UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,

Petitioner,

v.

DDC TECHNOLOGY, LLC,

Patent Owner.

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IPR2023-00707

U.S. Patent 9,420,075

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

Mail Stop PATENT BOARD, PTAB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence ("FRE"), Patent Owner hereby objects to the admissibility of the evidence and arguments identified below that were submitted by Petitioner with its Petition for *inter partes* review of U.S. Patent No. 9,420,075, Case No. IPR2023-00707. Patent Owner also objects to Petitioner's reliance on, or citation to, any objected to evidence or arguments in its papers. These objections are timely as they have been filed and served within ten (10) business days of the institution of the trial in this matter.

Patent Owner objects to the admissibility of Petitioner's Exhibit 1002, the Declaration of Kurtis Keller, based on FRE, 702, 703, and 704. Exhibit 1002 offers conclusory opinion testimony without having demonstrated the requisite expertise, basis, methodology, foundation for, or the reliability of, the opinions expressed in Exhibit 1002.

Patent Owner objects to the admissibility of Petitioner's Exhibit 1002, the Declaration of Kurtis Keller, based on FRE 802, 803, 804, 805, 806, and 807 as Exhibit 1002 improperly contains and relies upon inadmissible hearsay.

Respectfully submitted,

Dated: November 8, 2023

/Robert R. Brunelli/

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## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a) and (b), I certify that on November 8, 2023, a true and accurate copy of the foregoing paper was served on the following counsel for Petitioner via e-mail, pursuant to Petitioner's consent to e-mail service:

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Dated: November 8, 2023

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