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.

IPR2024-00940
Patent No. 11,991,234

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Dish Technologies L.L.C. ("Patent Owner") respectfully submits the following objections to evidence filed by Petitioner Aylo Freesites Ltd ("Petitioner") with its Reply to Patent Owner's Response (Paper 45) ("Reply").

The following chart provides a non-exhaustive list of Patent Owner's objections to the admissibility of certain evidence (identified below) filed alongside Petitioner's Reply. Further, to the extent Patent Owner has already objected to the admissibility of certain testimony or documents, such as objections made during depositions, Patent Owner maintains all such objections in addition to those provided below.

Exhibit Number(s)	**Document Name**	**Federal Rule(s) of Evidence Forming the Basis of Patent Owner's Objection(s)**
1022	**Supplemental Declaration of Dr. Henry Houh (-00940), ¶¶ 12-27, 29-32, 34, 36-37, 40-48**	**401/402** (relevance): DISH objects to Paragraphs 12-27, 29-32, 34, 36-37, and 40-48 of Exhibit 1022 under FRE 401/402 because the information contained in these paragraphs is not relevant. Statements contained in these paragraphs neither touch upon a fact of consequence in determining the outcome of this matter nor have any tendency to make a fact more or less probable. With respect to at least one exemplary statement, Dr. Houh purports to offer an entirely new theory of how to an ordinary artisan would interpret "to achieve continuous presentation." These statements, for example, exceed the scope of Dr. Houh's previous declaration; introduce new, non-probative evidence of how to differently understand what it means "to achieve continuous presentation"; and fail to respond to the statements offered by DISH and its expert, Dr. Jeffay. *Compare* EX1022, ¶ 12 (Stating that "[a]ctually achieving uninterrupted, continuous playback is not required.") *with* EX1003 ¶¶, 44-46 (silent as

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		to claim construction for "continuous presentation"). **403** (prejudice, waste of time, confusing, needlessly cumulative): To the extent these paragraphs contain information that is probative, DISH objects to Paragraphs 12-27, 29-32, 34, 36-37 and 40-48 of Exhibit 1022 under FRE 403 at least because the information contained in these paragraphs is confusing, a waste of time, and/or needlessly cumulative of evidence already of record. For instance, Dr. Houh improperly imports additional, previously un-presented prior art to argue that certain claimed features of MOVE's Media Player were present in the prior art. *Cf.* EX1022, ¶ 46. This paragraph, which largely relies on entirely new and conclusory analysis is confusing, misleading, and a waste of time. And any probative value of these statements is substantially outweighed the danger of unfair prejudice to DISH, the Board's confusion of the issues, or needlessly presenting cumulative evidence.

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		702/703: (not helpful, insufficient facts/data, offers unreliable principles/methods, relies on improper evidence, unreasonably relies on facts/data upon which an expert would not rely): DISH objects to Paragraphs 12-27, 29-32, 34, 36-37, 40-48 of Exhibit 1022 under FRE 702/703 at least because Petitioners and Dr. Houh have not shown that the information contained in these paragraphs is more likely than not based on any scientific, technical, or specialized knowledge, sufficient facts or data, the product of reliable principles and methods, or the reliable application of any principles and methods to the facts of this case. Further, neither Dr. Houh nor Petitioners have adequately shown that the information contained in these paragraphs is information that an expert would reasonably consider in forming their opinions. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1022 for the truths of any matter asserted, DISH objects to Exhibit 1022 as inadmissible hearsay that does not fall under any exception.

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		901/902 (authenticity of relied upon documents/testimony): DISH objects to the paragraphs listed in Exhibit 1022 to the extent they rely upon documents that have not been properly authenticated under FRE 901. There is insufficient evidence to support a finding that documents cited in these paragraphs are what Petitioners or Dr. Houh claim them to be. DISH similarly objects to Exhibit 1022 under FRE 902 because Petitioners have not produced sufficient evidence that the documents cited in these paragraphs are self-authenticating.
1023	**Deposition Transcript of Dr. Kevin Jeffay, May 8, 2025**	DISH maintains all objections set forth during the deposition, as reflected on the transcript.
1024	**EPO Preliminary opinion for Opposition against EP 3 822 805 March 26, 2025**	**401/402** (relevance): DISH objects to Exhibit 1024 as not relevant. Exhibit 1024 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1024.

