UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner
v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner

U.S. Patent 11,470,138
Issue Date: October 11, 2022
Title: APPARATUS, SYSTEM, AND METHOD FOR MULTI-BITRATE CONTENT STREAMING

Inter Partes Review No. IPR2024-00044

PETITIONER'S OBJECTIONS UNDER 37 C.F.R. § 42.64 TO PATENT OWNER'S SUPPLEMENTAL EVIDENCE

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Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via PTAB P-TACTS

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Aylo Freesites Ltd ("Aylo") objects to the supplemental evidence (EX. 2090) served by Patent Owner DISH Technologies LLC ("DISH") on August 9, 2024.

Exhibit 2090 exceeds being "offered solely to support admissibility of the originally filed evidence." *Handi Quilter, Inc. v. Bernina Int'l AG*, IPR2013-00364, Paper 30 at 2 (PTAB June 12, 2014). Rather, Exhibit 2090 seeks to introduce new evidence that could have and should have been raised in DISH's Patent Owner Response. DISH has not sought leave to file this new evidence under 37 C.F.R. § 42.123.

In addition, Aylo objects to the admissibility of Ex. 2090 as follows:

Exhibit	Objection[1]
2090	**F.R.E. 401/402** (lack of relevance), **403** (prejudice, confusing, waste of time), **602** (lack of foundation), **702/703** (offering expert opinions without being qualified as an expert), **106** (incomplete), **802** (hearsay), and **901** (authenticity of relied upon documents).

[1] "F.R.E." herein refers to the Federal Rules of Evidence.

DATED: August 16, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2024 I caused a true and correct copy of the foregoing objections to be served via email to counsel of record:

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DATED: August 16, 2024

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