

IPR2023-00341

Petitioner's Objections to Evidence

Filed on behalf of Intuit Inc.

By:

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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. IPR2023-00341
Patent 9,483,448 B2

**PETITIONER'S OBJECTIONS TO EVIDENCE
SUBMITTED WITH PATENT OWNER'S SUR-REPLY**

Pursuant to 42.64(b), Petitioner Intuit Inc. ("Petitioner") respectfully asserts the following objections to the evidence proffered with Patent Owner's Sur-Reply ("Patent Owner's Sur-Reply") (Paper 28). 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 Sur-Reply, which Patent Owner filed and served on January 31, 2024.

Evidence	Objection(s)
Exhibit 2006	Exhibit 2006 is Defendant Intuit, Inc.'s Notice of Motion and Motion to Dismiss Pursuant to Rule 12(b)(6), filed on May 23, 2022 in the case titled, <i>Samesurf, Inc. v. Intuit Inc.</i>, USDC, Northern District of California, Case No. 22-cv-00412-LL-KSC [Dkt. 16]. Petitioner objects to this exhibit under 37 CFR § 42.23(b), as new evidence or new arguments first presented in Patent Owner's Sur-reply. Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Exhibit 2007	Exhibit 2007 is Defendant Intuit, Inc.'s Reply in Support of Its Motion to Dismiss Pursuant to Rule 12(b)(6), filed on June 17, 2022 in the case titled, <i>Samesurf, Inc. v. Intuit Inc.</i>, USDC, Northern District of California, Case No. 22-cv-00412-LL-KSC [Dkt. 22].

	Petitioner objects to this exhibit under 37 CFR § 42.23(b), as new evidence or new arguments first presented in Patent Owner's Sur-reply. Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Exhibit 2008	Exhibit 2008 is the Corrected Notice of Allowability for Application No. 14/830,710 (U.S. Patent No. 9,483,448) issued on September 19, 2016. Petitioner objects to this exhibit under 37 CFR § 42.23(b), as new evidence or new arguments first presented in Patent Owner's Sur-reply. Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Dated: February 6, 2024

FENWICK & WEST LLP

/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 February 6, 2024, I caused a true and correct copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER'S SUR-REPLY to be electronically served on Petitioner's lead and backup counsel at the following addresses:

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