

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC. and ROKU, INC.,  
Petitioner,

v.

CONVERGENT MEDIA SOLUTIONS, LLC,  
Patent Owner.

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Case IPR2016-01761  
Patent 8,850,507 B2

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Before JAMESON LEE, KEN BARRETT, and  
JOHN F. HORVATH, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

ORDER  
Conduct of Proceeding  
*37 C.F.R. § 42.5*

## I. INTRODUCTION

On April 3, 2017, AT&T Services (“AT&T”) filed a petition challenging claims 1–17 of U.S. Patent No. 8,850,507 B2 on the same grounds raised in the Petition in this case against those claims, and a motion to join that proceeding with this proceeding. *AT&T Service, Inc. v. Convergent Media Solutions, LLC*, Case IPR2017-01235 (PTAB Apr. 3, 2017) (Papers 1, 3) (hereafter, “the related petition”).

On April 24, 2017, Netflix, Inc. and Roku Inc. (“Petitioner,” “Netflix/Roku”) and Patent Owner jointly requested authorization to file (1) a joint motion to terminate this proceeding, and (2) a request for confidential treatment of settlement papers pursuant to 37 CFR §42.74(c).

On April 25, 2017, Judges Lee, Barrett, and Horvath conducted a conference call with counsel for AT&T, Netflix/Roku, and Convergent Media Solutions, LLC (“CMS”). On the call were Mr. Bernstein and Mr. Ng for Netflix/Roku, Mr. Pankratz for AT&T, and Mr. Bumgardner for CMS. During the call, the Board identified an approaching deadline for filing an opposition to AT&T’s motion for joinder, and asked whether Netflix/Roku intended to file an opposition to the motion. Mr. Bernstein indicated he would need to consult with Petitioner prior to answering the Board’s inquiry. On April 26, 2017, Mr. Bernstein emailed the Board indicating that Petitioner will not be filing an opposition to AT&T’s motion for joinder.

The parties’ request to file a joint motion to terminate this proceeding is hereby granted.

## II. DISCUSSION

A joint motion for termination should (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patent at issue in this proceeding; (3) identify any related proceedings currently before the USPTO; and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding. The joint motion for termination must be accompanied by a true copy of the settlement agreement between the parties, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). A redacted version will not be accepted as a true copy of the settlement agreement.

## III. ORDER

It is hereby:

ORDERED that the parties are authorized to file a joint motion to terminate this proceeding in accordance with 37 C.F.R. § 42.20; and

FURTHER ORDERED that the parties are authorized to file a request for confidential treatment of settlement papers pursuant to 37 C.F.R. §42.74(c).

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