

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Verizon Connect Inc.,
Petitioner,

v.

Omega Patents, LLC,
Patent Owner.

IPR2023-01162
Patent No.: 8,032,278 B2

**PETITIONER VERIZON CONNECT INC.'S OBJECTIONS TO
EVIDENCE SERVED BEFORE INSTITUTION**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Verizon Connect Inc. (“Petitioner” or “Verizon”) objects to evidence served during a preliminary proceeding in connection with the Patent Owner’s Preliminary Response on December 8, 2023. These objections have been timely filed and served within ten business days of the Board’s February 21, 2024 decision to institute an *inter partes* review.

I. Exhibit 2001

Petitioner objects to Exhibit 2001 (Declaration of Kenneth Flick) as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful under Fed. R. Evid. 701, hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.

II. Exhibit 2002

Petitioner objects to Exhibit 2002 (Declaration of Mr. Joseph C. McAlexander, III), as follows:

Petitioner objects to Paragraph 28 as irrelevant under Fed. R. Evid. 401.

Petitioner objects to Paragraphs 34-38 as irrelevant under Fed. R. Evid. 401 and misleading and confusing the issues under Fed. R. Evid. 403.

Petitioner objects to Paragraphs 39 as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, and hearsay under Fed. R. Evid. 801. Of note, Paragraph 39 erroneously cites to Ex-2004, Ex-2005, and Ex-

2006, but these exhibits do not correspond to the deposition transcripts of non-party witnesses, Galin Chen, Peter Hergesheimer, and Stephen Hall, in *Omega Patents, LLC v CalAmp Corp.*, Case No. 6:13-cv-01950-PGB-DCI.

Petitioner objects to Paragraphs 40-41 as irrelevant under Fed. R. Evid. 401 and misleading and confusing the issues under Fed. R. Evid. 403.

Petitioner objects to Paragraphs 44-45 as irrelevant under Fed. R. Evid. 401 and misleading and confusing the issues under Fed. R. Evid. 403, including to the extent McAlexander takes the position that U.S. Patent No. 6,606,561 to Flick (“Flick ‘561”) was before the Examiner during prosecution -- a position that has been rejected by the Board. *See* Institution Decision, at p. 15 (“Flick ‘561, however, was not before the Examiner during the original prosecution leading to the ‘278 Patent.”).

Petitioner objects to Paragraphs 53-82 as irrelevant under Fed. R. Evid. 401, unhelpful under Fed. R. Evid. 701, and not the product of reliable principles and methods and does not reflect a reliable application of the principles and methods to the facts of the case under Fed. R. Evid. 702.

Petitioner objects to Paragraphs 83 as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful under Fed. R. Evid. 701, and not the product of reliable principles and methods and does not

reflect a reliable application of the principles and methods to the facts of the case under Fed. R. Evid. 702, and hearsay under Fed. R. Evid. 801.

Petitioner objects to Paragraphs 84-87 as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful under Fed. R. Evid. 701, and not the product of reliable principles and methods and does not reflect a reliable application of the principles and methods to the facts of the case under Fed. R. Evid. 702.

Petitioner objects to Paragraph 88 as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful under Fed. R. Evid. 701, not the product of reliable principles and methods and does not reflect a reliable application of the principles and methods to the facts of the case under Fed. R. Evid. 702, and hearsay under Fed. R. Evid. 801.

Petitioner objects to Paragraphs 89-90 as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful under Fed. R. Evid. 701, and not the product of reliable principles and methods and does not reflect a reliable application of the principles and methods to the facts of the case under Fed. R. Evid. 702.

Petitioner objects to Paragraph 91 as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful under Fed. R. Evid. 701, not the product of reliable principles and methods and does not reflect

a reliable application of the principles and methods to the facts of the case Fed. R. Evid. 702, and hearsay under Fed. R. Evid. 801.

Petitioner objects to Paragraphs 92-93 as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful Fed. R. Evid. 701, and not the product of reliable principles and methods and does not reflect a reliable application of the principles and methods to the facts of the case under Fed. R. Evid. 702.

