

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUBOTV MEDIA INC. and YANKA INDUSTRIES, INC.,
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00917 (Patent 10,757,156 B2)
IPR2024-00918 (Patent 9,407,564 B2)
IPR2024-00919 (Patent 8,868,772 B2)¹

Before THU A. DANG, KARL D. EASTHOM,
MICHELLE N. WORMMEESTER, and JOHN A. HUDALLA,
*Administrative Patent Judges.*²

WORMMEESTER, *Administrative Patent Judge.*

ORDER

Granting Patent Owner's Unopposed Motion for Authorization
to Compel Deposition Testimony of Mark Mitchell
35 U.S.C. § 24; 37 C.F.R. § 42.50

¹ This Order applies to each of the above-identified proceedings. The parties must obtain prior authorization to use this heading style in any subsequent papers.

² This is not an expanded panel. Judges Dang, Wormmeester, and Hudalla are the panel in IPR2024-00917. Judges Dang, Easthom, and Hudalla are the panel in IPR2024-00918 and IPR2024-00919.

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In each of the above-identified proceedings, Patent Owner Dish Technologies L.L.C. moves for authorization to apply for a subpoena under 35 U.S.C. § 24 to compel the deposition testimony of Mr. Mark Mitchell, who submitted declaration testimony (Ex. 2127³) in the proceedings. Paper 37 (“Motion”). Patent Owner states that “Brigham Young University, Mr. Mitchell’s employer, will not voluntarily allow him to appear for a deposition in this case absent the service of a subpoena.” *Id.* at 1. Patent Owner further states that “[d]ue to the limited scope of Mr. Mitchell’s declaration, a subpoena and subsequent deposition testimony would not present a burden in meeting any scheduling deadlines for this proceeding.” *Id.* at 2. Additionally, Patent Owner represents that “Petitioners have indicated that they are not opposed to the motion.” *Id.* at 1. We authorized the filing of the motions in an e-mail dated May 5, 2025. Ex. 3003.

Upon review of the Motion, we grant it. In each of the proceedings, Patent Owner is authorized to apply for a subpoena under 35 U.S.C. § 24 from the clerk of the United States district court for the district where the testimony of Mr. Mitchell is to be taken.

It is so ORDERED.

PETITIONER:

Inge A. Osman
Tara D. Elliot
Richard G. Frenkel
Rebecca L. Rabenstein
Clement Naples

³ We cite to papers and exhibits filed in IPR2024-00917. Similar papers and exhibits were filed in IPR2024-00918 and IPR2024-00919.

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