

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

GoTV Streaming, LLC,
Patent Owner

Case: IPR2023-00757
U.S. Patent No. 8,989,715

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EXHIBITS
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Netflix, Inc. (“Petitioner”) hereby submits the following objections to Exhibits 2022-2029 filed with Patent Owner GoTV Streaming, LLC’s Patent Owner Response. Pursuant to 37 C.F.R. § 42.62. Patent Owner’s objections below apply the Federal Rules of Evidence (“F.R.E.”).

Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed five business days of service of the evidence. Petitioner files and serves its objections to provide notice that they may move to exclude Exhibits 2022-2029 under 37 C.F.R. § 42.64(c)

II. OBJECTIONS TO EVIDENCE

A. Exhibit 2022 (Declaration of Mr. Stuart Lipoff)

Petitioner hereby objects to Ex. 2022 to the extent that it provides opinions that are irrelevant under F.R.E. 401-402, or that its probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. For example, paragraphs 1-27, 32-97, 123, 126-136, 138-140, and 150 of Exhibit 2022 are not cited in the Patent Owner Response (Paper 21) and, therefore, do not appear to make any fact of consequence in determining this action more or less probable than it would be without them and are thus irrelevant and not admissible (F.R.E. 401, 402).

Petitioner further objects under F.R.E. 702 to Exhibit 2022 as unreliable, conclusory and unsubstantiated expert testimony due to lack of sufficient facts and data, lack of reliable principles and methods, and failure to reliably apply the principles and methods to the facts.

B. Exhibits 2023-2027

Petitioner hereby objects to Exhibits 2023-2027 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibits are not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibits 2023-2027 as impermissible hearsay under F.R.E. 801 and 802 to the extent to which the out of court statements therein are offered for the truth of the matters asserted and constitute impermissible hearsay for which Patent Owner has not demonstrated any exception or exclusion to the rule against hearsay. Accordingly, permitting reliance on these documents in the Patent Owner Response or other submissions by Patent Owner would be misleading and unfairly prejudicial to Petitioner (F.R.E. 403).

Petitioner further objects to Exhibits 2023-2027 under F.R.E. 401, 402, and 403. Patent Owner cites to Exhibits 2023-2025 as alleged evidence of the ordinary meaning of the term “generated in part from execution of said application.” *See* Patent Owner Response (Paper 21) at 29. Patent Owner cites Exhibits 2026 and

2027 as alleged evidence of the ordinary meaning of the term “customized to said application.” *See* Patent Owner Response (Paper 21) at 16. Exhibit 2023 indicates it was last updated on November 22, 2023, and 2025 indicates at the link provided that it was last updated on January 27, 2024 (accessed February 5, 2024). Exhibit 2026 indicates at the link provided that it was last updated on January 30, 2024, (accessed February 5, 2024), and Exhibit 2027 indicates it was last updated on January 3, 2023. Furthermore, Exhibit 2024 has a copyright date of 2023, and Exhibits 2025 and 2026 have copyright dates of 2024 at the links provided (all accessed February 5, 2024). Thus, contrary to Patent Owner’s assertion, Exhibits 2023-2027 are not relevant to any claim term meaning.

C. Exhibit 2028

Petitioner hereby objects to Exhibit 2028 under F.R.E. 401, 402, 403, and 37 C.F.R. § 42.61. Patent Owner cites Exhibit 2028 as alleged evidence of commercial success of the ’715 patent. *See* Patent Owner Response (Paper 21) at 58. Exhibit 2028, however, does not reference the ’715 patent, nor pertain to any particular features of the ’715 patent. Therefore, Petitioner objects to Exhibit 2028 as irrelevant under F.R.E. 401-403.

Petitioner further objects under F.R.E. 106. Patent Owner has produced an incomplete version of Exhibit 2028.

D. Exhibit 2029

Petitioner hereby objects to Exhibit under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibits are not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibit 2029 as impermissible hearsay under F.R.E. 801 and 802 to the extent to which the out of court statements therein are offered for the truth of the matters asserted and constitute impermissible hearsay for which Patent Owner has not demonstrated any exception or exclusion to the rule against hearsay. Accordingly, permitting reliance on Exhibit 2029 in the Patent Owner Response or other submissions by Patent Owner would be misleading and unfairly prejudicial to Petitioner (F.R.E. 403).

Petitioner further objects to Exhibit 2029 under F.R.E. 401, 402, 403, and 37 C.F.R. § 42.61. Petitioner cites Exhibit 2029 as alleged evidence of commercial success of the '715 patent. *See* Patent Owner Response (Paper 21) at 58. Exhibit 2029, however, does not reference the '715 patent, nor pertain to any particular features of the '715 patent. Therefore, Patent Owner objects to Exhibit 2029 as irrelevant under F.R.E. 401-403.

Petitioner further objects under F.R.E. 106. Patent Owner has produced an incomplete version of Exhibit 2029.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.