Petitioner objects to Paragraph 96 as irrelevant under Fed. R. Evid. 401 and misleading and confusing the issues under Fed. R. Evid. 403, including to the extent McAlexander asserts a position that U.S. Patent No. 6,812,829 is not part of the disclosure of Flick '885 Patent -- a position that has been rejected by the Board. *See* Institution Decision at p. 37 (U.S. Patent No. 6,812,829 is “part of the disclosure of Flick '885, rather than separate references to be combined with Flick '881.”)

Petitioner objects to Paragraph 98 as irrelevant under Fed. R. Evid. 401 and misleading and confusing the issues under Fed. R. Evid. 403, including to the extent McAlexander asserts the position that U.S. Patent No. 6,011,460 is not part of the disclosure of Flick '885 -- a position that has been rejected by the Board. *See* Institution Decision at p. 37 (U.S. Patent No. 6,011,460 is “part of the disclosure of Flick '885, rather than separate references to be combined with Flick '881”).

III. Exhibits 2006-2009

Petitioner objects to Exhibit 2006 (Omega Patents, LLC v Firstech, LLC Claim Construction Order), Exhibit 2007 (Omega Patents, LLC v. CalAmp Corp., April 8, 2019, 2018-1309), Exhibit 2008 (Omega Patents, LLC v. CalAmp Corp., 2020-1793, 2020-1794), and Exhibit 2009 (Ex Parte Reexamination Certificate) as irrelevant under Fed. R. Evid. 401 and confusing the issues under Fed. R. Evid. 403.

IV. Exhibits 2010-2012

Petitioner objects to Exhibit 2010 (D.I. 297-1, Deposition of Galin Chen, *Omega Patents, LLC v. CalAmp Corp.*, No. 6:13-cv-1950 (M.D. Fla. September 24, 2019)), Exhibit 2011 (D.I. 297-4, Deposition of Peter Hergesheimer, *Omega Patents, LLC v. CalAmp Corp.*, No. 6:13-cv-1950 (M.D. Fla. September 24, 2019)), and Exhibit 2012 (D.I. 297-5, Deposition of Stephen Hall, *Omega Patents, LLC v. CalAmp Corp.*, No. 6:13-cv-1950 (M.D. Fla. September 24, 2019)) as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.

V. Exhibits 2013-2017

Petitioner objects to Exhibit 2013 (U.S. Patent No. 6,636,790), Exhibit 2014 (U.S. Patent No. 6,611,740), Exhibit 2015 (U.S. Patent No. 6,957,133), Exhibit 2016 (U.S. Patent No. 6,732,031), Exhibit 2017 (U.S. Patent No. 7,174,243) as irrelevant under Fed. R. Evid. 401 and misleading and confusing the issues under Fed. R. Evid. 403.

VI. Exhibit 2018

Petitioner objects to Exhibit 2018 (Prosecution History, U.S. Patent App. Pub. No. 2006016315) as irrelevant under Fed. R. Evid. 401 and confusing the issues under Fed. R. Evid. 403.

VII. Exhibit 2019

Petitioner objects to Exhibit 2019 (Declaration of Mr. Christian Tregillis), as follows:

Petitioner objects to Paragraph 17 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, and unhelpful, not based on sufficient facts or data, not the product of reliable principles and methods or a reliable application of the principles and methods under Fed. R. Evid. 702.

Petitioner objects to Paragraph 18 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402 to the extent it relies on Exhibit 2026, misleading and confusing the issues under Fed. R. Evid. 403, and lacking authentication under Fed. R. Evid. 901.

Petitioner objects to Paragraph 19 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402 to the extent it relies on Exhibit 2034, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful, not based on sufficient facts or data, not the product of reliable principles and methods or a

reliable application of the principles and methods under Fed. R. Evid. 702, and lacking authentication under Fed. R. Evid. 901.

Petitioner objects to Paragraph 20 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, and unhelpful, not based on sufficient facts or data, not the product of reliable principles and methods or a reliable application of the principles and methods under Fed. R. Evid. 702.

Petitioner objects to Paragraph 21 as misleading under Fed. R. Evid. 403, unhelpful Fed. R. Evid. 701, and not the product of reliable principles and methods or a reliable application of the principles and methods under Fed. R. Evid. 702.

Petitioner objects to Paragraphs 27-36 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, and unhelpful Fed. R. Evid. 701.

