

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUNTER'S MANUFACTURING COMPANY, INC.
d/b/a TENPOINT CROSSBOW TECHNOLOGIES,
Petitioner,

v.

RAVIN CROSSBOWS, LLC,
Patent Owner.

Case No. **IPR2023-00407**
Patent No. **9,354,015**

PETITIONER'S OBJECTIONS TO
EVIDENCE SUBMITTED BY PATENT OWNER

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Hunter's Manufacturing Company, Inc. d/b/a TenPoint Crossbow Technologies ("TenPoint") sets forth its objections to evidence submitted by Patent Owner Ravin Crossbows, LLC ("Ravin") with its Preliminary Response (Paper 9) and Preliminary Sur-Reply (Paper 12):

1. Ex. 2003 is objected to as being irrelevant, under Federal Rule of Evidence ("FRE") 401, to the now-instituted review and thus inadmissible under FRE 402.
2. Ex. 2004 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402.
3. Ex. 2005 is objected to as being irrelevant, under FRE 401, to the review as the subject patent does not have any animations and all figures are static; thus Ex. 2005 is inadmissible under FRE 402. Ex. 2005 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807. Ex. 2005 is also objected to under FRE 901 as unauthenticated. Ex. 2005 is also objected to under FRE 403, as its nonexistent probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the Board, and undue delay and waste of time in evaluating it. Ex. 2005 is also objected to under FRE 1002 because it appears to be introduced to demonstrate or prove the content of the subject patent, even though the patent itself (including all figures) has already been introduced (*see* Ex. 1001).

Neither does Ex. 2005 qualify as a duplicate of the patent's contents under FRE 1001(e) because it does not accurately reproduce the original (which does not have any animations), thus raising genuine questions regarding its authenticity and otherwise making it unfair to admit the exhibit per FRE 1003.

4. Ex. 2007 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2007 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.
5. Ex. 2008 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2008 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.
6. Ex. 2009 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2009 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.
7. Ex. 2010 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402.
8. Ex. 2011 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2011 is also

objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.

9. Ex. 2012 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2012 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.
10. Ex. 2014 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2014 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.
11. Ex. 2015 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2015 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.
12. Ex. 2016 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2016 is also objected to as hearsay, under FRE 801, that is inadmissible under FRE 802-807.
13. Ex. 2017 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402.

14. Ex. 2018 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. Ex. 2018 is also objected to under FRE 106 as being an incomplete writing; Ravin is fully aware that a subsequently revised version of that writing is available and was filed as Doc. No. 90-1 in *Ravin Crossbows, LLC v. Hunter's Mfg. Co., Inc. d/b/a TenPoint Crossbow Techs.*, No. 5:23-cv-00598 (N.D. Ohio May 26, 2023).
15. Ex. 2019 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402.
16. Ex. 2020 is objected to as being irrelevant, under FRE 401, to the now-instituted review and thus inadmissible under FRE 402. It is further objected to under § 42.6(d) as being a duplicate of Ex. 2003, filed without express Board authorization.

Lastly, while not an objection to evidence per se, TenPoint objects to Ravin's improper exhibit citation format in order to skirt the type-volume limits of § 42.24. Ravin's Preliminary Response cited to all exhibits in the following format, "EX2003," combining what should be two words into one. (*See, e.g.*, Paper 9, 2.) Ravin's word count for its Preliminary Response was 13,996 words (*id.* at 71), just four words away from the limit. *See* § 42.24(a)(1)(i), (b)(1). Had Ravin used proper exhibit citation format, its Preliminary Response assuredly would have exceeded the

allowed limit. Ravin continued this format in its Preliminary Sur-Reply. (*See, e.g.*, Paper 12, 1 (“EX2014”).) Thus TenPoint suspects Ravin would continue these shenanigans with its post-institution Response. Ravin is now expressly on notice, having been warned to desist from such tricks. *See* P.T.A.B. Consolidated Trial Practice Guide 40 (Nov. 2019) (warning about deleting spacing between words to circumvent the rules on word count).

Date: July 24, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on the date indicated below, I served the foregoing

Objections via e-mail on:

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Date: July 24, 2023

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