

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ARRIS SOLUTIONS, INC.,  
Petitioner

v.

REALTIME ADAPTIVE STREAMING LLC,  
Patent Owner

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Patent No. 8,934,535  
Issued: January 13, 2015  
Filed: September 20, 2013  
Title: SYSTEMS AND METHODS FOR VIDEO AND AUDIO  
DATA STORAGE AND DISTRIBUTION

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**MOTION FOR JOINDER UNDER 35 U.S.C. § 315(c),  
37 C.F.R. § 42.122(b) TO RELATED  
*INTER PARTES* REVIEW IPR2018-01169**

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## I. Statement of Precise Relief Requested

ARRIS Solutions, Inc. (“Petitioner”) respectfully submits this Motion for Joinder together with a Petition for *Inter Partes* Review of U.S. Patent No. 8,394,535 (“ARRIS Petition”) filed contemporaneously herewith. The Board instituted *inter partes* review of claims 1–14 of the ’535 Patent in *Netflix, Inc., v. Realtime Adaptive Streaming LLC*, Case No. IPR2018-01169 on January 17, 2019 (“Netflix IPR”). Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), ARRIS requests institution of *inter partes* review for claims 1-14 of the ’535 Patent and requests joinder with IPR2018-01169.

ARRIS’s request for joinder is timely because it is made no later than one month after the January 17, 2019 institution date of the Netflix IPR. The ARRIS Petition is substantively identical to the Netflix Petition, and ARRIS only seeks institution on the same claims, prior art, and grounds for unpatentability that were instituted in the Netflix IPR. Therefore, the ARRIS Petition warrants institution for at least the same reasons that the Board instituted the Netflix IPR. In addition, ARRIS proposes to streamline discovery and briefing by taking an “understudy role.” ARRIS submits that joinder is appropriate because it will not unduly burden or prejudice the parties to the Netflix IPR while efficiently resolving the question of the ’535 Patent’s validity in a single proceeding.

## II. Statement of Material Facts and Related Proceedings

1. On November 21, 2017, Realtime Adaptive Streaming LLC (“Patent Owner”) filed a civil action alleging that Netflix, Inc. infringes the ’535 Patent, as well as five other patents. *Realtime Adaptive Streaming LLC v. Netflix, Inc. et al.*, Case No. 1:17-cv-01692 (D. Del.).

2. Netflix filed a petition for *inter partes* review of the ’535 Patent on June 4, 2018. *Netflix, Inc., v. Realtime Adaptive Streaming LLC*, Case No. IPR2018-01169.

3. On January 17, 2019, the Board instituted a trial on all challenged claims (claims 1–14). *Id.* (Paper 20).

4. On November 6, 2017 Realtime Adaptive Streaming LLC, filed a second amended complaint in a separate ongoing civil action in the United States District Court for the District of Colorado alleging that ARRIS infringes the ’535 Patent, as well as one of the other patents asserted against Netflix. *Realtime Data LLC d/b/a IXO v. Sling TV LLC*, Case No. 1:17-cv-02097 (D. Colo.).

5. The ’535 Patent is further the subject of the following judicial or administrative matters:

- *Sling TV LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01331, Patent Trial and Appeal Board;

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