

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner,

v.

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

IPR2024-00940

U.S. PATENT NO. 11,991,234

**PATENT OWNER'S MOTION TO DISMISS PETITION FOR
FAILURE TO NAME ALL REAL PARTIES IN-INTEREST**

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PATENT OWNER'S EXHIBIT LIST

Ex. No.	Description of Documents
2001	U.S. Patent App. Pub. No. 2004/0030547 by Leaning et al. ("Leaning US")
2002	Redline Comparison of Leaning and Leaning US
2003	U.S. Pat. 8,868,772 ("the '772 Patent")
2004	Reserved
2005	Reserved
2006	Reserved
2007	337-TA-1265 ITC Investigation Commission Opinion
2008	Reserved
2009	Reserved
2010	Reserved
2011	Dave Marshall, <i>Compression: Video Compression (MPEG and others)</i> , Cardiff University, http://users.cs.cf.ac.uk/Dave.Marshall/Multimedia_CM0340/PDF/11_CM0340_MPEG_Video.pdf
2012	ITU-T Recommendation H.261 1993
2013	ISO/IEC 11172-2:1993(en), Information technology — Coding of moving pictures and associated audio for digital storage media at up to about 1,5 Mbit/s — Part 2: Video
2014	U.S. Patent No. 6,002,440 ('440 Patent)
2015	ISO/IEC 11172-3:1993(en), Information technology — Coding of moving pictures and associated audio for digital storage media at up to about 1,5 Mbit/s — Part 3: Audio
2016	EX2016 - NPB-P16992EP-O1-Letter from opponent
2017	EX2017 - US6806909
2018	EX2018 - Peloton ABR.mp4
2019	EX2019 - HTTP The Definitive Guide - Chapter 4
2020	Declaration of Inventor Robert Drew Major
2021	MOVE Networks Streaming Media Technology
2022	MOVE Networks Technology Overview
2023	Sling TV Emmy Award (CX-1084)
2024	MOVE Awarded Fundamental Patent (CX-1122)
2025	MOVE Networks Article (CX-0013)
2026	OnHollywood 100 (CX-1078)
2027	OnHollywood 100 Winner (CX-1079)
2028	OnMedia 100 Winner (CX-1080)
2029	Red Herring Global 100 (CX-1081)

Ex. No.	Description of Documents
2030	MOVE Networks TechCrunchies Finalist (CX-1082)
2031	MOVE Networks Makes Web TV Watchable (CX-0046)
2032	ABC.com Makes Watching TV at Work Better (CX-1106)
2033	MOVE Networks, a next-gen content distribution platform (CX1134)
2034	Better than YouTube (CX-0045)
2035	Long-Form Video Gaining Viewers (CX-1115)
2036	Move Over Joost (CX-1125)
2037	Coming Faster Than You Think (CX-1110)
2038	WSJ Pushing to Bring TV to the Internet (CX-1128)
2039	CNN Level 3 Collaborates with MOVE (CX-1113)
2040	The Sport Page ESPN 360 (CX-1132)
2041	E-Mail 5/15/2007 (CX-1047C)
2042	E-Mail 6/16/2007 (CX-1049C)
2043	E-Mail 11/26/2007 (CX-1050C)
2044	ABC Big Move Away from Flash (CX-1116)
2045	Disney ABC Throws Down (CX-1130)
2046	The Lowdown on Apple (CX-1131)
2047	AOL and CBS Put Online HD (CX-1109)
2048	MOVE Quality Solution (CX-1121)
2049	ABC Becomes First Network HD Streamer (CX-1112)
2050	ABC.com to Stream HD Video (CX-1108)
2051	ABC Adds Full Screen Mode to Online Shows (CX-1104)
2052	MOVE Networks Releases Live Streaming (CX-1123)
2053	ABC Offering Full Screen Streaming HD (CX-1105)
2054	Level 3 Streams and Other News from SMW (CX-1114)
2055	Microsoft Unlocks Power of the Web (CX-1092)
2056	Reserved
2057	Disney Backs Video Start-Up (CX-1111)
2058	Here Comes More HD Video (CX-1077)
2059	E-Mail 1/20/2009 (CX-1146C)
2060	MOVE and Microsoft Term Sheet (CX-1051C)
2061	To the Ends of the Earth (CX-1074)
2062	MOVE Gets Streaming Patent; Are Adobe & Apple Hosed? (CX1120)
2063	DISH's Motion for Preliminary Injunction, <i>DISH Techs. v. MG Premium Ltd et al.</i> , No. 2:23-cv-552-HCN-DAO, D.I. 19.

