reply, 13.

Claim 21 (Ground 1: Eyal and Wiser)

Claim 21 . . . a **unique identifier** associated with (i) the one or more segments and (ii) rules for streaming the one or more segments.”

HULU

1. Eyal has metadata dB 247 has **“identifier information”** including “name of media creation” (song). Identifier for “name of media creation” **“uniquely identifies one or more segments.”**
2. **“Identifier information”** of “name of media creation” also has **rules** such as the associated “URL” and **rules for “control media playback”** such as **“play (URL) and pause (URL)”**
3. **Sequence** for “automatically and continuously playing back media” in play list. Pet., 42-43

SITO

1. Identifier of “name of creation” does not uniquely identify one or more segments.
2. Play/pause commands for URL are not “rules for streaming.”
3. Sequence in play list for playback is not a “rule for streaming” and it is not identified by an “identifier” in the dB 247 that is associated with a single URL.

POR, 44-45.

SITOTM

Ground 2: Madison 273 + Wiser

See Pet. (-00265) (Paper 1), at 10.

Ground 2: Madison 273 and Wiser

Issue #1: Madison is Not Prior Art to the 360 Patent

Madison is entitled to a priority date no earlier than Jan. 18, 2001.

-00265, POR at 24; Ex. 1051 (Madison), Cover Page 1.

360 Patent is entitled to a priority date of Jan. 13, 2001.

-00265, POR at 24.

- Priority under § 120 to App. No. 09/766,519 filed Jan. 19, 2001, with
- Prior invention of Jan. 13, 2001 coupled with diligence to filing of '519 Application on Jan. 19, 2001.

Issue #1: 360 Patent has a Priority Date of Jan. 13, 2001

SITO:

Issue #1: Madison is Not Prior Art to the 360 Patent because of Prior Invention of Jan. 13, 2001

- SITO submitted a Jan. 13, 2001 conception document (Ex. 2016) (draft patent application for '519 App. filed **six days later** on Jan. 19).
- SITO submitted two additional technical documents supporting Jan. 13 conception, including Jan. 2, 2001 Operational Concept Document (OCD) (Ex. 2018) and Jan. 17, 2001 OCD (Ex. 2022).

-00265, POR at 24-25;
Sur-reply, 3-6.

360 Patent has a Priority Date of Jan. 13, 2001

SITO Issue #1: Madison is Not Prior Art to the 360 Patent because of Prior Invention of Jan. 13, 2001

- SITO submitted **three sworn declarations** supporting Prior Invention from co-inventor Don Bate (Ex. 2013), co-worker Gene Bowen (Ex. 2015) and Computer Forensics Expert Bryce Welke (Ex. 2016):

1. Inventor Bate has all three conception documents in his possession and no changes have been made to them.
2. Inventor Bate exercised diligence from Jan. 13 to the Jan. 19, 2001 filing of the '519 Application.
3. Co-worker Bowen worked with inventors Bate and Jennings and confirms diligence. He confirms authenticity of conception documents.
4. Forensic expert Welke confirmed the dates and integrity of the conception documents.

-00265, POR at 24-25;
Sur-reply, 3-6.

HULU: Did **not** dispute any facts from SITO's three declarations on Prior Invention.

-00265, Reply at 7-11;
Sur-reply, 4-6.

360 Patent has a Priority Date of Jan. 13, 2001 (Ground 2)

Issue #1

HULU

1/13/01 Conception Document does not support:

- 1. “Information instructing the client device”
- 2. “Content distribution network”
- 3. “Advertising server”

Reply at 8-11.

