

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD. and
NINTENDO OF AMERICA INC.,
Petitioners,

v.

GAMEVICE, INC.,
Patent Owner.

Case IPR2023-00643
U.S. Patent No. 10,391,393

PATENT OWNER'S OBJECTIONS TO PETITIONERS' EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner Gamevice, Inc. submits the following objections to evidence submitted by Petitioners Nintendo Co., Ltd. and Nintendo of America Inc. (“Petitioners”) with their Reply to Patent Owner’s Response filed on April 23, 2024. These objections are timely filed and served within five business days of the date of service of the Challenged Evidence. § 42.64(b)(1).

Exhibit 1040

Patent Owner objects to Petitioners’ Exhibit 1040 (Moga Ace Power User Manual) as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of the Exhibit. Exhibit 1040 purports to be a Moga Ace Power User Manual and is not self-authenticating. Patent Owner further objects to Petitioners’ Exhibit 1040 as irrelevant or, in the alternative, prejudicial, confusing, and a waste of time under Fed. R. Evid. §§ 401, 402, and 403 because sufficient evidence has not been provided to establish its date of publication or public accessibility prior to the critical date of the ’393 Patent.

Respectfully submitted,

Dated: April 30, 2024

By: Joshua L. Goldberg/
Joshua L. Goldberg
Reg. No. 59,369

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Objections to Petitioners' Evidence** was served by email on April 30, 2024, on Petitioner's counsel of record at:

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Dated: April 30, 2024

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