
From: Inge.Osman@lw.com <Inge.Osman@lw.com>

Sent: Wednesday, July 9, 2025 9:56 AM

To: Trials <Trials@USPTO.GOV>

Cc: Tara.Elliott@lw.com; Rick.Frenkel@lw.com; Rebecca.Rabenstein@lw.com; Ashley.Finger@lw.com; Lauren.Rosen@lw.com; fubotv_masterclassiprs.lwteam@lw.com; Eliot.Williams@BakerBotts.com; hop.guy@BakerBotts.com; Jamie.Lynn@BakerBotts.com; ali.dhanani@bakerbotts.com; DishvMindGeek@BakerBotts.com; marco.giguere@bakerbotts.com

Subject: IPR2024-00917, -00918, -00919

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Honorable Board,

Petitioners fuboTV Media Inc. and Yanka Industries respectfully seek leave to strike exhibits Ex. 2146 and 2147 filed by Patent Owner DISH Technologies, L.L.C. in support of its motion to strike. The Board permitted Patent Owner to file a motion to strike limited to 10 pages. Patent Owner did not request authorization to submit evidence in support of its motion to strike, nor did the Board authorize submission of evidence.

Patent Owner improperly seeks to circumvent the page limit imposed by the Board by filing as an exhibit a nearly 3,000-word document drafted by one of its attorneys in support of its motion to strike. Ex. 2147. While formatted as a peer-reviewed journal article, this document was neither published nor peer-reviewed. Instead, it was expressly drafted for these IPRs by Patent Owner's attorneys using artificial intelligence tools to support Patent Owner's motion to strike, and was dated on July 7, 2025, the date Patent Owner filed its motion to strike. Patent Owner should have included this attorney argument within the 10-pages it was permitted to file. The Board should strike Ex. 2147 (2,908 words) and the attorney declaration, Ex. 2146 (234 words), filed in support of Ex. 2147.

To the extent the Board does not strike Exhibits 2146-2147, Petitioner seeks modification of the due date for its Opposition to Patent Owner's Motion to Strike, so that Petitioner can

properly schedule, notice, and conduct a cross-examination of Patent Owner's declarant, Mr. Hancock.

When asked for their position, Patent Owner responded:

Your objections are misplaced. The materials you object to simply explain how, based on publicly available PTAB records, Patent Owner concluded what is already clear from the face of Dr. Houh's supplemental declaration—that it is exceptionally large. The materials are not additional argument, nor are they incorporated by reference into Patent Owner's brief. Moreover, the materials do not purport to be "peer-reviewed," nor is there any requirement for legal research to be peer-reviewed prior to submission. Accordingly, DISH does not agree to withdraw any of these materials.

Regarding a deposition, the materials already describe in great specificity Mr. Hancock's process of reviewing publicly available IPR case records. If you disagree with the methodology, you are free to address that in your previously-authorized reply. A deposition would not elicit any useful information and would merely waste the parties resources on an issue that cannot be reasonably disputed.

The parties are available for a conference call on Thursday, July 10, 9 am – 12 pm, 2 – 5 pm ET or Friday, July 11, 9 – 11 am, 12 – 5 pm ET.

Respectfully,

Inge Osman
Counsel for Petitioners

Inge A. Osman

LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004-1304
Direct Dial: +1.202.637.3308
Email: inge.osman@lw.com
<https://www.lw.com>

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others

or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at www.lw.com.