UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NOKIA OF AMERICA CORPORATION,

Petitioner

v.

ALEXANDER SOTO AND WALTER SOTO,

Patent Owners

_____

Case: IPR2023-00960

U.S. Patent No. 8,238,754

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PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED PRIOR TO INSTITUTION

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

Pursuant to 37 C.F.R. § 42.64(b), Petitioner Nokia of America Corporation ("Nokia" or "Petitioner") respectfully asserts the following objections to the evidence proffered with Patent Owner's Preliminary Response ("POPR") and Sur-Reply filed by Patent Owners Alexander Soto and Walter Soto ("Patent Owners") regarding the claims of U.S. Patent No. 8,238,754 (the "'754 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 10 business days from the institution of trial on February 23, 2023.

Evidence	Description
Ex. 2005	Exhibit 2005 is U.S. Patent Publication No. 2002/0067529 to Yokomoto et al. ("Yokomoto"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 2006	Exhibit 2006 is U.S. Patent Publication No. 2002/0006111 to Akita et al. ("Akita"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Evidence	Description
Ex. 2007	Exhibit 2007 is U.S. Patent Publication No. 2003/0091045 to Choi et al. ("Choi"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 2008	Exhibit 2008 is U.S. Patent No. 5,572,349 to Hale et al. ("Hale"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 2009	Exhibit 2009 is U.S. Patent Publication No. 204/0052274 to Wang et al. ("Wang"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 2010	Exhibit 2010 is U.S. Patent No. 7,031,343 to Kuo et al. ("Kuo"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 2011	Exhibit 2011 is U.S. Patent No. 6,023,467 to Abdelhamid et al. ("Abdelhamid"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Evidence	Description
Ex. 2012	Exhibit 2012 is U.S. Patent No. 6,498,667 to Masucci et al ("Masucci"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 2013	Exhibit 2013 is U.S. Patent No. 6,778,399 to Medina et al ("Medina"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 2014	Exhibit 2014 is Plaintiff NextGen Innovations, LLC's Responses to Defendants' First Set of Common Interrogatories served January 27, 2023 in *NextGen Innovations, LLC v. Fujitsu Network Communications, Inc., et al.*, Case No. 2:22-cv-00307 (E.D. Tex) (lead case). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Petitioner also objects to this exhibit under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent the exhibit is offered by Patent Owners to prove the truth of any matter asserted therein.
Ex. 2015	Exhibit 2015 is U.S. Patent No. 7,925,162 to Soto et al ("Soto"). Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Date: March 8, 2024

By: /M. Scott Stevens/
M. Scott Stevens
Reg. No. 54,762

CERTIFICATE OF SERVICE

The undersigned certifies that Petitioner served a copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED PRIOR TO INSTITUTION by filing this document through the P-TACTS Filing System as well as sending a copy via electronic service (as agreed by counsel for Patent Owners) on the following:

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Date: March 8, 2024

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