

**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.

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

JURY TRIAL DEMANDED

**PLAINTIFF REALTIME ADAPTIVE STREAMING LLC'S ANSWER IN
RESPONSE TO DEFENDANTS DISH TECHNOLOGIES L.L.C. AND DISH NETWORK
L.L.C.'S COUNTERCLAIMS**

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

DISH DEFENDANTS' 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 Defendants purport to allege counterclaims under the Federal Declaratory Judgment Act and the Patent Act of the United States. Denied that Defendants are 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 Defendants' 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 Defendants as to whether the '610 Patent is infringed. Otherwise denied.
13. Realtime admits that Defendants seek a declaration of non-infringement as to the '610 Patent, but denies that Defendants are 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 Defendants' Counterclaims as if fully set forth herein.
15. Denied.

16. Realtime admits that Defendants seek a declaration of invalidity and/or unenforceability as to the '610 Patent, but denies that Defendants are 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 Defendants' 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 Defendants as to whether the '535 Patent is infringed. Otherwise denied.
21. Realtime admits that Defendants seek a declaration of non-infringement as to the '535 Patent, but denies that Defendants are 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 Defendants' Counterclaims as if fully set forth herein.
23. Denied.
24. Realtime admits that Defendants seek 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.

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

PRAYER FOR RELIEF

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

a. A Judgment in favor of Realttime on Defendants' Counterclaims that the Asserted Patents are not invalid and are enforceable, and that Defendants infringe the '610 Patent and the '535 Patent;

b. An Order dismissing Defendants' Counterclaims in their entirety and with prejudice;

c. A judgment in favor of Plaintiff that Defendants have infringed, literally and/or under the doctrine of equivalents, 'the '610 Patent and the '535 Patent;

d. A judgment and order requiring Defendants 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 Defendants to provide an accounting and to pay supplemental damages to Realttime, 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: April 10, 2018

Respectfully submitted,

By: /s/ C. Jay Chung

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