

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Brycer, LLC, Brycer Management, Inc.,
Petitioners

v.

Tegris, Inc.,
Patent Owner

Case No. IPR2023-01196
Patent No. 11,126,966

**PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence, Petitioners submit the following objections to evidence served by Patent Owner with Patent Owner's Response on April 17, 2024. These objections are timely filed pursuant to 37 C.F.R. § 42.64(b)(1) within five business days of service of the evidence. The Federal Rules of Evidence (F.R.E.) apply to these proceedings according to 37 C.F.R. § 42.62(a), and these rules form the basis of the objections contained herein.

I. Documentary Exhibits

Petitioners object to the following exhibits (and the portions of any papers or declarations discussing or relying upon these exhibits) for the following reasons.

<u>Exhibit</u>	<u>Objections</u>
2018	<u>Hearsay</u>. F.R.E. 801(c) and 802. Patent Owner relies on this exhibit in an attempt to show that Tegrifire practices challenged claims, and in doing so, relies upon out-of-court statements and documents that purport to describe the functionality of Tegrifire, to prove the truth of the matters described therein. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies. <u>Relevance</u>. F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, and/or wasting time in that it has not been established that Tegrifire practices any challenged claim, that there is a nexus to the claimed invention in any challenged claim, or that the underlying documents are what they say they are.

<u>Exhibit</u>	<u>Objections</u>
	<u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be.
2019	<u>Hearsay.</u> F.R.E. 801(c) and 802. Patent Owner relies on this exhibit in an attempt to show that Brycer TCE practices challenged claim 8, and in doing so, relies upon out-of-court statements and documents that purport to describe the functionality of Brycer TCE, to prove the truth of the matters described therein. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, and/or wasting time in that it has not been established that Brycer TCE practices any challenged claim, that there is a nexus to the claimed invention in any challenged claim, or that the underlying documents are what they say they are. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be.
2023	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements of a purported “case study” that purports to describe “statistics” to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity, source, underlying data, and date of the exhibit have not been established.

<u>Exhibit</u>	<u>Objections</u>
2024	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements of a purported “case study” that purports to describe “statistics” to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity, source, underlying data, and date of the exhibit has not been established.
2025	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements of a purported “case study” that purports to describe, <i>e.g.</i>, statistics and results to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and date of the exhibit has not been established.
2026	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, the purported

<u>Exhibit</u>	<u>Objections</u>
	state of the art allegedly as of August 23, 2007, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that the document has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2027	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, the definition of a collaboration system, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an undated and unsourced document has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent

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	Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2028	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, how GIS systems work, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an undated website with a figure allegedly “adapted from” a separate website blog post from July 2017, has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2029	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, how the electrical utility GIS system works, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is

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	substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an unsourced Internet search with document having a copyright date of 2024 has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2030	<u>Hearsay</u>. F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, how GIS systems work, to prove the truth of the matters described therein. <u>Authentication</u>. F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance</u>. F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that a website allegedly to a June 2019 article has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2031	<u>Hearsay</u> . F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, how GIS systems and map data layers work, to prove the truth of the matters described therein.

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	<u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an unsourced document with a copyright date of 2024 has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2032	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, how GIS systems work and corresponding attributes, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an unsourced document with a copyright date of 2024 has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.

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2033	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, how GIS systems and map data layers work, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an undated and unsourced document allegedly showing “2018 Project Standards,” has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2034	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, how map layers work, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not

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	been established. Additionally, it has not been established that an unsourced document with a copyright date of 2024 has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2035	<u>Hearsay</u>. F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, speed of response and monetary value of same, to prove the truth of the matters described therein. <u>Authentication</u>. F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance</u>. F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an unsourced “blog” with a date of June 14, 2019 has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2036	<u>Hearsay</u>. F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, distinctions between public and private fire hydrants, to prove the truth of the matters described therein.

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	<u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that an unsourced document with a 2020 copyright date has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2037	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, distinctions between public and private fire hydrants, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that a website from April 17, 2024 has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.

