

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC, AMAZON.COM, INC., and NETFLIX, INC.
Petitioners,

v.

REALTIME ADAPTIVE STREAMING LLC
Patent Owner.

| | |
|--------------------|------------------|
| Case IPR2018-01169 | Patent 8,934,535 |
| Case IPR2018-01170 | Patent 8,934,535 |
| Case IPR2018-01187 | Patent 9,769,477 |
| Case IPR2018-01189 | Patent RE46,777 |
| Case IPR2018-01227 | Patent 9,578,298 |

**JOINT MOTION TO TERMINATE *INTER PARTES* REVIEWS AS TO
HULU, LLC AND AMAZON.COM, INC.**

Patent Owner Realtime Adaptive Streaming LLC and Petitioners Hulu, LLC and Amazon.com, Inc. (“Parties”) have reached a settlement. Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, The Parties request termination with respect to petitioners Hulu and Amazon of the *inter partes* reviews of U.S. Patent Nos. 8,934,535; 9,769,477; RE46,777; and 9,578,298 (“Patents-in-suit”), Cases IPR2018-01169; IPR2018-01170; IPR2018-01187; IPR2018-01189; and IPR2018-01227. The Parties were authorized to file this Joint Motion by the Board (via email) on October 1, 2018.

As required under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), true copies of the two settlement agreements that resolve the disputes in the above-captioned *inter partes* reviews relating to the Patents-in-suit are filed herewith as exhibits. There are no other collateral agreements between the Parties made in connection with, or in contemplation of, the termination sought.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Realtime and Hulu, and Realtime and Amazon are concurrently filing Joint Requests to Keep Separate, which asks the Board to treat the two settlement agreements as business confidential information, and to keep them separate from the files of these proceedings and the files of the Patents-in-suit.

I. Statement of Precise Relief Requested

The Parties jointly request that the Board terminate the *inter partes* reviews

of U.S. Patent Nos. 8,934,535; 9,769,477; RE46,777; and 9,578,298, Cases IPR2018-01169; IPR2018-01170; IPR2018-01187; IPR2018-01189; and IPR2018-01227, with respect to Hulu and Amazon. Netflix will remain as the sole petitioner in these *inter partes* reviews.

II. Reasons Why Termination Is Appropriate

Termination of these proceedings with respect to Hulu and Amazon is proper. Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Because Realtime, Hulu, and Amazon jointly request termination, and the Board has not yet decided the merits of the proceedings, the Board should terminate the proceedings with respect to Hulu and Amazon.

The litigation between Realtime and Hulu, and Realtime and Amazon, involving the Patents-in-suit were dismissed on September 25, 2018, and September 24, 2018, respectively. The Parties do not contemplate any litigation or proceeding involving the Patents-in-suit in the foreseeable future.

III. No Future Participation by Petitioner Hulu and Amazon

Hulu and Amazon will not be participating further in these proceedings.

IV. Conclusion

The Parties have settled all disputes relating to the Patents-in-suit. Because Realtime, Hulu, and Amazon jointly request termination, and the Board has not yet decided the merits of the proceedings, the Parties respectfully request the Board to terminate the proceedings with respect to Hulu and Amazon. Netflix will remain as the sole petitioner in these *inter partes* reviews.

Respectfully submitted,

Date: October 3, 2018

/Kent N. Shum/

Kent N. Shum (Reg. No. 61,117)
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
kshum@raklaw.com

*Counsel for Patent Owner Realtime
Adaptive Streaming LLC*

/Harper Batts/

Harper Batts (Reg. No. 56,160)

Sheppard Mullin Richter & Hampton
LLP
379 Lytton Avenue
Palo Alto, CA 94301-1479

650-815-2600

Jennifer L. Nall (Reg. No. 57,053)
Baker Botts, LLP
98 San Jacinto Boulevard
Suite 1500
Austin, TX 78701
512-332-2507

*Counsel for Petitioners Hulu, LLC
and Amazon.com, Inc.*

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.