

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., TOSHIBA CORP.,
VIZIO, INC., HULU, LLC,
CISCO SYSTEMS, INC., and AVAYA INC.,
Petitioners,

v.

STRAIGHT PATH IP GROUP, INC.
(FORMERLY KNOWN AS INNOVATIVE COMMUNICATIONS
TECHNOLOGIES, INC.)
Patent Owner

Case IPR2015-00198¹
Patent 6,009,469 C1

**PATENT OWNER'S OPPOSITION
TO PETITIONER'S MOTION TO EXCLUDE EVIDENCE**

¹ IPR2015-01400 has been joined with this proceeding.

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I. INTRODUCTION

The Board should deny Petitioner’s Motion to Exclude Straight Path’s Exhibits 2021, 2028, 2031, 2033, 2034, 2035, 2036, and 2039 in this IPR of U.S. Patent No. 6,009,469 for at least the following reasons:

(1) The entire basis for Petitioner’s motion – its argument that the Exhibits are inadmissible under the Federal Rules of Evidence—is insufficient because “[t]he Federal Rules of Evidence do not generally apply when [as here] the judge is acting as a fact-finder because a judge can presumably exclude improper inferences.”²

(2) The exhibits are properly before the Board under the Federal Rules of Evidence.

II. BACKGROUND

As the movant, Petitioner has the burden of proof to establish that it is entitled to the requested relief. 37 C.F.R § 42.20(c). The Exhibits Petitioner seeks to exclude are the following:

- **Exhibits 2021, 2031, 2034, 2035, and 2036**, which are dictionary definitions supporting Straight Path’s proposed claim constructions.

² *Advanced Magnetic Closures, Inc. v. Rome Fastener Corp.*, 607 F.3d 817, 831 (Fed. Cir. 2010).

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