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		403 (prejudice, waste of time, confusing, needlessly cumulative): DISH objects to Exhibit 1024 because there is little-to-no probative value to the European Patent Office's ***preliminary*** decision regarding the validity of one of DISH's European patents covering aspects of adaptive bitrate streaming. Any statements on the decision are also inadmissible because the European Patent Office's validity analysis (let alone, a ***preliminary*** validity analysis) of a European patent applying European law is confusing, misleading, and a waste of time. As such, DISH objects to Exhibit 1024 under FRE 403 because any probative value added by Exhibit 1024 is substantially outweighed by the danger of: unfair prejudice to DISH, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1024 for the truths of any matter asserted, DISH objects to Exhibit

Exhibit Number(s)	Document Name	Federal Rule(s) of Evidence Forming the Basis of Patent Owner's Objection(s)
		1031 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1024 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1024 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1024 is self-authenticating.
1025	**Deposition Transcript of Drew Major, May 14, 2025**	DISH maintains all objections set forth during the deposition, as reflected on the transcript.
1026	**Deposition Transcript of Mark Mitchell, May 30, 2025**	DISH maintains all objections set forth during the deposition, as reflected on the transcript.
1027	**Deposition Transcript of**	DISH maintains all objections set forth during the deposition, as reflected on the transcript.

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	David Ericson, May 9, 2025	
1028	**Deposition Transcript of Drew Major, Ogdon IPRs, September 17, 2024**	**401/402** (relevance): DISH objects to Exhibit 1028 as not relevant. Exhibit 1028 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1028. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1028 contains relevant information, DISH objects to Exhibit 1028 under FRE 403 because any probative value added by Exhibit 1028 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1028 for the truths of any matter asserted, DISH objects to Exhibit

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		1028 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1028 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1028 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1028 is self-authenticating.
1030	**IPR2024-00046 Ogdon IPR Final Written Decision**	**401/402** (relevance): DISH objects to Exhibit 1030 as not relevant. Exhibit 1030 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1030. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1030 contains relevant information, DISH objects to Exhibit 1030 under FRE 403 because any probative value added by Exhibit 1030 is

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		substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1030 for the truths of any matter asserted, DISH objects to Exhibit 1030 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1030 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1030 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1030 is self-authenticating.

Exhibit Number(s)	**Document Name**	**Federal Rule(s) of Evidence Forming the Basis of Patent Owner's Objection(s)**
1031	**IPR2024-00046 Ogdon IPR Patent Owner Response**	**401/402** (relevance): DISH objects to Exhibit 1031 as not relevant. Exhibit 1031 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1031. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1031 contains relevant information, DISH objects to Exhibit 1031 under FRE 403 because any probative value added by Exhibit 1031 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1031 for the truths of any matter asserted, DISH objects to Exhibit 1031 as inadmissible hearsay that does not fall under any exception.

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		901/902 (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1031 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1031 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1031 is self-authenticating.
1032	**US 6,389,473 ("Carmel")**	**401/402** (relevance): DISH objects to Exhibit 1032 as not relevant. Exhibit 1032 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1032. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1032 contains relevant information, DISH objects to Exhibit 1032 under FRE 403 because any probative value added by Exhibit 1032 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the

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		Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1032 for the truths of any matter asserted, DISH objects to Exhibit 1032 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1032 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1032 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1032 is self-authenticating.
1033	**US 6,175,862 ("Chen/Feig")**	**401/402** (relevance): DISH objects to Exhibit 1033 as not relevant. Exhibit 1033 lacks any tendency to make any fact of consequence in

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		determining this action more or less probable than it would be without Exhibit 1033. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1033 contains relevant information, DISH objects to Exhibit 1033 under FRE 403 because any probative value added by Exhibit 1033 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1033 for the truths of any matter asserted, DISH objects to Exhibit 1033 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1033 as not properly authenticated under FRE 901 because there is insufficient

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		evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1033 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1033 is self-authenticating.
1034	**US 2002/0143973 A1 ("Price")**	**401/402** (relevance): DISH objects to Exhibit 1034 as not relevant. Exhibit 1034 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1034. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1034 contains relevant information, DISH objects to Exhibit 1034 under FRE 403 because any probative value added by Exhibit 1034 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information.

