

Filed on behalf of:

AMAZON.COM, INC. AND  
AMAZON WEB SERVICES, INC.

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC., and  
AMAZON WEB SERVICES, INC.,

Petitioners,

v.

DIVX, LLC,

Patent Owner.

Case: IPR2025-01223  
U.S. Patent No. 11,611,785

**MOTION TO WITHDRAW PETITION FOR *INTER PARTES* REVIEW**

**EXHIBIT LIST (37 C.F.R. § 42.63(e))**

<b>Ex. No.</b>	<b>Description</b>
1001	U.S. Patent No. 11,611,785 (“the 785 patent”)
1002	Excerpts of Prosecution File History for the 785 patent
1003	Declaration of Hari Kalva, Ph.D.
1004	Curriculum Vitae of Hari Kalva, Ph.D.
1005	Ozer, Jan et al., Video compression for Flash, Apple Devices, and HTML 5, 2011
1006	U.S. Patent No. 9,9832,540 (“Liao”)
1007	U.S. Patent. No. 8,396,114 (“Gu”)
1008	U.S. Patent Pub. No. 2011/0246616 (“Ronca”)
1009	De Cicco, Luca et al., Feedback Control for Adaptive Live Video Streaming (2011)
1010	U.S. Patent No. 5,956,729 (“Goetz”)
1011	Apple HTTP Live Streaming Overview, April 1, 2011
1012	IIS Smooth Streaming Technical Overview, Windows Server Internet Information Services 7.0
1013	Reed, Eric C. et al., Optimal Multidimensional Bit-Rate Control for Video Communication, IEEE Transactions on Image Processing, Vol. 11, No. 8, August 2002
1014	Hervouet, G. et al., Video Quality Optimization Multi-rate Video Encoding, July 2010
1015	U.S. Patent Application Pub. No. 2011/0255535 (“Tinsman”)
1016	U.S. Patent Application Pub. No. 2011/0302319 (“Ha”)

Ex. No.	Description
1017	Definition of adaptive bitrate streaming, <a href="https://en.wikipedia.org/wiki/Adaptive_bitrate_streaming">https://en.wikipedia.org/wiki/Adaptive_bitrate_streaming</a>
1018	Information technology - MPEG systems technologies - Part 6: Dynamic adaptive streaming over HTTP (DASH), Draft International Standard ISO/IEC DIS 23001-6, 2011
1019	The History of Streaming Told Through Protocols, Servers.com
1020	Definition of Container, <a href="https://www.afterdawn.com/glossary/term.cfm/container">https://www.afterdawn.com/glossary/term.cfm/container</a>
1021	Cermak, G. et al., The Relationship Among Video Quality, Screen Resolution, and Bit Rate, IEEE Transactions on Broadcasting, Vol. 57, No. 2, June 2011
1022	Panthos, R., HTTP Live Streaming, <a href="http://tools.ietf.org/html/draft-panthos-http-live-streaming-04">http://tools.ietf.org/html/draft-panthos-http-live-streaming-04</a> , June 5, 2010
1023	Declaration of Sylvia D. Hall-Ellis, Ph.D.
1024	MARC record regarding Exhibit 1005
1025	Library of Congress subject heading sh93007921
1026	Library of Congress subject heading sh85058659
1027	Library of Congress subject heading sh96009077
1028	Library of Congress subject heading sh2005005237
1029	Library of Congress subject heading sh99000996
1030	Library of Congress subject heading sh97008674
1031	Declaration of Mina Chung
1032	Curriculum Vitae of Sylvia D. Hall-Ellis, Ph.D.

<b>Ex. No.</b>	<b>Description</b>
1033	Jan Ozer, The Essential Key to Producing High Quality Streaming Video, <a href="https://streaminglearningcenter.com/blogs/the-essential-key-to-producing-high-quality-streaming-video.html">https://streaminglearningcenter.com/blogs/the-essential-key-to-producing-high-quality-streaming-video.html</a> , June 4, 2011
1034	Wikipedia, Structural similarity index measure, <a href="https://en.wikipedia.org/wiki/Structural_similarity_index_measure">https://en.wikipedia.org/wiki/Structural_similarity_index_measure</a>
1035	Zhou Wang <i>et al.</i> , Image Quality Assessment: From Error Visibility to Structural Similarity, April 2004
1036	Federal Agencies Digitization Guidelines Initiative, Pixel Aspect Ratio (PAR), <a href="https://www.digitizationguidelines.gov/term.php?term=par">https://www.digitizationguidelines.gov/term.php?term=par</a>
1037	Email correspondence between Nathan Lowenstein and Daniel Rabinowitz

## **I. INTRODUCTION**

On August 21, 2025, the Board authorized Petitioners Amazon.com, Inc. and Amazon Web Services. Inc. to move to withdraw their pending petitions for inter partes review of U.S. Patent Nos. 10,715,806 (“806 patent”), 10,412,141 (“141 patent”), and 11,611,785 (“785 patent”), relating to Petition Nos. IPR2025-01062, IPR2025-01222, and IPR2025-01223, respectively. Petitioners now file this unopposed motion to withdraw.<sup>1</sup> This proceeding is at a preliminary phase: Patent Owner filed its opening discretionary denial briefing two days before Petitioners filed this motion, Patent Owner has not filed its preliminary response, and the Board has not reached the merits or issued an institution decision. Permitting the withdrawal of the petition, and terminating Petition No. IPR2025-01223, would promote efficiency and preserve resources of the Board and the parties.

