

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,

Petitioner,

v.

DIRECTSTREAM, LLC,

Patent Owner.

IPR2018-01605, IPR2018-01606, IPR2018-01607
Patent 7,620,800 B2

**PATENT OWNER DIRECTSTREAM, LLC'S
RESPONSE TO PETITIONER'S MOTION TO EXCLUDE**

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OTHER AUTHORITIES:

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I. INTRODUCTION

Without exception, Petitioner's objections to Patent Owner's evidence are misplaced, ill-founded, or worse, an attempt to create false issues in order to hide relevant evidence from the Board. Petitioner continues to object to the declaration of Jon Huppenthal, a co-inventor and witness for the Patent Owner. Yet, Petitioner's endless objections to Huppenthal's declaration have never been genuine. It is merely a false complaint it continues to assert, despite being granted a second deposition to cure any alleged prejudice, to eliminate testimony damaging to its case. This pattern repeats itself as Petitioner, with no basis, tries to eliminate key testimony from Patent Owner's experts by arguing experts are not permitted to rely on critical (and damaging to Petitioner) evidence despite the plain language of FED. R. CIV. P. 703 or 37 C.F.R. §42.65.

The remainder of Petitioner's "objections" are sloppy, nonsensical, and/or dim such as objecting to self-authenticating exhibits, objecting to business record affidavits, objecting to statements in witness declarations that it failed to pursue in cross-examination, and objecting to publications written by its own experts covering the precise issues at dispute in this case. Petitioner's objections are not serious; the objections are the typical, predictable attempt to obfuscate the truth and burden the Board and Patent Owner by having to wade through scores of objections that should

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