

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

PROMPTU SYSTEMS CORPORATION,
Patent Owner.

Case No. IPR2018-00344
U.S. Pat. No. 7,047,196

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64, Patent Owner submits the following objections to certain exhibits filed by Petitioner on December 19, 2017, with its Petition.

I. Exhibits 1004-1008

Patent Owner objects to Exhibits 1004-1008 under FRE 401-403 as irrelevant because, as documents that have not had their respective dates of authorship, publication, or public availability sufficiently established, they fail to make a fact more or less probable, are more prejudicial than probative, confuse the issues, add undue delay to the proceeding, and waste time.

Patent Owner objects to Exhibits 1004-1008 under FRE 801, 802, and 805 as containing hearsay and/or hearsay within hearsay. To the extent Petitioner relies on the contents of these exhibits for the truth of the matter asserted, including statements regarding dates of authorship, publication, or public availability, Patent Owner objects to such content as inadmissible hearsay and/or hearsay within hearsay that does not fall under any exceptions.

Patent Owner objects to Exhibit 1004-1008 under FRE 901 because sufficient evidence has not been provided to establish the authenticity of the exhibits to prove that they are what Petitioner says they are.

II. Exhibit 1018

Patent Owner objects to Exhibit 1018 ¶¶ 2-6 under FRE 602 because the

declarant has not sufficiently demonstrated that he has personal knowledge of the matters asserted, including the dates of authorship, publication, or public availability of the exhibits discussed in these paragraphs.

Patent Owner objects to Exhibit 1018 ¶¶ 2-6 under FRE 801, 802, and 805 as containing hearsay and/or hearsay within hearsay. To the extent the declarant relies on the contents of the exhibits discussed in these paragraphs for the truth of the matter asserted, including the dates stated in each exhibit, Patent Owner objects to such content as inadmissible hearsay and/or hearsay within hearsay that does not fall under any exceptions.

III. Exhibit 1019

Patent Owner objects to Exhibit 1019 ¶¶ 13, 33, 35, 36, 40, and 44 under FRE 401-403 as irrelevant because, to the extent these paragraphs rely upon documents that have not had their respective dates of authorship, publication, or public availability sufficiently established, they fail to make a fact more or less probable, are more prejudicial than probative, confuse the issues, add undue delay to the proceeding, and waste time.

Patent Owner objects to Exhibit 1019 ¶¶ 13, 33, 35, 36, 40, and 44 under FRE 602 because the declarant has not sufficiently demonstrated that he has personal knowledge of the matters asserted, including the dates of authorship, publication, or public availability of the exhibits discussed in these paragraphs.

Patent Owner objects to Exhibit 1019 ¶¶ 13, 33, 35, 36, 40, and 44 under FRE 702 and 703 as containing improper expert testimony because these paragraphs lack a basis in sufficient facts or data, and do not explain that the testimony is the product of reliable principles and methods. Further, the hearsay exhibits and facts relied upon by declarant are not the type relied on by experts in the field, and the probative value of such hearsay exhibits and facts do not outweigh their prejudicial effect.

Patent Owner objects to Exhibit 1019 ¶¶ 13, 33, 35, 36, 40, and 44 under FRE 801, 802, and 805 as containing hearsay and/or hearsay within hearsay. To the extent the declarant relies on the contents of the exhibits discussed in these paragraphs for the truth of the matter asserted, including the dates stated in each document, Patent Owner objects to such content as inadmissible hearsay and/or hearsay within hearsay that does not fall under any exceptions.

Respectfully submitted,

Dated: July 17, 2018

By: /Joshua L. Goldberg/
Joshua L. Goldberg
Reg. No. 59,369

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing “**PATENT OWNER’S OBJECTIONS TO PETITIONER’S EXHIBITS**” was served on July 17, 2018, via email directed to counsel of record for the Petitioner at the following:

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Dated: July 17, 2018

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