

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MICROSOFT CORPORATION,  
Petitioner,

v.

REALD SPARK, LLC,  
Patent Owner.

Case No. IPR2023-01046

Patent No. 10,740,985

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**PETITIONER'S OBJECTIONS TO PATENT OWNER'S ALLEGED  
EVIDENCE SUBMITTED OCTOBER 13, 2023**

Petitioner Microsoft Corporation (“Petitioner”) hereby files objections to the alleged evidence submitted by RealD Spark, LLC (“Patent Owner”) with its Preliminary Response to Petition for *Inter Partes* Review of U.S. Patent No. 10,740,985 on October 13, 2023.

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner objects to the alleged evidence on the grounds identified in the table below. These objections are timely because they are being filed within ten business days of institution of the trial (December 21, 2023).

| Evidence | Brief Description of Grounds for Objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex. 2001 | <p data-bbox="557 961 1419 1220">Federal Rule of Evidence (“FRE”) 401, 402, and 403: The paragraphs 59-66 in Ex. 2001 that are not cited in Patent Owner’s Preliminary Response to Petition are irrelevant. Any belated attempt to rely on any of these irrelevant paragraphs would violate at least 37 C.F.R. § 42.6(a)(3).</p> <p data-bbox="557 1262 1419 1604">37 C.F.R. § 42.65(a) and FRE 705: The paragraphs 45, 101, 103-105, and 108 in Ex. 2001 take factual positions and make assertions on what a person having ordinary skill in the art would have understood and/or would have done. However, these paragraphs fail to cite any evidence or provide underlying facts or data on which the positions are based and provide insufficient explanation on how the relevant conclusions are made.</p> <p data-bbox="557 1646 1419 1894">FRE 602, 702, 703: The paragraphs 45, 101, 103-105 and 108 in Ex. 2001 fail to establish that the opinions contained therein are based on the kinds of facts or data upon which experts in the field would reasonably rely, are based on insufficient facts and data, and are unreliable.</p> |

Dated: January 8, 2024

Respectfully Submitted,

/ Alexander B. Stein /  
Alexander B. Stein (Reg. No. 71,397)

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e)(4), lead counsel for Petitioner hereby certifies that on January 8, 2024, copies of this PETITIONER'S OBJECTIONS TO PATENT OWNER'S ALLEGED EVIDENCE SUBMITTED OCTOBER 13, 2023 were served via email to the counsel of record at the listed service email address:

Ashley N. Moore [amoore@mrlip.com](mailto:amoore@mrlip.com)  
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Dated: January 8, 2024

Respectfully Submitted,

/ Alexander B. Stein /  
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Alexander B. Stein (Reg. No. 71,397)