

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 IPR2018-00344
Patent No. 7,047,196

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

PURSUANT TO 37 C.F.R. § 42.64

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Comcast Cable Communications, LLC objects to the admissibility of evidence submitted with Patent Owner's Response (Paper 20), as follows:

Evidence	Objections
Exhibit 2001	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication)
Exhibit 2002	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication)
Exhibit 2003	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication) Page 9: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay) Page 34: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)
Exhibit 2006	FRE 401, 402, 403, FRE 602 (lack of foundation)

Evidence	Objections
Exhibit 2007	<p>FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication)</p> <p>Page 8: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)</p> <p>Pages 40-41: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)</p>
Exhibit 2008	<p>FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication)</p> <p>Page 1: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)</p> <p>Page 3: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)</p>
Exhibit 2009	<p>FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication)</p> <p>Page 3: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)</p>
Exhibit 2010	FRE 401, 402, 403, FRE 602 (lack of

Evidence	Objections
	<p>foundation), FRE 901 (lack of authentication)</p> <p>Page 4: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to customer sentiments)</p> <p>Page 6: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to customer sentiments)</p>
Exhibit 2011	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to customer sentiments), FRE 901 (lack of authentication)
Exhibit 2012	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to customer sentiments), FRE 901 (lack of authentication)
Exhibit 2013	FRE 401, 402, 403, FRE 602 (lack of

Evidence	Objections
	foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication)
Exhibit 2014	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to customer sentiments), FRE 901 (lack of authentication)
Exhibit 2015	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to others' statements), FRE 901 (lack of authentication)
Exhibit 2016	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication) Page 1: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to others' statements)

Evidence	Objections
Exhibit 2017	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 805 (double hearsay, as to others' statements), FRE 901 (lack of authentication)
Exhibit 2018	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication)
Exhibit 2019	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication)
Exhibit 2020	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication) Page 7: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)
Exhibit 2021	FRE 401, 402, 403, FRE 602 (lack of

Evidence	Objections
	foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication)
Exhibit 2022	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication) Page 6 (“Initial License Rights”): FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)
Exhibit 2023	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication)
Exhibit 2024	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication).
Exhibit 2025	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of

Evidence	Objections
	authentication).
Exhibit 2026	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication).
Exhibit 2027	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 801-802 (hearsay), FRE 901 (lack of authentication).
Exhibit 2028	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 801-802 (hearsay), FRE 901 (lack of authentication).
Exhibit 2029	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 801-802 (hearsay), FRE 901 (lack of authentication).
Exhibit 2031	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication) Page 27: FRE 701-702 (opinion testimony), FRE 801-802 (hearsay)

Evidence	Objections
Exhibit 2032	<p>Paragraphs 6-12: FRE 401, 402, 403, FRE 602 (lack of foundation as to unattributed statements of fact, e.g. “It had been known for years in the industry...”), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay).</p> <p>Paragraphs 13-16: FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay).</p> <p>Paragraphs 17-25: FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 801-802 (hearsay), FRE 901 (lack of authentication).</p> <p>Paragraphs 26-27: FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 901 (lack of authentication).</p> <p>Paragraphs 28-35: FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 801-802 (hearsay), FRE 901 (lack of authentication).</p>
Exhibit 2033	Paragraph 13: FRE 401, 402, 403, FRE 602 (lack

Evidence	Objections
	<p>of foundation).</p> <p>Paragraph 15: FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 801-802 (hearsay).</p> <p>Paragraphs 23-25: FRE 401, 402, 403, FRE 602 (lack of foundation).</p> <p>Paragraph 30: FRE 401, 402, 403, FRE 602 (lack of foundation).</p> <p>Paragraphs 34-36: FRE 401, 402, 403, FRE 602 (lack of foundation).</p> <p>Paragraphs 38-42: FRE 401, 402, 403, FRE 602 (lack of foundation).</p> <p>Paragraph 44: FRE 401, 402, 403, FRE 602 (lack of foundation).</p> <p>Paragraphs 47-52: FRE 401, 402, 403, FRE 602 (lack of foundation).</p>
Exhibit 2034	<p>8:24-9:12: FRE 401, 402, 403.</p> <p>33:4-34:21: FRE 401, 402, 403</p>

Evidence	Objections
Exhibit 2036	FRE 401, 402, 403
Exhibit 2037	FRE 401, 402, 403
Exhibit 2038	FRE 401, 402, 403
Exhibit 2039	FRE 401, 402, 403
Exhibit 2040	FRE 401, 402, 403, FRE 602 (lack of foundation), FRE 701-702 (opinion testimony), FRE 801-802 (hearsay), FRE 901 (lack of authentication).

In addition to its specific objections stated above, Petitioner generally objects to all of Patent Owner's exhibits published after the priority date of the challenged patent as irrelevant to claim construction or an understanding of the prior art.

Petitioner reserves the right to further object to this and other evidence submitted with the Patent Owner's Response based on Patent Owner's subsequent use of and arguments based on such evidence.

Dated: October 4, 2018

Respectfully submitted,

By: /s/ James L. Day

James L. Day

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Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2018, copies of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64** and all documents filed with it were served by electronic mail:

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