

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 EXHIBIT

Pursuant to 37 C.F.R. § 42.64, Patent Owner submits the following objections to Exhibit 1024 (“Excerpts from the transcript of the deposition of Paul Maxwell Cook conducted on October 30, October 31, and November 1, 2018”), which Petitioner filed with its Petitioner’s Reply on December 13, 2018.

I. Exhibit 1024

Patent Owner objects to Exhibit 1024 under FRE 106 for lack of completeness. The entirety of the deposition transcript should be considered in the interest of fairness, at least because the provided copy omits the separation between the testimony for the district court and the testimony relating to the IPRs.

Patent Owner objects to Exhibit 1024 under FRE 801, 802, and 805 as containing hearsay and/or hearsay within hearsay. To the extent the declarant relies on the testimony taken for the district court litigation for the truth of the matter asserted, Patent Owner objects to such content as inadmissible hearsay and/or hearsay within hearsay that does not fall under any exceptions. Such litigation testimony was outside of the scope of the IPR depositions.

Patent Owner objects to Exhibit 1024 under FRE 403 because, as a result of the incompleteness of the deposition transcript and of the testimony taken for the district court litigation being hearsay, the probative value of the exhibit is substantially outweighed by a danger of unfair prejudice, confusing the issues, and misleading the finder of fact.

Respectfully submitted,

Dated: December 20, 2018

By: /Cory C. Bell/
Cory C. Bell, Back-up Counsel
Reg. No. 75,096

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing “**PATENT OWNER’S OBJECTIONS TO PETITIONER’S EXHIBIT**” was served on December 20, 2018, via email directed to counsel of record for the Patent Owner at the following:

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Dated: December 20, 2018

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