UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALIVECOR, INC.,

Petitioner

v.

APPLE INC.,

Patent Owner

Case No. IPR2023-00948

U.S. Patent No. 10,866,619 B1

PETITIONER'S OBJECTIONS TO EVIDENCE SERVED APRIL 24, 2024

Pursuant to 37 C.F.R. § 42.64(b), Petitioner AliveCor, Inc. ("AliveCor" or "Petitioner") respectfully asserts the following objections to the evidence proffered with Patent Owner's Response ("POR") filed by Patent Owner Apple Inc. ("Apple" or "Patent Owner") regarding the claims of U.S. Patent No. 10,866,619 ("the '619 patent"). The Federal Rules of Evidence ("FRE") apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Petitioner's objections apply equally to Patent Owner's reliance on or citation to any objected evidence in its papers, including expert declarations. These objections are being served and filed within 5 business days from the service of evidence on April 24, 2024.

Evidence	Description
Ex. APPLE-2005	Exhibit APPLE-2005 is a purported presentation cited by Apple as Ahmer Syed, "Packaging Challenges for the Next Generation of Mobile Devices," IMAPS 2017 KEYNOTE SLIDES, 50th International Symposium on Microelectronics - Raleigh, NC USA, Oct. 9-12, 2017 ("Syed"). Petitioner objects to this exhibit as not authenticated, e.g., under FRE 901. For instance, Patent Owner has not produced evidence sufficient to support a finding that the referenced exhibit is what Patent Owner claims it is. Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable.

Evidence	Description
Ex. APPLE-2006	Exhibit APPLE-2006 is U.S. Patent Publication No. 2017/0032169 ("Pi"). Petitioner objects to this exhibit as not authenticated, e.g., under FRE 901. For instance, Patent Owner has not produced evidence sufficient to support a finding that the referenced exhibit is what Patent Owner claims it is. Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable.
Ex. APPLE-2007	Exhibit APPLE-2007 is U.S Patent No. 8,031,186 ("Oestergaard"). Petitioner objects to this exhibit as not authenticated, e.g., under FRE 901. For instance, Patent Owner has not produced evidence sufficient to support a finding that the referenced exhibit is what Patent Owner claims it is. Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable.
Ex. APPLE-2008	Exhibit APPLE-2008 is the Order Granting Motion to Stay, *Apple Inc. v. AliveCor, Inc.*, 4-22-cv-07608 (NDCA Dec. 29, 2023). Petitioner objects to this exhibit under FRE 402 and 403 because it is not referenced or explained in Patent Owner's Response or any documents cited therein.

Evidence	Description
Ex. APPLE-2009	Exhibit APPLE-2009 is a declaration and Curriculum Vitae of Dr. Brian Anthony. Petitioner objects to ¶¶ 1-16, 44, 59, 79, 85, and 146-151 of this exhibit under FRE 402 and 403 because they are not referenced or explained in Patent Owner's Response. Petitioner also objects to any paragraph in this exhibit that relies upon or refers to an exhibit which is objected to by Petitioner and/or determined to be inadmissible by the Board.

Date: May 1, 2024

By: / Christopher TL Douglas /
Christopher TL Douglas

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), 42.105, the undersigned hereby certifies that true and correct copies of the above-captioned PETITIONER'S OBJECTIONS TO EVIDENCE SERVED APRIL 24, 2024 was served via electronic mail to the following attorneys of record for Patent Owner:

W. Karl Renner
Jeremy Monaldo
Grace Kim
Ryan Chowdhury
Andrew B. Patrick
IPR50095-0156IP1@fr.com
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945

Date: May 1, 2024

By: / Christopher TL Douglas /
Christopher TL Douglas