

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.

Petitioner

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC

Patent Owner

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Case No.: IPR2016-01520

Patent No.: 8,559,635

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

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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 May 11, 2017 with its Patent Owner Response and its Contingent Motion to Amend as follows:

| <b>Exhibit</b> | <b>Objections</b>  |
|----------------|--|
| <b>2030</b>    | <p><b>FRE 401/402:</b> Patent Owner has not identified any fact made more or less probable by this exhibit. Patent Owner has not cited this exhibit in its papers and it should be expunged.</p> <p><b>FRE 403:</b> 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><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the exhibit allegedly shows.</p> |
| <b>2031</b>    | <p><b>FRE 401/402:</b> Patent Owner has not identified any fact made more or less probable by this exhibit. Patent Owner has not cited this exhibit in its papers and it should be expunged.</p> <p><b>FRE 403:</b> 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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|                    | <p><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the exhibit allegedly shows.</p>   |
| <p><b>2023</b></p> | <p><b>FRE 401/402:</b> Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p><b>FRE 403:</b> 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><b>FRE 701:</b> The lay witness's opinion testimony is not helpful in determining a fact in issue.</p> <p><b>FRE 702:</b> The witness offering declaration testimony is not qualified as an expert and thus cannot testify in the form of an opinion or otherwise in a manner that would assist the Board.</p> <p><b>FRE 703:</b> The declaration relies on inadmissible facts or data, the probative value of which does not substantially outweigh the danger of unfair prejudice.</p> <p><b>FRE 802:</b> The exhibit relies upon inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> |
| <p><b>2207</b></p> | <p><b>FRE 401/402:</b> Patent Owner has not identified any fact made more or less probable by this exhibit. Patent Owner has not cited this</p>   |

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|----------------|--|
|                | <p>exhibit in its papers and it should be expunged.</p> <p><b>FRE 403:</b> 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><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the exhibit allegedly shows.</p> <p><b>FRE 802:</b> The exhibit relies upon inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>  |
| 2213           | <p><b>FRE 401/402:</b> Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p><b>FRE 403:</b> 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><b>FRE 701:</b> The lay witness's opinion testimony is not helpful in determining a fact in issue.</p> <p><b>FRE 702:</b> The witness offering declaration testimony is not qualified as an expert and thus cannot testify in the form of an opinion or otherwise in a manner that would assist the Board.</p> <p><b>FRE 703:</b> The declaration relies on inadmissible facts or data, the</p> |

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| <p><b>2215</b></p> | <p><b>FRE 401/402:</b> Patent Owner has not identified any fact made more or less probable by this exhibit.</p> <p><b>FRE 403:</b> 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><b>Lack of Foundation:</b> Patent Owner has not provided sufficient explanation of what the exhibit allegedly shows.</p> <p><b>FRE 1002/1006:</b> Patent Owner has not produced original documents and has not identified any reason why a summary chart, created for litigation, should be admissible.</p> <p><b>FRE 802:</b> The exhibit relies upon inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> Patent Owner has not produced evidence sufficient to support a finding that the item is what Patent Owner claims it is.</p> |
| <p><b>2222</b></p> | <p><b>FRE 401/402:</b> Patent Owner has not identified any fact made more</p>   |

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