

Filed on behalf of Petitioner by:

Paper No. ____

Adam R. Wichman, Reg. No. 43,988

Richard F. Giunta, Reg. No. 36,149

WOLF GREENFIELD & SACKS, P.C.

600 Atlantic Ave.

Boston, MA 02210-2206

Tel: 617-646-8000

Fax: 617-646-8646

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GEOTAB USA, INC. AND GEOTAB, INC.,
Petitioner,

v.

OMEGA PATENTS, LLC,
Patent Owner.

Case No. IPR2023-00504

Patent No. 8,032,278

**PETITIONERS' OBJECTIONS TO EVIDENCE
SERVED WITH PATENT OWNER'S RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners objects to evidence served in connection with the Patent Owner's Response on October 18, 2023. These objections have been timely filed and served within five business days of service of the evidence to which the objections are directed. Petitioners further object to any reference in the Patent Owner Response to inadmissible evidence identified in these objections and the objections to evidence served before institution.

I. Exhibit 2010

Petitioners object to Exhibit 2010, the Second Declaration of Joseph C. McAlexander, III.

Petitioners object to ¶¶41, 72, 170, 171 under Fed. R. Evid. 401, 402, 702, 703, 801, 802. The testimony is inadmissible because it is unhelpful to understanding the evidence, not based on sufficient facts or data, and not the product of reliable principles and methods. The testimony is inadmissible to the extent it recites out of court statements from others, or the content of documents, for the truth of the matter asserted. The testimony irrelevant under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402.

Petitioners object to ¶¶41, 57, 92, 95, 116, 146-147, 166-168, 182, 191, 200-202, 208, 210-211, and header XIII, under Fed. R. Evid. 401, 402, 702, and 703 as offering opinions on matters for which Mr. McAlexander is not competent to offer

an expert opinion, which are therefore unhelpful to understanding the evidence, irrelevant and inadmissible.

Petitioners object to ¶72 under Fed. R. Evid. 401, 402, 702, 703, and 901 for relying on evidence (web pages) that has not been authenticated, has not been shown to be relevant to the knowledge of a POSA on July 3, 2007, and which lacks foundation.

II. Exhibit 2014

Petitioners object to Exhibit 2014, the Declaration of Christian Tregillis.

Petitioners object to ¶¶38-41 and 43-44 under Fed. R. Evid. 401, 402, 702, 703, 801, and 802. The testimony is unhelpful, not based on sufficient facts or data, and not the product of reliable principles and methods. The testimony is inadmissible to the extent that it recites out of court statements from others, or the content of documents, for the truth of the matter asserted. The testimony is irrelevant under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402.

Petitioners object to ¶¶17-20 and 46 under Fed. R. Evid. 702 and 703 as unhelpful, not based on sufficient facts or data, and not the product of reliable principles and methods, irrelevant under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402.

Petitioners object to ¶19 and the “Omega royalty report April 2023” attached to EX2014 as lacking authentication under Fed. R. Evid. 901, lacking foundation, irrelevant under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402.

Petitioners object to ¶43 under Fed. R. Evid. 401, 402, 702, and 703 as offering opinions on matters for which Mr. Tregillis is not competent to offer an expert opinion, which are therefore inadmissible because they are not helpful to understanding the evidence and not relevant.

III. Exhibit 2015

Petitioners object to Exhibit 2015 as hearsay under Fed. R. Evid. 801, and inadmissible Fed. R. Evid. 802.

IV. Exhibit 2021

Petitioners object to Exhibit 2021 as lacking foundation, lacking authentication under Fed. R. Evid. 901, lacking relevance under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402.

Dated October 25, 2023

Respectfully submitted,
Geotab USA, Inc. and Geotab, Inc.

By: /Adam R. Wichman/

Adam R. Wichman, Reg. No. 43,988
WOLF, GREENFIELD & SACKS, P.C.

CERTIFICATE OF SERVICE UNDER 37 C.F.R. §42.6(E)(4)

I certify that on October 25, 2023, I will cause a copy of the foregoing document, including any exhibits filed therewith, to be served via electronic mail, as previously consented to by Patent Owner, upon the following:

Ryan T. Santurri	rsanturri@allendyer.com
Christopher F. Regan	cregan@allendyer.com
David S. Carus	dcarus@allendyer.com
dkimler@allendyer.com	

Date: October 25, 2023

/MacAulay Rush/
MacAulay Rush
Paralegal
WOLF, GREENFIELD & SACKS, P.C.