

EXHIBIT 5

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-CV-02097-RBJ
Consolidated with 17-CV-02692-RBJ and 17-CV-02869-MSK-STV

REALTIME ADAPTIVE STREAMING, LLC,

Plaintiff,

vs.

SLING TV, LLC, et al.,

Defendants.

REPORTER'S TRANSCRIPT
Scheduling Conference

Proceedings before the HONORABLE R. BROOKE JACKSON,
Judge, United States District Court for the District of
Colorado, commencing on the 7th day of March, 2018, in
Courtroom A902, United States Courthouse, Denver, Colorado.

APPEARANCES

For the Plaintiff:

JAY Y. CHUNG, Russ August & Kabat, 12424 Wilshire Blvd., 12th
Floor, Los Angeles, CA 90025

ERIC B. FENSTER, Eric B. Fenster, LLC, 1522 Blake St., Ste.
200, Denver, CO 80202

For Defendants Sling TV, LLC; Sling Media, LLC; Dish Network,
LLC; Dish Technologies, LLC:

RUFFIN B. CORDELL and BRIAN J. LIVEDALEN and ADAM R. SHARTZER,
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Proceedings reported by mechanical stenography;

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17-CV-02097-RBJ Scheduling Conference 03/07/2018 14

1 MR. CHUNG: Yes, we disagree, Your Honor. So these
2 are -- these are -- well, first of all, the patents that were
3 at issue in the *Carbonite* case and *Actian* cases involved the
4 same family of patents and some overlapping patents as well,
5 and all of these patents are related to the patents that are
6 referenced in -- in the patents that are asserted in this case
7 against Sling and Polycom and others that are incorporated by
8 reference in the asserted patents.

9 THE COURT: Okay. All right. Well, for today's
10 purpose, the Court denies ECF No. 47. That is the ARRIS Group
11 and Dish motion to dismiss. Denies No. 48, that is the Sling
12 motion for judgment on the pleadings. The Court at this point
13 very early in the case is satisfied with the merits of Judge
14 Schroeder's view, and that is we need to get these terms
15 defined and then see where we are.

16 Now, before I turn to the schedule, let me ask you
17 one more question. Since you mentioned that in your Eastern
18 District of Texas cases you settled every case except one and
19 you tried one and won it, are you guys going to settle these
20 cases or not?

21 MR. CHUNG: I mean --

22 THE COURT: You don't have to posture. Just tell me
23 do you think these are going to be settled or do you think
24 they're not going to be settled?

25 MR. CHUNG: Jay Chung for plaintiffs, Your Honor.

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REPORTER'S CERTIFICATE

I, SARAH K. MITCHELL, Official Court Reporter for the United States District Court for the District of Colorado, a Registered Professional Reporter and Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the proceedings contained herein at the time and place aforementioned and that the foregoing pages constitute a full, true and correct transcript.

Dated this 14th day of March, 2018.

/s/ Sarah K. Mitchell

SARAH K. MITCHELL
Official Court Reporter
Registered Professional Reporter
Certified Realtime Reporter