

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION,  
Petitioner

v.

BRADIUM TECHNOLOGIES LLC,  
Patent Owner

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CASE IPR2016-00449  
Patent 8,924,506

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

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Pursuant to the Board’s Scheduling Order dated July 27, 2016 (Paper 10) and 37 C.F.R. § 42.64(c), Patent Owner Bradium Technologies LLC (“Bradium”) responds to Petitioner’s Motion to Exclude Evidence (Paper 42), which seeks to exclude twenty of Patent Owner’s Exhibits, Nos. 2016–18, 2021, 2030, 2032, 2035–36, 2039, 2044–49, 2051–53, 2059, and 2063.<sup>1</sup>

The Board should deny Microsoft’s motion. Microsoft’s hearsay objection fails because these exhibits are either Microsoft’s own statements or are used by Bradium for non-hearsay purposes. Microsoft’s objection to the completeness of the translations of Exhibits 2051–53 also fails, because Mr. Levanon relies on the English-language portions of the exhibits and the graphics and logos included in the exhibits. Also, the relevant and necessary portions of the exhibits were translated, and the accuracy of that translation is undisputed.

**I. EXHIBITS 2051–2053 (KENWOOD CAR NAVIGATION SYSTEM BROCHURES) SHOULD NOT BE EXCLUDED**

Exhibits 2051–2053 are Kenwood car navigation system brochures [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>1</sup> In this motion, “F.R.E.” refers to the Federal Rules of Evidence, which generally apply to this proceeding. 37 C.F.R. § 42.62(a).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As explained below, FlyOver’s logos

appear on Exhibits 2051–2053, and the brochures state that FlyOver’s proprietary technology is included in the products.

The Board should not exclude Exhibits 2051–53, Kenwood (DENSO) car navigation system brochures, on either hearsay or completeness grounds, as Microsoft contends.

Microsoft’s hearsay objection fails for several reasons. First, the documents are business documents, were created by Kenwood, and provided to Mr. Levanon. *See* F.R.E. 803(6) (business records exception to hearsay). Though as explained below the documents are not used for the truth of what they state, even if they were so used, the documents would be admissible.

Second, Bradium does not rely on the brochures for the truth of what they state, for example that any particular 3DVU technology was present in the

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