## **II. BACKGROUND**

On May 27, 2025, Petitioners filed a petition for *inter partes* review of the 806 patent. *Amazon.com, Inc. v. DivX, LLC*, IPR2025-01062, Paper 5 at 1 (P.T.A.B. June 20, 2025). On June 30, 2025, Petitioners filed petitions for *inter partes* review of the 785 and 141 patents. *Amazon.com, Inc. v. DivX, LLC*, IPR2025-01222, Paper

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<sup>1</sup> On August 21, 2025, Petitioners filed motions in IPR2025-01062, IPR2025-01222, and IPR2025-01223.

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3 at 1 (P.T.A.B. July 17, 2025); *Amazon.com, Inc. v. DivX, LLC*, IPR2025-01223, Paper 3 at 1 (P.T.A.B. July 17, 2025).

On July 1, 2025, the district court in the parallel litigation involving the 806, 141, and 785 patents denied Petitioners' motion to stay the litigation. *DivX, LLC v. Amazon.com, Inc.*, No. 1:24-cv-02061 (CMH/LRV), Dkt. No. 68 (E.D.Va. Jul. 1, 2025). On July 22, 2025, the district court set a final pretrial conference date for December 18, 2025. *See id.*, Dkt. 73.

On August 13, 2025, Petitioners informed Patent Owner that they plan to seek authorization from the Board to file a motion to withdraw the petitions, and asked whether the Patent Owner consented to the withdrawal. On August 19, 2025, Patent Owner confirmed it did not oppose, but requested to review Petitioners' proposed email to the Board and include a detailed explanation for its position. *See* EX1037. The same day, Patent Owner filed its opening discretionary denial briefings for each of the *inter partes* reviews. IPR2025-01062, Paper 9 (P.T.A.B. Aug. 19, 2025); IPR2025-01222, Paper 9 (P.T.A.B. Aug. 19, 2025); IPR2025-01223, Paper 9 (P.T.A.B. Aug. 19, 2025). On August 20, 2025, Patent Owner finally approved the email and provided its detailed position.

Patent Owner has not filed its preliminary response, and the Board has not reached the merits or issued an institution decision.

**III. GOOD CAUSE EXISTS FOR WITHDRAWING THE PETITIONS**

Under 37 C.F.R. §§ 42.71(a), 42.5(a), and Board precedent allowing petitioners to withdraw petitions prior to institution, good cause exists for Petitioners' request to withdraw IPR2025-01223. *See Reolink Digit. Tech. Co., Ltd. v. KT Imaging USA, LLC*, IPR2024-01154, Paper 6 at 3 (P.T.A.B. Sept. 23, 2024) (granting withdrawal of petition before institution); *Gen. Elec. Co. v. Siemens Gamesa Renewable Energy A/S*, IPR2021-00722, Paper 11 at 3 (P.T.A.B. Oct. 7 2021) (same); *Materialise N.V. v. Osteoplastics, LLC*, IPR2021-00245, Paper 12 at 3 (P.T.A.B. June 2, 2021) (same); *Lenovo (United States) Inc. v. Collision Comms., Inc.*, IPR2025-00284, Paper 11 at 1-2 (P.T.A.B. May 20, 2025) (same). This proceeding is at a preliminary stage: Patent Owner just filed its discretionary denial brief two days before Petitioners filed this motion, Patent Owner has not filed its preliminary response, and the Board has not reached the merits or issued an institution decision. No prejudice exists because Patent Owner does not oppose the motion. *Reolink*, IPR2024-01154, Paper 6 at 2. The Board should grant Petitioners' unopposed motion to withdraw to promote efficiency and preserve both the Board's and the parties' resources. *See, e.g., id.*, 2-3 (the Board granting unopposed motion to withdraw under similar circumstances); *Intel Corp. v. Tela Innovations, Inc.*, IPR2019-01257, Paper 16 at 3 (P.T.A.B. Jan. 2, 2020) (the Board granting unopposed motion "to dismiss petitions and terminate the proceedings to promote

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efficiency and minimize unnecessary costs”).

#### **IV. CONCLUSION**

For these reasons, Petitioners respectfully request that the Board grant the motion to withdraw its petition and terminate Case No. IPR2025-01223.

Dated: August 21, 2025

FENWICK & WEST LLP

/J. David Hadden/

J. David Hadden

Reg. No. 40,629

Attorney for Petitioner  
Amazon.com, Inc. and  
Amazon Web Services, Inc.

**CERTIFICATION OF SERVICE**

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on August 21, 2025, I caused a true and correct copy of the foregoing MOTION TO WITHDRAW PETITION FOR INTER PARTES REVIEW to be electronically served on Patent Owner's lead and backup counsel at the following addresses:

Kenneth J. Weatherwax  
Nathan Lowenstein  
Parham Hendifar  
Dennis Courtney  
Colette Woo  
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Dated: August 21, 2025

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/J. David Hadden/

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Amazon.com, Inc. and  
Amazon Web Services, Inc.