

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC
Petitioner

v.

REALTIME ADAPTIVE STREAMING LLC
Patent Owner

Case IPR2019-01035
Patent No. 9,769,477

**PETITIONER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.6**

Under 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to the evidence Patent Owner filed with its Patent Owner Response, filed February 21, 2020. 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. Petitioner objects to the following Patent Owner Exhibits:

- 2012 (“Wiegand & Marpe, Context-Based Adaptive Binary Arithmetic Coding in the H.264/ A VC Video Compression Standard (IEEE Transactions on Circuits and Systems for Video Technology, 2003)”);
- 2013 (“ITU-T Rec. H.262 (1995 E) (Information Technology – Generic Coding of Moving Pictures and Associated Audio Information)”).

I. Objections to Exhibits 2012

Petitioner objects to Exhibit 2012 under Rules 901 and 902 of the Federal Rules of Evidence (“Rules”) as not having been properly authenticated by the Patent Owner, and under Rule 403 as unreliable because it is not a true and accurate copy of the IEEE journal that Patent Owner purports it to be. While the document’s cover does include the text “2003,” there is no indication anywhere on the exhibit establishing when, where, and how it published. Indeed, this document appears to be a mere draft of an article for a journal, and lacks the information necessary to

determine that it is what it is claimed to be, including a volume number, issue number, or the month it was published. If Patent Owner relies on Exhibit 2012 for the truth of the information asserted in this exhibit, it is inadmissible hearsay under Rules 801 and 802 because the exhibit is not a true and accurate article from an IEEE Journal as Patent Owner purports, and no exception applies.

II. Objections to Exhibit 2013

Petitioner objects to Exhibit 2013 as not conforming to the requirements of 37 C.F.R. § 42.6(d). Exhibit 2013 is duplicative of Exhibit 2009, which has already been filed, and Exhibit 2013 is confusingly stamped as “Exhibit 2009.” Petitioner further objects to this exhibit under Rules 401-403 as irrelevant because Patent Owner does not rely on this exhibit in its Patent Owner Response and this exhibit is duplicative of Exhibit 2009.

Respectfully submitted,

Dated: February 28, 2020

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020, I caused a true and correct copy of the foregoing **Petitioner's Objections to Evidence Pursuant to 37 C.F.R. § 42.64** to be served electronically, as agreed by the parties, upon Counsel for Patent Owner at the following address of record:

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