Filed on behalf of: fuboTV Media Inc. and Yanka Industries, Inc.

Entered: March 7, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

fuboTV MEDIA INC. and Yanka Industries, Inc.,
Petitioners,

v.

DISH Technologies L.L.C.,
Patent Owner.

IPR2024-00918
Patent 9,407,564

PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners fuboTV Media Inc. and Yanka Industries, Inc. submit the following objections to the evidence submitted by Patent Owner Dish Technologies L.L.C. Petitioners' objections apply equally to Patent Owner's reliance on this evidence in any subsequently filed documents or further proceedings in this matter. These objections are timely, having been filed and served within five business days of service. Notwithstanding these objections, Petitioners expressly reserve the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibit 2020, 2099-2100, 2123, 2126-2127, 2141

Petitioners objects to these exhibits as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent they impermissibly act as a conduit for hearsay, including the hearsay objected to herein, and do not rely on the kinds of facts or data that experts in the relevant fields would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioners further object to these exhibits for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent they offer testimony in areas outside the declarants' respective areas of

expertise (if any) or fail to properly provide the underlying facts, data, and other required disclosures. For example, Petitioners object to footnote 6 at pages 45-46 of Exhibit 2141 for failing to properly provide the underlying facts, data, and other required disclosures for such testimony. *See* 37 C.F.R. § 42.65.

Exhibits 2073, 2101, 2102, 2124, 2125, 2128, 2132

Petitioners object to these exhibits as inadmissible hearsay under FRE 801 and 802 not falling under any exception. Petitioners further objects to these exhibits as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent they impermissibly act as a conduit for hearsay, including the hearsay objected to herein, and do not rely on the kinds of facts or data that experts in the relevant fields would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioners further object to these exhibits for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent they offer testimony in areas outside the witnesses' respective areas of expertise or fail to properly provide the underlying facts, data, and other required disclosures. Petitioners further object to Exhibit 2073 as incomplete under FRE 106 as it is described as an excerpt of a larger document.

Exhibits 2011-2013, 2015-2016, 2019, 2021-2055, 2057-2070, 2074-2096, 2103-2105, 2107-2110, 2112-2114, 2116-2122, 2129-2131, 2134, 2137, 2138, 2140, 2142

Petitioner objects to these exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they are authentic or self-authenticating under FRE 902. To the extent Patent Owner relies on these documents for the truth of the matter asserted, Petitioner objects to these exhibit as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Petitioners object to Exhibits 2011, 2016, 2063, 2093-2095, and 2134 under Fed. R. Evid. 401 and 402 as lacking relevance. These exhibits are irrelevant at least because they do not make any fact more or less probable than it would be without the evidence. Petitioners object to these exhibits because any probative value of the documents are substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Exhibits 2018, 2071, 2133, 2135, 2136

Petitioner objects to these exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they are authentic or self-authenticating under FRE 902. To the extent Patent Owner relies on these documents for the truth of the matter asserted, Petitioner objects to

these exhibit as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Petitioners object to these exhibits under Fed. R. Evid. 401 and 402 as lacking relevance. These exhibits are irrelevant at least because they do not make any fact more or less probable than it would be without the evidence. Petitioners object to these exhibits because any probative value of the documents are substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioners further object to these exhibits under 37 C.F.R. §42.65 as technical tests or data from such tests relied upon by Patent Owner, without the requisite affidavit. Petitioners additionally object to Exhibit 2018 under Fed. R. Evid. 401 and 402 as lacking relevance, FRE 602 as lacking foundation, and under FRE 701, 702, 703, and 705 as improper opinion testimony inasmuch as Patent Owner does not rely on this exhibit and no purported expert has offered admissible testimony about this exhibit.

Respectfully submitted,

Dated: March 7, 2025

By: / Inge A. Osman /

Inge A. Osman (Reg. No. 74,480)
inge.osman@lw.com

Latham & Watkins LLP
555 Eleventh Street, NW, Ste. 1000
Washington, DC 20004-1304
Tel.: 202.637.2200
Fax: 202.637.2201

Counsel for Petitioners
fuboTV Media Inc. and Yanka Industries, Inc. d/b/a MasterClass

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 7th day of March, 2025, a true and correct copy of the foregoing **Petitioner's Objections to Patent Owner's Evidence** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

Eliot D. Williams (Reg. No. 50,822)
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
T: 202.639.1334
F: 202.639.1167
eliot.williams@bakerbotts.com
DishvMindGeek@BakerBotts.com

G. Hopkins Guy III (Reg. No. 35,886)
BAKER BOTTS L.L.P.
1001 Page Mill Road, Bldg. 1, Suite 200
Palo Alto, California 94304-1007
T: 650.739.7500
F: 650.739.7610
hop.guy@bakerbotts.com
DishvMindGeek@BakerBotts.com

Ali Dhanani (Reg. No. 66,233)
BAKER BOTTS L.L.P.
910 Louisiana St.
Houston, TX 77002
T: 713.229.1108
F: 713.229.2808
ali.dhanani@bakerbotts.com
DishvMindGeek@BakerBotts.com

Thomas B. Carter Jr. (Reg. No. 76,040)
BAKER BOTTS L.L.P.
910 Louisiana St.
Houston, TX 77002
T: 713.229.1505
F: 713.229.7805
thomas.carter@bakerbotts.com
DishvMindGeek@BakerBotts.com

Andrew Wilson (Reg. No. 74,093)
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
T: 202.639.1312
F: 202.508-9336
andrew.wilson@bakerbotts.com
DishvMindGeek@BakerBotts.com

Jamie R. Lynn (Reg. No. 63,666)
BAKER BOTTS L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
T: 202.639.7786
F: 202.585.1026
jamie.lynn@bakerbotts.com
DishvMindGeek@BakerBotts.com

By: / Inge A. Osman /

Inge A. Osman (Reg. No. 74,480)
inge.osman@lw.com
Latham & Watkins LLP
555 Eleventh Street, NW, Ste. 1000
Washington, DC 20004-1304
Telephone: 202.637.2200
Fax: 202.637.2201

Counsel for Petitioners
fuboTV Media Inc. and Yanka Industries, Inc. d/b/a MasterClass