SITO

Jan. 13, 2001 Conception provides support:

- 1. Presentation ID instructs client how to communicate with switch NRP (110) or MMS 112/stream caster 304 to cause streaming. Sur-Reply, 7-8; Ex. 2016, 20, 31; Ex. 2017, 10-11.
- 2. Draft application describes a CDN. Streaming system with reservation server 114, routing processor 104, switch management 106, and media switches 110 for streaming content to client devices in a network 112. Sur-Reply, 8-9 (citing Ex. 2016, 5:14-20); POR at 29-31 (citing Ex. 2022, 044 Provisional Application (Fig. 1), at page 6).
- 3. Play list includes requested media and additional media like advertisements. Multiple different servers are disclosed. POR, 26; Sur-Reply, 10, Ex-2017, 11-14, 12 (“The play listplay listplay [] list may include the requested media . . . and additional media, such as one or more advertisements . . .”); Ex. 2022, 26 (“ads based on demographics”).

360 Patent (Issue #2)

“In Response to the Received Signaling, Generating an Identifier Uniquely Associated with the Client Device and a Viewing Session of Video Content”

Ground 2: Madison 273 and Wiser

360 Patent (Ex. 1001) at 54:7-10.

HULU:

Madison teaches generating a single redirector file comprising multiple URL entries “to be passed to the media player stored on the end user’s computer 104” and provides the example below “of a redirector file for use with Windows Media Technologies.” Ex-1051, [0110]; Ex-1052, 26:13-19.

```
<ASX>
  <ENTRY>
    <REF HREF="mms://mediaserver.company.com/stream1.asf">
    <REF HREF="mms://mediaserver.company.com/stream2.asf">
    <REF HREF="mms://mediaserver.company.com/stream3.asf">
  </ENTRY>
</ASX>
```

Id.

The ASX redirector file illustrated above is an example of a redirector file formatted for compatibility with Windows Media Player devices. However, Madison recognizes and teaches that for other types of players, a different type of redirector file, compatible with that device, should be generated and sent:

-00265, Pet. at 56-57.

360 Patent (Issue #2)

“In Response to the Received Signaling, Generating an Identifier Uniquely Associated with the Client Device and a Viewing Session of Video Content”

Ground 2: Madison 273 and Wiser

360 Patent (Ex. 1001) at 54:7-10.

SITO:

Nor has Hulu

explain what the identifier actually is or why it is unique. Hulu simply engaged in hand-waving. A *redirector file* is not an *identifier*. Nor is a redirector file unique – a *redirector file* for a type of media player can be used on *any* client device with that *media player*.

-00265, POR at 48.

Third, a POSITA would understand that in Madison, multiple different redirector files with streams 1-3 could be created. *See* Ex-1051, Paragraph [0110] (cited in Pet., 57; Reply, 22). But the redirector file of stream1, stream2 and stream 3 is not an “identifier,” nor does it uniquely identify a “viewing session.” POR, 48. Thus, Hulu fails to carry its burden regarding the claimed “identifier.”

-00265, Sur-Reply. at 20-21.

360 Patent (Issue #2)

“In Response to the Received
Signaling, Generating an Identifier
Uniquely Associated with the Client
Device and a Viewing Session of
Video Content”

Ground 2: Madison 273 and Wiser

360 Patent (Ex. 1001) at 54:7-10.

HULU:

Wiser teaches a media voucher that includes a voucher ID, generated by the content manager, which represents “[t]he specific purchase transaction.” *Id.*, 4:57-59. The voucher ID is uniquely associated with the client device. An “HTTP response embedding the media voucher data” is returned to the Web browser “to invoke the media player 116 with the response data.” *Id.*, 15:23-28. The voucher ID is also uniquely associated with a viewing session for the media, as the “voucher ID 302 limits the use of the media voucher 300 to a single purchase or preview transaction.” *Id.*, 8:30-33.

-00265, Pet. at 58; 32-33.

SITO:

Same.

-00265, POR at 49-50.

Ground 2: Madison 273 and Wiser

360 Patent, Issue # 3

“Transmitting . . . in One or More Files . . .

(iii) Information Instructing the Client Device How to Communicate with . . .
Resources of the Content Distribution Network to Cause the Plurality of Segments
to be Streamed to the Client Device.”

