

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLING TV L.L.C., SLING MEDIA, L.L.C.,
DISH NETWORK L.L.C., and DISH TECHNOLOGIES L.L.C.,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING, LLC,
Patent Owner.

Case IPR2018-01332
Patent 8,934,535 B2

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

CHERRY, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Sling TV L.L.C., Sling Media L.L.C., DISH Network L.L.C., and DISH Technologies L.L.C. (collectively, “Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 15–17, 19, 21, 22, and 24 (the “challenged claims”) of U.S. Patent No. 8,934,535 B2 (Exhibit 1001,

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“the ’535 Patent”). Realtime Adaptive Streaming, LLC (“Patent Owner”) has filed a Preliminary Response. (Paper 6, “Prelim. Resp.”). With the agreement of the parties, we authorized Petitioner to file a Reply to the Preliminary Response (Paper 7, “Pet. Reply”), and Patent Owner a Sur-Reply (Paper 8, “PO Sur-Reply”). Both the Reply and Sur-Reply were limited to the issue of the applicability of the time-bar under 35 U.S.C. § 315(b) to these proceedings.

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. 3001. 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. 3002.

Our rules provide that “[n]o *inter partes* review will be instituted based on disclaimed claims.” 37 C.F.R. § 42.107(e). Because all of the challenged claims have been disclaimed, no challenged claims remain upon which an *inter partes* review could be instituted. Accordingly, we deny the Petition for *inter partes* review.

II. ORDER

For the reasons given, it is:

ORDERED that the Petition for *inter partes* review is *denied*.

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