

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner

v.

VIDEOLABS, INC.,
Patent Owner

Case IPR2023-00628
Patent 7,233,790

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

Patent Owner, VideoLabs, Inc., objects under the Federal Rules of Evidence (FRE) and 37 C.F.R. § 42.62 to the admissibility of the Declaration of June Ann Munford and the underlying documents, collectively submitted by Petitioner as Exhibit 1030.

I. Objections Under FRE

Patent Owner objects to Exhibit 1030 as inadmissible hearsay under FRE 801-807, because the dates and other information within this exhibit are used for the truth of the matter asserted. Also, this exhibit is objected to as not authenticated under FRE 901, and the documents are not self-authenticating under FRE 902. Further, this exhibit is objected to as irrelevant and inadmissible under FRE 401 and 402, and unduly prejudicial under FRE 403. Specifically, the late filing of Exhibit 1030 is unduly prejudicial to Patent Owner as Petitioner withheld or elected not to obtain and submit this exhibit with their Petition—which could have been addressed in Patent Owner Preliminary Response or Patent Owner Response. Therefore, Exhibit 1030 is objected to under FRE 401-403, 801-807, 901, and 902.

II. Conclusion

These objections are timely presented, as they are submitted and served within five business days of service of evidence to which the objection is directed. 37 C.F.R. § 42.64(b)(1). Patent Owner reserves the right to file a motion to exclude Exhibit 1030 under 37 C.F.R. § 42.64(c).

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Dated: March 21, 2024

Respectfully submitted,
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Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on March 21, 2024
a copy of the foregoing document was served by email to counsel for Petitioner:

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