

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK CORPORATION AND DISH NETWORK L.L.C.
Petitioner,

v.

CUSTOMEDIA TECHNOLOGIES, LLC
Patent Owner.

CBM2017-00032
Patent No. 9,053,494

PETITIONER'S UPDATED MANDATORY NOTICES

UNDER 37 C.F.R. § 42.8(a)(3)

As required under 37 C.F.R. §42.8(a)(3), the following updated mandatory notices are filed with the Patent Trial and Appeal Board (“Board”).

A. Related Matters under 37 C.F.R. 42.8(b)(2)

On July 25, 2018, the Board issued its Final Written Decision (“FWD”) in this matter finding claims 1–4, 6-7, 16-19, 23, 24, 26-28, 32-36 and 41 of U.S. Patent No. 9,053,494 unpatentable. Paper 50. As described below, and shown in the exhibits submitted herewith, Patent Owner has exhausted its appeals and the Board’s FWD has been affirmed:

- On March 6, 2020, the Federal Circuit issued a judgment affirming the FWD. *See* Exhibit 1030.
- On June 9, 2020, the Federal Circuit denied Patent Owner’s combined petition for panel rehearing and rehearing en banc. *See* Exhibit 1031.
- On June 16, 2020, the Federal Circuit issued the Formal Mandate. *See* Exhibit 1032.
- On November 6, 2020, Patent Owner’s deadline for filing a petition for writ of certiorari with the Supreme Court of the United States expired. As shown in the attached Exhibit, no properly filed petition for writ of certiorari is pending for this matter. *See* Exhibit 1033. Customedia served DISH with a petition for writ of certiorari with the Supreme Court of the United States. However, the petition was never docketed

and Patent Owner has taken no action to correct the defect for the last five months.

Having exhausted all available appeals, Patent Owner's request to delay issuance of a certificate (*see* Paper 54) is improper and should be rejected. Instead, Petitioner requests the Board promptly issue a certificate cancelling claims 1–4, 6-7, 16-19, 23, 24, 26-28, 32-36 and 41 of U.S. Patent No. 9,053,494. *See* 37 C.F.R. § 42.80.

Date: April 19, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2021, I caused a true and correct copy of the foregoing Petitioner's Updated Mandatory Notices to be served via electronic mail on the following counsel of record for Patent Owner at the email address listed below.

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