From: Director_PTABDecision_Review
To: "Wilson, Andrew"
Cc: Williams, Eliot D.; Guy, Hop; DISHvFubo; rick.frenkel@lw.com; tara.elliott@lw.com; inge.osman@lw.com; rebecca.rabenstein@lw.com; ashley.finger@lw.com; Naples, Clement; nhasan@reichmanjorgensen.com; jcardenas-navia@reichmanjorgensen.com; RJ_Webgroup-Dish-Sling; fubotv_masterclassiprs.lwteam@lw.com
Subject: RE: IPR2024-00917, -00918, -00919 - request denied
Date: Monday, February 9, 2026 10:21:00 AM

Counsel,

Patent Owner's request for authorization to submit a supplemental brief in support of its request for Director Review is denied.

Thanks

IPR2024-00917
Ex. 3105

From: Wilson, Andrew <andrew.wilson@BakerBotts.com>
Sent: Tuesday, February 3, 2026 12:02 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Guy, Hop <hop.guy@BakerBotts.com>; DISHvFubo <dishvfubo@BakerBotts.com>; rick.frenkel@lw.com; tara.elliott@lw.com; inge.osman@lw.com; rebecca.rabenstein@lw.com; ashley.finger@lw.com; Naples, Clement <cnaples@cgsh.com>; nhasan@reichmanjorgensen.com; jcardenas-navia@reichmanjorgensen.com; RJ_Webgroup-Dish-Sling <rj_webgroup-dish@reichmanjorgensen.com>; fubotv_masterclassiprs.lwteam@lw.com
Subject: IPR2024-00917, -00918, -00919

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Dear Director Squires,

We write on behalf of Patent Owner to request permission to submit a short, five-page brief addressing the impact of the Board's Final Written Decision in IPR2024-00940—entered yesterday and involving a patent in the same family—on the pending Director Review requests in the above-captioned matters.

Good cause exists to grant this request because the new -00940 FWD provides further support for PO's Director Review requests for at least the following reasons:

Aylo is the petitioner in the -00940 IPR and originally filed the petitions in the IPRs subject to PO's Director Review requests, which Fubo copied and filed with conditional motions for joinder. The -00940 FWD confirms the flaw in Fubo's petitions here: like Aylo's substantively identical -00940 IPR petition, the Fubo petitions failed to establish a prima facie case that Leaning discloses continuous playback. The -00940 FWD acknowledged that the divergent outcomes were due solely to Fubo's "extensive reply testimony," which Aylo did not submit. This confirms that Fubo succeeded in

invalidating the claims only by relying on "extensive" new invalidity theories raised for the first time in reply, in violation of § 312(a)(3) and the PTAB's rules and interpretative caselaw.

The -00940 FWD also confirms that Fubo was successful only by relying on "an independent coding theory" involving video formats such as Motion JPEG2000 that was first presented in Fubo's Reply. This further emphasizes the importance of the Board's error in failing to address DISH's arguments regarding that theory in its Sur-Reply, as noted at page 10-11 of its rehearing request.

Petitioner opposes this request and asked us to include the following statement in our email making this request:

********* Petitioner's Email **********
We oppose your request for multiple reasons. IPR2024-00940 involved a different patent, different Petitioner, and different arguments and testimony than those presented by Petitioners fuboTV and MasterClass in IPR2024-00917, -00918, and -00919.

The Board acknowledged these differences in its Final Written Decision in IPR2024-00940 when it explained why its outcome differed from those in IPR2024-00917, -00918, and -00919. IPR2024-00940 Final Written Decision at 46-47 & n.7. In short, Petitioner Aylo did not make the same arguments as Petitioners fuboTV and MasterClass and did not proffer the same expert testimony in support of those arguments.

To the extent DISH contends that Petitioners fuboTV and MasterClass's arguments and expert testimony should have been stricken based on ***Petitioner Aylo's*** failure to make a similar argument in a ***different IPR*** involving a ***different patent***, that argument fails on its face. Further, the Board already squarely addressed—and rejected or dismissed as moot—DISH's motion to strike Petitioners fuboTV and MasterClass's arguments and testimony in IPR2024-00917, -00918, and -00919. See, e.g., IPR2024-00917 Final Written Decision at 88-95. DISH has already challenged the Board's decision on the motion to strike in its pending Petition for Director Review (at 7); nothing about the Board's decision in a different IPR proceeding involving a different petitioner, different patent, different claims, and different arguments entitles DISH to further briefing on the same topic.

The Board's Final Written Decision in IPR2024-00940 adds nothing unique or new that DISH could not have already addressed in its original Request for Director Review. Thus, there is no reason for DISH to have an additional five pages beyond its original 15-page limit.

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Thanks,

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