Petitioner objects to Paragraph 37 as misleading under Fed. R. Evid. 403, unhelpful Fed. R. Evid. 701, and not the product of reliable principles and methods or a reliable application of the principles and methods under Fed. R. Evid. 702.

Petitioner objects to Paragraphs 38-41 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful, not based on sufficient facts or data, not the product of reliable principles and methods, and not a reliable application of the principles and

methods under Fed. R. Evid. 702, hearsay under Fed. R. Evid. 801, and inadmissible under Fed. R. Evid. 802.

Petitioner objects to Paragraphs 43-44 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful, not based on sufficient facts or data, not the product of reliable principles and methods or reliable application of the principles and methods under Fed. R. Evid. 702, hearsay under Fed. R. Evid. 801, and inadmissible under Fed. R. Evid. 802.

Petitioner objects to Paragraph 45 as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.

Petitioner objects to Paragraph 46 as irrelevant under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, unhelpful, not based on sufficient facts or data, not the product of reliable principles and methods or a reliable application of the principles and methods under Fed. R. Evid. 702.

VIII. Exhibits 2020-2024

Petitioner objects to Exhibit 2020 (D.I. 145-43, PL47, Omega Patents, LLC v. CalAmp Corp., No. 6:13-cv-1950 (M.D. Fla. Feb 25, 2016), herein “CalAmp

Lawsuit”), Exhibit 2021 (D.I. 145-19, PL1, CalAmp Lawsuit), Exhibit 2022 (D.I. 145-43, PL2, CalAmp Lawsuit), Exhibit 2023 (D.I. 145-20, PL18, CalAmp Lawsuit), Exhibit 2024 (D.I. 145-36, PL20, CalAmp Lawsuit) as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.

IX. Exhibit 2025

Petitioner objects to Exhibit 2025 (D.I. 145-59, PL 73, CalAmp Lawsuit) as irrelevant under Fed. R. Evid. 401, misleading and confusing the issues under Fed. R. Evid. 403, and hearsay under Fed. R. Evid. 801.

X. Exhibit 2026

Petitioner objects to Exhibit 2026 (Master And Cross-License Agreement, dated May 12, 2007, between Omega R&D, Omega Patents and Directed Electronics, Inc.) as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, hearsay under Fed. R. Evid. 801, and lacking authentication under Fed. R. Evid. 901.

XI. Exhibits 2027

Petitioner objects to Exhibit 2027 (D.I. 145-38, PL22, CalAmp Lawsuit) as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, misleading and confusing the

issues under Fed. R. Evid. 403, hearsay under Fed. R. Evid. 801, inadmissible under Fed. R. Evid. 802, and lacking authentication under Fed. R. Evid. 901.

XII. Exhibits 2028-2031

Petitioner objects to Exhibit 2027 (D.I. 145-38, PL22, CalAmp Lawsuit) as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, hearsay under Fed. R. Evid. 801 and inadmissible under Fed. R. Evid. 802.

XIII. Exhibits 2032-2033

Petitioner objects Exhibit 2032 (D.I. 144, Jury Verdict, *Omega Patents, LLC v. CalAmp Corp.*, No. 6:13-cv-1950 (M.D. Fla. Sep. 30, 2019)) and Exhibit 2033 (D.I. 310, Jury Verdict, *Omega Patents, LLC v. CalAmp Corp.*, No. 6:13-cv-1950 (M.D. Fla. Feb. 24, 2016)) as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, hearsay under Fed. R. Evid. 801, and inadmissible under Fed. R. Evid. 802,

XIV. Exhibit 2034

Petitioner objects to Exhibit 2034 (Omega Royalty Report (April 2023)) as irrelevant under Fed. R. Evid. 401, inadmissible under Fed. R. Evid. 402, misleading and confusing the issues under Fed. R. Evid. 403, hearsay under Fed. R. Evid. 801, and lacking authentication under Fed. R. Evid. 901.

Dated: March 5, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned hereby certifies that on March 5, 2024, a true and correct copy of the foregoing document was served via electronic mail on the Patent Owner upon the following counsel of record:

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Dated: March 5, 2024

/s/ Ashe Puri
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