

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

REALTIME ADAPTIVE STREAMING, LLC

Plaintiff,

v.

SLING TV L.L.C.,
SLING MEDIA L.L.C.,
DISH TECHNOLOGIES L.L.C.,
DISH NETWORK L.L.C., AND
ARRIS GROUP, INC.,

Defendants.

CIVIL ACTION NO. 1:17-CV-02097

PATENT CASE
JURY TRIAL DEMANDED

**DEFENDANTS DISH TECHNOLOGIES L.L.C. AND DISH NETWORK L.L.C.'S
ANSWER, AFFIRMATIVE DEFENSES, COUNTERCLAIMS, AND JURY DEMAND
TO PLAINTIFF REALTIME ADAPTIVE STREAMING L.L.C.'S
SECOND AMENDED COMPLAINT**

Defendants DISH Technologies L.L.C. and DISH Network L.L.C. (collectively, the "DISH Entities") by and through their undersigned counsel, hereby file this Amended Answer, Affirmative Defenses, and Counterclaims to the Second Amended Complaint for Patent Infringement (the "Second Amended Complaint," Dkt. No. 32) of Plaintiff Realtime Adaptive Streaming L.L.C. ("Realtime"), on personal knowledge as to their own activities and on information and belief as to the activities of others.¹ The DISH Entities deny each

¹ The Amended Complaint refers to EchoStar Technologies L.L.C. among other entities. However, in a Joint Stipulated Motion to Amend the Caption (the "Joint Motion," Dkt. No. 66) the parties stipulated that on February 2, 2018, Defendant, EchoStar Technologies

and every allegation in the Second Amended Complaint, unless expressly admitted herein.

PARTIES

1. The DISH Entities lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Second Amended Complaint, and therefore deny all such allegations.

2. Sling TV L.L.C. (“Sling TV”) is distinct from the DISH Entities. However, the DISH Entities incorporate by reference Sling TV and Sling Media L.L.C.’s (“Sling Media,” collectively, the “Sling Entities”) response to Paragraph 2 of Defendants Sling TV L.L.C. and Sling Media L.L.C.’s Answer, Affirmative Defenses, Counterclaims, and Jury Demand (the “Sling Entities’ Answer,” Dkt. No. 42). The DISH Entities deny any remaining allegations set forth in Paragraph 2 of the Second Amended Complaint.

3. Sling Media is distinct from the DISH Entities. However, the DISH Entities incorporate by reference the Sling Entities’ response in Paragraph 3 of the Sling Entities’ Answer. The DISH Entities deny any remaining allegations set forth in Paragraph 3 of the Second Amended Complaint.

4. DISH Technologies L.L.C. (“DISH Technologies”) admits that it is a limited liability company organized under the laws of the State of Colorado with a principle office at 9601 S. Meridian Blvd., Englewood, CO 80112. DISH Technologies admits that it can

L.L.C., a Texas Limited Liability Company, was converted to DISH Technologies L.L.C., a Colorado Limited Liability Company, and agreed to amend the caption accordingly. Therefore, all references to EchoStar Technologies L.L.C. in the Amended Complaint will be substituted with DISH Technologies L.L.C. in this Answer.

be served through its registered agent, Timothy A. Messner, 9601 S. Meridian Blvd., Englewood, CO 80112. DISH Technologies further admits that it is an indirect subsidiary of DISH Network L.L.C. and that it designs the set-top boxes used to deliver the DISH TV service. DISH Technologies denies any remaining allegations set forth in Paragraph 4 of the Second Amended Complaint.

5. DISH Network L.L.C. (“DISH Network”) admits that it is a limited liability company organized under the laws of the State of Colorado with a principle office at 9601 S. Meridian Blvd., Englewood, CO 80112. DISH Network admits that it can be served through its registered agent, Timothy A. Messner, 9601 S. Meridian Blvd., Englewood, CO 80112. DISH Network denies any remaining allegations set forth in Paragraph 5 of the Second Amended Complaint.

6. ARRIS Group, Inc. (“ARRIS”) is distinct from the DISH Entities. The DISH Entities lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Second Amended Complaint, and therefore deny all such allegations.

7. Paragraph 7 of the Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent any response is deemed to be required however, the DISH Entities deny the allegations of paragraph 7 of the Second Amended Complaint.

8. Sling Media and ARRIS Group are distinct from the DISH Entities. However, the DISH Entities incorporate by reference the Sling Entities' response in Paragraph 8 of

the Sling Entities' Answer. The DISH Entities deny any remaining allegations set forth in Paragraph 8 of the Second Amended Complaint.

JURISDICTION AND VENUE

9. The DISH Entities admit that the Second Amended Complaint is styled as an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code. Paragraph 9 of Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent any response is deemed to be required, however, the DISH Entities further admit that the Second Amended Complaint purports to assert that subject matter jurisdiction exists over such claims under 28 U.S.C. § 1331 and § 1338(a). The DISH Entities deny any remaining allegations in Paragraph 9 of the Second Amended Complaint.

10. Paragraph 10 of the Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent that a response is required, however, Sling TV is distinct from the DISH Entities and the DISH Entities incorporate by reference the Sling Entities' response in Paragraph 10 of the Sling Entities' Answer. The DISH Entities deny any remaining allegations set forth in Paragraph 10 of the Second Amended Complaint.

11. Paragraph 11 of the Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent that a response is required, however, Sling Media is distinct from the DISH Entities and the DISH Entities incorporate by reference the Sling Entities' response in Paragraph 11 of the Sling Entities' Answer. The

DISH Entities deny any remaining allegations set forth in Paragraph 11 of the Second Amended Complaint.

12. Paragraph 12 of the Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent that a response is required, however, DISH Technologies denies any remaining allegations in Paragraph 12 of the Second Amended Complaint.

13. Paragraph 13 of the Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent that a response is required, however, DISH Network denies any remaining allegations in Paragraph 13 of the Second Amended Complaint.

14. Paragraph 14 of the Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent that a response is required, however, ARRIS is distinct from the DISH Entities, and the DISH Entities lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Second Amended Complaint and therefore deny all such allegations.

15. Paragraph 15 of the Second Amended Complaint sets forth conclusions of law to which no response is required. To the extent that a response is required, however, the DISH Entities admit that they directly and/or through intermediaries offer to sell and/or sell products in the District of Colorado. ARRIS and the Sling Entities are distinct from the DISH Entities. However, with respect to the Sling Entities, the DISH Entities incorporate by reference the Sling Entities' response in Paragraph 15 of the Sling Entities' Answer. The DISH Entities lack knowledge or information sufficient to form a belief as to

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