

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

HULU, LLC  
Petitioner,

v.

REALTIME ADAPTIVE STREAMING LLC  
Patent Owner.

Case IPR2018-01090      Patent 8,867,610  
Case IPR2018-01195      Patent 8,867,610

---

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 REQUEST TO KEEP SEPARATE PURSUANT TO 35 U.S.C.  
§ 317(b) AND 37 C.F.R. § 42.74(c)**

Patent Owner Realtime Adaptive Streaming LLC and Petitioner Hulu, LLC have reached a settlement. The settlement agreement resolves the disputes in the above-captioned *inter partes* reviews relating to U.S. Patent Nos. 8,867,610; 8,934,535; 9,769,477; RE46,777; and 9,578,298 (“Patents-in-suit”). Realtime and Hulu jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the files of these proceedings and the files of the Patents-in-suit. Realtime and Hulu were authorized to file this Joint Motion by the Board (via email) on October 1, 2018.

### **I. Statement of Precise Relief Requested**

Realtime and Hulu jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the files of these proceedings and the files of the Patents-in-suit. Realtime and Hulu request that the settlement agreement “be made available only to Federal Government agencies on written request, or to any person on a showing of good cause” in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

### **II. Reasons Why Relief Is Appropriate**

The terms of the settlement agreement require Realtime and Hulu to treat the settlement agreement as confidential information and limit their ability to share the settlement agreement publicly or disclose its contents with third parties. Realtime and Hulu have filed a copy of the settlement agreement with the Board, as required

by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The confidential settlement agreement was filed in the PTAB E2E system to provide availability only to the Board.

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 Petitioner Hulu, LLC*

**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))**

The undersigned hereby certifies that the above document was served on October 3, 2018, by filing this document through the Patent Trial and Appeal Board End to End system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

Harper Batts, hbatts@sheppardmullin.com  
Eliot Williams, eliot.williams@bakerbotts.com  
Jennifer Nall, jennifer.nall@bakerbotts.com  
dlrealtimeiprservice@bakerbotts.com  
dl-realtime-ipr-service@bakerbotts.com

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  
Fax: (310) 826-6991

*Counsel for Patent Owner Realtime  
Adaptive Streaming LLC*