

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORP., DELL TECHNOLOGIES INC., and DELL INC.,  
Petitioners,

v.

OZMO LICENSING LLC,  
Patent Owner.

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Case No. IPR2023-01060  
U.S. Patent No. 8,599,814

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE  
SUBMITTED PRIOR TO INSTITUTION**

## I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Ozmo Licensing LLC (“Patent Owner” or “Ozmo”) respectfully asserts the following objections to the evidence proffered with the Petition for *inter partes* review (the “Petition”) filed by Microsoft Corporation, Dell Technologies Inc., and Dell Inc. (collectively, “Petitioners”) regarding the claims of U.S. Patent No. 8,599,814 (the “’814 Patent”). The Federal Rules of Evidence (“FRE”) apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Patent Owner’s objections apply equally to Petitioners’ reliance on or citation to any objected evidence in its papers, including expert declarations. These objections are being served and filed within 10 business days from the institution of trial on January 16, 2024.

Evidence	Objection(s)
<p>Ex. 1002, Ding Declaration</p> <p>¶¶ 13-21  ¶¶ 24-26</p>	<p>Petitioners' Exhibit 1002 is the Declaration of Dr. Zhi Ding.</p> <p>Patent Owner objects to ¶¶13-21 under 37 CFR § 42.65(a) as testimony on United States patent law, patent examination practice, or legal standards is not admissible.</p> <p>Patent Owner objects to ¶¶24-26 under FRE 403 as cumulative, prejudicial, and/or a waste of time.</p>
<p>Ex. 1006, Bluetooth Specification</p>	<p>Petitioners' Exhibit 1006 is Specification of the Bluetooth System, Version 1.1, February 22, 2001.</p> <p>Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, e.g., the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted.</p>
<p>Ex. 1011, Trial Times</p>	<p>Petitioners' Exhibit 1011 is WDTX District Court Trial Times.</p> <p>Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, e.g., the purported dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
<p>Ex. 1015, Markman Order</p>	<p>Petitioners' Exhibit 1015 is Markman Order (Dkt. 36), <i>Ozmo Licensing LLC v. Acer Inc.</i>, 6:21-cv-1225-ADA (W.D. Tex. Sept. 20, 2022).</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Further, Patent Owner objects to this exhibit under 37 CFR §§ 42.6(a)(3) and 42.24(a)(1)(i) because it is not referenced or explained in the Petition. See 37 CFR §§ 42.22(a)(2) and 42.104(b)(5).</p>

Evidence	Objection(s)
Ex. 1017, 802.11-1999	Petitioners' Exhibit 1017 is 802.11-1999.  Patent Owner objects to this exhibit under FRE 802 as containing hearsay, including as to all dates ( <i>e.g.</i> , copyright dates) and material that appears to be added ( <i>e.g.</i> , stamps).
Ex. 1018, 802.11b-1999	Petitioners' Exhibit 1018 is 802.11b-1999.  Patent Owner objects to this exhibit under FRE 802 as containing hearsay, including as to all dates ( <i>e.g.</i> , copyright dates) and material that appears to be added ( <i>e.g.</i> , stamps).
Ex. 1019, 802.11g-2003	Petitioners' Exhibit 1019 is 802.11g-2003.  Patent Owner objects to this exhibit under FRE 802 as containing hearsay, including as to all dates ( <i>e.g.</i> , copyright dates) and material that appears to be added ( <i>e.g.</i> , stamps).
Ex. 1020, DMI 2.0s Specification	Petitioners' Exhibit 1020 is DMI 2.0s Specification.  Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, <i>e.g.</i> , the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1021, 802.15.1-2002	Petitioners' Exhibit 1021 is 802.15.1-2002.  Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, <i>e.g.</i> , the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Evidence	Objection(s)
Ex. 1023, U.S. 7,340,015	Petitioners' Exhibit 1023 is U.S. Patent No. 7,340,015.  Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Further, Patent Owner objects to this exhibit under 37 CFR §§ 42.6(a)(3) and 42.24(a)(1)(i) because it is not referenced or explained in the Petition. <i>See</i> 37 CFR §§ 42.22(a)(2) and 42.104(b)(5).
Ex. 1024, <i>Markman</i> Transcript	Petitioners' Exhibit 1024 is 2023.06.28 <i>Markman</i> Hearing Transcript, <i>Ozmo Licensing v. Dell Technologies Inc.</i> , 6:22-cv-642-ADA.  Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Further, Patent Owner objects to this exhibit under 37 CFR §§ 42.6(a)(3) and 42.24(a)(1)(i) because it is not referenced or explained in the Petition. <i>See</i> 37 CFR §§ 42.22(a)(2) and 42.104(b)(5).

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