

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MICROSOFT CORPORATION,  
Petitioner,

v.

DIRECTSTREAM, LLC,  
Patent Owner.

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Case No. IPR2018-01605, IPR2018-01606, IPR2018-01607  
U.S. Patent No. 7,620,800 B2

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## **I. Introduction**

The evidence of record establishes that Exhibits 1074, 1077, 1079, and 1076, and certain testimony in Exhibits 1075 and 1078 are admissible. Patent Owner's laundry list of possible bases for excluding, *see* Paper 61 ("Mot") at 1-2, and its thin justifications for such bases, are more fairly characterized as, at best, a challenge to the sufficiency of evidence rather than the admissibility of the evidence. For the reasons demonstrated below, because Patent Owner has not met its burden of establishing these documents or portions of document as not admissible, *see* 37 C.F.R. § 42.20(c), *FLIR Sys., Inc. v. Leak Surveys, Inc.*, IPR2014-00411, Paper 113 at 5 (PTAB Sept. 3, 2015), its motion must be denied.

## **II. Exhibits 1074, 1077, and 1079**

### **A. Exhibits 1074 and 1079 Are Authentic Documents**

Patent Owner objects to the authenticity of Exhibits 1074 and 1079<sup>1</sup>. Mot. 6. However, the standard for admissibility under Fed. R. Evid. 901(a) is "slight," which is clearly met by the exhibits themselves, *see United States v. Turner*, 718 F.3d 226, 232 (3d Cir. 2013), and Patent Owner identifies nothing about the documents themselves that brings into question their authenticity. Indeed, as

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<sup>1</sup> Patent Owner did not move to exclude Exhibit 1077 on the ground of Authenticity.

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