

IPR2016-01159
U.S. Pat. No. 8,694,657

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK INC.
Petitioner
v.

WINDY CITY INNOVATIONS, LLC
Patent Owner

U.S. Pat. No. 8,694,657
Issue Date: April 8, 2014
Title: REAL TIME COMMUNICATIONS SYSTEM

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S REPLY EVIDENCE**

Case No. IPR2016-01159

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Windy City Innovations LLC objects to the admissibility of the following evidence submitted by Petitioner Facebook Inc. on July 13, 2017 with its Petitioner's Reply. These objections are timely as made within business days of service of the evidence. Patent Owner objects to the evidence as follows:

Ex. 1017, Excerpts from Henry Korth, et al., *Database Systems Concepts* (1991)

Patent Owner 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, the exhibit is objected to as inadmissible hearsay. FRE 801, 802. The document purports to be a copy of a publication and the purported authors of the publication are not under oath and are not subject to cross-examination in this proceeding.

Patent Owner objects to this exhibit as not properly authenticated and not self-authenticating. FRE 901, 902. Patent Owner objects to this exhibit as not properly authenticated because the document is not accompanied by any evidence that the document is authentic. FRE 901. Patent Owner objects to this exhibit as not self-authenticating . FRE 902. Patent Owner objects to this exhibit as not being an original document, an authentic duplicate, or a document excepted from

the original document requirement. FRE 1001, 1002, 1003, 1004. To the extent Petitioner relies on the contents of this exhibit to prove the content of the original document, Patent Owner objects to the exhibit as not being the original or an admissible duplicate. The document is not an original document, nor does any statute obviate requirement of the original document. FRE 1002. Even if the Board deems a duplicate of the document to be admissible, which it is not, this document is not a certified copy and genuine issues exist concerning the origin and/or authenticity of this document. FRE 1003. Given the circumstances, this exhibit is not excused from the original document requirement. FRE 1004.

Ex. 1018, Excerpts from IEEE Internet Computer, “Bob Metcalfe on What’s Wrong with the Internet: It’s the Economy, Stupid” (March/April 1997)

Patent Owner 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, the exhibit is objected to as inadmissible hearsay. FRE 801, 802. The document purports to be a copy of a publication and the purported authors of the publication are not under oath and are not subject to cross-examination in this proceeding.

Patent Owner objects to this exhibit as irrelevant, confusing the issues,

misleading the fact-finders, and unfairly prejudicial. FRE 401, 402, 403. Patent Owner objects to this exhibit as incomplete. Petitioner's excerpts omit portions of the underlying document which could contain contradictory disclosures.

Patent Owner objects to this exhibit as not properly authenticated and not self-authenticating. FRE 901, 902. Patent Owner objects to this exhibit as not properly authenticated because the document is not accompanied by any evidence that the document is authentic. FRE 901. Patent Owner objects to this exhibit as not self-authenticating . FRE 902. Patent Owner objects to this exhibit as not being an original document, an authentic duplicate, or a document excepted from the original document requirement. FRE 1001, 1002, 1003, 1004. To the extent Petitioner relies on the contents of this exhibit to prove the content of the original document, Patent Owner objects to the exhibit as not being the original or an admissible duplicate. The document is not an original document, nor does any statute obviate requirement of the original document. FRE 1002. Even if the Board deems a duplicate of the document to be admissible, which it is not, this document is not a certified copy and genuine issues exist concerning the origin and/or authenticity of this document. FRE 1003. Given the circumstances, this exhibit is not excused from the original document requirement. FRE 1004.

Ex. 1019, Reuters article entitled "Sage who warned of Net's collapse eats his words (April 11, 1997)"

Patent Owner 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, the exhibit is objected to as inadmissible hearsay. FRE 801, 802. The document purports to be a copy of a publication and the purported authors of the publication are not under oath and are not subject to cross-examination in this proceeding.

Patent Owner objects to this exhibit as irrelevant and inadmissible. FRE 401, 402.

Patent Owner objects to this exhibit as not properly authenticated and not self-authenticating. FRE 901, 902. Patent Owner objects to this exhibit as not properly authenticated because the document is not accompanied by any evidence that the document is authentic. FRE 901. Patent Owner objects to this exhibit as not self-authenticating . FRE 902. Patent Owner objects to this exhibit as not being an original document, an authentic duplicate, or a document excepted from the original document requirement. FRE 1001, 1002, 1003, 1004. To the extent Petitioner relies on the contents of this exhibit to prove the content of the original document, Patent Owner objects to the exhibit as not being the original or an admissible duplicate. The document is not an original document, nor does any statute obviate requirement of the original document. FRE 1002. Even if the

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