

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, L.L.C.,
Patent Owner.

Case IPR2017-00724
Patent 9,053,494

**PATENT OWNER CUSTOMEDIA TECHNOLOGIES, L.L.C.’S
BRIEF REGARDING BOARD’S DECISION TO INSTITUTE REVIEW OF
ALL CHALLENGED CLAIMS**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

On May 15, 2018, Patent Owner Customedia Technologies, L.L.C. (“Patent Owner”) and DISH Network Corporation and DISH Network L.L.C. (“Petitioner”) had a conference call with the Board to discuss the May 2, 2018 Order (Paper 43) regarding newly instituted grounds following the Supreme Court’s decision in *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at *10 (U.S. Apr. 24, 2018).

On May 16, 2018, the Board issued an Order (Paper 44) granting Patent Owner’s request to file this short brief and waiving 37 C.F.R. § 42.6’s prohibition on incorporation by reference.

Therefore, with respect to the newly instituted grounds, Patent Owner hereby incorporates by reference the arguments in its Preliminary Response (Paper 7) and the Board’s reasons in the Institution Decision (Paper 10) for denying institution of those grounds. Following and based on those arguments and reasons, Patent Owner respectfully requests that a final decision issue with respect to the newly instituted grounds consistent with the decision reached in the Board’s Institution Decision.

Date: May 18, 2018

Respectfully submitted,

/Steven Tepera/

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May 2018, a true and correct copy of Patent Owner's Brief Regarding Board's Decision to Institute Review of All Challenged Claims was served via electronic mail upon eliot.williams@bakerbotts.com (Eliot D. Williams), hop.guy@bakerbotts.com (G. Hopkins Guy), and ali.dhanani@bakerbotts.com (Ali Dhanani) - counsel of record for DISH Network Corporation and DISH Network L.L.C. ("Petitioner").

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