

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC., SAMSUNG ELECTRONICS CO., LTD.,  
Petitioners,

v.

SUMMIT 6 LLC  
Patent Owner

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CASE: IPR2015-00806<sup>1</sup>  
Patent No. 7,765,482 B2

Title: Web-Based Media Submission Tool

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

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<sup>1</sup> Samsung Electronics Co., Ltd., who filed a Petition in IPR2016-00029, has been joined as a petitioner in the instant proceeding.

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## I. INTRODUCTION

Patent Owner Summit 6 LLC (“Summit 6”) opposes Petitioners’ Motion to Exclude documentary evidence and portions of each of Summit 6’s witness declarations. Petitioners provide several deficient challenges to documentary evidence that provides contemporaneous data and information showing that the Rimfire service achieved commercial success, solved a long-felt, but unresolved need, and received industry praise. This evidence is particularly relevant given that Petitioners’ expert did not address these exhibits, yet opined that Summit 6 did not provide sufficient data or information to support a conclusion with respect to the secondary considerations. *See* Ex. 1018 at ¶¶19, 24-25, 31-32, 35. In addition, Petitioners attempt to exclude portions of Summit 6’s witness testimony based on Fed. R. Evid. 702, even though the declarants testified as lay witnesses, offer testimony based upon their personal knowledge achieved over the course of their employment with the respective entities, and offer opinions rationally based on their perception of the events. For these reasons, Summit 6 respectfully requests that the Board deny Petitioners’ Motion to Exclude Evidence.

## II. ARGUMENT

### A. **Exhibit 2015 – Market Research Study, “Image Servers – Early Adopter Case Studies”**

Exhibit 2015 is a highly relevant market research study conducted and published by the Future Image, Inc. (“Future Image”) in 2001. The Future Image Report provides its well-accepted independent market research to industry subscribers. Ex. 1019 at 114:2-22. The market research study details its methodology

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