UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PELOTON INTERACTIVE, INC.,

Petitioner,

v.

JOHNSON HEALTH TECH CO., LTD.,

Patent Owner.

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PTAB Case No. IPR2023-01163

U.S. Patent No. 10,032,227

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PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64

I. Introduction

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Johnson Health Tech Co., Ltd. ("JHT") submits the following objections to Petitioner's Exhibits 1014-1016 and 1018. Patent Owner's objections apply the Federal Rules of Evidence ("FRE") in accordance with 37 C.F.R. § 42.62.

II. Objections to Exhibit 1014

JHT objects to Exhibit 1014, U.S. Patent No. 8,287,434 ("'434 patent"), on the following grounds:

- FRE 401 (relevance)
- FRE 403 (prejudice, confusion, or waste of time)

Petitioner's submission of and reliance on Exhibit 1014 for the first time in reply is unfairly prejudicial and confuses the issues (FRE 401, 403).

III. Objections to Exhibit 1015

JHT objects to Exhibit 1015, U.S. Patent App. Pub. No. 2009/0176629 ("Yi"), on the following grounds:

- FRE 401 (relevance)
- FRE 403 (prejudice, confusion, or waste of time)

Petitioner's submission of and reliance on Exhibit 1015 for the first time in reply is unfairly prejudicial and confuses the issues (FRE 401, 403).

IV. Objections to Exhibit 1016

JHT objects to Exhibit 1016, JHT's Opening Exchange of Claim Terms and Proposed Constructions, on the following grounds:

- FRE 401 (relevance)
- FRE 403 (prejudice, confusion, or waste of time)

Petitioner's submission of and reliance on Exhibit 1016 is not relevant, unfairly prejudicial, and confuses the issues given that the proposed constructions were preliminary and the district court has not yet ruled on them (FRE 401, 403). Further, to the extent Exhibit 1016 is relevant, the prejudice and confusion created by Exhibit 1016 outweigh its probative value (FRE 403).

V. Objections to Exhibit 1018

JHT objects to Exhibit 1018, Exhibit A to JHT's June 9, 2023 Infringement Contentions, on the following grounds:

- FRE 401 (relevance)
- FRE 403 (prejudice, confusion, or waste of time)
- FRE 901 (authentication)

Petitioner's submission of and reliance on Exhibit 1018 is not relevant, unfairly prejudicial, and confuses the issues given that the proposed constructions were preliminary and the district court has not yet ruled on them (FRE 401, 403). Further, to the extent Exhibit 1018 is relevant, the prejudice and confusion created

by Exhibit 1018 outweigh its probative value (FRE 403). Additionally, Exhibit 1018 contains no authenticating or identifying evidence to qualify as admissible evidence (FRE 901).

VI. Conclusion

For at least these reasons, JHT objects to Exhibits 1014-1016 and 1018.

Respectfully submitted,

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/Kevin P. Moran/
Kevin P. Moran, Reg. No. 37,193

Attorney for Patent Owner
Johnson Health Tech Co., Ltd.

Dated: June 3, 2024

CERTIFICATION OF SERVICE

The undersigned hereby certifies that **PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64** for the above-captioned matter were served in their entirety on June 3, 2024, upon the following parties via email at the below email addresses:

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(Trial No. IPR2023-01163)

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