

Filed on behalf of: Meta Platforms, Inc.

Filed: April 30, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.
Petitioner,

v.

EIGHT KHZ, LLC
Patent Owner.

Case No. IPR2023-01003
U.S. Patent No. 9,226,090

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Meta Platforms, Inc. ("Petitioner") submits the following objections to evidence submitted by Patent Owner Eight kHz, LLC ("Patent Owner"). Petitioner's objections apply equally to Patent Owner's reliance on this evidence in any subsequently filed documents or further proceedings in this matter. These objections are timely, having been filed and served within five business days of service. Notwithstanding these objections, Petitioner expressly reserves the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibit 2011

Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent it impermissibly acts as a conduit for hearsay, including the hearsay objected to herein, and does not rely on the kinds of facts or data that experts in the relevant field would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioner further objects to this exhibit for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent it offers testimony in areas outside of Dr. Begault's area of expertise or fails to properly provide the underlying facts, data, and other required disclosures.

Exhibit 2012-2013, 2019-2020, 2022, 2025-2026, 2028

Petitioner objects to these exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they are authentic or self-authenticating under FRE 902. To the extent Patent Owner relies on these documents for the truth of the matter asserted, Petitioner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibit 2015

Petitioner objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that it is authentic or self-authenticating under FRE 902. Petitioner also objects to this exhibit under FRE 401-402 (relevance). To the extent Patent Owner relies on this document for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay under FRE 801 and 802 not falling under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 2017-2018, 2021, 2024, 2027

Petitioner objects to this exhibit under FRE 401-402 (relevance).

Respectfully submitted,

Dated: April 30, 2024

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of Petitioner's Objections to Patent Owner's Evidence was served via electronic email on Patent Owner's counsel of record listed below, pursuant to its Mandatory Notices, on April 30, 2024:

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