

IN THE 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., and ARRIS SOLUTIONS, INC.,
Petitioners

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner

Case IPR2018-01331¹
Patent No. 8,867,610

**NOTICE OF APPEAL TO THE COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

¹ ARRIS Solutions, Inc., who filed a petition in IPR2019-00746, has been joined as a petitioner in this proceeding.

Petitioner, ARRIS Solutions, Inc. (“ARRIS”), hereby provides notice of appeal to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141 and 142 from the Order Granting Patent Owner’s Motion to Terminate by the Patent Trial and Appeal Board entered January 17, 2020 (Paper No. 39) and all orders referenced in/resulting in that Decision to the extent adverse to Petitioner.

Pursuant to 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal will include, but are not limited to:

1. Whether the petition is time barred under 35 U.S.C. § 315(b);
2. Whether the Board improperly terminated review as to ARRIS under 35 U.S.C § 315(c);
3. The impropriety and unenforceability of the Precedential Opinion Panel’s adjudicatory rulemaking, including in *GoPro, Inc. v. 360Heros, Inc.*, IPR2018-01754, Paper 38 (Aug. 23, 2019), under at least the Administrative Procedures Act, 5 U.S.C. §§ 706(2)(A)–(D), 35 U.S.C. § 316, and the Due Process Clause of U.S. Const. amend. V; and
4. any other issues decided adversely to ARRIS in any orders, decisions, rulings and opinions.

Petitioner has electronically filed this Notice of Appeal with the Patent Trial and Appeal Board, pursuant to 37 C.F.R. §§ 90.2(a)(1) and 42.6(b)(1).

Simultaneously herewith, Petitioner is providing the Federal Circuit with a

IPR2018-01331
Patent 8,867,610

copy of this Notice of Appeal, pursuant to 37 C.F.R. § 90.2(a)(2)(i) and Federal Circuit Rule 15(a)(1), together with a \$500 fee, pursuant to 37 C.F.R. § 90.2(a)(2)(ii) and Federal Circuit Rule 52(a)(3).

Respectfully submitted,

BAKER BOTTS L.L.P.

Date: March 16, 2020

/s/Jennifer Librach Nall/
Jennifer Librach Nall
Reg. No. 57,053
BAKER BOTTS L.L.P.
98 San Jacinto Boulevard, Suite 1500
Austin, TX 78701-4078

Eliot D. Williams (Reg. No. 50,822)
BAKER BOTTS L.L.P.
1001 Page Mill Road, Bld. 1, Suite 200
Palo Alto, California 94304-1007

Michelle Eber (Reg. No. 67,338)
Brandon Chen (Reg. No. 76,391)
BAKER BOTTS L.L.P.
One Shell Plaza, 910 Louisiana Street
Houston, Texas 77002-4995

Counsel for Petitioner

IPR2018-01331
Patent 8,867,610

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e)(4) and 42.205(b), the undersigned certifies that on March 16, 2020, a complete and entire copy of this PETITIONER'S NOTICE OF APPEAL was served on Patent Owner via electronic mail as follows:

Philip X. Wang - pwang@raklaw.com
C. Jay Chung - jchung@raklaw.com
Neil A. Rubin - nrubin@raklaw.com
Kent Shum - kshum@raklaw.com
Reza Mirzaie - rmirzaie@raklaw.com

Russ August & Kabat
12424 Wilshire Blvd., 12th Fl. Los Angeles, CA 90025
rak_realtimedata@raklaw.com

As a courtesy, a copy is also being provided to counsel via electronic mail as follows:

Ruffin B. Cordell - cordell@fr.com
Adam R. Shartzter - shartzter@fr.com
Brian J. Livedalen - bvl@fr.com
Fish & Richardson P.C.

Date: March 16, 2020

/s/Jennifer Librach Nall/
Jennifer Librach Nall
Reg. No. 57,053

Lead Counsel for Petitioner

IPR2018-01331
Patent 8,867,610

In accordance with 37 C.F.R. §§ 90.2(a)(1) and 104.2(b), I hereby certify that, in addition to being filed electronically through the Board's E2E System, the original version of the foregoing Notice of Appeal was filed via Federal Express on March 16, 2020, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314

In accordance with 37 C.F.R. § 90.2(a)(2), I hereby certify that on March 16, 2020, a true and correct copy of the foregoing Notice of Appeal was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20439

Date: March 16, 2020

/s/Jennifer Librach Nall/
Jennifer Librach Nall
Reg. No. 57,053

Lead Counsel for Petitioner