Ex. No.	Description of Documents
2064	Official Report of the One Hundred Seventy-fifth Semiannual General Conference, The Church of Jesus Christ of Latter-day Saints (Oct. 1, 2, 2005).
2065	Apple and MOVE NDA Agreement 11/15/2006 (CX-1137C)
2066	Apple and MOVE NDA Agreement (CX-1085C)
2067	E-Mail on 2/23/2009 (CX-1219C)
2068	Microsoft Invests in Net Video (CX-1087)
2069	MOVE Networks Publishing System (CX-1247C)
2070	Silverlight Shines (CX-1090)
2071	Exemplary Claim Chart Illustrating MOVE Networks' Use of Invention
2072	Reserved
2073	Excerpt of Deposition of David Ericson in <i>In re Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same</i> , Inv. No. 337-TA-1265 (taken Jan. 6, 2022)
2074	MOVE Crosses the Hour Threshold
2075	Readies Online HD Shows as Streamlettes (CX-1107)
2076	Delivering a Better Viewing Experience
2077	MOVE Adaptive Stream
2078	Utah Valley Entrepreneurial Forum Hall of Fame 2013
2079	Utah Technology Hall of Fame 2005
2080	ABC TV New Player Rocks
2081	E-Mail 1/23/2008 (CX-1052C)
2082	ABC.com Streamlettes (CX-1133)
2083	MOVE Networks Newsroom (CX-1124)
2084	ABC.com Readies Online HD (CX-1135)
2085	Metrics Point to Maturation of Online (CX-1117)
2086	More Money Pouring Into Rich Media (CX-1118)
2087	MOVE Put Mass Back Into Mass Media (CX-1126)
2088	E-mail 2/25/2008 (CX-1053C)
2089	E-mail 5/14/2008 (CX-1055C)
2090	2010 EchoStar 10-K (CX-0052)
2091	E-Mail 8/26/2008 (CX-1059C)
2092	Microsoft Extends Vision (CX-1148)
2093	DISH's Motion to Terminate Against Peloton
2094	Joint Motion to Partially Terminate Against Mirror
2095	DISH Petition to Rescind Limited Exclusion Order Against iFit
2096	MOVE Networks Awarded Fundamental Patent (CX-1091)

