

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC

Petitioner,

v.

REALTIME ADAPTIVE STREAMING LLC

Patent Owner.

Case IPR2018-01090 Patent 8,867,610

Case IPR2018-01195 Patent 8,867,610

HULU, LLC, AMAZON.COM, INC., and NETFLIX, INC.

Petitioners,

v.

REALTIME ADAPTIVE STREAMING LLC

Patent Owner.

Case IPR2018-01169 Patent 8,934,535

Case IPR2018-01170 Patent 8,934,535

Case IPR2018-01187 Patent 9,769,477

Case IPR2018-01189 Patent RE46,777

Case IPR2018-01227 Patent 9,578,298

**JOINT REQUEST TO KEEP SEPARATE PURSUANT TO 35 U.S.C.
§ 317(b) AND 37 C.F.R. § 42.74(c)**

Patent Owner Realtime Adaptive Streaming LLC and Petitioner Hulu, LLC have reached a settlement. The settlement agreement resolves the disputes in the above-captioned *inter partes* reviews relating to U.S. Patent Nos. 8,867,610; 8,934,535; 9,769,477; RE46,777; and 9,578,298 (“Patents-in-suit”). Realtime and Hulu jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the files of these proceedings and the files of the Patents-in-suit. Realtime and Hulu were authorized to file this Joint Motion by the Board (via email) on October 1, 2018.

I. Statement of Precise Relief Requested

Realtime and Hulu jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the files of these proceedings and the files of the Patents-in-suit. Realtime and Hulu request that the settlement agreement “be made available only to Federal Government agencies on written request, or to any person on a showing of good cause” in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

II. Reasons Why Relief Is Appropriate

The terms of the settlement agreement require Realtime and Hulu to treat the settlement agreement as confidential information and limit their ability to share the settlement agreement publicly or disclose its contents with third parties. Realtime and Hulu have filed a copy of the settlement agreement with the Board, as required

by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The confidential settlement agreement was filed in the PTAB E2E system to provide availability only to the Board.

Respectfully submitted,

Date: October 3, 2018

/Kent N. Shum/

Kent N. Shum (Reg. No. 61,117)
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
kshum@raklaw.com

*Counsel for Patent Owner Realtime
Adaptive Streaming LLC*

/Harper Batts/

Harper Batts (Reg. No. 56,160)
Sheppard Mullin Richter & Hampton
LLP
379 Lytton Avenue
Palo Alto, CA 94301-1479
650-815-2600

Jennifer L. Nall (Reg. No. 57,053)
Baker Botts, LLP
98 San Jacinto Boulevard
Suite 1500
Austin, TX 78701
512-332-2507

Counsel for Petitioner Hulu, LLC

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on October 3, 2018, by filing this document through the Patent Trial and Appeal Board End to End system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

Harper Batts, hbatts@sheppardmullin.com
Eliot Williams, eliot.williams@bakerbotts.com
Jennifer Nall, jennifer.nall@bakerbotts.com
dlrealtimeiprservice@bakerbotts.com
dl-realtime-ipr-service@bakerbotts.com

Date: October 3, 2018

/Kent N. Shum/

Kent N. Shum (Reg. No. 61,117)
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
Fax: (310) 826-6991

*Counsel for Patent Owner Realtime
Adaptive Streaming LLC*