

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC.,  
Petitioner,

v.

REALTIME ADAPTIVE STREAMING, LLC,  
Patent Owner.

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Case IPR2018-01170  
Patent 8,934,535 B2

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Before KEVIN W. CHERRY, GARTH D. BAER, and  
NABEEL U. KHAN, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

JUDGMENT  
Request for Adverse Judgment  
*37 C.F.R. § 42.73(b)*

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Netflix, Inc. (“Petitioner”) filed a Petition (Paper 4) requesting *inter partes review* of claims 15–30 (“the challenged claims”) of U.S. Patent No. 8,934,535 (Ex. 1001, “the ’535 Patent”). Realtime Adaptive Streaming, LLC (“Patent Owner”) did not file a Preliminary Response. We instituted *inter partes review* of all the challenged claims on December 3, 2018. Paper 15.

On January 22, 2019, Patent Owner filed a Notice of Disclaimer (“Notice”) of claims 15–30 of the ’535 Patent in a related case. *See* Ex. 3002. With the Notice, Patent Owner filed a copy of Disclaimer under 37 C.F.R. § 1.321(a) (“statutory disclaimer”) and associated filing receipt showing that the statutory disclaimer was filed with the Office on January 18, 2019. *See* Ex. 3003.

Patent Owner’s disclaimer of claims 15–30 of the ’535 Patent, disclaims all claims for which trial was instituted. Under 37 C.F.R. § 42.73(b)(2), actions construed as a request for entry of adverse judgment include cancellation or disclaimer of claims such that the party has no remaining claim in the trial. Thus, we construe Patent Owner’s action as a request for entry of adverse judgment consistent with 37 C.F.R. § 42.73(b)(2) and enter judgment adverse to the Patent Owner.

## ORDER

It is:

ORDERED that adverse judgment against Patent Owner in this proceeding is entered under 37 C.F.R. § 42.73(b)(2); and

FURTHER ORDERED that all scheduled Due Dates (*see* Paper 16) are vacated.

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FURTHER ORDERED that this constitutes a Final Written Decision  
under 35 U.S.C. § 318(a).

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**PETITIONER:**

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