Ex. No.	Description of Documents
2097	Reserved
2098	Default Protective Order
2099	Declaration of Gregory Smith
2100	Declaration of David Ericson
2101	Supplemental Declaration of David Ericson in <i>Aylo Freesites Ltd v. DISH Technologies L.L.C.</i> , IPR Nos. 2024-00043, -00044, -00045, -00046, -00146.
2102	Transcript of Deposition of David Ericson in <i>Aylo Freesites Ltd v. DISH Technologies L.L.C.</i> , IPR Nos. 2024-00043, -00044, -00045, -00046, -00146 (taken Sept. 19, 2024)
2103	Baseball Tests Online Broadcasts, NY Times (CX-1151)
2104	E-Mail 5/12/2007 (CX-1218C)
2105	E-Mail 5/25/2007 (CX-1198C)
2106	Reserved
2107	E-Mail 7/25/2008 (CX-1101C)
2108	E-Mail 6/2/2008 (CX-1056C)
2109	E-Mail 2/22/2008 (CX-1054C)
2110	E-Mail 7/22/2008 (CX-1057C)
2111	Reserved
2112	Video Support (CX-0103)
2113	Microsoft Announces New Support for Silverlight (CX-1093)
2114	Move Networks Powers Seven of Top Ten Online Broadcast TV Networks (CX-1201C)
2115	Reserved
2116	E-Mail 2/2/2009 (CX-1196C)
2117	E-Mail 2/13/2009 (CX-1197C)
2118	E-Mail 6/14/2007 (CX-1199C)
2119	E-Mail 4/21/2008 (CX-1200C)
2120	Display Commemorating BYU.tv Launch Using Move ABR Technology
2121	Fox Switches (Ericson Dep. Exhibit 1)
2122	Delivering a Better Viewing Experience (CX-1102)
2123	Declaration of MOVE President and CEO John Edwards
2124	Deposition Testimony of John Edwards in <i>In re Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same</i> , Inv. No. 337-TA-1265 (taken Nov. 12, 2021)
2125	Declaration of E. Flaucher of Microsoft in <i>In re Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same</i> , Inv. No. 337-TA-1265

Ex. No.	Description of Documents
2126	Declaration of Peter Ratcliffe
2127	Declaration of Mark Mitchell
2128	Deposition Testimony of Mark Mitchell in <i>In re Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same</i> , Inv. No. 337-TA-1265 (taken December 02, 2021)
2129	Transcript of Deposition of Dr. Houh (February 6, 2025)
2130	Level 3 and Move 6.22.07 (CX-1071C)
2131	Request for Comments 8216, “HTTP Live Streaming,” Pantos & May (2017 ed.)
2132	Deposition Testimony of Greg Smith in <i>In re Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same</i> , Inv. No. 337-TA-1265 (taken Nov. 09, 2021)
2133	Leaning Demo - 2025-02-24.mp4
2134	<i>Aylo Freesites Ltd v. DISH Technologies L.L.C.</i> , IPR2024-00940, Paper 1 (Petition 1 of 2).
2135	segment_cif_001.h261.mp4
2136	akiyo_cif_full.y4m.mp4
2137	Request for Comments 2068, “Hypertext Transfer Protocol – HTTP/1.1,” Fielding et al. (Jan. 1997)
2138	Request for Comments 2616, “Hypertext Transfer Protocol – HTTP/1.1,” Fielding et al. (June 1999)
2139	U.S. Patent No. 6,678,332 (Gardere et al.)
2140	BT turns on to TV, The Register (Nov. 2, 2001).
2141	Declaration of Dr. Kevin Jeffay
2142	Echostar Acquires MOVE Networks
2143	Declaration of Peter Ratcliffe Esq
2144	CX-1170C - Deposition of Ericson
2145	[Reserved]
2146	[Reserved]
2147	[Reserved]
2148	Petitioner’s Reply (Paper 51) with Highlighting
2149	Supplemental Declaration of Dr. Henry Houh (EX1026) with Highlighting
2150	Deposition Transcript of Dr. Henry Houh, July 16, 2025
2151	Patent Owner’s Hearing Demonstratives
2152	October 28, 2025 Memorandum, Precedential designation of <i>Corning Optical Communications RF, LLC v. PPC Broadband Inc.</i> , IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1)

