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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]

HUDALLA, *Administrative Patent Judge*.

ORDER
Striking Exhibits Accompanying Patent Owner's Motion to Strike
37 C.F.R. § 42.6

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[1] This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties are not authorized to use this caption style in any subsequent papers.

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

On July 9, 2025, Petitioner sent an email (Ex. 3005) to the Board regarding Patent Owner's recently filed Motion to Strike (*see* Paper 57[3]) in each of these proceedings. Petitioner wrote the following:

> 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. . . . [I]t 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.

Ex. 3005.

We agree with Petitioner that Patent Owner's use of Exhibits 2146 and 2147 runs afoul of our rule against incorporation by reference. *See* 37 C.F.R. § 42.6(a)(3). The first sentence of the document at Exhibit 2147 states expressly that it was motivated by these proceedings, and the document is dated the same day as Patent Owner's motion. It was also drafted by an attorney at the same firm as Patent Owner's counsel. Under these circumstances, we find that Exhibit 2147 and its supporting declaration at Exhibit 2146 contravene section 42.6(a)(3). Accordingly, we expunge Exhibits 2146 and 2147. We also strike the arguments in Patent Owner's Motions to Strike that rely on those exhibits.[4]

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

[4] We also find that, in the context of a motion to strike, Patent Owner's arguments about the length of its declarant's supplemental declarations relative to those in unrelated cases are irrelevant.

Furthermore, by way of clarification, we did not authorize the filing of exhibits with the Motion to Strike briefing. *See* Ex. 3006.

It is SO ORDERED.

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