

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

REALTIME ADAPTIVE STREAMING LLC  
Patent Owner.

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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

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**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

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