

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Google LLC,
Petitioner

v.

Withrow Networks Inc.
Patent Owner

Case IPR2025-00775
Patent No. 10,771,849 B2

PETITIONER'S OBJECTIONS TO EVIDENCE

Petitioner Google LLC's ("Petitioner" or "Google") hereby submits objections to evidence submitted by Patent Owner Withrow Networks Inc. ("Patent Owner" or "Withrow") in connection with Patent Owner's Response ("POR") within five business days of service of such evidence pursuant to 37 C.F.R. § 42.64(b)(1). The discussion below identifies the evidence Petitioner objects to and identifies the grounds for the objection with particularity, including the Federal Rules of Evidence ("FRE") or other rules that form the basis for the objections. Petitioner also objects to Patent Owner's reliance on or citation to any objected evidence in its papers.

I. IDENTIFICATION OF CHALLENGED EVIDENCE AND GROUNDS

A. Exhibit 2014 - Declaration of Matthew Goldman

Petitioner has yet to complete cross-examination of Mr. Goldman but intends to do so in advance of Due Date 2. Petitioner therefore reserves the right to object to and move to exclude Exhibit 1002 or any testimony therein on the basis of FRE 602 (lack of personal knowledge), FRE 702 (lack of qualification as expert), FRE 703 (insufficient support for expert testimony), FRE 402 (relevance), or FRE 403 (excluding evidence for prejudice, confusion, waste of time, or other reasons).

Petitioner objects under FRE 703 to all paragraphs of Exhibit 2014 that rely on Exhibits to which Petitioner objects below as inadmissible evidence, including, for example, paragraphs numbers: 27, 28, 29, 30, 31, 32, 33, 35, 38, 39, 46, 102, 103, 109.

B. Exhibit 2017 - Printout of movy.tv website from Internet Archive

Petitioner objects to Exhibit 2017 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. For example, to the extent that the dates presented in Exhibit 2017 are relied upon by Patent Owner as proof of dates relevant to the creation or publication date of Exhibit 2017 itself, those dates are inadmissible hearsay. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. This exhibit purports to be an archived copy of a website, but Patent Owner fails to offer an effective declaration or other foundational evidence or facts necessary to authenticate this Exhibit. *See Neste Oil Oyj v. REG Synthetic Fuels, LLC*, IPR2013-00578, Paper 53 at 4 (PTAB March 12, 2015) (“Neste has not provided the testimony of any witness with personal knowledge of the websites depicted in the printouts; nor do we have any other basis for concluding that the contents of the website are authentic. For this reason, [the challenged Wayback Machine exhibits] lack authentication and are inadmissible.”). Ex. 2017 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

C. Exhibit 2018 - Christian Pillsbury, “Gone in a Flash: a brief history of HTTP Adaptive Streaming”

Petitioner objects to Exhibit 2018 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. For example, to the extent that the dates presented in Exhibit 2018 are relied upon by Patent Owner as proof of the state of the art as of a certain date, those statements and those dates are inadmissible hearsay. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2018 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

D. Exhibit 2019 - Video titled “Movidity mymovy.com streaming video on BlackBerry 8700”

Petitioner objects to Exhibit 2019 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2019 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed.

R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

E. Exhibit 2020 - Press release titled “Movidity Demonstrated at JavaOne Conference”

Petitioner objects to Exhibit 2020 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. For example, to the extent that the dates presented in Exhibit 2020 are relied upon by Patent Owner as proof of dates relevant to the creation or publication date of Exhibit 2020 itself, those dates are inadmissible hearsay. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2020 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

F. Exhibit 2021 - “Apple’s First iPhone: How It Looked and What It Could Do,” T-Mobile

Petitioner objects to Exhibit 2021 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2021 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission

would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

G. Exhibit 2022 - Printout of Garth Johnston, “ABC.com Unveils ‘HD’ Video Player,” Broadcasting & Cable, from Internet Archive.

