

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

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S DEMONSTRATIVE EXHIBITS**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.70 and Paper 38, Patent Owner Personalized Media Communications LLC (“PMC”) hereby submits the following objections to Petitioner’s demonstrative exhibits. Petitioner and PMC met and conferred on June 1-2, 2017 but were unable to reach a resolution regarding the following objections.

PMC objects to Petitioner’s Slide 7 for the statement that the “Board properly rejected PMC’s reliance on ‘disclaimers’ in file history,” and its quotation of an “Examiner’s Response,” Ex. 2016 at 1362. Petitioner has not previously cited to the “Examiner’s Response” in any of its papers for the argument set forth on Slide 7 (*see* Paper 23 (Reply) at 3; Paper 38 at 3 (“Demonstrative exhibits ... may not introduce new evidence or arguments.”)), and furthermore, the Board’s Institution Decision did not reject any PMC reliance on “disclaimers” in the file history of the ’635 Patent (*see* Paper 8 at 8). PMC therefore requests that the statement and the quotation of the “Examiner’s Response” be stricken from Slide 7.

PMC objects to Petitioner’s Slides 8 and 26 for their extensive citations to, and block-quotes of, entire paragraphs from the Board’s Institution Decision (Paper No. 8) as if they were supporting evidence. The Institution Decision, reflecting the Board’s preliminary findings, is neither “evidence in the record” nor Petitioner’s own arguments as presented in its papers. *See* Paper 38 at 3

(“demonstrative exhibits should cite to *evidence in the record.*”); *CBS Interactive Inc. v. Wireless Scis. LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) at 3 (“Whatever a party desires to present, for whatever reason, should have already been presented in the party’s [filings], or other exhibits”). PMC therefore requests that the block-quotes of Paper No. 8 be stricken from those slides.

PMC objects to Petitioner’s Slides 50-55 in their entirety because they are directed solely to issues related to PMC’s Contingent Motion to Amend (Paper 16) on which PMC will not present anything during the oral hearing. *See* Paper 38 at 2-3 (“On rebuttal, each party will be restricted to only those matters raised by the other party in its initial presentation.”). PMC therefore requests that Slides 50-55 be deleted in their entirety from Petitioner’s demonstrative exhibits.

Dated: June 2, 2017

Respectfully submitted,

By / Douglas J. Kline /

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Certificate of Service

The undersigned hereby certifies that a copy of the:

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was served, pursuant to 37 C.F.R. §42.6(e)(1) and the consent found in Section III.D of the Petition (Paper No. 1), by electronic mail on counsel for Petitioner at the electronic mail addresses set forth below:

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Date: June 2, 2017

By: / Douglas J. Kline /