360 Patent (Ex. 1001) at 54:7-22.

360 Patent (Issue #3)

“Generating . . . in One or More Files . . . (iii) Information Instructing the Client Device How to Communicate with . . . Resources of the Content Distribution Network to Cause the Plurality of Segments to be Streamed to the Client Device.”

(Ground 3: Madison 273/Wiser)

360 Patent (Ex. 1001) at 54:7-22.

HULU:

1. The [All About ASX Files (AAAF)] article explains that when a user’s device receives an ASX file, it launches Windows Media Player, which “looks in the ASX for instructions on where to get the ASF file, and then starts the stream playing.”
2. It also explains that ASX playlists can include other types of instructions, including “allow[ing] you to schedule content to play in succession, or to insert advertising or special interest clips into a stream
3. The ASX also includes protocol information, which specifies instructions executable by the end user, here “mms.”
4. A POSITA would have known and found it obvious based on Madison’s use of ASX files that the redirector file would include other information such as instructions to play files in a particular order or to dynamically inserting other files

-00265, Pet. at 60-61; Reply, 23-24.

360 Patent (Issue #3)

“Generating . . . in One or More
Files . . . (iii) Information
Instructing the Client Device
How to Communicate with . . .
Resources of the Content
Distribution Network to Cause
the Plurality of Segments to be
Streamed to the Client Device.”

(Madison 273/Wiser)

360 Patent (Ex. 1001) at 54:7-22.

SITO:

1. Hulu asserts that “when a user’s device receives an ASX file, it launches Windows Media Player, which ‘looks in the ASX for instructions on **where to get the ASF file**, and then starts the stream playing.’” *Id.* But the instructions being referred to here are the URLs. And URLs cannot be the claimed “information instructing” because the claims require “**information instructing**” in addition to the **URL** set forth in the claim.
2. Hulu also asserts that the **ASX playlists** allow “you to schedule content to **play in succession**, or to **insert advertising or special interest clips** into a stream. Scheduling and where/when to insert advertising/other clips pertain to **how media is presented** to the viewer. Not instructions on **how the segments are to be streamed** . . .
3. Hulu points to the protocol that is *part of* (at the beginning of) the URL as the claimed “information instructing.” The claim, however, requires the “information instructing” to be something *separate* from the URL; the claim recites these elements *separately*. :

-00265, POR at 52-54;

360 Patent (Issue #3)

“Generating . . . in One or More
Files . . . (iii) Information
Instructing the Client Device
How to Communicate with . . .
Resources of the Content
Distribution Network to Cause
the Plurality of Segments to be
Streamed to the Client Device.”

(Madison 273/Wiser)

360 Patent (Ex. 1001) at 54:7-22.

HULU

4. A POSITA would have known and found it obvious based on Madison’s use of ASX files that the redirector file would include other information such as instructions to play files in a particular order or to dynamically inserting other files

SITO

4. [Hulu is] forced to make a conclusory statement that “[a] POSITA would have . . . found it obvious [to] include other information such as instructions to play files . . .” Pet., 61 (emphasis added); Reply 24. Moreover, the “instructions” Hulu imagines for modifying Madison, such as “to play files in a particular order” or to “insert[] other files” (Pet., 61) still do not meet the requirement that the claimed “instructions” are for “instructing the client device *how to communicate* with . . . resources of the content distribution network to *cause the plurality of segments to be streamed* to the client device,” as claimed. ’360 Patent, 54:18-22.

-00265, Pet. 61; Sur-Reply at 23.

360 Patent
(Issue #4)

Dependent Claim 21

(Ground 2: Madison 273/ Wiser)

360 Patent (Ex. 1001) at 54:9-28.

Claim 21:

“21. The method of claim 15, further comprising, in response to the received signaling, **transmitting to the client device**, via the packet-based telecommunication network and in the one or more files,

a unique identifier associated with

(i) the one or more segments and

(ii) rules for streaming the one or more segments.”

Note: The “unique identifier” of Claim 21 is distinct from independent Claim 15’s “identifier uniquely” associated with the “client device and a viewing session.”

-00265, 360, 44-49; Sur-Reply, 24-25.

