Filed on behalf of Intuit Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.,
Petitioner

v.

SAMESURF, INC.,
Patent Owner.

Inter Partes Review No. IPR2023-00339
Patent 9,185,145 B2

PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE

Pursuant to 37 C.F.R. § 42.64(b), Petitioner Intuit Inc. ("Petitioner") respectfully asserts the following objections to the evidence proffered with Patent Owner's Response filed by Patent Owner (Paper 21). 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. Petitioner's objections apply equally to Patent Owner's reliance on or citation to any objected evidence in its papers, including expert declarations. These objections are being served and filed within five (5) business days from Patent Owner's Response, which Patent Owner filed and served on September 27, 2023.

Evidence	**Objection(s)**
Ex. 2004	Exhibit 2004 is a Declaration of Stacy Friedman dated September 27, 2023. Petitioner objects to ¶¶ 1-35 of this exhibit as not cited in the Patent Owner's Response, and, therefore, are not relevant. *See* FRE 402, 403; 37 C.F.R. § 42.61.
Ex. 2005	Exhibit 2005 is a copy of the Order Denying Defendant's Motion to Dismiss and Denying Defendant's Request for Oral Argument, entered in *Samesurf, Inc. v. Intuit, Inc.*, Case No. 22-cv-00412-RSH-DDL, Dkt. No. 27, USDC (S.D. Ca., January 10, 2023. Petitioner objects to this exhibit as not relevant. *See* FRE 402, 403; 37 C.F.R. § 42.61. Patent Owner cites this exhibit, which relates to a district court order regarding patentable subject matter as it relates to

Evidence	Objection(s)
	the subject patent. Patentable subject matter is not a ground that can be raised in an IPR, so the order is irrelevant.

Dated: October 4, 2023

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/Jennifer R. Bush/
Jennifer R. Bush
Reg. No. 50,784

Attorneys for Petitioner
Intuit Inc.

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on October 4, 2023, I caused a true and correct copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE to be electronically served on Petitioner's lead and backup counsel at the following addresses:

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