

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISNEY MEDIA & ENTERTAINMENT DISTRIBUTION LLC,
Petitioner

v.

DIGITAL MEDIA TECHNOLOGY HOLDINGS, LLC,
Patent Owner.

Case No. IPR2024-00736
U.S. Patent No. 7,574,725

PETITIONER'S OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to the Federal Rules of Evidence ("FRE") and 37 C.F.R. § 42.64(b)(1), Petitioner Disney Media & Entertainment Distribution LLC objects to the evidence submitted by Patent Owner Digital Media Technology Holdings, LLC in this proceeding. Petitioner reserves the right to move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c).

II. SPECIFIC OBJECTIONS

A. Exhibit 2109

Mr. Stiliadis does not constitute a person of ordinary skill in the art, as that term has been defined in this proceeding by the Board, Petitioner, and Patent Owner. Paper 15 at 9; Paper 1 at 5-6; Paper 18 at 11; Ex-2109 ¶2. Petitioner objects to Exhibit 2019 as improper under FRE 701-705 because Mr. Stiliadis provides improper testimony in paragraphs 18-20. To the extent Mr. Stiliadis offers opinions as an expert in paragraphs 18-20 of Exhibit 2109, such opinions are inadmissible under *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993) and FRE 701-705. The testimony will not help the trier of fact understand the evidence or determine a fact in issue, and such opinions are not based on sufficient facts or data and reliable principles and methods.

Petitioner further objects to Exhibit 2109 under FRE 801-802 because Mr. Stiliadis has not been made available for deposition. Petitioner reserves the right to

raise any additional objections that become apparent from Mr. Stiliadis's deposition at that time if he is made available for deposition.

B. Exhibit 2110

Petitioner objects to Exhibit 2110 under FRE 801-802 because Mr. Handal has not been made available for deposition. Petitioner reserves the right to raise any additional objections that become apparent from Mr. Handal's deposition at that time if he is made available for deposition.

Petitioner further objects to Exhibit 2110 under FRE 401-403 because Exhibit 2110 is not relevant to any issue in the IPR. Patent Owner filed Exhibit 2110 with its Response (Paper 18) but neither Patent Owner nor any of their other three declarants cite or refer to Exhibit 2110 for any purpose. Thus, Exhibit 2110 is irrelevant and should be excluded.

C. Exhibit 2121

Mr. Daniels does not constitute a person of ordinary skill in the art, as that term has been defined in this proceeding by the Board, Petitioner, and Patent Owner. Paper 15 at 9; Paper 1 at 5-6; Paper 18 at 11; Ex-2121 ¶¶2-3; Ex-2120. Petitioner objects to Exhibit 2121 as improper under FRE 701-705 because Mr. Daniels provides improper testimony in paragraphs 4-20. To the extent Mr. Daniels offers opinions as an expert in paragraphs 4-20 of Exhibit 2121, such opinions are inadmissible under *Daubert*, 509 U.S. 579 (1993) and FRE 701-705. The testimony

will not help the trier of fact understand the evidence or determine a fact in issue, and such opinions are not based on sufficient facts or data and reliable principles and methods.

Petitioner further objects to Exhibit 2121 under FRE 801-802 because Mr. Daniels has not been made available for deposition. Petitioner reserves the right to raise any additional objections that become apparent from Mr. Daniels's deposition at that time if he is made available for deposition.

D. Exhibit 2131

Mr. Tulchin does not constitute a person of ordinary skill in the art, as that term has been defined in this proceeding by the Board, Petitioner, and Patent Owner. Paper 15 at 9; Paper 1 at 5-6; Paper 18 at 11; Ex-2131 ¶¶4, 10; Ex-2130. Petitioner objects to Exhibit 2131 as improper under FRE 701-705 because Mr. Tulchin provides improper testimony in paragraphs 5-35. To the extent Mr. Daniels offers opinions as an expert in paragraphs 5-35 of Exhibit 2131, such opinions are inadmissible under *Daubert*, 509 U.S. 579 (1993) and FRE 701-705. The testimony will not help the trier of fact understand the evidence or determine a fact in issue, and such opinions are not based on sufficient facts or data and reliable principles and methods.

Petitioner objects to Exhibit 2131 under FRE 801-802 because Mr. Tulchin has not been made available for deposition. Petitioner reserves the right to raise any

additional objections that become apparent from Mr. Tulchin's deposition at that time if he is made available for deposition.

Respectfully Submitted,

/s/ Ben Haber
Ben Haber (Reg. No. 67,129)

CERTIFICATE OF SERVICE

The undersigned certifies under 37 C.F.R. §42.6(e) that on March 6, 2025, a true and correct copy of Petitioner's Objections to Evidence was served by filing this document through the PTAB P-TACTS System, as well as by email, on the counsel of record for the Patent Owner:

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Respectfully submitted,

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