

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., DISH TECHNOLOGIES L.L.C.
Petitioners

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner.

Case IPR2018-01342
Patent 8,867,535

**PATENT OWNER'S MOTION TO TERMINATE
IPR AS TIME-BARRED UNDER § 315(b)**

TABLE OF CONTENTS

I. Factual and Procedural Background..... 1

II. Because the Petition is time-barred under § 315(b), this IPR proceeding (IPR2018-01331) should be terminated. 2

 A. Under *GoPro's* binding authority, continuing with this IPR would go beyond the PTAB's statutory limits. 2

 B. The Board has full authority to terminate this IPR. 4

 C. Petitioners Sling's arguments against termination fail..... 5

III. The Google and Comcast joinders do not change the result. 6

IV. Conclusion..... 10

TABLE OF AUTHORITIES

Cases

<i>BioDelivery Scis. Int'l v. Aquestive Therapeutics, Inc.</i> , 2019-1643 (Fed. Cir. Aug. 29, 2019)	4
<i>Click-To-Call Techs., LP v. Ingenio, Inc., YellowPages.com, LLC</i> , 899 F.3d 1321 (Fed. Cir. 2018)	1, 2, 7
<i>GoPro, Inc., v. 360Heros, Inc.</i> , IPR2018-01754 (Aug. 23, 2019)	passim
<i>GTNX, Inc. v. INTTRA, Inc.</i> , 789 F.3d 1309 (Fed. Cir. 2015)	3, 4, 5, 6
<i>GTNX, Inc. v. INTTRA, Inc.</i> , CBM2014-00072 (Dec. 10, 2014)	3, 4, 5, 6
<i>La Pub Serv. Comm'n v. FFC</i> , 476 U.S. 355 (1986)	3
<i>Medtronic, Inc. v. Robert Bosch Health. Sys. Inc.</i> , 839 F.3d 1383 (Fed. Cir. 2016)	4
<i>NHK Spring Co., Ltd. v. Intri-Plex Techs., Inc.</i> , Case IPR2018-00752 (Sept. 12, 2018)	10
<i>Proppant Express Investments, LLC v. Oren Techs., LLC</i> , IPR2018-00914 (Mar. 13, 2019)	8, 9
<i>SecureBuy, LLC v. CardinalCommerce Corp.</i> , CBM2014-00035 (Apr. 25, 2014)	5
<i>ZTE Corp. v. ContentGuard Holdings Inc.</i> , IPR2013-00454 (Sept. 25, 2013)	6

Statutes

35 U.S.C. § 314..... 3

35 U.S.C. § 315..... passim

35 U.S.C. § 315(b)..... 1, 2, 3, 6

35 U.S.C. § 325(a)(1) 3, 5, 6

5 U.S.C. § 559..... 4

5 U.S.C. § 706..... 4

Rules

37 C.F.R. § 42.4..... 3

37 C.F.R. § 42.71..... 5

Patent Trial Practice Guide, 77 Fed. Reg. 48,756 (Aug. 14, 2012)..... 8

PTAB Standard Operating Procedure 2 (Revision 10) (Sept. 20, 2018)..... 2, 9

PATENT OWNER'S EXHIBIT LIST

<i>Ex.</i>	<i>Description</i>
2001	Amended Complaint of June 6, 2017, in E.D. Tex. Case No. 17- cv-84
2002	Stipulated Motion in D. Colorado Case No. 17-cv-2097
2003	Proof of Service of Amended Complaint re: DISH Network LLC
2004	Proof of Service of Amended Complaint re: Sling TV LLC
2005	Proof of Service of Amended Complaint re: EchoStar Technologies LLC
2006	Proof of Service of Amended Complaint re: Sling Media LLC
2007	Defendants' Supplemental Rule 7.1 Disclosure Statement
2008	Defendants' Unopposed Application for Extension of Time to Answer Complaint
2009	Defendants' Invalidity Contentions
2010	Expert Declaration of Kenneth A. Zeger
2011	Transcript of Deposition of Scott Acton on May 10, 2019
2012	<i>Realtime Adaptive Streaming v. Sling, et al.</i> , Civil Action No. 1:17-CV-02097-RBJ, Dkt. 135-1 (D. Colo. Nov. 7, 2018), Expert Declaration of Alan Bovik
2013	<i>Realtime Adaptive Streaming v. Sling, et al.</i> , Civil Action No. 1:17-CV-02097-RBJ, Dkt. 151 (D. Colo. Jan. 11, 2019), Markman Order
2014	U.S. Patent App. Pub. US 2002/0144271 A1 for Appl. No. 09/197,441 ("Behagen")

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.