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2038	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, firefighting assets, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that a website from April 17, 2024 with an unsourced blog dated October 12, 2021, has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2039	<u>Hearsay.</u> F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements in an effort to show, for example, flat files and relational databases, to prove the truth of the matters described therein. <u>Authentication.</u> F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity and publication of the exhibit has not been established. Additionally, it has not been established that a website

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	from April 17, 2024, has any relevance to the issues in this proceeding, including to the state of the art or prior-art teachings as of the time of the invention of the challenged claims. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2040	<u>Hearsay</u>. F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements to prove the truth of the matters described therein. <u>Authentication</u>. F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance</u>. F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity, source, underlying data, and publication date of the exhibit has not been established. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2041	<u>Hearsay</u>. F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements containing an alleged email exchange between third parties to prove the truth of the matters described therein. <u>Authentication</u>. F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance</u>. F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues,

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	including because the authenticity, source, underlying data, and date of the exhibit has not been established. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2042	<u>Hearsay</u>. F.R.E. 801(c) and 802 This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements to prove the truth of the matters described therein. <u>Authentication</u>. F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance</u>. F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity, source, underlying data, and publication date of the exhibit has not been established. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.
2043	<u>Hearsay</u>. F.R.E. 801(c) and 802. This exhibit constitutes or contains inadmissible hearsay because it contains out-of-court statements offered to prove the truth of the matter asserted that do not fall within any exception. For example, Patent Owner relies upon this exhibit with out-of-court statements to prove the truth of the matters described therein. <u>Authentication</u>. F.R.E. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is what Patent Owner claims it to be. <u>Relevance</u>. F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, including because the authenticity, source, underlying data, and

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	publication date of the exhibit has not been established. And, because Patent Owner does not rely upon this exhibit in its Patent Owner Response, it has not been shown to be relevant to any issue in this proceeding.

II. Declarations

Petitioners object to the following declaration exhibits (and the portions of any papers or other declarations discussing or relying upon these exhibits) for the following reasons.

<u>Exhibit</u>	<u>Objections</u>
2015	<u>Hearsay</u>. F.R.E. 801(c) and 802. The declaration relies on documents, websites, and other references that constitute or contain inadmissible hearsay, because the documents, websites, and other references contain out-of-court statements that are offered for the truth of the matters asserted therein. For example, the declaration relies upon codes, standards, definitions, certifications, case studies, and alleged activity with and statements by third parties and in the industry, each of which constitutes hearsay because they are out-of-court statements offered to prove the truth of the nature the documents, websites, and references. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies. <u>Qualification of Expert Witness</u>. F.R.E. 401, 402, 403, and 702. This declaration includes testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant's testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant's opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten.

<u>Exhibit</u>	<u>Objections</u>
	<u>Personal Knowledge.</u> F.R.E. 602, 701, 801, and 802 and 37 C.F.R. § 42.61. This declaration includes testimony that is not shown to be based on first-hand knowledge including of how relied-upon data and information was generated, is based on speculation, and constitutes and contains inadmissible hearsay. The declarant has no personal knowledge regarding the creation, publication, maintenance, or authenticity of the exhibits, websites and other references discussed therein. The declaration includes speculation and contains inadmissible hearsay, including, for example the authenticity of documents, websites, and other references. <u>Underlying Facts and Data.</u> F.R.E. 401 and 705 and 37 C.F.R. § 42.65. This exhibit does not disclose underlying facts and data, including related to the alleged secondary considerations. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, and/or wasting time in that it has not been established that the alleged evidence of secondary considerations is relevant to the subject matter as claimed, or that there is a nexus to the claimed invention in any challenged claim. <u>Authentication.</u> F.R.E. 901(a). The declaration relies on exhibits, references, websites, and other documents for which Patent Owner has not produced evidence sufficient to support a finding that the exhibits, references, websites, and other documents are what Patent Owner claims them to be.
2016	<u>Hearsay.</u> F.R.E. 801(c) and 802. The declaration relies on documents and statements that constitute or contain inadmissible hearsay, because the documents and statements contain out-of-court statements that are offered for the truth of the matters asserted therein. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies. <u>Qualification of Expert Witness.</u> F.R.E. 401, 402, 403, and 702. This declaration includes testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly

