

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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PTAB Case No. IPR2016-00449

Patent No. 8,924,506 B2

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**PETITIONER'S OBJECTIONS TO PATENT OWNER'S  
EVIDENCE UNDER 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Microsoft Corporation hereby timely objects to evidence submitted by Patent Owner, Bradium Technologies LLC, with the Patent Owner Response (Papers 16 and 17) filed November 11, 2016. The objections are based on 37 C.F.R. Part 42, and the relevant portions of Federal Rules of Evidence (“FRE”) that are applicable to IPR proceedings under 37 C.F.R. § 42.62.

1. Exhibit 2016 (PricewaterhouseCoopers webpage, The Global Innovation 1000: Top 29 R&D Spenders 2005-2015, available at <http://www.strategyand.pwc.com/global/home/what-we-hink/innovation1000/top-20-rd-spenders-2015>) should be excluded for at least the following reasons: the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit lacks authentication under FRE 901, 902, and 903; the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403.
2. Exhibit 2017 (Statista webpage, Microsoft's expenditure on research and development from 2002 to 2016 (in million U.S. dollars), available at <https://www.statista.com/statistics/267806/expenditure-on-research-and-development-by-the-microsoft-corporation/>) should be excluded for at least the following reasons: the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit lacks

authentication under FRE 901, 902, and 903; the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403.

3. Exhibit 2018 (Frost & Sullivan webpage, Convergence in North America Automotive Industry, dated December 15, 2008, available at [http://www.frost.com/srch/catalog-search.do?search\\_paths%5B%5D=&sortBy=R&searchType=sub&queryText=3DVU&rd\\_submit=Go](http://www.frost.com/srch/catalog-search.do?search_paths%5B%5D=&sortBy=R&searchType=sub&queryText=3DVU&rd_submit=Go)) should be excluded for at least the following reasons: the exhibit is incomplete and misleading under FRE 106 without the full report from which the exhibit appears to contain a very brief paraphrased excerpt; the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit lacks authentication under FRE 901, 902, and 903; the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403.
4. Ex. 2021 (Directions Magazine webpage, 3DVU Launches Navi2Go for BlackBerry, the First 3D Picture Navigation, in Anticipation of the Bold, dated July 11, 2008, available at <http://www.directionsmag.com/pressreleases/3dvu-launches-navi2go-for-blackberry-the-first-3d-picture-navigation-in-ant/115362>) should be excluded for at least the following reasons: the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit

lacks authentication under FRE 901, 902, and 903; the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403.

5. Ex. 2030 (Silicom Ventures webpage, FlyOver Visual MAP™ Technology the first 3D aerial imagery Map to enriched Kenwood's new HDD car navigation system, dated October 6, 2002, available at [http://www.silicomventures.com/newsletter\\_10\\_29\\_02/FlyOver.htm](http://www.silicomventures.com/newsletter_10_29_02/FlyOver.htm)) should be excluded for at least the following reasons: the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit lacks authentication under FRE 901, 902, and 903; the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403.
6. Ex. 2032 (PRweb webpage, FlyOver 2nd generation Visual MAP™ Technology fuel Kenwood new Theater Navi - with 3D aerial imagery map, dated February 11, 2004, available at <http://www.prweb.com/releases/2004/02/prweb103763.htm>) should be excluded for at least the following reasons: the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit lacks authentication under FRE 901, 902, and 903; the exhibit is not

relevant under FRE 402 and confuses the issues and wastes time under FRE 403.

7. Ex. 2034 (3DVU Document, dated September 13, 2005) should be excluded for at least the following reasons: the portions of the exhibit containing 3DVU's purported responses constitute hearsay and hearsay within hearsay under FRE 801, 802, and 805.
8. Ex. 2035 (C.E. Unterberg, Towbin, Keyhole Deal Value Analysis, dated October 28, 2005) should be excluded for at least the following reasons: the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit lacks authentication under FRE 901, 902, and 903; the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403.
9. Ex. 2036 (C.E. Unterberg, Towbin, Valuation Summary Regarding 3DVU, dated September 26, 2005) should be excluded for at least the following reasons: the exhibit constitutes hearsay and hearsay within hearsay under FRE 801, 802, and 805; the exhibit lacks authentication under FRE 901, 902, and 903; the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403.
10. Ex. 2039 (The Auto Channel webpage, Daewoo to Showcase 3DVU's Visual Map Navigation Technology at the Busan International Motor

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