Ex. No.	Description of Documents
2153	Petition, <i>Aylo Freesites Ltd v. WellcomeMat, LLC</i> , IPR2024-00710, Paper 2 (Mar. 29, 2024)
2154	First Amended Complaint, <i>DISH v. Aylo Freesites & 9219-1568 Quebec Inc.</i> , No. 2:24-cv-00066 (D. Utah), D.I. 17 (filed May 21, 2024)
2155	E-Mail Correspondence, <i>DISH v. Aylo Freesites & 9219-1568 Quebec Inc.</i> , No. 2:24-cv-00066 (D. Utah), D.I. 12-6 (filed Feb. 21, 2024)
2156	9219-1568 Quebec Inc., <i>Registraire des entreprises of Quebec</i> , last visited, November 11, 2025
2157	Aylo Freesites Ltd, <i>Business Registry of the Republic of Cyprus</i> , last visited November 11, 2025
2158	Stipulated Order for Permanent Injunction, Monetary Damages, and Other Relief, <i>FTC v. Aylo Group Ltd., et al.</i> , No. 2:25-cv-00752 (D. Utah), D.I. 6 (filed Sept. 8, 2025)
2159	Declaration of Andreas Alkiviades Andreou, <i>Fleites v. MindGeek S.a.r.l.</i> , No. 2:21-cv-04920 (C.D. Cal.), D.I. 139-3 (filed May 23, 2022)
2160	Defendants' Motion to Stay, <i>DISH v. Aylo Freesites & 9219-1568 Quebec Inc.</i> , No. 2:24-cv-00066 (D. Utah), D.I. 30 (filed June 10, 2024)

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I. INTRODUCTION

This proceeding must be terminated. Petitioner Aylo Freesites Ltd (“Petitioner” or “Aylo”) failed to comply with the statutory requirement under 35 U.S.C. § 312(a)(2) to identify all “real parties in interest” (RPIs) in its Petition. Prior precedent held that the Board would not address a petitioner’s failure to comply with the statute absent a § 315(b) time-bar issue. *See SharkNinja v. iRobot, Corp.*, IPR2020-00734 Paper 11 (PTAB Oct. 6, 2020). On October 28, 2025, Director Squires sent a Memorandum to all PTAB Judges holding otherwise, noting the de-designation of *SharkNinja*, directing the Office to enforce § 312(a)(2)’s RPI requirement, and designating *Corning Optical Comms. RD, LLC v. PPC Broadband Inc.*, IPR2021-00440, Paper 68 (PTAB Aug. 18, 2015) as precedential (except for which party bears the burden of proof) (“*Corning*”). *See* EX2152 (Oct. 28 Memorandum) (“Memo”).

Under the *Corning* framework, Aylo’s defective Petition cannot stand. Aylo’s “services” affiliate, 9219-1568 Quebec Inc. (“9219”)—a co-defendant in the parallel district court litigation involving the challenged ’234 Patent—is a “clear beneficiary” of this proceeding and has a substantive “established relationship” with Aylo generally and with respect to this proceeding. Thus, Aylo is acting as a proxy for 9219 in this proceeding, making 9219 an RPI. *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1351–52 (Fed. Cir. 2018) (“*AIT*”).

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Although Aylo's prior email to the Board attempted to dismiss the connection between Aylo and 9219 as being "wrong on the merits" and based on only "vague allegations" (EX3005 at 1-2), Aylo itself has taken the opposite position elsewhere. For example, Aylo named 9219 an RPI in *Aylo Freesites Ltd v. WellcomeMat, LLC*, IPR2024-00710, Paper 2, at 13 (filed Mar. 29, 2024) (EX2153). This type of gamesmanship, together with the evidence of corporate blurring and the longstanding legal relationship between 9219 and Aylo detailed below, establish that 9219 is an unnamed RPI, and this proceeding must be dismissed.

DISH timely raised this issue within days of the Director's October 28 Memo.

II. LEGAL STANDARDS

Under § 312(a)(2), "a petition for *inter partes* review 'may be considered *only if*...the petition identifies *all* real parties in interest." *Medtronic, Inc. v. Robert Bosch Healthcare Sys., Inc.*, IPR2014-00488, Paper 61 (PTAB. May 22, 2015) (emphasis in original); *see also* 37 C.F.R. §§ 42.8(b)(1), 42.106(b); October 28 Memo at 1.

