Filed on behalf of: Meta Platforms, Inc.

Entered: January 23, 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 IPR2023-01022
Patent 11,172,316 B2

PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Meta Platforms, Inc., Meta Platforms Technologies, LLC, and Twisted Pixel Games, LLC (collectively, "Petitioners") submit the following objections to evidence submitted by Patent Owner Eight kHz, LLC ("Patent Owner"). Petitioners' 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 ten business days of institution. Notwithstanding these objections, Petitioners expressly reserve the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibit 2001

Petitioners object 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 fields would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Petitioners further object 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. Hart's area of expertise or

fails to properly provide the underlying facts, data, and other required disclosures.

Exhibits 2007-2008

Petitioners object 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, Petitioners object 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.

Respectfully submitted,

Dated: January 23, 2024

By: / Inge A. Osman /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 23rd day of January, 2024, a true and correct copy of the foregoing **Petitioners' Objections to Patent Owner's Evidence** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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