Claim 21 Issue #4 (Ground 2: Madison 273 and Wiser)

Claim 21 . . . a **unique identifier** associated with (i) the one or more segments and (ii) rules for streaming the one or more segments.”

HULU

1. Madison teaches the playlist server 122 executes the “makeplaylist.asp” program to “dynamically generate a playlist redirector file” having a list of stream filenames aka stream IDs. Stream ID = claimed “Unique Identifier.”

The redirector file comprises a list of URLs [mms: . . .] for each stream, the stream ID [stream1.asf] identifies the content to be streamed, and the hostname [mediaservercompany.com] identifies the location or (DNS) of the particular media server 120.

2. The stream filename [stream1.asf] is “also associated with rules for streaming” because each stream is played in the order in which it appears in the ASF file.

SITO

1. Nothing in Madison 273 states that the stream ID is a unique identifier for both the alleged “segments”, the (i) URLs in the ASX file and (2) rules for streaming those URLs.
2. The stream ID can be used in many playlists created by the website owner in Madison 273, so it is not unique.
3. Sequence of URLs in ASX file for playback is not a “rule for streaming.”
4. The stream ID in an ASX file does not uniquely identify a sequence or other rule for streaming content from the URLs.

Grounds for -00308 (887 Patent)

Grounds for 887 Patent:

Ground 1: Eyal + Angles

Ground 2: Eyal + Angles + Chang

Ground 3: Madison 273 + Wolfe

See Pet. (-00308) (Paper 1), at 2.

IPR-00308 (887 Patent): Ground 1 (Eyal and Angles)

887 Patent, Issue # 1 -- Applies to Claims 39, 45, 68 and 98

Claim 39 is exemplary:

“(iii) One or More Instructions as to How the at Least One Portion of the Requested Media is to Be Streamed to the Communication Device”

“Communication Device Capable of Executing Instructions Received from the . . . Computing Device to Obtain at Least One Portion of the Requested Media”

887 Patent (Ex. 1001, Claim 39) at 55:20-43.

IPR-00308 (887 Patent): Ground 1 (Eyal and Angles)

Issue #1: instructions on (iii) how media is streamed/instructions on obtaining media

Claim 39 recites “(iii) . . . instructions as to how the at least one portion of the requested media is to be streamed” separately from “(ii) . . . identification of the at least one resource.”

HULU Eyal discloses a play list of URLs in a sequence and the play list has metadata. Pet., 22-23.

SITO The mere order (sequence) of URLs in Eyal’s play list are not instructions, least of all (iii) instructions to the client device on “*how* . . . requested media is to be *streamed*” from the resource, or “instructions . . . to obtain . . . the requested media,” per Claim 39.

Metadata included with the URLs in Eyal’s play list present and adjust the display of received content. Metadata controlling display are not (iii) instructions to the client device on “*how* . . . requested media is to be streamed” per Claim 39.

-00308, Pet., 22-23; POR, 34-36; Reply 10-11, Sur-Reply, 8-9.

IPR-00308 (887 Patent): Ground 1 (Eyal and Angles)

Issue #1: instructions on (iii) how media is streamed/instructions on obtaining media

Independent Claims 39/45/68/71/98 recite “generating . . . (iii) . . . instructions as to how the at least one portion of how the requested media is to be streamed to the communication device.” 887, 55:19-63:56.

HULU Improper new argument: Dependent Claims 84 and 111 recite “instructions relating to at least one of a media format, a media language, a media sequence, and an advertisement insertion,” which means that such metadata are “instructions as to how . . . requested media is to be streamed.” Reply, 10-11

SITO POSITA would understand that the dependent claims recite instructions relating to media format, media language, etc., but these are *additional* instructions. They are not redefining the instructions as to *how requested media is to be streamed* to be such formatting data. Sur-Reply, 9.

A POSITA would not understand instructions on media format, language, etc. to constitute “(iii) . . . instructions as to how the at least one portion of how the requested media is to be streamed to the communication device.”

