

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

VL COLLECTIVE IP LLC,
Patent Owner.

Case IPR2023-00891
Patent No. 8,605,794

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

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Netflix, Inc. (“Petitioner”), hereby submits the following objections to Exhibits 2015–2019 filed with Patent Owner VL Collective IP LLC’s Patent Owner Response. Pursuant to 37 C.F.R. § 42.62, Petitioner’s objections below apply the Federal Rules of Evidence (“F.R.E.”).

Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed five business days of service of the evidence. Petitioner files and serves its objections to provide notice that they may move to exclude Exhibits 2015–2019 under 37 C.F.R. § 42.64(c).

II. OBJECTIONS TO EVIDENCE

A. Exhibit 2015 (Deposition Transcript of Dr. Freedman in IPR2022-1086)

Petitioner hereby objects to Exhibit 2015 under F.R.E. 401–403 and 37 C.F.R. § 42.61. Patent Owner cites Exhibit 2015 as support for its proposed construction of the “assignment rule” limitations of the challenged claims. *See* Paper 28 at 37–38. However, Exhibit 2015 reflects the deposition testimony of an expert (retained by Unified Patents, a non-party to this proceeding) in a proceeding entirely distinct from this one. The opinions of a non-party’s expert have no relevance to the positions taken by the parties in this proceeding. To the extent that Dr. Freedman’s testimony may be minimally probative of any issue in this proceeding, its introduction into evidence would be unfairly prejudicial to

Petitioner. Accordingly, Petitioner objects to Exhibit 2015 as irrelevant and unfairly prejudicial under F.R.E. 401–403.

B. Exhibits 2016–2019

Petitioner hereby objects to Exhibits 2016–2019 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibits are not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibits 2016–2019 as impermissible hearsay under F.R.E. 801 and 802 because they contain out of court statements that are offered for the truth of the matters asserted, and thus constitute impermissible hearsay for which Patent Owner has not demonstrated any exception or exclusion to the rule against hearsay. Accordingly, permitting reliance on these documents in the Patent Owner Response or other submissions by Patent Owner would be misleading and unfairly prejudicial to Petitioner (F.R.E. 403).

Petitioner further objects to Exhibit 2018 under F.R.E. 106. Patent Owner has produced an incomplete version of Exhibit 2018.

Dated: May 8, 2024

By: /s/ Aliza George Carrano
Aliza George Carrano
PTO Reg. No. 70,637
Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on May 8, 2024, a copy of the foregoing document was served by email directed to the following counsel of record and distribution list:

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/s/ Aliza George Carrano

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