UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,

Petitioner,

v.

OZMO LICENSING LLC,

Patent Owner

Case No. IPR2023-00193
U.S. Patent No. 9,264,991

PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED PRIOR TO INSTITUTION

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Ozmo Licensing LLC ("Patent Owner" or "Ozmo") respectfully asserts the following objections to the evidence proffered with the Petition for *inter partes* review (the "Petition") filed by Unified Patents LLC ("Petitioner" or "Unified Patents") regarding the claims of U.S. Patent No. 9,264,991 (the "'991 Patent"). The Federal Rules of Evidence ("FRE") apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Patent Owner's objections apply equally to Petitioner's reliance on or citation to any objected evidence in its papers, including expert declarations. These objections are being served and filed within 10 business days from the institution of trial on June 20, 2023.

Evidence	Objection(s)
Ex. 1003, Haas Declaration ¶¶ 18-24 ¶¶ 30-31 ¶¶ 32-37 ¶ 66 ¶¶ 69-78 Appendix B	Exhibit 1003 is the Declaration of Dr. Zygmunt Haas. Patent Owner objects to ¶¶18-24 under 37 CFR § 42.65(a) as testimony on United States patent law, patent examination practice, or legal standards is not admissible. Patent Owner objects to ¶¶30-31 under FRE 403 as cumulative, prejudicial and/or a waste of time. Patent Owner objects to ¶¶32-37 under 37 CFR § 42.65(a) as testimony on United States patent law, patent examination practice, or legal standards is not admissible. Patent Owner objects to ¶66 under 37 CFR § 42.65(a) as testimony on United States patent law, patent examination practice, or legal standards is not admissible. Patent Owner objects to ¶¶69-78 under FRE 403 as cumulative, prejudicial and/or a waste of time, and under FRE 702 as the witness is not a qualified expert on the matters in question. Patent Owner objects to Appendix B. Patent Owner objects to this exhibit as not authenticated under FRE 901.
Ex. 1005, Ganu	Petitioner's Exhibit 1005 is S. Ganu et al., *Architecture and Prototyping of an 802.11-Based Self-Organizing Hierarchical Ad-Hoc Wireless Network (SOHAN)* ("*Ganu*"). Patent Owner objects to this exhibit under FRE 802 as containing hearsay, including as to all dates (*e.g.*, copyright dates) and material that appears to be added (*e.g.*, handwritten notes and stamps).

Evidence	Objection(s)
Ex. 1007, Manzoni	Petitioner's Exhibit 1007 is P. Manzoni et al., *Providing Interoperability Between IEEE 802.11 and Bluetooth Protocols for Home Area Networks* ("Manzoni"). Patent Owner objects to this exhibit under FRE 901 as not authenticated. In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1013, IEEE Xplore	Petitioner's Exhibit 1013 is the IEEE Xplore Digital Libra Metadata record for *Ganu*. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901.[1] [2] In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

[1] E.g., when offering a printout of a webpage into evidence to prove the website's contents, the proponent of the evidence must authenticate the information from the website itself, not merely the printout. *See VictaulicCo. v. Tieman*, 499 F.3d 227, 236 (3d Cir. 2007).

[2] "[T]o authenticate printouts from a website, the party proffering the evidence must produce some statement or affidavit from someone with knowledge of the website ... for example a web master or someone else with personal knowledge would be sufficient." *EMC Corp. v. Personalweb Techs., LLC*, Case IPR2013-00084, slip op. 45 (PTAB May 15, 2014) (Paper 64) (quoting *St. Luke's Cataract & Laser Inst., P.A. v. Sanderson*, 2006 WL 1320242, at *2 (M.D. Fla. May 12, 2006)).

Evidence	Objection(s)
Ex. 1014, Copyright registration record for PIMRC 2004.	Petitioner's Exhibit 1014 is the Copyright registration record for PIMRC 2004. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported dates printed on the pages, because it is offered for the truth of the matter asserted. In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. .
Ex. 1015, Ganu Library copy	Petitioner's Exhibit 1015 is the IEEE Xplore Digital Library copy of *Ganu*. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported dates printed on the pages.
Ex. 1016, MARC Records	Petitioner's Exhibit 1016 is the Bibliographic and MARC records for *PIMRC 2004*. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. (see *supra*, FN 1 and 2) In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Evidence	Objection(s)
Ex. 1017, Compilation of archived IEEE webpages.	Petitioner's Exhibit 1017 is the Compilation of archived IEEE webpages. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. (see *supra*, FN 1 and 2) In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1018, PIMRC 2004	Petitioner's Exhibit 1018 is the PIMRC 2004 Conference Website, and Conference Program Schedule Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. (see *supra*, FN 1 and 2) In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1020, Shellhammer	Petitioner's Exhibit 1020 is the "WPAN Applications" IEEE submission dated 1998. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. (see *supra*, FN 1 and 2) In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Evidence	Objection(s)
1025, Newton	Petitioner's Exhibit 1025 is the Excerpts from Newton's Telecom Dictionary (20th ed. 2004) Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. (see *supra*, FN 1 and 2) In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1028, Cole	Petitioner's Exhibit 1028 is the Excerpts from Eric Cole, Network Security Bible (2005). Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. (see *supra*, FN 1 and 2) In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1034, Statistics	Petitioner's Exhibit 1034 is the Statistics for United States District Courts–National Judicial Caseload Profile. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, *e.g.*, the purported publication dates printed on the pages, because it is offered for the truth of the matter asserted. Further, Patent Owner objects to this exhibit as not authenticated under FRE 901. (see *supra*, FN 1 and 2) In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Respectfully submitted this 5th day of July, 2023.

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on July 5, 2023, the foregoing ***Patent Owner's Objections to Evidence Submitted Prior to Institution*** is being served electronically by agreement of the parties to the following e-mail service address:

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