

**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.

---

IPR2017-00724  
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 19 and 26 of U.S. Patent No. 9,053,494 unpatentable. Paper 47. 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 dismissing the appeal as moot. *See* Exhibit 1031.
- On June 9, 2020, the Federal Circuit denied Patent Owner’s combined petition for panel rehearing and rehearing en banc. *See* Exhibit 1032.
- On June 16, 2020, the Federal Circuit issued the Formal Mandate. *See* Exhibit 1033.
- 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 1034. 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 52) is improper and should be rejected. Instead, Petitioner requests the Board promptly issue a certificate cancelling claims 19 and 26 of U.S. Patent No. 9,053,494. *See* 37 C.F.R. § 42.80.

Date: April 19, 2021

/ Eliot D. Williams /  
Eliot D. Williams (Reg. No. 50,822)  
G. Hopkins Guy III (Reg. No. 35,866)  
BAKER BOTTS L.L.P.  
1001 Page Mill Road, Bldg. 1, Suite 200  
Palo Alto, California 94304-1007  
650.739.7500

Ali Dhanani (Reg. No. 66,233)  
BAKER BOTTS L.L.P.  
910 Louisiana St.  
Houston, TX 77002  
713.229.1108

*Attorneys for Petitioner, DISH Network  
Corporation and DISH Network L.L.C.*

**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.

**Lead Counsel**

Raymond W. Mort, III  
The Mort Law Firm, PLLC  
106 E. Sixth Street, Ste 900  
Austin, Texas 78701  
Phone: 512-865-7950  
Fax: 512-865-7950  
raymort@austinlaw.com  
USPTO Reg. No. 47,807

**Back-up Counsel**

Steven Tepera  
Pillsbury Winthrop Shaw Pittman  
401 Congress Ave., Ste. 1700  
Austin, Texas 78701  
Phone: 512-280-9624  
Fax: 512-879-9347  
Steven.tepera@pillsburylaw.com  
USPTO Reg. No. 65,984

Date: April 19, 2021

/ Eliot D. Williams /  
Eliot D. Williams (Reg. No. 50,822)  
BAKER BOTTS L.L.P.  
1001 Page Mill Road, Bldg. 1, Suite 200  
Palo Alto, California 94304-1007  
650.739.7500

*Lead Counsel for Petitioner, DISH Network  
Corporation and DISH Network L.L.C.*