

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNITED SERVICES AUTOMOBILE ASSOCIATION,  
Petitioner,

v.

AUTO TELEMATICS LTD.,  
Patent Owner.

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Case IPR2023-00518  
Patent 9,633,487

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**PETITIONER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64**

United Services Automobile Association (“USAA” or “Petitioner”) objects under the Federal Rules of Evidence and 37 C.F.R. § 42.64(b)(1) to the admissibility of the certain exhibits and portions of exhibits submitted by Auto Telematics Ltd. (“AT” or “Patent Owner”) with its Patent Owner Response. Pap. 18.

Patent Owner’s response was filed on January 30, 2024. *Id.* Thus, Petitioner’s objections are timely under 37 C.F.R. § 42.64(b)(1). Petitioner serves Patent Owner with these objections to provide notice that Petitioner will move to exclude these exhibits as improper evidence.

**I. EXHIBIT AT-2001 – DECLARATION OF MR. CHRISTOPHER K. WILSON**

Petitioner objects to the admissibility of AT-2001 on the grounds that:

1. To the extent that Mr. Wilson relies on inadmissible evidence discussed above as part of his analysis,<sup>1</sup> those portions of the Wilson Declaration

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<sup>1</sup> Notably, the Wilson Declaration fails to explain where exhibits AT-2001 and AT-2002 were found, provide evidence that the documents would have been available to one skilled in the art, describe when and where the documents were published, or verify that the exhibits are true and correct copies of the documents.

are also inadmissible under at least FRE 401, FRE 402, FRE 403, and/or FRE 703.<sup>2</sup>

## **II. EXHIBIT AT-2002**

Petitioner objects to the admissibility of AT-2002 on the grounds that:

1. Patent Owner failed to authenticate the document as required by FRE 901 or FRE 602;
2. The document is irrelevant under FRE 401 and therefore inadmissible under FRE 402; and
3. The document is confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under FRE 403.

## **III. EXHIBIT AT-2003**

Petitioner objects to the admissibility of AT-2003 on the grounds that:

1. Patent Owner failed to authenticate the document as required by FRE 901 or FRE 602;
2. The document is irrelevant under FRE 401 and therefore inadmissible under FRE 402; and

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<sup>2</sup> Petitioner also objects to all portions of the Patent Owner Response which rely on these portions of the Wilson Declaration. *See, e.g.*, Pap. 18 at 24-25, 42-47.

3. The document is confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under FRE 403.

#### **IV. CONCLUSION**

Therefore, Petitioner reserves its rights to file motions to exclude this evidence and exhibits under 37 C.F.R. § 42.64(c).

Respectfully submitted,

Dated February 6, 2024

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### **CERTIFICATE OF SERVICE**

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on February 6, 2024, a complete and entire copy of this Petitioner's Objections to Evidence was provided by email, to the Patent Owner, by serving the correspondence addresses of record as follows:

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