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		802 (hearsay): To the extent Petitioners rely on the contents of Exhibit 1034 for the truths of any matter asserted, DISH objects to Exhibit 1034 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1034 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1034 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1034 is self-authenticating.
1035	**Willebeek-LeMair – Bamba – Audio and Video Streaming over the Internet**	**401/402** (relevance): DISH objects to Exhibit 1035 as not relevant. Exhibit 1035 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1035. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1035

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		contains relevant information, DISH objects to Exhibit 1035 under FRE 403 because any probative value added by Exhibit 1035 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1035 for the truths of any matter asserted, DISH objects to Exhibit 1035 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1035 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1035 under FRE 902 because Petitioners have

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		not produced sufficient evidence that Exhibit 1035 is self-authenticating.
1036	**Dr. Jeffay Declaration PTAB-IPR2022-01430**	**401/402** (relevance): DISH objects to Exhibit 1036 as not relevant. Exhibit 1036 appears to contain statements made in a different IPR proceeding, concerning different prior art, different patents, and different parties. Exhibit 1036 lacks any tendency to make any fact of consequence in determining this action more or less probable than it would be without Exhibit 1036. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1036 contains relevant information, DISH objects to Exhibit 1036 under FRE 403 because any probative value added by Exhibit 1036 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information.

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		802 (hearsay): To the extent Petitioners rely on the contents of Exhibit 1036 for the truths of any matter asserted, DISH objects to Exhibit 1036 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1036 as not properly authenticated under FRE 901 because there is insufficient evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1036 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1036 is self-authenticating.
1037	**Deposition Transcript of Peter Ratcliffe, May 15, 2025**	DISH maintains all objections set forth during the deposition, as reflected on the transcript.
1038	**Ratcliffe Exhibit 1 – Innovative Research BT Research &**	**401/402** (relevance): DISH objects to Exhibit 1038 as not relevant. Exhibit 1038 lacks any tendency to make any fact of consequence in

Exhibit Number(s)	Document Name	Federal Rule(s) of Evidence Forming the Basis of Patent Owner's Objection(s)
	Venturing IPR Overview	determining this action more or less probable than it would be without Exhibit 1038. **403** (prejudice, waste of time, misleading, confusing, needlessly cumulative): To the extent Petitioners contend that Exhibit 1038 contains relevant information, DISH objects to Exhibit 1038 under FRE 403 because any probative value added by Exhibit 1038 is substantially outweighed by the danger of: unfair prejudice to DISH, misleading the Board, confusion of the issues presented in this action, wasting the time and resources of the parties and Board, and presenting the Board with needlessly cumulative information. **802** (hearsay): To the extent Petitioners rely on the contents of Exhibit 1038 for the truths of any matter asserted, DISH objects to Exhibit 1038 as inadmissible hearsay that does not fall under any exception. **901/902** (authenticity of relied upon documents/testimony): DISH objects to Exhibit 1038 as not properly authenticated under FRE 901 because there is insufficient

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		evidence to support a finding that the document in question is what Petitioners claim it to be. DISH similarly objects to Exhibit 1038 under FRE 902 because Petitioners have not produced sufficient evidence that Exhibit 1038 is self-authenticating.

Respectfully Submitted,

June 16, 2025

/Eliot D. Williams/

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §42.6, the undersigned certifies that on June 16, 2025, a complete and entire copy of the **PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PETITIONER'S REPLY** was served upon the following, by ELECTRONIC MAIL:

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