

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC

Patent Owner

Case No.: IPR2016-00754

Patent No.: 8,559,635

**PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED BY PATENT
OWNER WITH ITS REPLY TO MOTION TO AMEND**

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Petitioner Apple Inc. (“Apple”) objects to the admissibility of evidence served by Patent Owner Personalized Media Communications, LLC (“PMC”) on April 13, 2017 with its Reply in support of its Motion to Amend as follows:

Exhibit	Objections
2136	<p>FRE 401/402: Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p>FRE 403: Any probative value of this exhibit is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit allegedly shows.</p> <p>37 C.F.R. § 42.23(b): The exhibit is improper reply evidence because it is not responsive but rather new evidence that could have been presented earlier in support of Patent Owner’s Motion to Amend.</p>
2137	<p>FRE 401/402: Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p>FRE 403: Any probative value of this exhibit is substantially outweighed by a danger of unfair prejudice, confusing the issues,</p>

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	<p>wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 802: The exhibit relies upon inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>37 C.F.R. § 42.23(b): The declaration is improper reply evidence because it is not responsive but rather new evidence that could have been presented earlier in support of Patent Owner's Motion to Amend.</p> <p>37 C.F.R. § 42.6(a)(3): Patent Owner improperly incorporates by reference arguments from the declaration.</p>
2138	<p>FRE 401/402: Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p>FRE 403: Any probative value of this exhibit is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit allegedly shows.</p> <p>37 C.F.R. § 42.23(b): The exhibit is improper reply evidence because it is not responsive but rather new evidence that could have been presented earlier in support of Patent Owner's Motion to</p>

Exhibit	Objections
	Amend.
2140	<p>FRE 401/402: Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p>FRE 403: Any probative value of this exhibit is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 802: The exhibit relies upon inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>37 C.F.R. § 42.23(b): The declaration is improper reply evidence because it is not responsive but rather new evidence that could have been presented earlier in support of Patent Owner's Motion to Amend.</p> <p>37 C.F.R. § 42.6(a)(3): Patent Owner improperly incorporates by reference arguments from the declaration.</p>
2141	<p>FRE 401/402: Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p>FRE 403: Any probative value of this exhibit is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p>

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2144	<p>FRE 401/402: Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p>FRE 403: Any probative value of this exhibit is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 802: The exhibit relies upon inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>37 C.F.R. § 42.23(b): The declaration is improper reply evidence because it is not responsive but rather new evidence that could have been presented earlier in support of Patent Owner's Motion to Amend.</p> <p>37 C.F.R. § 42.6(a)(3): Patent Owner improperly incorporates by reference arguments from the declaration.</p>

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