-00308, Pet., 22-23; POR, 34-36; Reply 10-11, Sur-Reply, 8-9.

887 Patent, Issue # 2 -- Applies to Claims 39, 45, 68 and 98 (Ground 1)

Claim 39 is exemplary:

“generating, at the at least one computing device **based on . . . one or more capabilities of the communication device . . .**” specific information including

“(i) at least one list identifying at least a portion of the requested media,

(ii) at least one identification of the at least one resource other than the at least one computing device available to facilitate streaming of the at least one portion of the requested media, and

(iii) one or more instructions as to how the at least one portion of the requested media is to be streamed to the communication device;”

887 Patent (Ex. 1001, Claim 39) at 55:31-42.

IPR-00308 (887 Patent): Ground 1 (Eyal and Angles)

Issue #2: “generating, at the at least one computing device **based on . . . one or more capabilities of the communication device . . .**” specific information including (i), (ii) and (iii).

HULU Eyal teaches replacing the URL prefixes in the play list from “http” to “pnm.” Pet., 20.

SITO Eyal’s modification of the URL protocol from “http” to “pnm” in its play list does not correspond to “generating” “based on . . . capabilities of the communication device” the specific information (i)-(iii) that the communication device will use to cause the requested media to be streamed to it in the fashion specified by (i)-(iii). POR, 36-37.

Further, Eyal discusses *modifying* a protocol (http to pnm) in an *existing* play list, not *generating* a play list including (i)-(iii) based on device capabilities. Reply, 11-13; Sur-Reply, 10.

HULU’s citation to Eyal at 21:35-46 does not support its argument:

Each URL signaled from web server module 270 has a network protocol. For media resources, and specifically audio files, types of protocols include “HTTP” protocol, “PNM” protocol (RealNetworks, having RM extensions), or “RTSP” protocol (having RAM extensions). The URLs signaled by web server module 270 include the protocol at an initial portion of the string forming the URL. Preferably, for HTTP protocol files, the string portion corresponding to “HTTP” is replaced with “PNM”. This adjustment prevents playback component 211 from failing as a result of a bug in the media playback component, particularly if the playback component 211 is a RealNetworks Player™.

-00308, Pet., 22-23; POR, 34-36; Reply 10-11, Sur-Reply, 8-9; Eyal, 21:35-46.

887 Patent, Issue #3 -- Applies to Claims 39, 45, 68 and 98

Claim 39 is exemplary:

“receiving . . . a **request for media**”

“generating . . .

(i) [a] list **identifying at least a portion** of the requested media,

(iii) instructions as to **how the at least one portion** of the requested media is to be streamed

887 Patent (Ex. 1001, Claim 39) at 55:20-43.

IPR-00308 (887 Patent): Ground 1 (Eyal and Angles)

Issue #3: Delivery of requested media in portions (portion-by-portion) (Claim 39 is exemplary)

HULU Generation of a play list in Eyal including several songs and an advertisements shows “portions.” Reply, 14-15.

SITO A search on Eyal (e.g., genre/category) yields URLs from websites each corresponding to a media item (e.g., a song). Each media item is a complete media item, not a portion of a media item. Eyal does not describe the URL media items as portions. POR, 40.

HULU’s citation to 887 Patent support’s SITO: “The play script may include the requested media, such as one or more media clips, and additional media, such as one or more advertisements.” 887 Patent, 10:8-13. Thus, the requested media is delivered in portions (media clips), while “additional media (advertisements) is not delivered in portions. Sur-Reply, 12.

Each of the 887 Patent claims recites delivery of “at least one portion of the requested media” in response to the “request for media.” The requested media is delivered as “portions” of the requested media. POR, 39.

Dependent Claim 117 recites “identification of at least one other portion of the requested media” confirms that Claim 39 and other independent claims deliver content portion-by-portion. POR, 40.

-00308, Pet., 22-23; POR, 34-36; Reply 10-11, Sur-Reply, 8-9; Eyal, 21:35-46.

