

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CSC SERVICEWORKS, INC.,
Petitioner,

v.

PAYRANGE INC.,
Patent Owner.

Case No. IPR2023-01186
Patent No. 8,856,045

PATENT OWNER'S OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner PayRange Inc. submits the following objections to Petitioner CSC ServiceWorks, Inc.'s exhibits EX1003, EX1007, and EX1008, and any reference to or reliance on the foregoing exhibits by Petitioner. PayRange's objections are made pursuant to the Code of Federal Regulations ("C.F.R.") governing this proceeding, including without limitation 37 C.F.R. §§42.61-42.65 and §42.6(a)(3). As required by 37 C.F.R. §42.62, PayRange's objections below apply the Federal Rules of Evidence ("F.R.E.").

II. OBJECTIONS

A. Objections to Declaration of Dr. Neuman (EX1003), and any Reference to/Reliance Thereon

Grounds for Objection: F.R.E. 401-403, 602, 701-703, 801-802, 37 C.F.R. §42.24(a)(3).

PayRange objects to EX1003 to the extent Dr. Neuman's testimony is not rationally based on his own personal and percipient knowledge (F.R.E. 602, 701) and to the extent his testimony is not providing an opinion within Dr. Neuman's knowledge, skill, experience, training, or education that is based on sufficient facts or data and is the product of reliable principles and methods reliably applied to the facts of this case (F.R.E. 702-703; 37 C.F.R. §42.65). PayRange also objects to EX1003 to the extent that Dr. Neuman relies on facts or data that are not the kinds of facts or data an expert in Dr. Neuman's particular field would rely on in forming

an opinion on the subject. PayRange also objects to EX1003 to the extent the probative value of Dr. Neuman's testimony is substantially outweighed by unfair prejudice and confusion of the issues (F.R.E. 401-403). This includes any portion of EX1003 that is not cited in the petition (for example, ¶¶1-18, 20-35), or reliance on any portion cited for a different purpose than that for which it is relied on in the petition. This also includes any portion of EX1003 that is improperly incorporated by reference in the petition (for example, ¶¶36-49, 106-10, 112-13, 115-16, 118-19, 121, 147-60, 187-88, 194-212, 220-34, 254-59, 265-76), or reliance on any portion so improperly incorporated under 37 C.F.R. §42.24(a)(3). PayRange also objects to EX1003 to the extent it is or contains hearsay. F.R.E. 801-802.

B. Objections to Wilson (EX1007), and any Reference to/Reliance Thereon

Grounds for Objection: F.R.E. 105, 801-802.

PayRange objects to EX1007 to the extent it is hearsay or is relied upon as hearsay, including to the extent that Petitioner relies upon it as characterizing EX1008. *See e.g.* Pet., 68; F.R.E. 801-802. Even if admissible for some purpose, the exhibit must be restricted to its proper scope. F.R.E. 105.

C. Objections to MBD/ICP Specification (EX1008), and any Reference to/Reliance Thereon

Grounds for Objection: F.R.E. 105, 401-403, 602, 703, 801-802, 901.

PayRange objects to EX1008 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of the exhibit. The exhibit is not self-authenticating, and Petitioner has failed to provide a sponsoring witness. F.R.E. 602, 703, 901. To the extent Petitioner relies on the content of EX1008 for the truth of the matter asserted, PayRange objects to the exhibit as inadmissible hearsay. F.R.E. 801-802. The petition also fails to demonstrate this non-grounds reference is relevant and that unfair prejudice and confusion of the issues do not substantially outweigh any probative value. F.R.E. 401-403. Even if admissible for some purpose, each exhibit must be restricted to its proper scope. F.R.E. 105.

III. **CONCLUSION**

The aforementioned exhibits were filed together with the petition. These objections are made within 10 business days of institution of the trial pursuant to 37 C.F.R. § 42.64.

Respectfully submitted,

Dated: February 2, 2024

/ Matthew A. Argenti /
Matthew A. Argenti, Lead Counsel
Reg. No. 61,836

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's Objections to Evidence was served on February 2, 2024, on the Petitioner at the electronic correspondence addresses of the Petitioner as follows:

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Respectfully submitted,

Dated: February 2, 2024

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