

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

Civil Action No. 1:17-cv-02097

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.

MOTION FOR JUDGMENT ON THE PLEADINGS UNDER FED. R. CIV. P. 12(C)

Defendants Sling TV, L.L.C. and Sling Media, L.L.C. (collectively “Sling”) move for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). Realtime Adaptive Streaming, L.L.C.’s (“Realtime’s”) complaint fails because the asserted patents are directed to ineligible subject matter under Section 101 of the Patent Act. 35 U.S.C. § 101. Realtime’s patents are directed to ineligible subject matter for the reasons identified in the Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6). Dkt. No. 47; *see Brokers’ Choice of Am., Inc. v. NBC Universal, Inc.*, 861 F.3d 1081, 1102 (10th Cir. 2017) (motions under 12(b)(6) and 12(c) are evaluated under the same standard); *Vehicle Intelligence & Safety LLC v. Mercedes-Benz USA, LLC*, 635 F. App’x 914, 917 (Fed. Cir. 2015) (101 eligibility motions addressed under the same standard whether styled as 12(c) or 12(b)(6) motions).

Dated: December 6, 2017

Respectfully submitted,

By: /s/ Adam R. Shartzner

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**Attorney for Defendants *Sling TV,*
*L.L.C. and Sling Media, L.L.C.***

CERTIFICATE OF SERVICE

The undersigned certifies that on the December 6, 2017 the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system in compliance with D.C.COLO.LCivR 5.1(d).

Dated: December 6, 2017

Respectfully submitted,

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