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 IPR2018-01342¹ Patent 8,934,535

JOINED PETITIONERS GOOGLE LLC AND COMCAST CABLE COMMUNICATIONS, LLC'S JOINT OPPOSITION TO PATENT OWNER'S MOTION TO TERMINATE

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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.

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Civil Aeronautics Bd. v. Delta Air Lines, Inc., 367 U.S. 316 (1961)
<i>Click-to-Call Technologies, LP v. Ingenio, Inc.</i> , 899 F.3d 1321 (Fed. Cir. 2018)
<i>Dell Inc. v. Alacritech, Inc.</i> , IPR2018-01307, Paper 8 (Jan. 11, 2019)4
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EXHIBITS

- Proof of Service re Summons and Complaint for Google LLC,
 Realtime Adaptive Streaming LLC, v. Google LLC, D.I. 18, Case No.
 18-cv-03629 FMO (JCx) (C.D. Cal.)
- 1102 Proof of Service re Summons and Complaint for YouTube, LLC, *Realtime Adaptive Streaming LLC, v. Google LLC*, D.I. 15, Case No. 18-cv-03629 FMO (JCx) (C.D. Cal.)
- 1103 Proof of Service re Summons and Complaint for Comcast Corporation, Realtime Adaptive Streaming, LLC v. Comcast Cable Communications, LLC and Comcast Corporation, D.I. 19, Case No. 18-cv-01446 PAB (STV) (D. Col..)

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