

1 MARC A. FENSTER (Bar No. 181067)
 2 mfenster@raklaw.com
 3 REZA MIRZAIIE (Bar No. 246953)
 4 rmirzaie@raklaw.com
 5 BRIAN D. LEDAHL (Bar No. 186579)
 6 bledahl@raklaw.com
 7 PAUL KROEGER (Bar No. 229074)
 8 pkroeger@raklaw.com
 9 C. JAY CHUNG (Bar No. 252794)
 10 jchung@raklaw.com
 11 PHILIP X. WANG (Bar No. 262239)
 12 pwang@raklaw.com
 13 RUSS, AUGUST & KABAT
 14 12424 Wilshire Boulevard
 15 12th Floor
 16 Los Angeles, California 90025
 17 Telephone: (310) 826-7474
 18 Facsimile: (310) 826-6991

Attorneys for Realtime Adaptive Streaming LLC

TED DANE (Bar No. 143195)
 ted.dane@mto.com
 ZACHARY M. BRIERS (Bar No. 287984)
 zachary.briers@mto.com
 BRIAN J. SPRINGER (Bar. No. 309094)
 brian.springer@mto.com
 MUNGER, TOLLES & OLSON LLP
 350 South Grand Avenue
 Fiftieth Floor
 Los Angeles, California 90071-3426
 Telephone: (213) 683-9100
 Facsimile: (213) 687-3702

PETER A. DETRE (Bar No. 182619)
 peter.detre@mto.com
 MUNGER, TOLLES & OLSON LLP
 560 Mission Street
 Twenty-Seventh Floor
 San Francisco, California 94105-3089
 Telephone: (415) 512-4000
 Facsimile: (415) 512-4077

Attorneys for Defendants Google LLC and YouTube. LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

17 REALTIME ADAPTIVE
 18 STREAMING LLC,
 19 Plaintiff,
 20 vs.
 21 GOOGLE LLC, and YOUTUBE, LLC,
 22 Defendants.

Case No. 2:18-CV-03629-GW-JC

**JOINT STIPULATION TO STAY
 CASE PENDING *INTER PARTES*
 REVIEW PROCEEDINGS**

Judge: Hon. George H. Wu

STIPULATION TO STAY CASE PENDING *INTER PARTES*

1 WHEREAS, Plaintiff Realtime Adaptive Streaming LLC (“Plaintiff”) asserts
2 the following five patents against Defendants Google LLC and YouTube, LLC
3 (collectively, “Defendants”): U.S. Patent Nos. 7,386,046; 8,934,535; 9,578,298;
4 9,769,477; and RE46,777 (collectively, the “Asserted Patents”);

5 WHEREAS, the Patent Trial and Appeal Board (“PTAB”) of the United
6 States Patent and Trademark Office has instituted *inter partes* review (“IPR”) of
7 four of the five Asserted Patents, which account for 30 of the 32 patent claims
8 asserted by Plaintiff in this action, as detailed on Exhibit A hereto (“Instituted
9 IPRs”);

10 WHEREAS, several additional petitions for IPR of the Asserted Patents
11 remain pending with the PTAB, including a petition challenging the asserted claims
12 in the remaining Asserted Patent, as detailed on Exhibit A hereto (“Pending IPRs”);

13 WHEREAS, Defendants may file with the PTAB additional petitions for IPR
14 of the Asserted Patents (“Google IPRs”), which Defendants must file within a “year
15 after the date on which” Defendants were “served with a complaint alleging
16 infringement of the patent,” 35 U.S.C. § 315(b);

17 WHEREAS, to avoid unnecessary expenditure of judicial and party resources,
18 Plaintiff and Defendants desire to stay this action until the PTAB issues final written
19 decisions in the Instituted IPRs, the Pending IPRs, and any Google IPRs;

20 WHEREAS, the Court has not yet construed the disputed claim terms in this
21 action and the parties have not engaged in substantial discovery;

22 WHEREAS, staying this action pending the IPRs will allow the PTAB to
23 issue decisions on whether the challenged patent claims are unpatentable given the
24 prior art grounds set forth in the petitions.

25 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by
26 Plaintiff and Defendants as follows:

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STIPULATION TO STAY CASE PENDING *INTER PARTES*

- 1 1. Subject to the Court's approval, this case shall be stayed until the PTAB
- 2 issues final written decisions with respect to each of the Instituted IPRs,
- 3 the Pending IPRs, and any Google IPRs;
- 4 2. The parties shall file a status report within ten (10) business days of the
- 5 date on which the PTAB issues its final written decision with respect to the
- 6 last pending IPR; and
- 7 3. All deadlines in the case are stayed and all hearings in the case are
- 8 vacated.
- 9

10 DATED: May 2, 2019

MUNGER, TOLLES & OLSON LLP
TED DANE
PETER A. DETRE
PETER E. GRATZINGER
ZACHARY M. BRIERS
BRIAN J. SPRINGER

16 By: /s/ Zachary M. Briers
17 ZACHARY M. BRIERS
18 Attorneys for Defendants Google LLC and
19 YouTube LLC

20 DATED: May 2, 2019

RUSS AUGUST & KABAT

23 By: /s/ C. Jay Chung
24 C. JAY CHUNG
25 Attorney for Plaintiff Realtime Adaptive
26 Streaming LLC
27
28

STIPULATION TO STAY CASE PENDING *INTER PARTES*

1 I, Zachary M. Briers, hereby attest that all signatories listed, and on whose
2 behalf the filing is submitted, concur in the filing's content and have authorized the
3 filing.

4

5

DATED: May 2, 2019

By: /s/ Zachary M. Briers

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STIPULATION TO STAY CASE PENDING *INTER PARTES*

Exhibit A

The “Instituted IPRs” are listed in the chart below:

| IPR Case Name | IPR No. | Challenged Patent |
|---|---------------|-------------------|
| Netflix, Inc. v. Realtime Adaptive Streaming LLC | IPR2018-01169 | '535 patent |
| Netflix, Inc. v. Realtime Adaptive Streaming LLC | IPR2018-01187 | '477 patent |
| Netflix, Inc. v. Realtime Adaptive Streaming LLC | IPR2018-01189 | '777 patent |
| Netflix, Inc. v. Realtime Adaptive Streaming LLC | IPR2018-01227 | '298 patent |
| Sling TV, LLC et al. v. Realtime Adaptive Streaming LLC | IPR2018-01342 | '535 patent |
| Netflix, Inc. v. Realtime Adaptive Streaming LLC | IPR2018-01630 | '477 patent |

The “Pending IPRs” are listed in the chart below:

| IPR Case Name | IPR No. | Challenged Patent |
|--|---------------|-------------------|
| Netflix, Inc. v. Realtime Adaptive Streaming LLC | IPR2019-00209 | '046 patent |
| Arris Solutions, Inc. v. Realtime Adaptive Streaming LLC | IPR2019-00674 | '535 patent |
| Comcast Cable Communications, LLC v. Realtime Adaptive Streaming LLC | IPR2019-00684 | '535 patent |
| Google LLC v. Realtime Adaptive Streaming LLC | IPR2019-00748 | '535 patent |
| Comcast Cable Communications, LLC v. Realtime Adaptive Streaming LLC | IPR2019-00760 | '535 patent |
| Comcast Cable Communications, LLC v. Realtime Adaptive Streaming LLC | IPR2019-00786 | '477 patent |

STIPULATION TO STAY CASE PENDING *INTER PARTES*