

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOPHOS LTD. and SOPHOS INC.,

Petitioners,

v.

WEBROOT INC.,

Patent Owner.

Case No. IPR2023-00699

Patent No. 8,418,250

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
SUBMITTED BY PETITIONER**

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), Patent Owner Webroot Inc. (“Patent Owner”) objects to the following exhibits filed by Petitioners Sophos Ltd. and Sophos Inc. (“Petitioners”) with the Petition (Paper No. 1).

Exhibit No.	Objection(s)
1004	FRE¹ 702/703 and 37 C.F.R. § 42.65: Improper expert testimony to the extent it does not rely on the kind of facts or data experts in the relevant field would reasonably rely upon without providing the underlying facts or data on which the opinion is based. FRE 701: Improper lay testimony to the extent testimony is offered outside of Dr. Newman’s areas of expertise or fails to disclose the underlying facts or data on which the opinion is based. Additionally, Patent Owner objects to this testimony to the extent that it incorporates or cites inadmissible exhibits to which Patent Owner has objected herein or on which an expert in the field would not reasonably rely.
1010	FRE 401/402: Petitioners do not rely on this exhibit in either their Petition or Declaration of Dr. Richard Newman (EX-1004) (“Expert Report”). Thus, Petitioners fail to establish this exhibit’s relevance to the Petition. Irrelevant evidence is inadmissible.
1011	FRE 401/402: Petitioners do not rely on this exhibit in either their Petition or Expert Report. Thus, Petitioners fail to establish this exhibit’s relevance to the Petition. Irrelevant evidence is inadmissible.
1012	FRE 401/402: This exhibit is dated 1998, and Petitioners fail to establish its relevance to POSITA’s knowledge as of the time of the invention, or to whether a POSITA would have considered any challenged claim of the ’250 patent obvious in view of the prior art as of the ’250 patent’s priority date. FRE 801/802: To the extent Petitioners rely on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to

¹ Federal Rules of Evidence.

Exhibit No.	Objection(s)
	such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioners have not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
1013	FRE 401/402: This exhibit is undated, and Petitioners fail to establish its relevance to POSITA's knowledge as of the time of the invention, or to whether a POSITA would have considered any challenged claim of the '250 patent obvious in view of the prior art as of the '250 patent's priority date. FRE 801/802: To the extent Petitioners rely on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions. FRE 901/902: This exhibit has not been properly authenticated because Petitioners have not presented sufficient evidence that the document is authentic or that the document is self-authenticating.
1016	FRE 401/402: This exhibit is dated 2023, and Petitioners fail to establish its relevance to POSITA's knowledge as of the time of the invention, or to whether a POSITA would have considered any challenged claim of the '250 patent obvious in view of the prior art as of the '250 patent's priority date. Moreover, the exhibit has no tendency to make a fact of consequence in the action more or less probable and thus is not relevant to the Petition. FRE 403: This exhibit's probative value is substantially outweighed by the danger of confusing the issues. Petitioners rely on this document to support an unrelated proposition. FRE 801/802: To the extent Petitioners rely on the contents of this exhibit for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay that does not fall under any exceptions.

Respectfully submitted,

KING & SPALDING LLP

BY: /Brian Eutermoser/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S
OBJECTIONS TO EVIDENCE SUBMITTED BY PETITIONER** was served
by filing this document through the Patent Trial and Appeal Case Tracking System
(P-TACTS) as well as by delivering a copy via electronic mail on October 25,
2023, in the entirety on the following:

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