

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,

Petitioners,

v.

DISH TECHNOLOGIES L.L.C.,

Patent Owner.

Case IPR2024-00045

U.S. Patent No. 10,469,554

**PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64 TO
PETITIONER'S EVIDENCE SUBMITTED WITH PETITION FOR *INTER*
PARTES REVIEW OF U.S. PATENT NO. 10,469,554**

DISH Technologies L.L.C. (“Patent Owner”), respectfully submits the following objections to exhibits filed by Petitioner on October 13, 2023, as cited in its Petitioner’s request for *Inter Partes* Review of U.S. Patent No. 10,469,554 (“the ’554 Patent”). These objections are made within five business days from the Board’s decision to Institute, which was signed on April 16, 2024.

Objected to Exhibit	Basis for Objection
Ex. 1003 – Dr. Houh Declaration, ¶¶ 68, 69, 71, 74, 77, 83, 101, 103-104	FRE 401-403: These paragraphs are irrelevant at least because Dr. Houh’s testimony is not based on sufficient facts or data. Nor would it help the trier of fact understand the evidence or determine a fact in issue. FRE 702: Dr. Houh’s testimony in these paragraphs is conclusory and is not based on sufficient facts or data. FRE 802: These paragraph contains hearsay to the extent that Petitioner attempts to use any of the statements contained therein for the truth of the matter asserted without regard to the underlying assumptions that form the basis for said statements.

Objected to Exhibit	Basis for Objection
Ex. 1006 – SMIL 2.0	FRE 401-403: This exhibit should be excluded at least because it is irrelevant to any fact in issue in the instant Petition. This exhibit makes no mention of the '554 Patent or the instant proceedings, and it provides marginal probative value to any fact in issue in the instant proceeding. Nor would this exhibit help the trier of fact understand the evidence or any fact in issue. If introduced, this exhibit would be substantially prejudicial to Patent Owner. FRE 802: This exhibit contains hearsay to the extent that Petitioner attempts to use any of the statements contained therein for the truth of the matter asserted without regard to the underlying assumptions that form the basis for said statements.
Ex. 1007 – Chang	FRE 401-403: This exhibit should be excluded at least because it is irrelevant to any fact in issue in the instant Petition. This exhibit makes no mention of the '554 Patent or the instant proceedings, and it provides

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	marginal probative value to any fact in issue in the instant proceeding. Nor would this exhibit help the trier of fact understand the evidence or any fact in issue. If introduced, this exhibit would be substantially prejudicial to Patent Owner. FRE 802: This exhibit contains hearsay to the extent that Petitioner attempts to use any of the statements contained therein for the truth of the matter asserted without regard to the underlying assumptions that form the basis for said statements.
Ex. 1008 – Kliger	FRE 401-403: This exhibit should be excluded at least because it is irrelevant to any fact in issue in the instant Petition. This exhibit makes no mention of the '554 Patent or the instant proceedings, and it provides marginal probative value to any fact in issue in the instant proceeding. Nor would this exhibit help the trier of fact understand the evidence or any fact in issue. If

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	introduced, this exhibit would be substantially prejudicial to Patent Owner. FRE 802: This exhibit contains hearsay to the extent that Petitioner attempts to use any of the statements contained therein for the truth of the matter asserted without regard to the underlying assumptions that form the basis for said statements.
Ex. 1013 – Chou	FRE 401-403: This exhibit should be excluded at least because it is irrelevant to any fact in issue in the instant Petition. This exhibit makes no mention of the '554 Patent or the instant proceedings, and it provides marginal probative value to any fact in issue in the instant proceeding. Nor would this exhibit help the trier of fact understand the evidence or any fact in issue. If introduced, this exhibit would be substantially prejudicial to Patent Owner.

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	FRE 802: This exhibit contains hearsay to the extent that Petitioner attempts to use any of the statements contained therein for the truth of the matter asserted without regard to the underlying assumptions that form the basis for said statements.
Ex. 1014 – Ogdon Provisional	FRE 401-403: This exhibit should be excluded at least because it is irrelevant to any fact in issue in the instant Petition. This exhibit makes no mention of the '554 Patent or the instant proceedings, and it provides marginal probative value to any fact in issue in the instant proceeding. Nor would this exhibit help the trier of fact understand the evidence or any fact in issue. If introduced, this exhibit would be substantially prejudicial to Patent Owner. FRE 802: This exhibit contains hearsay to the extent that Petitioner attempts to use any of the statements contained therein for the truth of the matter asserted without regard

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	to the underlying assumptions that form the basis for said statements.
Ex. 1015 – Ogdon FH	FRE 401-403: This exhibit should be excluded at least because it is irrelevant to any fact in issue in the instant Petition. This exhibit makes no mention of the '554 Patent or the instant proceedings, and it provides marginal probative value to any fact in issue in the instant proceeding. Nor would this exhibit help the trier of fact understand the evidence or any fact in issue. If introduced, this exhibit would be substantially prejudicial to Patent Owner. FRE 802: This exhibit contains hearsay to the extent that Petitioner attempts to use any of the statements contained therein for the truth of the matter asserted without regard to the underlying assumptions that form the basis for said statements.

Date: April 22, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on April 22, 2024, a complete and entire copy of these objections was provided via email to the Petitioner by serving the correspondence email addresses of record as follows:

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