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	expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant's testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant's opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten. <u>Personal Knowledge.</u> F.R.E. 602, 701, 801, and 802 and 37 C.F.R. § 42.61. This declaration includes testimony that is not shown to be based on first-hand knowledge including of how relied-upon data and information was generated, is based on speculation, and constitutes and contains inadmissible hearsay. <u>Underlying Facts and Data.</u> F.R.E. 401 and 705 and 37 C.F.R. § 42.65. This exhibit does not disclose underlying facts and data, including related to the alleged secondary considerations. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, and/or wasting time in that it has not been established that the alleged evidence of secondary considerations is relevant to the subject matter as claimed, or that there is a nexus to the claimed invention in any challenged claim. <u>Authentication.</u> F.R.E. 901(a). The declaration relies on an exhibit and other references for which Patent Owner has not produced evidence sufficient to support a finding that the exhibit and other references are what Patent Owner claims them to be.
2017	<u>Hearsay.</u> F.R.E. 801(c) and 802. The declaration relies on documents and statements that constitute or contain inadmissible hearsay, because the documents and statements contain out-of-court statements that are offered for the truth of the matters asserted therein. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies.

<u>Exhibit</u>	<u>Objections</u>
	<u>Qualification of Expert Witness.</u> F.R.E. 401, 402, 403, and 702. This declaration includes testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant's testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant's opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten. <u>Personal Knowledge.</u> F.R.E. 602, 701, 801, and 802 and 37 C.F.R. § 42.61. This declaration includes testimony that is not shown to be based on first-hand knowledge including of how relied-upon data and information was generated, is based on speculation, and constitutes and contains inadmissible hearsay. <u>Underlying Facts and Data.</u> F.R.E. 401 and 705 and 37 C.F.R. § 42.65. This exhibit does not disclose underlying facts and data, including related to the alleged secondary considerations. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, and/or wasting time in that it has not been established that the alleged evidence of secondary considerations is relevant to the subject matter as claimed, or that there is a nexus to the claimed invention in any challenged claim. <u>Authentication.</u> F.R.E. 901(a). The declaration relies on an exhibit and other references for which Patent Owner has not produced evidence sufficient to support a finding that the exhibit and other references are what Patent Owner claims them to be.
2020	<u>Hearsay.</u> F.R.E. 801(c) and 802. The declaration relies on documents and other references that constitute or contain inadmissible hearsay, because the documents and other references contain out-of-court statements that are offered for the truth of the matters asserted therein. For example, the declaration relies upon codes, standards, definitions,

<u>Exhibit</u>	<u>Objections</u>
	certifications, case studies, and alleged activity with and statements by third parties and in the industry, each of which constitutes hearsay because they are out-of-court statements offered to prove the truth of the nature the documents, websites, and references. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies. <u>Qualification of Expert Witness.</u> F.R.E. 401, 402, 403, and 702. This declaration includes testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant's testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant's opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten. <u>Personal Knowledge.</u> F.R.E. 602, 701, 801, and 802 and 37 C.F.R. § 42.61. This declaration includes testimony that is not shown to be based on first-hand knowledge including of how relied-upon data and information was generated, is based on speculation, and constitutes and contains inadmissible hearsay. The declarant has no personal knowledge regarding the creation, publication, maintenance, or authenticity of the exhibits, websites and other references discussed therein. The declaration includes speculation and contains inadmissible hearsay, including, for example the authenticity of documents, websites, and other references. <u>Underlying Facts and Data.</u> F.R.E. 401 and 705 and 37 C.F.R. § 42.65. This exhibit does not disclose underlying facts and data, including related to the alleged secondary considerations and the alleged state of the art at the time of the invention of the challenged claims. <u>Relevance.</u> F.R.E. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, and/or wasting time in that it has not been established that the alleged

<u>Exhibit</u>	<u>Objections</u>
	evidence of secondary considerations is relevant to the subject matter as claimed, or that there is a nexus to the claimed invention in any challenged claim. <u>Authentication.</u> F.R.E. 901(a). The declaration relies on exhibits, references, websites, and other documents for which Patent Owner has not produced evidence sufficient to support a finding that the exhibits, references, websites, and other documents are what Patent Owner claims them to be.

Respectfully submitted,

REICHMAN, JORGENSEN, LEHMAN &
FELDBERG LLP

Dated: April 23, 2024

/Patrick Colsher/
Patrick Colsher (Reg. No. 74,955)
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Petitioners' Objections to Patent Owner's Evidence was served via email on April 23, 2024, upon the following counsel of record for Patent Owner:

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Dated: April 23, 2024

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