UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TWITTER, INC.,
Petitioner,

v.

VIDSTREAM LLC,
Patent Owner.

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Case IPR2017-01133
Patent 8,601,506

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PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to the evidence Patent Owner filed with Patent Owner Response on June 29, 2018 (Paper No. 47). Petitioner's objections apply equally to Patent Owner's reliance on these Exhibits, including in any subsequently-filed documents in this proceeding. These objections are being filed within five business days of service of the evidence to which the objections are directed.

Exhibit 2003

Petitioner objects to Exhibit 2003 under Rule 802 of the Federal Rules of Evidence as containing inadmissible hearsay. Specifically, Exhibit 2003 is an out of court statement being offered for the truth of the matter asserted, and which does not fall under any exception. FRE 801, 802, 803, 804, 805, 807.

Petitioner further objects to Exhibit 2003 under Rule 901(a) of the Federal Rules of Evidence as lacking authentication. Specifically, Patent Owner relies upon a declaration submitted by *Petitioner* in an attempt to authenticate new documents that were not submitted with the Petition. Petitioner submitted a declaration from Christopher Butler, the Office Manager at the Internet Archive, authenticating only specific archived pages maintained by the Internet Archive: "Attached hereto as Exhibit A are true and accurate copies of screenshots of printouts of the Internet Archive's records of the HTML or PDF files for the URLs and the dates specified

in the attached coversheet to each printout." Ex. 1016, ¶6. But that declaration does not authenticate Exhibit 2003.

Exhibit 2004

Petitioner objects to Exhibit 2004 under Rule 802 of the Federal Rules of Evidence as containing inadmissible hearsay. Specifically, Exhibit 2004 is an out of court statement being offered for the truth of the matter asserted, and which does not fall under any exception. FRE 801, 802, 803, 804, 805, 807.

Petitioner further objects to Exhibit 2004 under Rule 901(a) of the Federal Rules of Evidence as lacking authentication. Specifically, Patent Owner relies upon a declaration submitted by *Petitioner* in an attempt to authenticate new documents that were not submitted with the Petition. Petitioner submitted a declaration from Christopher Butler, the Office Manager at the Internet Archive, authenticating only specific archived pages maintained by the Internet Archive: "Attached hereto as Exhibit A are true and accurate copies of screenshots of printouts of the Internet Archive's records of the HTML or PDF files for the URLs and the dates specified in the attached coversheet to each printout." Ex. 1016, ¶6. But that declaration does not authenticate Exhibit 2004.

Exhibit 2005

Petitioner objects to Exhibit 2005 under Rule 802 of the Federal Rules of Evidence as containing inadmissible hearsay. Specifically, Exhibit 2005 is an out of

court statement being offered for the truth of the matter asserted, and which does not fall under any exception. FRE 801, 802, 803, 804, 805, 807.

Petitioner further objects to Exhibit 2005 under Rule 901(a) of the Federal Rules of Evidence as lacking authentication. Specifically, Patent Owner relies upon a declaration submitted by *Petitioner* in an attempt to authenticate new documents that were not submitted with the Petition. Petitioner submitted a declaration from Christopher Butler, the Office Manager at the Internet Archive, authenticating only specific archived pages maintained by the Internet Archive: "Attached hereto as Exhibit A are true and accurate copies of screenshots of printouts of the Internet Archive's records of the HTML or PDF files for the URLs and the dates specified in the attached coversheet to each printout." Ex. 1016, ¶6. But that declaration does not authenticate Exhibit 2005.

Exhibit 2006

Petitioner objects to Exhibit 2006 under Rule 802 of the Federal Rules of Evidence as containing inadmissible hearsay. Specifically, Exhibit 2006 is an out of court statement being offered for the truth of the matter asserted, and which does not fall under any exception. FRE 801, 802, 803, 804, 805, 807.

Exhibit 2007

Petitioner objects to Exhibit 2007 under Rule 802 of the Federal Rules of Evidence as containing inadmissible hearsay. Specifically, Exhibit 2007 is an out of

court statement being offered for the truth of the matter asserted, and which does not

fall under any exception. FRE 801, 802, 803, 804, 805, 807.

Respectfully submitted,

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