

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

REALTIME ADAPTIVE STREAMING, LLC

Plaintiff,

v.

SLING TV L.L.C.,
SLING MEDIA L.L.C.,
DISH NETWORK L.L.C.,
DISH TECHNOLOGIES L.L.C., AND
ARRIS GROUP, INC.,

Defendants.

CIVIL ACTION NO. 1:17-CV-02097

PATENT CASE
JURY TRIAL DEMANDED

**INVALIDITY CONTENTIONS PURSUANT TO LOCAL PATENT RULES 8 AND 9 OF
DEFENDANTS SLING TV L.L.C., SLING MEDIA L.L.C., DISH NETWORK L.L.C.,
DISH TECHNOLOGIES L.L.C., AND ARRIS GROUP, INC.**

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Pursuant to Local Patent Rules 8 and 9 of the United States District Court for the District of Colorado (D.C.COLO.LPtR 8 and 9) and the Court’s Scheduling Order (Dkt. No. 75), Defendants Sling TV L.L.C., Sling Media L.L.C., Dish Network L.L.C., and Dish Technologies L.L.C., (“DISH”) ARRIS Group, Inc. (“ARRIS”) (collectively, “Defendants”) provide Plaintiff Realtime Adaptive Streaming, LLC (“Plaintiff” or “Realtime”) with notice of their invalidity contentions with respect to those claims that Plaintiff asserts against them in Plaintiff’s April 4, 2018 Preliminary Disclosure of Asserted Claims and Infringement Contentions pursuant to D.C.COLO.LPtR 4 and 5, which are claims 1-6, 8-12, 14-17, 19, 21, 22, and 24 of U.S. Patent No. 8,934,535 (“535 Patent”) and claims 1, 2, 6, 8-14, 16, and 18 of U.S. Patent No. 8,867,610 (“610 Patent”) (collectively and respectively, “Asserted Patents” and the “Asserted Claims”).

I. **RESERVATIONS**

A. **General Reservations**

Defendants rely on and incorporate by reference, as if originally set forth herein, all invalidity or unenforceability positions, and all associated prior art and claim charts, asserted against Realtime or Realtime Data, LLC, (“Realtime Data”) in any reexamination or *inter partes* review proceeding or original prosecution of the Asserted Patents, or by any present or former defendants in any of Realtime’s or Realtime Data’s lawsuits, or by potential or actual licensees to the Asserted Patents. Moreover, Defendants reserve the right, to the extent permitted by the Court and the applicable statutes and rules, to supplement these Contentions based on prior art currently known to Realtime and prior art identified or provided to Realtime or Realtime Data by any defendant or any third parties.

Defendants reserve the right to amend or supplement these disclosures and the subsequent document production should Plaintiff: 1) provide any information that it failed to provide in its D.C.COLO.LPtR 4 and 5; 2) amend its D.C.COLO.LPtR 4 and 5 disclosures in any way; or 3)

attempt to rely upon any information at trial, in a hearing or during a deposition which it failed to provide in its D.C.COLO.LPtR 4 and 5 disclosures.

Defendants provide the information below, as well as the accompanying production of documents, for the sole purpose of complying with D.C.COLO.LPtR 8 and 9. The information provided shall not be deemed an admission regarding the scope of any claims or the proper construction of those claims or any terms contained therein. Nothing contained in these Invalidity Contentions should be understood or deemed to be an express or implied admission or contention with respect to the proper construction of any terms in the asserted claim, or with respect to the alleged infringement of that claim.

B. Ongoing Discovery

Moreover, because only limited discovery has occurred and because Defendants continue their search for and conduct their analysis of relevant prior art, Defendants reserve the right to revise, amend, and/or supplement the information provided herein, including identifying, charting, and relying on additional references, should Defendants' further search and analysis yield additional information or references, consistent with the Local Patent Rules and the Federal Rules of Civil Procedure.

Defendants' Invalidity Contentions are based upon information reasonably available to it as of the date of these contentions. Because discovery is ongoing, Defendants expressly reserve the right to clarify, alter, amend, modify, or supplement these Invalidity Contentions, to identify additional prior art, and to rely on additional information, tangible things, and testimony obtained during discovery, including discovery obtained from third parties. For example, prior art not included in these contentions whether or not known to Defendants at this time, may become relevant depending on the positions Realtime asserts and the claim constructions the Court adopts.

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