

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

GoTV Streaming, LLC,
Patent Owner

Case: IPR2023-00758
U.S. Patent No. 8,478,245

**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 2022-2028 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 2022-2028 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 1-89, 114-123, 125, 127, 136, and 142 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 2023-2028

Petitioner hereby objects to Exhibits 2023-2028 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 2023-2028 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 2023-2028 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 32-33. 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. Patent Owner cites to Exhibit 2028 as alleged evidence of the ordinary meaning of the term “ticker.” *See* Patent Owner Response (Paper 21) at 54. 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. Exhibit 2028 indicates at the link provided that it was last updated on January 26, 2024. Furthermore, Exhibit 2024 has a copyright date of 2023, and Exhibits 2025, 2026, and 2028 have copyright dates of 2024 at the links provided (all accessed February 5, 2024). Thus, contrary to Patent Owner’s assertion, Exhibits 2023-2028 are not relevant to any claim term meaning.

III. CONCLUSION

For at least these reasons, Petitioner objects to the Exhibits described above.

Respectfully submitted,

Dated: February 6, 2024

By: Aliza George Carrano
Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that on February 6, 2024, a complete and entire copy of the foregoing “PETITIONER’S OBJECTIONS TO PATENT OWNER’S EXHIBITS PURSUANT TO 37 C.F.R. § 42.64(b)(1)” was served on the following counsel of record and distribution list via e-mail:

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