In *AIT*, the Federal Circuit held that "[d]etermining whether a non-party is a 'real party in interest' demands a flexible approach that takes into account both equitable and practical considerations, with an eye toward determining whether the non-party is a clear beneficiary that has a preexisting, established relationship with the petitioner" and that "the focus of the [RPI] inquiry is on the patentability of the claims challenged in the IPR petition, bearing in mind who will benefit from having

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those claims canceled or invalidated.” 897 F.3d at 1348, 1351. In making this determination, the Board has considered whether a non-party could “exercise control” or “fund, direct, or influence” the petition or proceeding. *See Corning* at 14-15. This includes consideration of overlapping officers, shared counsel, coordinated litigation strategy, and blurred corporate boundaries. *Id.*; *Medtronic* at 9-18.

III. ARGUMENT

Petitioner has already admitted to the Board that its affiliate, 9219, is an RPI in another proceeding. EX2153 at 13. It is also undisputed that 9219, as a named defendant in the parallel district court litigation, stands to benefit if the claims are invalidated. Moreover, the “pre-existing, established relationship” between the two entities is unmistakable. While there are likely additional unnamed RPIs that DISH would uncover if discovery were permitted, the already-available evidence demonstrates that 9219-1568 Quebec Inc. is an unnamed real-party-in-interest.

A. 9219 Is An Unnamed RPI.

9219 is an unnamed RPI of Aylo's for several reasons. *First*, there is overwhelming evidence of the “pre-existing, established relationship” between Petitioner and 9219. Both entities share the same counsel in parallel litigation involving the challenged patent and both sought stays of that litigation emphasizing “simplification of the issues” due to “estoppel”. *See* EX2160 at 7-8. Both share

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directors, including Andreas Andreou and Polina Hadjivasiliou, who hold executive roles with binding authority as to each entity.

Director Name	Position at Petitioner Aylo Freesites Ltd ¹	Position at 9219-1568 Quebec Inc ²
Andreas Alkiviades Andreou	Director	Director: President
Polina Hadjivasiliou	Director	Director: Administrator

See, e.g., EX2158 (Stipulated Injunction), at 66-67; EX2159 (Andreou Decl.).

Critically, Mr. Andreou admitted the functional relationship between 9219 and Petitioner Aylo in May 2022. As Mr. Andreou put it, “[Aylo] Freesites Ltd is responsible for operating Pornhub. That entity...relies upon the services of other entities, including...9219-1568 Quebec Inc.” EX2159, at 4 (Andreou Decl., *Fleites v. MindGeek*, 2:21-cv-04920-CJC-ADS, Dkt. 139-3 (filed May 23, 2022)). And while Aylo Freesites is an employee-less entity in the Republic of Cyprus, 9219 employs hundreds of individuals—including IT personnel and engineers—and is registered to do business under the “Aylo” name. EX2156 at 9-10 (Quebec business registry).

In other words, 9219 is not merely affiliated with Petitioner; **9219 is an operational arm** of Petitioner Aylo and is directly involved in the accused products. *See, e.g.*, *AIT*, 897 F.3d at 1349–51; *Corning*, 14–15. Because the evidence already available to DISH shows that 9219 is “**a clear beneficiary [of this proceeding] that**

¹ EX2157.

² EX2156.

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has a preexisting, established relationship with the petitioner”, it is an RPI that should have been named. *AIT*, 897 F.3d at 1351 (emphasis added).

Second, 9219 directly benefits from Aylo filing and maintaining this IPR proceeding. Like Petitioner, 9219 is a co-defendant in the parallel litigation, where DISH accuses both entities of infringing the '234 Patent challenged here. *See DISH v. Aylo Freesites Ltd & 9219-1568 Quebec Inc.*, No. 2:24-cv-00066 (D. Utah) EX2154. Aylo's counter, as set forth in its e-mail to the Board, is that 9219 does not stand to benefit from this IPR proceeding because 9219 was formally served with a paper-copy of DISH's first amended complaint nine days after the Petition was filed. EX3005. But Aylo omitted two critical facts: (1) DISH filed suit against 9219 on related patents *months before* the Petition was filed, and (2) DISH filed its amended complaint asserting the '234 Patent against 9219 on *the same day* the Petition was filed. EX2154. It is only because Petitioner's counsel declined to accept service that 9219 was served later. EX2155 (D.I. 12-6, e-mail correspondence).

