

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARRIS SOLUTIONS, INC.,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner.

Case IPR2019-00674
Patent 8,934,535 B2

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

KHAN, *Administrative Patent Judge*.

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

Granting Motion for Joinder
37 C.F.R. § 42.122(b)

I. I. INTRODUCTION

A. Background

ARRIS Solutions, Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claims 1–14 (the “challenged claims”) of U.S. Patent No. 8,934,535 B2 (Exhibit 1001, “the ’535 Patent”). Concurrently, Petitioner filed a Motion for Joinder seeking to join Petitioner as party to *Netflix, Inc., v. Realtime Adaptive Streaming LLC*, Case IPR2018-01169 (PTAB) (“the Netflix IPR”). Paper 3 (“Mot.”). Realtime Adaptive Streaming, LLC (“Patent Owner”) has not filed a Preliminary Response. We have authority under 37 C.F.R. § 42.4(a) and 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons described below, we institute *inter partes* review of all the challenged claims, and grant Petitioner’s Motion for Joinder.

B. Related Proceedings

Petitioner informs us that the ’535 Patent is involved in the following litigations:

- *Realtime Adaptive Streaming v. Adobe Systems Inc.*, No. 2:18-cv-09344, (C.D. Cal.)
- *Realtime Adaptive Streaming, LLC v. Sling TV, LLC*, No. 1:17-cv-2097 (D. Colo.)
- *Realtime Adaptive Streaming, LLC v. Amazon.com, Inc.*, No. 6:17-cv-00549 (E.D. Tex.)
- *Realtime Adaptive Streaming LLC v. EchoStar Technologies, LLC et al.*, No. 6:17-cv-00567 (E.D. Tex.).

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- *Realtime Adaptive Streaming, LLC v. Hulu, LLC*, No. 2:17-cv-7611 (C.D. Cal.)
- *Realtime Adaptive Streaming, LLC v. Cisco Systems, Inc.*, No. 6:17-cv-591 (E.D. Tex.)
- *Realtime Adaptive Streaming, LLC v. Brightcove, Inc.*, No. 1:17-cv-1519 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Haivision Network Video, Inc.*, No. 1:17-cv-1520 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Polycom, Inc.*, No. 1:17-cv-2692 (D. Colo.)
- *Realtime Adaptive Streaming, LLC v. Netflix, Inc.*, No. 1:17-cv-1692 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Sony Elecs., Inc.*, No. 1:17-cv-1693 (D. Del.)
- *Realtime Adaptive Streaming, LLC v. Apple, Inc.*, No. 1:17-cv-2869 (D. Colo.)
- *Realtime Adaptive Streaming, LLC v. Adobe Sys. Inc.*, No. 1:18-cv-10355 (D. Mass.)
- *Realtime Adaptive Streaming, LLC v. Samsung Elec. Co., Ltd.*, No. 6:18-cv-00113 (E.D. Tex.)
- *Realtime Adaptive Streaming LLC v. Wowza Media Systems LLC*, No. 1:18-cv-00927 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Google LLC et al*, No. 2:18-cv-03629 (D.C. Cal.)
- *Realtime Adaptive Streaming LLC v. Avaya Inc.*, No. 1:18-cv-01046 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Broadcom Corporation et al.*, No. 1:18-cv-01048 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. LG Electronics Inc. et al*, No. 6:18-cv-00215 (E.D. Tex.)
- *Realtime Adaptive Streaming LLC v. Advanced Micro Devices, Inc.*, No. 1:18-cv-01173 (D. Colo.)

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- *Realtime Adaptive Streaming LLC v. Intel Corporation*, No. 1:18-cv-01175 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Mitel Networks, Inc.*, No. 1:18-cv-01177 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Charter Communications, Inc. et al*, No. 1:18-cv-01345 (D. Colo.)
- *Realtime Adaptive Streaming LLC v. Cox Communications, Inc.*, No. 8:18-cv-00942 (C.D. Cal.)
- *Realtime Adaptive Streaming LLC v. Comcast Cable Communications, LLC*, No. 1:18-cv-01446 (D. Colo.)

Pet. 63–65.

Petitioner further informs us that the '535 Patent is involved in the following *inter partes* review proceedings:

- *Sling TV LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01331
- *Sling TV LLC, et al., v. Realtime Adaptive Streaming LLC*, IPR2018-01332
- *Sling TV LLC, et al., v. Realtime Adaptive Streaming LLC*, IPR2018-01342
- *Unified Patents Inc. v. Realtime Adaptive Streaming LLC*, IPR2018-00883
- *Hulu, LLC, Amazon.com, Inc., and Netflix, Inc. v. Realtime Adaptive Streaming LLC*, IPR2018-01170
- *Hulu, LLC v. Realtime Adaptive Streaming LLC*, IPR2018-01090
- *Hulu, LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01169
- *Amazon.com, Inc. et al v. Realtime Adaptive Streaming LLC*, IPR2018-01187
- *Hulu, LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01195
- *Hulu, LLC et al v. Realtime Adaptive Streaming LLC*, IPR2018-01189
- *Amazon.com, Inc. et al v. Realtime Adaptive Streaming LLC*, IPR2018-01227

- *Sony Corporation et al v. Realtime Adaptive Streaming LLC*, IPR2018-01299
- *Cisco Systems, Inc. v. Realtime Adaptive Streaming LLC*, IPR2018-01384
- *Sony Corporation et al v. Realtime Adaptive Streaming LLC*, IPR2018-01413
- *Sony Corporation et al v. Realtime Adaptive Streaming LLC*, IPR2018-01439
- *Netflix, Inc. et al v. Realtime Adaptive Streaming LLC*, IPR2018-01630
- *Netflix, Inc. et al v. Realtime Adaptive Streaming LLC*, IPR2018-01817
- *Netflix, Inc. et al v. Realtime Adaptive Streaming LLC*, IPR2019-00209

C. Asserted Grounds of Unpatentability

Petitioner challenges claims 1–14 of the ’535 Patent on the following grounds:

Basis	Challenged Claims	References
§ 103	1–14	Imai ¹ and Ishii ²

II. DISCUSSION

A. Institution of Inter Partes Review

In its Motion for Joinder, Petitioner represents that this Petition “is substantively identical to the Netflix Petition, containing only minor differences related to the formalities required by a different party filing the

¹ Imai, Japanese Patent Application Publication No. H11331305, published Nov. 30, 1999. (Ex. 1004). A Certified English translation of Imai was submitted as Exhibit 1005.

² Ishii, U.S. Patent No. 5,675,789, Oct. 7, 1997 (Exhibit 1007, “Ishii”).

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