

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

AVAGO TECHNOLOGIES INTERNATIONAL SALES PTE. LIMITED,
Patent Owner.

Inter Partes Review No. IPR2020-01582

U.S. Patent No. 8,572,138 B2

**PATENT OWNER'S RESPONSE TO PETITIONER'S OBJECTIONS TO
PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(2), Patent Owner Avago Technologies International Sales Pte. Limited ("Avago" or "Patent Owner") hereby respectfully responds to Petitioner's Objections to Patent Owner's Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) (Paper 25), filed on November 15, 2021. In its Objections, Petitioner objects to "Portions of Patent Owner's Sur-Reply" because the Sur-Reply allegedly raises "new issues and arguments that could have been raised in pervious briefings" and seeks to exclude portions of the Sur-Reply under Fed. R. Evid. 403. However, as the Patent Trial and Appeal Board Consolidated Trial Practice Guide, November 2019, notes on page 80, "Nor should a motion to exclude address arguments or evidence that a party believes exceeds the proper scope of reply or sur-reply." In addition, on November 23, 2021, the Board denied Petitioner's request to file a Motion to Strike the same portions of the Sur-Reply that are objected to above. Thus, Petitioner's objections are improper.

Respectfully submitted,

Dated: November 30, 2021

By: /s/Daniel S. Young/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S RESPONSE TO PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** was filed through the Patent Trial and Appeal Board End to End (PTAB E2E) electronic filing system on November 30, 2021 with a confirmation copy served via electronic mail, on the following counsel of record for Petitioner:

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