

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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SIRIUS XM RADIO INC.,

Petitioner

v.

FRAUNHOFER-GESELLSCHAFT ZUR FORDERUNG DER  
ANGEWANDTEN E.V.,

Patent Owner

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Case IPR2018-00690  
U.S. Patent No. 6,314,289 B1

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE  
PURSUANT TO 37 C.F.R. § 42.64(b)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Fraunhofer-Gesellschaft Zur Forderung der Angewandten Forschung E.V. (“PO” or “Fraunhofer”), submits the following objections to evidence accompanying the Petition. These objections are timely under 37 C.F.R. § 42.64(b)(1) because they are being filed within ten (10) business days of service of the institution of the trial on August 19, 2019.

Fraunhofer reserves the right to present further objections to these or additional Exhibits submitted by Petitioner, as allowed by the applicable rules or other authority, including without limitation upon conclusion of any depositions taken of Petitioner’s witnesses.

Evidence	F.R.E.	Objection(s)
<b>Exhibit 1002</b>	401, 402, 403	At least paragraphs 1-24, 26-30, 50-60, 62-82, 84, 85, 87, 99, 114, 118, 121, 124-126, 128, 133, 135-137, 139, 141, 143, 145-147, 149, 152, 154, 157, 162, 165, 169, 170, 172-178, 180, 183, 186, 189, 191, 192, 194, 195, 197, 199, 201, 203, 205-235, 241, 245, 247, 249, 270, 271, 276-280, 283, 288-290, 293, 294, 296, 298, 300-322, 327, 331, 332, and 334-336 which are cited nowhere in the Petition. Moreover, at least paragraphs 22-334 include conclusory statements and/or mischaracterizations of the patent and/or cited art. Accordingly, these are not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.
	701, 702, 703	At least paragraphs 22-334 include conclusory statements and/or mischaracterizations of the

		patent and/or cited art, which are not based on sufficient facts or data, are irrelevant, are not based on a reliable foundation, and/or constitute conclusory opinion without sufficient support. <i>See also Daubert v. Merrell Dow Pharms, Inc.</i> , 509 U.S. 579 (1993).
<b>Exhibit 1003</b>	401, 402, 403	Not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. The exhibit has not been shown to qualify as prior art against any challenged claim.
<b>Exhibit 1008</b>	106	The exhibit, excerpting from a book, is an incomplete part of a writing.
<b>Exhibit 1010</b>	401, 402, 403	Not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. The exhibit is cited nowhere in the Petition.
<b>Exhibit 1011</b>	401, 402, 403	Not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. The exhibit is cited nowhere in the Petition.
<b>Exhibit 1012</b>	401, 402, 403  106	Not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.  The exhibit, excerpting from a book, is an incomplete part of a writing.
<b>Exhibits 1014-1016</b>	401, 402, 403	Not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Lack explanation or support demonstrating that the items serve to demonstrate the point of purported relevance.

	901, 902	There is insufficient identifying or authenticating information supplied in conjunction with Exhibits 1014-1016 to prove the items are what the proponent claims them to be.
<b>Exhibit 1017</b>	401, 402, 403	Not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Lacks explanation or support demonstrating that the item serves to demonstrate the point of purported relevance.
<b>Exhibit 1018</b>	401, 402, 403	Not relevant to any issue in the case and/or any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. The exhibit purports to set forth facts but constitutes unreliable, unsworn statements.
	801, 802, 803	Includes statements that are not sworn testimony or declaration made under penalty of perjury that are nevertheless offered for the truth of the matters asserted without any applicable hearsay exception.
	901, 902	There is insufficient identifying or authenticating information supplied in conjunction with Exhibit 1018 to prove the item is what the proponent claims it to be.

Dated: September 3, 2019

Respectfully submitted,

By:       /Ben J. Yorks/      

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