UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD and fuboTV MEDIA INC.,

Petitioners,

v.

DISH TECHNOLOGIES L.L.C.,

Patent Owner.

Case IPR2024-00146[1]

U.S. Patent No. 10,469,555

PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64 TO PETITIONER'S EVIDENCE SUBMITTED WITH PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

[1] fuboTV Media Inc., which filed a petition in IPR2024-00905, has been joined as a petitioner in this proceeding.

DISH Technologies L.L.C. ("Patent Owner"), respectfully submits the following objections to exhibits filed by Petitioner on October 8, 2024, as cited in its Petitioner's Reply to Patent Owner's Response with regards to *Inter Partes* Review of U.S. Patent No. 10,469,555 ("the '555 Patent"). These objections are made within five business days from the filing of Petitioner's Reply.

Objected to Exhibit	**Basis for Objection**
Ex. 1018 – Lewis	**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 '138 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. In addition to this, Ex. 1018 is irrelevant because it was not cited in Petitioner's Reply. **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

Objected to Exhibit	Basis for Objection
	to the underlying assumptions that form the basis for said statements.
Ex. 1019 – Willebeek-LeMair	**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 '138 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. 1020 – Dr. Jeffay Declaration from IPR2022-01430	**FRE 401-403:** This exhibit should be excluded at least because it is irrelevant to any fact in issue in the instant

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	Petition. This exhibit makes no mention of the '138 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.
Ex. 1021 – Major Deposition (Sept. 17, 2024)	Patent Owner objects to Ex. 1021 for each of the reasons noted in the objections made during the taking of the underlying deposition.
Ex. 1022 – Hudson	**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 '138 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. 1023 – Dr. Jeffay Declaration from IPR2021-00112	**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 '138 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.
Ex. 1024 – International PCT Publication WO2002049343A1 ("Leaning")	**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 '138 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. In addition to this, Ex. 1024 is irrelevant because it was not cited in Petitioner's Reply.
Ex. 1025 – U.S. Pat. No. 6,389,473 ("Carmel")	**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 '138 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. In addition to this, Ex. 1025 is irrelevant because it was not cited in Petitioner's Reply.
Ex. 1026 – U.S. Pat. No. 6,967,963	**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 '138

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	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. In addition to this, Ex. 1025 is irrelevant because it was not cited in Petitioner's Reply.
Ex. 1027 – U.S. Pat. No. 10,225,304	**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 '138 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.
Ex. 1028 – Dr. Houh Supplemental Declaration, ¶¶ 26-27 31, 34-36, 39, 46-47, 49-50, 54-55, 58-63,	**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

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66, 69-70, 75, 77, 79, 84	the evidence or determine a fact in issue. Furthermore, at least ¶¶ 34-36 present improper reply evidence, based on a theory that was neither disclosed in his original declaration nor established in the Petition, making said evidence irrelevant. **FRE 702 and 703:** Dr. Houh's testimony in these paragraphs is conclusory, is not based on sufficient facts or data, is not the product of reliable principles and methods, and does not reliably apply the appropriate principles and methods to the facts of the case.
Ex. 1029 – Dr. Jeffay Declaration from IPR2014-00737	**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 '138 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.
Ex. 1030 – Dr. Jeffay Deposition Transcript (Oct. 1, 2024)	Patent Owner objects to Ex. 1030 for each of the reasons noted in the objections made during the taking of the underlying deposition, including that the questioning exceeded the scope of Dr. Jeffay's direct testimony and the issues in this case, and that the testimony was elicited for an improper purpose.
Ex. 1031 – Realsystem G2 Production Guide (1999)	**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 '138 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 801, 802, 901, 1002, 1003: 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. Patent Owner further objects to this exhibit for lacking authentication, lacking foundation, and/or causing undue prejudice.
Ex. 1033 – Random House Webster's College Dictionary (1997)	**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 '138 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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Ex. 1034 – Meriam-Webster's Collegiate Dictionary Tenth Edition (1997)	**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 '138 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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Ex. 1035 – U.S. Pat. Pub. No. 2005/0262257	**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 '138 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.

Date: October 16, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on October 16, 2024, a complete and entire copy of these objections were provided via email to the Petitioner by serving the correspondence email addresses of record as follows:

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