Third, Petitioner has previously admitted that 9219 is an RPI to Aylo in another IPR proceeding as early as March 2024. *See* EX2153, at 13 (*WellcomeMat*, IPR2024-00710, Paper 2, at xii) (listing RPIs and related E.D. Tex. litigation). In the E.D. Tex. litigation related to that IPR, both Petitioner and 9219 are defendants. Given that Petitioner and 9219 admitted they are RPIs and would benefit from an

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IPR as defendants in the E.D. Tex. litigation, it stands to reason that both are RPIs here since they are also co-defendants in parallel litigation on the present IPR.

B. The Petition Does Not Satisfy Section 312(a)(2).

Under § 312(a)(2), the Board may consider a petition “only if” it identifies all RPIs. Director Squires’s Memo unequivocally reinforces this point and reestablishes the pre-*SharkNinja* practice of “requiring petitioners to identify the real parties in interest (“RPIs”) to their petitions before institution.” Memo, at 1 (“RPI requirement must be satisfied before the Director can institute trial.”). *See Corning*, at 14-15.

C. Termination Is Required Because Amendment Would Defy *Corning*.

Because the Petition does not name all RPIs, Petitioner failed to comply with the “threshold” requirement now necessary to institute trial. This failure cannot be corrected now. As the Board stated in *Corning*, even if the petitioner were permitted to amend its petition, the petition must be given a new filing date. *Corning*, at 24 (citing *Medtronic* at 18-19 & 37 C.F.R. § 42.106(b)). Here, any such new filing date would occur after the parties’ one-year bar date under § 315(b).

The Board’s *Proppant* (IPR2017-01917, Paper 86) and *Lumentum* (IPR2015-00739, Paper 38) decisions are inapposite here. First, unlike *Proppant*, Petitioner has not attempted to amend its petition to add 9219 as an RPI, despite otherwise amending its mandatory notices 5 times. To the contrary, Petitioner has asserted that 9219 is not an RPI. EX3005. Moreover, *Proppant*’s holding that a petition’s RPI

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identification can be amended while preserving the petition's filing date cannot be reconciled with the opposite *Corning* holding. *Corning*, 24 (stating petitions failing to name all RPI are incomplete and amendments thereto require new filing date). Thus, the more recent designation of *Corning* in the October 28 Memo controls here and *Proppant*'s contrary language can no longer be considered binding. *See* Memo at 1 ("requiring petitioners to identify [RPIs] to their petitions before institution.")

Lumentum involved post-filing changes to RPI, issues not present here where 9219-1568 Quebec Inc. was an RPI the day the Petition was filed.

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests the Board dismiss the Petition and terminate IPR proceeding number IPR2024-00940.

Respectfully Submitted,

November 12, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), we certify that on November 12, 2025, an electronic copy of the foregoing **PATENT OWNER'S MOTION TO DISMISS PETITION FOR FAILURE TO NAME ALL REAL PARTIES IN-INTEREST** along with any accompanying exhibits was served on Petitioner's counsel of record at the following address:

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CERTIFICATION UNDER 37 C.F.R. § 42.24(d)

Pursuant to 37 C.F.R. § 42.24(d), the undersigned hereby certifies that the foregoing **PATENT OWNER'S MOTION TO DISMISS PETITION FOR FAILURE TO NAME ALL REAL PARTIES IN-INTEREST** totals 7 pages words, within the 7-page limit allotted by the Board's November 7 order.

Date: November 12, 2025

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