

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.
Petitioner

v.

WINDY CITY INNOVATIONS, LLC
Patent Owner

Case IPR2016-01159
U.S. Patent No. 8,694,657

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Facebook, Inc. (“Petitioner”) objects to the admissibility of the following evidence submitted by Patent Owner Windy City Innovations LLC (“Patent Owner”), i.e. Patent Owner’s substitute Exhibit 2012 filed with the PTAB on April 21, 2017. These objections are made within five business days from the filing and service of the evidence. Petitioner objects to the following documents on the following bases:

Ex. 2012, Encyclopaedic Dictionary of Information Technology and Systems, A.E. Cawkill, De Gruyter Saur, (October 2013)

Petitioner objects to this exhibit as inadmissible hearsay because it includes out of court statements offered for their truth and does not fall within any exception to the rule against hearsay. FRE 801, 802. To the extent that the authors(s) of the underlying document comment on the perception of others, opine on the functionalities of a product or process, and/or comment on the purported state of the art, the exhibit is objected to as inadmissible hearsay. FRE 801, 802. The document purports to be a copy and the purported authors are not under oath and are not subject to cross-examination in this proceeding.

Petitioner objects to this exhibit as irrelevant and inadmissible. FRE 401, 402. The contents of the exhibit are not relevant to claim construction, novelty, obviousness, or any issue related to the instituted ground. The contents of the exhibit do not correspond to any particular argument, and are thus not probative of

any particular fact at issue. Further, this exhibit is irrelevant because Patent Owner and/or Dr. Carbonell have not established that this exhibit reasonably would be relied upon by experts in the field. FRE 401, 402, 702.

Petitioner objects to this exhibit as confusing the issues, misleading the factfinders, and/or a waste of time because the cited portions are of minimal probative value and do not relate to claim construction, novelty, obviousness, or any issue related to the instituted ground. FRE 403. Petitioner objects to this exhibit as unfairly prejudicial. FRE 403.

Petitioner objects to this exhibit as not properly authenticated and not self-authenticating. FRE 901, 902. For at least these reasons, Petitioner objects to this exhibit.

Dated: April 28, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6, that a complete copy of the attached **PETITIONER FACEBOOK, INC.'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(B)(1)** is being served on the 28th day of April, 2017, by electronic mail on counsel of record for the Patent Owner as follows:

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DATED: APRIL 28, 2017

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