UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,
v.

X1 DISCOVERY, INC.,
Patent Owner

U.S. Patent No. 9,633,139

Case No. IPR2025-00255

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

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner X1 Discovery, Inc. ("PO") objects to the admissibility of the following evidence submitted by Petitioner Microsoft Corporation ("Petitioner"). These objections are made within ten (10) business days of the July 22, 2025 Institution Decision (Paper 14).

Exhibit 1003

PO objects to Exhibit 1003 as improper expert testimony under FRE 702, 703, 704, and 901, and 37 C.F.R.§ 42.65. This exhibit contains statements and opinions that do not rely on the kind of facts or data experts in the relevant field would reasonably rely upon. The exhibit fails to provide the underlying facts or data on which the opinion is based. PO further objects to this exhibit as improper lay testimony under FRE 701, to the extent it offers testimony outside of Dr. Terveen's area of expertise or fails to disclose the underlying facts or data on which the opinion is based. PO further objects to this exhibit as containing impermissible legal conclusions. To the extent Petitioner relies on the contents of this document for the truth of the matter asserted, PO objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807. PO further objects to this exhibit under FRE 401, 402, and 403 to the extent it relies on the Exhibits objected to below for the reasons explained therein.

Exhibits 1004-1006, 1021, 1023, 1059, and 1061

PO objects to Exhibit 1005 under FRE 401, 402, and 403. Any probative value of this exhibit is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, PO objects to Exhibit 1005 under FRE 901 as the authenticity of this exhibit has not been established. To the extent Petitioner relies on the contents of these documents for the truth of the matter asserted, PO objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 1010-1018, 1020, 1029-1037, 1054, 1056, 1058, 1077, and 1078

PO objects to these exhibits under FRE 401, 402, and 403. The exhibits comprise information that is not relevant to any ground upon which trial was instituted; any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Exhibits 1038, 1042, 1063-1074, 1079, 1081-1085, and 1086-1094

PO objects to these exhibits under FRE 401, 402, and 403. The exhibits comprise information that is not relevant to any ground upon which trial was instituted; any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. To the extent Petitioner relies on the contents of

these documents for the truth of the matter asserted, PO objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 1007, 1008, 1022, 1024-1028, 1039, 1041, 1043, 1044, 1052, 1053, 1055, and 1057

PO objects to these exhibits under FRE 401, 402, and 403. The exhibits comprise information that is not relevant to any ground upon which trial was instituted; any probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Further, PO objects to these exhibits under FRE 901 as the authenticity of these exhibits has not been established. To the extent Petitioner relies on the contents of these documents for the truth of the matter asserted, PO objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 1060

PO objects to Exhibit 1060 as improper expert testimony under FRE 702, 703, 704, and 901 and 37 C.F.R.§ 42.65. This exhibit contains statements and opinions that do not rely on the kind of facts or data experts in the relevant field would reasonably rely upon. The exhibit fails to provide the underlying facts or data on which the opinion is based. PO further objects to this exhibit as improper

lay testimony under FRE 701, to the extent it offers testimony outside of Dr. Hall-Ellis's area of expertise or fails to disclose the underlying facts or data on which the opinion is based. PO further objects to this exhibit as containing impermissible legal conclusions. To the extent Petitioner relies on the contents of this document for the truth of the matter asserted, PO objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807. PO further objects to this exhibit under FRE 401, 402, and 403 to the extent it relies on the Exhibits objected to above for the reasons explained therein.

Exhibit 1062

PO objects to Exhibit 1062 as improper expert testimony under FRE 702, 703, 704, and 901 and 37 C.F.R.§ 42.65. This exhibit contains statements and opinions that do not rely on the kind of facts or data experts in the relevant field would reasonably rely upon. The exhibit fails to provide the underlying facts or data on which the opinion is based. PO further objects to this exhibit as improper lay testimony under FRE 701, to the extent it offers testimony outside of Dr. Hsieh-Yee's area of expertise or fails to disclose the underlying facts or data on which the opinion is based. PO further objects to this exhibit as containing impermissible legal conclusions. To the extent Petitioner relies on the contents of this document for the truth of the matter asserted, PO objects to such contents as

inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807. PO further objects to this exhibit under FRE 401, 402, and 403 to the extent it relies on the Exhibits objected to above for the reasons explained therein.

Dated: August 5, 2025 By: /Lori A. Gordon/

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CERTIFICATE OF SERVICE

A copy of this Patent Owner's Objections to Petitioner's Evidence Pursuant to 37 C.F.R. § 42.64 has been served on Petitioner's attorneys of record as follows via electronic mail:

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