Ground 3: Madison 273 + Wolfe

See Pet. (-00360) (Paper 1), at 1.

Ground 3: Madison 273 and Wolfe

Issue #1: Madison 273 is Not Prior Art to the 887 Patent

Madison 273 is entitled to a priority date no earlier than Jan. 18, 2001. -00308, POR at 26; Ex. 1051 (Madison), Cover Page 1.

887 Patent is entitled to a priority date of Jan. 13, 2001. -00308, POR at 24-29.

- Priority under § 120 to App. No. 09/766,519 filed Jan. 19, 2001, with
- Prior invention of Jan. 13, 2001 coupled with diligence to filing of '519 Application on Jan. 19, 2001.

Issue #1: 887 Patent has a Priority Date of Jan. 13, 2001

SITO:

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- SITO submitted two additional technical documents supporting Jan. 13 conception, including Jan. 2, 2001 Operational Concept Document (OCD) (Ex. 2018) and Jan. 17, 2001 OCD (Ex. 2022).

-00308, POR at 24-25;
Sur-reply, 3-6.

887 Patent has a Priority Date of Jan. 13, 2001

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- SITO submitted **three sworn declarations** supporting Prior Invention from co-inventor Don Bate (Ex. 2013), co-worker Gene Bowen (Ex. 2015) and Computer Forensics Expert Bryce Welke (Ex. 2016):
 - 1. Inventor Bate has all three conception documents in his possession and no changes have been made to them.
 - 2. Inventor Bate exercised diligence from Jan. 13 to the Jan. 19, 2001 filing of the '519 Application.
 - 3. Co-worker Bowen worked with inventors Bate and Jennings and confirms diligence. He confirms authenticity of conception documents.
 - 4. Forensic expert Welke confirmed the dates and integrity of the conception documents.

-00308, POR at 26-38;
Sur-reply at 3-6.

HULU: Did not dispute any facts from SITO's three declarations on Prior Invention.

-00308, Reply at 5-8;
Sur-reply at 3-6.

887 Patent has a Priority Date of Jan. 13, 2001 (Ground 2)

Issue #1

HULU

SITO

HULU: Jan. 13, 2001 Conception Document does not support “information instructing [the communication device] as to how the . . . portion of media is to be streamed to the communication device.”

-00308, Reply, 7-8.

SITO: Claims of the 887 Patent find support in Jan. 13, 2001 Conception Document, which is draft application that was finalized and filed on Jan, 19, 2001 as 09/766,519 ('519 App.). POR, 28; Ex. 2017; Ex. 2012 (Decl. of Michael Adams), ¶¶ 125-126.

Limitation of “information instructing . . . how the portion of media is to be streamed” is supported. Presentation ID instructs client how to communicate with switch NRP (110) or MMS 112/stream caster 304 to cause streaming. Sur-Reply, 6-7; Ex. 1016, 20, 31; Ex. 1017, 10-11.

IPR-00308 (887 Patent): Ground 3 (Madison 273 and Wolfe)

Issue #2: “identifying . . . whether the requested media is available for streaming to the at least one communication device (applies to Claims 39, 45 and 68).

HULU Madison 273’s Streams2 table stores media items that are assigned expiration dates. Media items that are expired are deleted. Pet., 55-56; Reply, 21 (check does not have to be in response to request for media).

SITO Exemplary Claim 39 recites a first step of “receiving a request for media” followed by second step of “identifying . . . whether the requested media is available for streaming.” POR, 51-52.

HULU’s reference to Madison 273’s general maintenance of files based on whether their dates have expired and removal of expired links does not correspond to checking whether requested media is available for streaming in response to a request for that media. Sur-Reply, 17-18.

