

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

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**PATENT OWNER DIRECTSTREAM, LLC'S  
OBJECTIONS TO EVIDENCE**

## **PATENT OWNER'S OBJECTIONS TO EVIDENCE**

Patent Owner DirectStream, LLC ("Patent Owner") files and serves the following objections to evidence that Petitioner Microsoft Corporation ("Petitioner") served on November 26, 2019. 37 C.F.R. § 42.64. These objections are timely because they are served within five business days of service of the evidence to which the objections are directed. *See id.* ("Once a trial has been instituted, any objection must be filed within five business days of service of evidence to which the objection is directed.").

### **1. Exhibits 1074, 1077, 1079**

Patent Owner objects to Exhibits 1074, 1077, and 1079 as not being relevant to any issue on which trial has been instituted, lacking authentication, lacking foundation, for containing hearsay, and/or causing undue prejudice. Fed. R. Evid. 401-403. Moreover, Petitioner fails to provide any attempt to authenticate these documents in any manner or as a bases of an expert's opinion testimony, including under Fed. R. Evid. 901, 702, or 703. Additionally, these exhibits are hearsay to the extent Petitioner attempts to rely on them to prove the truth of any matter described therein. Fed. R. Evid. 801 and 802.

Patent Owner further objects to Exhibits 1074, 1077, and 1079 as containing new evidence and argument that could and should have been raised in Petitioner's Petition. *See e.g.*, 37 C.F.R. § 42.22(a); 42.23(b).

## **2. Exhibit 1076**

Patent Owner objects to Exhibit 1076 as containing new evidence and argument that could and should have been raised in Petitioner's Petition. *See e.g.*, 37 C.F.R. § 42.22(a); 42.23(b). Here, Petitioner's expert, Dr. Stone, purportedly submits a "reply" declaration, when in fact, the statements in paragraphs 2-27 all could have been raised in his original declaration submitted in this matter. Patent Owner further objects to this exhibit to the extent the introduction of new material and opinions lack foundation, are not relevant, contain hearsay, and will cause undue prejudice in the inability of Patent Owner to provide rebuttal expert testimony. *See Fed. R. Evid.* 401-403, 801, 802.

## **3. Exhibit 1075**

Patent Owner objects to Exhibit 1075, 65:12-17 as the question was directing the witness to offer a legal conclusion. *See EX1075*, 65:15 ("Objection to form" raised in deposition).

## **4. Exhibit 1078**

Patent Owner objects to Exhibit 1078, 65:19-66:18 as the deposition question asked at 65:19-20 was vague, ambiguous, and called for a speculative answer. 1078, 65:21 ("Objection to form" raised in deposition).

### **5. Petitioner's Reply to Patent Owner's Response**

Patent Owner also objects to any paragraphs in Petitioner's Reply to Patent Owner's Response to the extent they rely on the aforementioned objected to exhibits.

Date: December 2, 2019

Respectfully submitted,

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IPR2018-01605, -01606, -01607  
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Patent Owner's Objections to Evidence

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### **CERTIFICATION OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e)(1), the undersigned hereby certifies that the foregoing **PATENT OWNER DIRECTSTREAM, LLC'S OBJECTIONS TO EVIDENCE** was served electronically via e-mail on December 2, 2019 to the following counsel of record for Petitioner:

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