

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

REALTIME ADAPTIVE STREAMING

LLC,

Plaintiff,

v.

SLING TV L.L.C., SLING MEDIA INC.,

SLING MEDIA L.L.C., ECHOSTAR

TECHNOLOGIES L.L.C., DISH

NETWORK L.L.C., and ARRIS GROUP,

INC.

Defendants.

Case No. 1:17-cv-02097-RBJ

JURY TRIAL DEMANDED

**PLAINTIFF REALTIME ADAPTIVE STREAMING LLC'S ANSWER IN
RESPONSE TO DEFENDANTS SLING TV L.L.C., AND SLING MEDIA L.L.C.'S
COUNTERCLAIMS**

Plaintiff Realtime Adaptive Streaming LLC d/b/a IXO ("Realtime") responds to Defendants Sling TV L.L.C. and Sling Media L.L.C.'s (collectively, "Sling") Counterclaims as follows:

SLING'S COUNTERCLAIMS

PARTIES

1. Admitted.
2. Admitted.
3. Admitted that Realtime has places of business at 1828 E.S.E. Loop 323, Tyler, Texas 75701. Otherwise denied.
4. Admitted that Richard Tashjian is a member of the board of directors of Realtime

Data LLC. Otherwise denied.

JURISDICTION AND VENUE

5. Admitted.
6. Admitted that Sling purport to allege counterclaims under the Federal Declaratory Judgment Act and the Patent Act of the United States. Denied that Sling is entitled to any relief.
7. Admitted.
8. Admitted that venue is appropriate under 28 U.S.C. §§ 1391 and/or 1400(b).

FIRST COUNTERCLAIM

DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '610 PATENT

9. Realtime incorporates by reference its responses to Paragraphs 1-8 of this Answer to Sling's Counterclaims as if fully set forth herein.
10. Admitted.
11. Denied.
12. Realtime admits that a valid and justiciable controversy has arisen and exists between Realtime and Sling as to whether the '610 Patent is infringed. Otherwise denied.
13. Realtime admits that Sling seeks a declaration of non-infringement as to the '610 Patent, but denies that Sling is entitled to such a declaration and otherwise denied.

SECOND COUNTERCLAIM

DECLARATORY JUDGMENT OF INVALIDITY OF THE '610 PATENT

14. Realtime incorporates by reference its responses to Paragraphs 1-13 of this Answer to Sling's Counterclaims as if fully set forth herein.

15. Denied.

16. Realtime admits that Sling seeks a declaration of invalidity and/or unenforceability as to the '610 Patent, but denies that Sling is entitled to such a declaration and otherwise denied.

THIRD COUNTERCLAIM

DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '535 PATENT

17. Realtime incorporates by reference its responses to Paragraphs 1-16 of this Answer to Sling's Counterclaims as if fully set forth herein.

18. Admitted.

19. Denied.

20. Realtime admits that a valid and justiciable controversy has arisen and exists between Realtime and Sling as to whether the '535 Patent is infringed. Otherwise denied.

21. Realtime admits that Sling seeks a declaration of non-infringement as to the '535 Patent, but denies that Sling is entitled to such a declaration and otherwise denied.

FOURTH COUNTERCLAIM

DECLARATORY JUDGMENT OF INVALIDITY OF THE '535 PATENT

22. Realtime incorporates by reference its responses to Paragraphs 1-21 of this Answer to Sling's Counterclaims as if fully set forth herein.

23. Denied.

24. Realtime admits that Sling seeks a declaration of invalidity and/or unenforceability as to the '535 Patent, but denies that Sling is entitled to such a declaration and otherwise denied.

Realtime denies all allegations of the Counterclaims not specifically admitted above.

PRAYER FOR RELIEF

In response to Sling's Prayer for Relief, Realtime denies that Sling is entitled to any relief, and in particular to any of the relief requested in paragraphs (a)-(h) of Sling's Prayer for Relief, and further requests that the Court enter such preliminary and final orders and judgments as are necessary to provide Realtime with the following requested relief:

- a. A Judgment in favor of Realtime on Sling's Counterclaims that the Asserted Patents are not invalid and are enforceable, and that Sling infringes the '610 Patent and the '535 Patent;
- b. An Order dismissing Sling's Counterclaims in their entirety and with prejudice;
- c. A judgment in favor of Plaintiff that Sling has infringed, literally and/or under the doctrine of equivalents, 'the '610 Patent and the '535 Patent;
- d. A judgment and order requiring Sling to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for its infringement of 'the '610 Patent and the '535 Patent, as provided under 35 U.S.C. § 284;
- e. A judgment and order requiring Sling to provide an accounting and to pay supplemental damages to Realtime, including without limitation, prejudgment and post-judgment interest;
- f. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Sling; and
- g. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable.

Dated: November 14, 2017

Respectfully submitted,

By: /s/ C. Jay Chung

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