

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.,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING, LLC,
Patent Owner.

IPR2019-01589
Patent 8,934,535 B2

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

CHERRY, *Administrative Patent Judge*.

DECISION
Denying Motion for Joinder
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.122(b); 35 U.S.C. § 314

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On September 6, 2019, Sling TV L.L.C., Sling Media L.L.C., DISH Network L.L.C., and DISH Technologies L.L.C. (“Petitioner” or “DISH”) filed a Petition (Paper 2, “Pet.”) seeking *inter partes* review of claim 1–6, 8–12, and 14 of U.S. Patent No. 8,934,535 B2. The Petition was accompanied by a motion seeking joinder with IPR2019-00748 filed by Google, LLC (“Google”). Paper 3 (“Motion”). We deny Petitioner’s Motion for Joinder because, as explained below, IPR2019-00748 has now been terminated. Because we do not join Petitioner as a party to IPR2019-00748, the Petition is barred under 35 U.S.C. § 315(b).

I. ANALYSIS

On August 13, 2019, we instituted *inter partes* review in IPR2019-00748 and joined Google as a party to IPR2018-01342. *See* IPR2018-01342, Paper 24. For the reasons explained in our Order Granting-in-Part Patent Owner’s Motion to Terminate in IPR2018-01342, DISH’s petition was time barred, and thus we terminated that proceeding as to DISH. *See* IPR2018-01342, Paper 45, 8. We then proceeded to a Final Written Decision in IPR2019-00748 and IPR2019-00760 using IPR2018-01342 as the consolidated docket for the two proceedings. *See* IPR2018-01342, Paper 47.

Because IPR2019-00748 has terminated in a Final Written Decision and no proceeding remains for Petitioner to join, we deny Petitioner’s motion to join IPR2019-00748.

Under 35 U.S.C. § 315(b), an *inter partes* review “may not be instituted if the petition requesting the proceeding is filed more than 1 year after the date on which ... the petitioner is served with a complaint alleging infringement of the patent.” 35 U.S.C. § 315(b); *see also* 37 C.F.R.

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§ 42.101(b). Because Petitioner was served with a complaint asserting infringement of the '535 patent more than one year before it filed the Petition, Pet. 5, we deny the Petition as barred under 35 U.S.C. § 315(b).

II. ORDER

For the reasons given, it is:

ORDERED that Petitioner's Motion for Joinder (Paper 3) is *denied*;
and

FURTHER ORDERED that the Petition for *inter partes* review is *denied*.

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PETITIONER:

Ruffin Cordell
Adman Shartzer
Brian Livedalen
FISH & RICHARDSON P.C.
cordell@fr.com
shartzer@fr.com
bvl@fr.com

PATENT OWNER:

Philip X. Wang
C. Jay Chung
Neil Rubin
Kent Shum
Reza Mirzaie
RUSS AUGUST & KABAT
pwang@raklaw.com
jchung@raklaw.com
nrubin@raklaw.com
kshum@raklaw.com
rmirzaie@raklaw.com