Petitioner objects to Exhibit 2022 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. This exhibit purports to be an archived copy of a website, but Patent Owner fails to offer an effective declaration or other foundational evidence or facts necessary to authenticate this Exhibit. *See Neste Oil Oyj v. REG Synthetic Fuels, LLC*, IPR2013-00578, Paper 53 at 4 (PTAB March 12, 2015) (“Neste has not provided the testimony of any witness with personal knowledge of the websites depicted in the printouts; nor do we have any other basis for concluding that the contents of the website are authentic. For this reason, [the challenged Wayback Machine exhibits] lack authentication and are inadmissible.”). Ex. 2022 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this

information has not been shown to have existed on the purported date of this document.

H. Exhibit 2024 - Pickle, Brian. “Buffer Definition.” TechTerms.com.

Petitioner objects to Exhibit 2024 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2024 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

I. Exhibit 2025 - “Stateful vs Stateless Architecture,” Geeks for Geeks

Petitioner objects to Exhibit 2025 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2025 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

J. Exhibit 2027 - Ricardo R. Pastrana-Vidal et al., “Sporadic Frame Dropping Impact on Quality Perception,” Human Vision and Electronic Imaging IX”

Petitioner objects to Exhibit 2027 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. For example, to the extent that the dates presented in Exhibit 2027 are relied upon by Patent Owner as proof of dates relevant to the creation or publication date of Exhibit 2027 itself, those dates are inadmissible hearsay. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2027 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

K. Exhibit 2028 - Giuliano Casale et al., “Performance Issues in Video Streaming Environments.”

Petitioner objects to Exhibit 2028 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2028 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result

in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

L. Exhibit 2029 - J. Welch et al., “A Proposed Media Delivery Index,”

Petitioner objects to Exhibit 2029 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. For example, to the extent that the dates presented in Exhibit 2029 are relied upon by Patent Owner as proof of dates relevant to the creation or publication date of Exhibit 2029 itself, those dates are inadmissible hearsay. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2029 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

M. Exhibit 2030 - Tom Gerstel, “Streams and Standards Delivering Mobile Video”

Petitioner objects to Exhibit 2030 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. For example, to the extent that the dates presented in Exhibit 2030 are relied upon by Patent Owner

as proof of dates relevant to the creation or publication date of Exhibit 2030 itself, those dates are inadmissible hearsay. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2030 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

N. Exhibit 2031 - Chang-Wen Chen & Houqiang Li, Video Streaming to Mobile Handheld Devices: Challenges in Decoding, Adaptation, and Browsing

Petitioner objects to Exhibit 2031 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. For example, to the extent that the dates presented in Exhibit 2031 are relied upon by Patent Owner as proof of dates relevant to the creation or publication date of Exhibit 2031 itself, those dates are inadmissible hearsay. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2031 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in

that this information has not been shown to have existed on the purported date of this document.

O. Exhibit 2032 - Sean Michael Kerner et al., “3G (third generation of mobile telephony)”, Tectarget

Petitioner objects to Exhibit 2032 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. This exhibit has not been authenticated and is not self-authenticating. *See* Fed. R. Evid. 901-902. Ex. 2032 is also not relevant under Fed. R. Evid. 401, and even if it was, its admission would be unfairly prejudicial (e.g., it would confuse the issues, be misleading, result in undue delay, waste time, or needlessly present cumulative evidence) under Fed. R. Evid. 403 in that this information has not been shown to have existed on the purported date of this document.

II. CONCLUSION

To the extent Patent Owner fails to correct the defects identified above, Petitioner may choose to file a motion to exclude under 37 C.F.R. § 42.64(c) at the appropriate time in accordance with the Scheduling Order in this proceeding.

IPR2025-00775

U.S. Patent No. 10,771,849

Dated: January 30, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6 that a true and correct copy of **PETITIONER'S OBJECTIONS TO EVIDENCE** is being served electronically on January 30, 2026 to the e-mail addresses shown below:

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