887 Patent, Issue # 3 -- Applies to Claims 39, 45, 68 and 98 (Ground 3)

Claim 39 is exemplary:

“generating, at the at least one computing device **based on . . . at least one characteristic associated with the user of the communication device**” specific information including

- “(i) at least one list identifying at least a portion of the requested media,
- (ii) at least one identification of the at least one resource other than the at least one computing device available to facilitate streaming of the at least one portion of the requested media, and
- (iii) one or more instructions as to how the at least one portion of the requested media is to be streamed to the communication device;”

887 Patent (Ex. 1001, Claim 39) at 55:31-42.

IPR-00308 (887 Patent): Ground 3 (Madison 273 and Wolfe)

Issue #3: ““generating, at the at least one computing device **based on . . . at least one characteristic with the user of the communication device**” specific information including (i)-(iii) (applies to Claims 39, 45, 68, 98).

HULU Madison’s redirector file ASX [see Madison, [0110] is based on user characteristics such as an “ad tag” where an advertisement can be inserted. Pet., 57. Wolfe’s teaching of targeted advertisements can be combined with Madison’s redirector file ASX so that it has a targeted ad. Pet., 57.

SITO Madison merely references an “ad tag” in its Streams2 table that identifies all stored content items. Madison 273, [0032]. Madison discloses nothing about inserting a targeted ad in the ASX redirector file. Madison’s advertisement is unrelated to a “characteristic of the user of the communication device.”

Even with an ad inserted in Madison’s ASX redirector file, it does not include (iii) one or more instructions as to how . . . the portion of requested media is to be streamed.” POR, 52-53.

HULU’s argument would be that the “redirector file” (information (i)-(iii) of the claim) is generated based on targeted ads/user profiles (alleged “user characteristics”). Sur-Reply, 19.

IPR-00308 (887 Patent): Ground 1 (Eyal and Angles)

887 Patent, Issue # 4 -- Applies to Claims 39, 45, 68 and 98

Claim 39 is exemplary:

“(iii) One or More Instructions as to How the at Least One Portion of the Requested Media is to Be Streamed to the Communication Device”

887 Patent (Ex. 1001, Claim 39) at 55:20-43.

IPR-00308 (887 Patent): Ground 3 (Madison 273 and Wolfe)

Issue #4: “iii) One or More Instructions as to *How* the at Least One Portion of the Requested Media is to Be *Streamed* (applies to Claims 39, 45, 68, 98).

HULU Madison’s ASX redirector file includes instructions for “obtaining media.” Third reference “All About ASX Files” (AAAX) discloses that an ASX file can find “where to get the ASF file” and has “instructions to play [ASF] files in a particular order.” Pet., 58-59.

“Makeplaylist” script calls the Streams2 table which has ad tags and bit rates. Pet., 59.

SITO Madison fails to disclose an ASX file having “(iii) . . . instructions as to *how* . . . the requested media *is to be streamed* to the communication device,” as claimed.

Madison’s ASX file has URLs, no instructions:

```
<ASX>
  <ENTRY>
    <REF HREF="mms://mediaserver.company.com/stream1.asf">
    <REF HREF="mms://mediaserver.company.com/stream2.asf">
    <REF HREF="mms://mediaserver.company.com/stream3.asf">
  </ENTRY>
</ASX>
```

Ex. 1051 (Madison 273), [0110]; Sur-Reply, 21.

IPR-00308 (887 Patent): Ground 3 (Madison 273 and Wolfe)

Issue #4: “iii) One or More Instructions as to *How* the at Least One Portion of the Requested Media is to Be *Streamed* (applies to Claims 39, 45, 68, 98) – Continued

SITO AAAX fails to disclose an ASX file having “(iii) . . . instructions as to *how* . . . the requested media *is to be streamed* to the communication device,” as claimed.

Streams2 table with ad tags, bit rates, etc. affects how the media player *presents* media—it does not have instructions on *how the media is to be streamed* to the communication device.

ASX files having “instructions” on “where to get the ASF file” and “instructions to play” the ASF files do not disclose the claimed instructions on *how the requested media is to be streamed*. POR, 53-55; Sur-Reply 19-22.

AAAX is improper third reference not stated in any of Grounds 1-3. HULU is presenting an improper new ground. Sur-Reply. 20.

FURTHER QUESTIONS?