From: Sergey Vernyuk
Sent: Monday, March 04, 2024 6:06 PM
To: Rieger, Sarah E.
Cc: John M. Skeriotis; King, Chris; Moran, Michelle A.; Jelenchick, Kadie M.
Subject: Re: IPR2023-00407

Categories: Anaqua

Good afternoon, Sarah,

I note that you do not try to explain *how* Ravin's objections are sufficiently particular - you merely assert that they are. The citations to a few non-binding decisions do not rectify Ravin's deficiencies. *St. Jude* recognized that "not overly explanatory" objections still must be identified with "sufficient particularity." The Board's subsequent dicta addressed that particular objection *if* it were assumed to not be sufficiently particular, deeming it harmless error. If Ravin relies on that dicta for its objections, then that is a concession that Ravin's objections were indeed insufficient. In *Qualcomm*, the Board rejected the objections as untimely and further would have overruled them on the merits, so its discussion of particularity was, again, dicta. And the actual objection filed in that case (the Board's summary of which you quoted) was eight pages long, which is a far cry from Ravin's objections.

With regard to your paragraph on Exs. 1031-1033, the only objections that Ravin preserved to those exhibits are those that were made on the record during the deposition. *Motorola Mobility* did not use the objected-to evidence and dismissed the motion to exclude as moot, so its discussion about the sufficiency of the objections is, yet again, dicta. And that dicta found that the objections that were made *during the deposition* sufficiently notified the offering party of the grounds (relevance and authentication) that were later asserted in the motion to exclude - not that an objection on one ground was sufficient to preserve a separate objection on a different ground. The objections in Paper 33 are neither necessary to preserve the objections made during the deposition nor sufficient to assert any new ones. As your cited *Qualcomm* case states (p. 9), "[a]n objection to deposition evidence 'must be made during the deposition.' 37 C.F.R. § 42.64(a)."

Regards,

Sergey Vernyuk
Emerson Thomson Bennett, LLC
telephone: 330-434-9999
email: sv@etblaw.com

From: Rieger, Sarah E. <SRieger@foley.com>
Sent: Thursday, February 29, 2024 6:27 PM
To: Sergey Vernyuk <SV@etblaw.com>
Cc: John M. Skeriotis <jms@etblaw.com>; King, Chris <CKing@foley.com>; Moran, Michelle A. <MMoran@foley.com>; Jelenchick, Kadie M. <KJelenchick@foley.com>
Subject: RE: IPR2023-00407

Sergey,

We disagree with your characterizations of Patent Owner's objections to evidence and with your assertion that they fail to comply with 37 C.F.R. §42.64. The objections are stated with more than sufficient particularity. And, given the significance and nature of some of the cited deficiencies, it may not be possible for Petitioner to correct the errors.

Hunter's Manufacturing Company, Inc. - Ex. 1038
Hunter's Manufacturing Company v. Ravin Crossbows, IPR2023-00407

The Board has previously found that objections that are "not overly explanatory" are still sufficient under the rules, and in any event, a party is not prejudiced by the submission of objections that relate to faults that cannot be corrected through the service of supplemental evidence. *E.g., St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-0041, Paper 69, 32 (PTAB May 1, 2014); *see also Qualcomm Inc. v. UNM Rainforest Innovations*, IPR2021-00377, Paper 66, 9 (PTAB July 15, 2022) (finding that objection to expert report as "'objectionable and inadmissible as incomplete, irrelevant, misleading, improper expert testimony and lacking authenticity under F.R.E. 106, 401, 403, 702, and 901'… complies with the requirement to identify the objection with sufficient particularity to allow for correction").

Additionally, with respect to Exhibits 1031-1033, counsel for Patent Owner objected several times to the manner in which these exhibits were used and characterized during Mr. Teater's deposition, thus preserving Patent Owner's objections. *See, e.g.*, EX1034, 254:7-258:10 (reflecting objections to questions regarding EX1031); EX1035, 336:4-341:13 (same regarding EX1032), 346:16-347:24 (same regarding EX1033); *see also Motorola Mobility LLC v. Intellectual Ventures II LLC*, IPR2014-00504, Paper 46, 35-38 (PTAB Sept. 9, 2015) (finding that objections to line of questioning about deposition exhibit was sufficient to permit later objections to exhibit on the basis of relevance and authentication after exhibit was filed). Notably, your previous email does not take issue with Patent Owner's objections to Exhibits 1034-1035, which as you know, are the transcripts of Mr. Teater's deposition and contain the previously referenced objections to Exhibits 1031-1033.

To the extent Petitioner opts not to attempt to correct any of the errors outlined in the objections to evidence within the time permitted by the Board's rules, that is your choice. However, Patent Owner reserves all rights, including the right to move to exclude Petitioner's improper evidence.

Regards,

Sarah E. Rieger
Associate

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FOLEY
FOLEY & LARDNER LLP

From: Sergey Vernyuk <SV@etblaw.com>
Sent: Wednesday, February 28, 2024 4:03 PM
To: King, Chris <CKing@foley.com>; Jelenchick, Kadie M. <KJelenchick@foley.com>; Moran, Michelle A. <MMoran@foley.com>
Cc: John M. Skeriotis <jms@etblaw.com>
Subject: RE: IPR2023-00407

**** EXTERNAL EMAIL MESSAGE ****
Counsel,

We are in receipt of Ravin's Objections (Paper 33). 37 C.F.R. §42.64(b)(1) requires such objections to "identify the grounds for the objection with sufficient particularity to allow correction in the form of supplemental evidence." Ravin's Objections do not meet this requirement, as they are merely a laundry list of boilerplate objections made "to the extent" they may or may not apply.

In addition, the objections to Exs. 1031-1033 are untimely. Those exhibits were introduced during Mr. Teater's deposition, so any objections thereto must have been made during the deposition. §§ 42.64(a); 42.53(f)(3)-(4), (8).

Regards,

Sergey Vernyuk
Emerson Thomson Bennett, LLC
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From: Cochran, Mary Ann [mailto:MCochran@foley.com]
Sent: Wednesday, February 21, 2024 4:15 PM
To: John M. Skeriotis <jms@etblaw.com>; Sergey Vernyuk <SV@etblaw.com>
Cc: King, Chris <CKing@foley.com>; Jelenchick, Kadie M. <KJelenchick@foley.com>; Rieger, Sarah E. <SRieger@foley.com>; Maass, Steph <SMaass@foley.com>
Subject: IPR2023-00407

Counsel,

Please find attached the following document, filed today via P-TACTS:

Patent Owner's Objections to Evidence Submitted with Petitioner's Reply

Sincerely,

Mary Ann

Mary Ann Cochran
Paralegal
Foley & Lardner LLP
3000 K Street, N.W. | Suite 600
Washington, DC 20007-5109
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