

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner

v.

WAG ACQUISITION, LLC

Patent Owner

U.S. Pat. No. 9,762,636

Inter Partes Review Case No. IPR2022-01413

**PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) TO
EVIDENCE SERVED BY PETITIONER**

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner WAG Acquisition, LLC (“Patent Owner”) hereby objects to the admissibility of the exhibits identified below that were submitted by Petitioner with its Petitioner’s Reply to Patent Owner Response (Paper No. 13) on September 7, 2023. Patent Owner also objects to Petitioner’s reliance on, or citation to, any objected to evidence in its papers and Exhibit 1111, the Reply Declaration of Nathaniel Polish. These objections are timely as they have been filed and served within five (5) business days of the service of evidence to which the objections are directed.

A chart listing Patent Owner’s objections and its bases for its objections is provided below.

EXHIBIT	OBJECTIONS
Ex. 1104: Swaminathan, Viswanathan, and Sheng Wei, “Low latency live video streaming using HTTP chunked encoding,” <i>2011 IEEE 13th International Workshop on Multimedia Signal Processing</i> , IEEE, 2011	Hearsay without exception under FRE 801-803. The statements in the Exhibit were not made while the declarant(s) were testifying in this trial and are offered by Petitioner to prove the truth of the matter asserted and are not subject to any of the exceptions in FRE 802 or 803.

EXHIBIT	OBJECTIONS
<p>Ex. 1105: Orallo, E. Hernandez, and Joan Vila-Carbó, “A fast method to optimise network resources for Video-on-demand Transmission,” <i>Proceedings of the 26th Euromicro Conference, EUROMICRO 2000, Informatics: Inventing the Future</i>, Vol. 1., pp. 440-447, IEEE, Sep. 5, 2000</p>	<p>Hearsay without exception under FRE 801-803. The statements in the Exhibit were not made while the declarant(s) were testifying in this trial and are offered by Petitioner to prove the truth of the matter asserted and are not subject to any of the exceptions in FRE 802 or 803.</p>
<p>Ex. 1106: Tierney, Brian, et al., “Distributed parallel data storage systems: A scalable approach to high speed image servers,” <i>Proceedings of the second ACM international conference on Multimedia</i>, pp. 399-405, Oct. 15, 1994</p>	<p>Hearsay without exception under FRE 801-803. The statements in the Exhibit were not made while the declarant(s) were testifying in this trial and are offered by Petitioner to prove the truth of the matter asserted and are not subject to any of the exceptions in FRE 802 or 803.</p>
<p>Ex. 1107: Bradley, Adam D., Azer Bestavros, and Assaf J. Kfoury, “A typed model for encoding-based protocol interoperability,” <i>Proceedings of the 12th IEEE International Conference on Network Protocols, 2004, ICNP 2004</i>, IEEE, Oct. 8, 2004</p>	<p>Hearsay without exception under FRE 801-803. The statements in the Exhibit were not made while the declarant(s) were testifying in this trial and are offered by Petitioner to prove the truth of the matter asserted and are not subject to any of the exceptions in FRE 802 or 803.</p>
<p>Ex. 1108: Claim Construction Order, <i>Emblaze Ltd. v. Apple Inc.</i>, Case No. 5:11-cv-01079-PSG (N.D. Cal. Oct. 9, 2014)</p>	<p>Hearsay without exception under FRE 801-803. The statements in the Exhibit were not made while the declarant(s) were testifying in this trial and are offered by Petitioner to prove the truth of the matter asserted and are not subject to any of the exceptions in FRE 802 or 803.</p>

EXHIBIT	OBJECTIONS
Ex. 1110: Claim Construction Order, <i>Emblaze Ltd. v. Microsoft Corp.</i> , Case No. 12-cv-05422-JST (N.D. Cal. July 29, 2014)	Hearsay without exception under FRE 801-803. The statements in the Exhibit were not made while the declarant(s) were testifying in this trial and are offered by Petitioner to prove the truth of the matter asserted and are not subject to any of the exceptions in FRE 802 or 803.
Ex. 1112: <i>In re Certain Fitness Devices, Streaming Components Thereof, and System Containing the Same</i> , Inv. No. 337-TA-1265, Evidentiary Hearing – Volume II (ITC, March 10, 2022)	Hearsay without exception under FRE 801-803. The statements in the Exhibit were not made while the declarant(s) were testifying in this trial and are offered by Petitioner to prove the truth of the matter asserted and are not subject to any of the exceptions in FRE 802 or 803.

Dated: September 11, 2023

Respectfully submitted,

/M. Michael Lewis/

M. Michael Lewis
(Attorney for Patent Owner)
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212-257-1639

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.205(b), the undersigned certifies that on September 11, 2023, a complete and entire copy of this **PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) TO EVIDENCE SERVED BY PETITIONER**, was provided to Petitioner by filing through the Patent Trial and Appeal Case Tracking System and by serving the following email addresses:

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Dated: September 11, 2023

Respectfully submitted,

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