

IPR2022-00342

Petitioner's Objections to Evidence

Filed on behalf of Intuit Inc.

By:

JENNIFER R. BUSH, Reg. No. 50,784

MICHAEL J. SACKSTEDER (*pro hac vice*)

GEOFFREY R. MILLER (*pro hac vice*)

DANIEL LEDESMA (*pro hac vice*)

CHRISTOPHER L. LARSON, Reg. No. 68,243

FENWICK & WEST LLP

801 California Street

Mountain View, CA 94041

Telephone: 650.988.8500

Facsimile: 650.938.5200

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. IPR2023-00342
Patent 8,527,591 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 24). 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 ¶¶ 1-30 of this exhibit as not cited in the Patent Owner's Response or Motion to Amend and, therefore, are not relevant. <i>See</i> 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 <i>Samesurf, Inc. v. Intuit, Inc.</i>, 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. <i>See</i> 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

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 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:

Scott W. Hejny
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 74201

Email: shejny@mckoolsmith.com

Ryan B. McBeth
Archis (Neil) V. Ozarkar
Saif Askar
McKool Smith, P.C.
600 Travis Street, Suite 7000
Houston, TX 77002

Email: rmcbeth@mckoolsmith.com
nozarkar@mckoolsmith.com
saskar@mckoolsmith.com

FENWICK & WEST LLP

/Jennifer R. Bush/

Jennifer R. Bush
Reg. No. 50,784

Attorneys for Petitioner
Intuit Inc.

Date: October 4, 2023
Fenwick & West LLP
801 California Street
Mountain View, CA 94041