

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLING TV, L.L.C., et al.,
Petitioners

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner

Case IPR2018-01342¹
Patent 8,934,535

**PETITIONER'S STATEMENT OF OBJECTIONS TO
PATENT OWNER'S DEMONSTRATIVES**

¹ GOOGLE LLC, who filed a petition in IPR2019-00748, and COMCAST CABLE COMMUNICATIONS, LLC, who filed a petition in IPR2019-00760, have been joined as petitioners in this proceeding.

Petitioners Sling TV L.L.C., Sling Media, L.L.C., DISH Network L.L.C., and DISH Technologies, L.L.C. (collectively “Petitioner” or “DISH”) submit the following objections to the demonstratives filed by Realtime Adaptive Streaming LLC (“Patent Owner” or “Realtime”) in connection with the oral hearing scheduled for December 5, 2019. Pursuant to the Board’s Order Granting the Petitioner’s Requests for Oral Hearing (Paper 37), this Statement of Objections is being filed at least three business days before the oral hearing.

Slide 17 of Patent Owner’s Demonstratives

Petitioner objects to the second and third bullet points of slide 17, which respectively state “Sling’s Petition cites Netflix’s earlier-filed petition that proposed the construction,” and “The Board denied Sling’s request to supplement Petition for ‘access profile’ under Netflix construction.” Realtime made neither argument in support of its position that Petitioner waived its ability to address the construction of “access profile” preliminarily adopted in the Netflix IPR (IPR2018-01169). Moreover, the Board expressly directed the parties to address the Netflix construction in its briefing. Paper 17 at 4 (“Accordingly, we direct Patent Owner to address in its Patent Owner Response in this proceeding why it believes our preliminary construction of ‘access profile’ from IPR2018-01169 is incorrect. . . . Petitioner may submit directly responsive rebuttal evidence and arguments in support of its reply.”).

Slide 23 of Patent Owner’s Demonstratives

Petitioner objects to the second bullet point of slide 23, which alleges that “Dr. Acton declined to answer questions about embodiments, including how many embodiments are disclosed or whether he analyzed that question.” Realtime’s allegation constitutes new argument that it did not present at any time in its briefing. Further, Realtime’s statement is a misrepresentation of the evidence, as at no time during his deposition did Dr. Acton “decline[] to answer” such questions. As such, the objected to portion of slide 23 is unfairly prejudicial to DISH.

Respectfully submitted,

Dated: December 2, 2019

/Adam R. Shartzter/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4), the undersigned certifies that on December 2, 2019, a complete and entire copy of this Petitioner's Statement of Objections to Patent Owner's Demonstratives were provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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