

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner

CASE IPR2015-01432
Patent 7,139,794

**PATENT OWNER BRADIUM TECHNOLOGIES LLC'S
OPPOSITION TO MOTION TO EXCLUDE EVIDENCE**

Contents

I.	It Was Appropriate to Introduce and Use Exhibits 2002–2005 and 2010 at the Cross Examination of Dr. Michalson.	1
II.	The Permissible Scope of Cross Examination of Dr. Michalson Is Broad and Includes the Subject Matter of Both of His Declarations.	3
III.	Each Challenged Exhibit Is Proper Evidence in This <i>Inter Parte</i> Review.	5
	A. Exhibit 2002: C. Bajaj, Visualization Paradigms, DATA VISUALIZATION TECHNIQUES (Page Proofs); and Exhibit 2003: C. Bajaj, <i>Topology Preserving Data Simplification with Error Bounds</i> (Preprint)	5
	1. Exhibits 2002, 2003 Are Relevant and Contradict Petitioner’s Argument that Dr. Bajaj’s Experience Is Overly Narrow.....	5
	2. Exhibits 2002, 2003 Should Not Be Excluded as Hearsay and Are Sufficiently Authenticated.....	7
	B. Exhibit 2004: Expert Report of Dr. William R. Michalson; and Exhibit 2005: GEOGRAPHICAL INFORMATION SYSTEMS, PRINCIPLES AND APPLICATIONS	8
	1. Exhibits 2004, 2005 Are Relevant and Contradict Petitioner’s Alleged Motivation to Combine Petitioner’s Asserted References.	9
	2. Exhibits 2004, 2005 Are Not Excludable as Hearsay.....	12
	C. Exhibit 2010: United States Patent No. 6,169,549 to Burr	13
IV.	CONCLUSION.....	15

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Irons v. FBI</i> , 880 F.2d 1446 (1st Cir. 1989)	4
<i>Macaulay v. Anas</i> , 321 F.3d 45 (1st Cir. 2003)	4
<i>NLRB v. Vangas, Inc.</i> , 517 F.2d 747 (9th Cir. 1975).....	12
<i>United States v. Arnott</i> , 704 F.2d 322 (6th Cir. 1983), <i>cert. denied</i> , 464 U.S. 948 (1983)	4
<i>United States v. Moore</i> , 917 F.2d 215 (6th Cir. 1990).....	4
<i>United States v. Safavian</i> , 435 F. Supp. 2d 36 (D.D.C. 2006), rev'd on other grounds, 528 F.3d 957 (D.C. Cir. 2008).....	8
<i>United States v. Tomblin</i> , 46 F.3d 1369 (5th Cir. 1995).....	4

Other Authorities

1-6 FEDERAL EVIDENCE PRACTICE GUIDE.....	8
Kenneth M. Mogill & Lia N. Ernst, EXAMINATION OF WITNESSES (Thomson Reuters 2014).....	3, 4
MCCORMICK ON EVIDENCE (7th ed. 2014, Student Edition)	3, 7, 12

Rules

37 C.F.R. § 42.53(d)(5)(ii)	4
-----------------------------------	---

Fed. R. Evid. 104	7
Fed. R. Evid. 607 Advisory Committee Notes, 1972 Proposed Rules	6, 12
Fed. R. Evid. 611(b)	4
Fed. R. Evid. 801(d)(1)	12
Fed. R. Evid. 803 Advisory Committee Notes, 1972 Proposed Rules, Note to Paragraph (18)	13
Fed. R. Evid. 803(16).....	13
Fed. R. Evid. 803(18).....	7
Fed. R. Evid. 803(8).....	15
Fed. R. Evid. 807	7
Fed. R. Evid. 901(b)(1)	8
Fed. R. Evid. 901(b)(4)	8

Patent Owner Bradium Technologies LLC (“Bradium”) hereby responds in opposition to Petitioner’s Motion to Exclude Evidence (Paper 43) regarding five Patent Owner exhibits, Exhibits 2002–2005 and 2010.

Bradium conducted a cross-examination deposition of Dr. Michalson on August 5, 2016, and introduced and served Exhibits 2002–2006 and 2010 at that deposition.¹ Dr. Michalson was questioned regarding each exhibit. Microsoft took no re-direct testimony. Exhibit 2011, 99:8–22. As authorized by the Board, Bradium filed a Motion for Observations regarding Dr. Michalson’s cross-examination on August 15, 2016 (Paper 40).

As explained below, Microsoft’s motion to exclude should be denied. Bradium’s cross examination of Dr. Michalson, including the use of Exhibits 2002–2005 and 2010, was proper and within the scope of his direct testimony, including because Dr. Michalson incorporated his entire 183-page opening declaration (Exhibit 1008) and all 30 of its exhibits into his reply declaration (Exhibit 1015), thus broadening the subject matter of his reply. Exhibit 1015, ¶3 (pp. 1–2). Also, Bradium has a proper evidentiary basis for each challenged exhibit.

I. It Was Appropriate to Introduce and Use Exhibits 2002–2005 and 2010 at the Cross Examination of Dr. Michalson.

The introduction of exhibits in Dr. Michalson’s August 5, 2016 deposition

¹ Petitioner does not challenge Exhibit 2006.

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