UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC

Petitioner

v.

DDC TECHNOLOGY, LLC,

Patent Owner

U.S. Patent No. 10,528,199

Case No.: IPR2023-00709

PETITIONER'S OBJECTIONS TO

PATENT OWNER'S PRE-TRIAL EVIDENCE

Pursuant to 37 C.F.R. § 42.64 and the Federal Rules of Evidence, Petitioner Google objects to the admissibility of Patent Owner DDC's pre-trial evidence. The exhibits objected to, and grounds for Google's objections, are listed below. Google also objects to DDC's reliance on or citation to any objected evidence in its papers.

I. Exhibits 2017 and 2020 are Inadmissible per a Mediation Agreement and Inadmissible per F.R.E. 408

Petitioner objects to Exhibits 2017 and 2020 for violating a mediation agreement the parties signed (see EX1019) as well as Sections 154.053 and 154.073 of the Texas Alternative Dispute Procedures Act cited therein. See POPR Reply, paper 15, pp. 5-6. Additionally, Petitioner objects to Exhibits 2017 and 2020 for containing information protected by F.R.E. 408.

II. EX2023 Includes Inadmissible Hearsay and F.R.E. 408 Protected Information

Petitioner objects to Exhibit 2023 for containing hearsay. Exhibit 2023 is a declaration by Patrick Buckley in which he recounts conversations with third parties at ¶¶ 10, 15-16. Those declarants have not testified in this proceeding, and DDC offers this evidence to prove the truth of the matter asserted, thus violating

F.R.E. §§ 801, 802. See IPR2023-00707, Institution Decision, paper 27, at fn 24. Additionally, Petitioner objects to ¶¶ 12, 13 for containing information protected by F.R.E. 408.

III. EX2035 is Inadmissible per F.R.E. 408

Petitioner objects to Exhibits 2035 for containing information protected by F.R.E. 408.

IV. Conclusion

To the extent Patent Owner does not expunge the evidence identified above as well as any reliance on and reference to that evidence from its papers, Petitioner may file a motion to exclude under 37 C.F.R. § 42.64(c).

Respectfully Submitted,

Dated: November 22, 2023

Michael L. Kiklis_____

Michael L. Kiklis
Reg. No. 38,939
Attorney for Petitioner
Google LLC

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) of PETITIONER'S OBJECTIONS TO PATENT OWNER'S PRE-TRIAL EVIDENCE by filing this document through the USPTO Patent Trial and Appeal Case Tracking System and by emailing a copy to the following email addresses:

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Respectfully Submitted,

Dated: November 22, 2023

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