

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

SPACETIME3D, INC.
Patent Owner

Case IPR2023-00343
Patent 9,304,654 B2

**PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1)
TO PETITIONER'S EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner SpaceTime3D, Inc.

(“Patent Owner”) hereby serves these objections to evidence submitted by Petitioner Apple Inc. (“Petitioner”) with its Petition. This notice is being timely filed within 10 business days of institution of the Trial, which occurred on July 6, 2023.

1. Exhibit APPLE1011 is Not Relevant, Prejudicial, Confusing and Misleading

Patent Owner objects to the admissibility of Exhibit APPLE1011 is not relevant to any ground on which this IPR was instituted and, if admitted, its minimal probative value would be substantially outweighed by the unfair prejudice it would cause, the confusing and misleading nature of the materials, the undue delay upon these proceedings, and the waste of time that would ensue, in violation of F.R.E. 401-403. The exhibit was purportedly filed and published after the priority date of the patent-at-issue. Therefore, it is not relevant to this IPR, likely to cause confusion regarding the state of the art at the time of the alleged invention, and also is misleading and potentially prejudicial in violation of F.R.E. 401-403.

2. Dr. Fuch’s Declaration’s (Exhibit 1003) Reliance on Objectionable Documents

Dr. Fuch’s declaration, Exhibit APPLE1003, relies, in part, on Exhibit APPLE1011, which, as explained above, is irrelevant, confusing and potentially prejudicial given that the date of the publication is after the priority date of the '654 patent. Dr. Fuch’s testimony regarding this Exhibit is likewise objectionable in

violation of in violation of F.R.E. 401-403. *See* Exhibit APPLE1003, ¶ 96. As with the inadmissible exhibit he relies upon, Dr. Fuch's testimony regarding this exhibit, and any reference to and/or reliance on this exhibit or any portion thereof, likewise is inadmissible under F.R.E. 401-403.

Dated: 7/20/2023

Respectfully submitted,

/s/ Todd E. Fitzsimmons

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e)(4), the undersigned certifies that on July 20, 2023, a complete and entire copy of this PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) TO PETITIONER'S EVIDENCE was provided by email to Petitioner by serving the email correspondence addresses of record as follows:

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