

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRYCER, LLC, and BRYCER MANAGEMENT, INC.,
Petitioners

v.

TEGRIS, INC.,
Patent Owner.

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

Before KAREN I. SWEENEY, *Trial Paralegal*

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence, Patent Owner submits the following objections to evidence served by Petitioner with their Reply on July 26, 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. Patent Owner's objections to Petitioners' documentary evidence are:

Exh. #	Objections
1034	Lacks Foundation. Petitioners failed to provide a sufficient legal or factual basis to demonstrate the reliability of this document or the content thereof. Hearsay. F.R.E. 801(c) and 802. This exhibit includes out of court statements ostensibly offered to prove the truth of the matters described therein. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies. Relevance. 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 part, due to the apparent absence of any citation to this document in Petitioners' Reply. Authentication. F.R.E. 901(a). Petitioners have not produced evidence sufficient to support a finding that this exhibit is what Petitioners claims it to be. Patent Owner objects to this exhibit as untimely, as it was not submitted in support of Petitioners' arguments in their Petition; it constitutes additional new evidence outside the scope of any

	such arguments; and it was not introduced as an exhibit in any deposition in this proceeding.
1035	Lacks Foundation. Petitioners failed to provide a sufficient legal or factual basis to demonstrate the reliability of this document or the content thereof. Hearsay. F.R.E. 801(c) and 802. This exhibit includes out of court statements ostensibly offered to prove the truth of the matters described therein. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies. Relevance. 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 part, because Petitioners relies upon this document for its reference to “Patent Pending” as evidence of the meaning or scope of the Challenged Patent . Authentication. F.R.E. 901(a). Petitioners have not produced evidence sufficient to support a finding that this exhibit is what Petitioners claims it to be. Patent Owner objects to this exhibit as untimely, as it was not submitted in support of Petitioners’ arguments in their Petition; it constitutes additional new evidence outside the scope of any such arguments; and it was not introduced as an exhibit in any deposition in this proceeding.
1036	Lacks Foundation. Petitioners failed to provide a sufficient legal or factual basis to demonstrate the reliability of this document or the content thereof. Hearsay. F.R.E. 801(c) and 802. This exhibit includes out of court statements ostensibly offered to prove the truth of the matters described therein. Additionally, the exhibit contains multiple levels of hearsay for which no exception applies.

	Relevance. 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 part, because Petitioners rely upon this document without any supporting expert testimony to purportedly define or describe a database, without showing that any database referenced therein would be suitable for the inventions described in the Challenged Patent. Authentication. F.R.E. 901(a). Petitioners have not produced evidence sufficient to support a finding that this exhibit and the portion thereof cited by Petitioner is what Petitioners claims it to be. Patent Owner objects to this exhibit as untimely, as this 2013 document was clearly available to Petitioners prior to filing their Petition, but it was not submitted in support of Petitioners' arguments in their Petition; it constitutes additional new evidence outside the scope of any such arguments; and it was not introduced as an exhibit in any deposition in this proceeding.
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Date: August 2, 2024

Respectfully submitted,

/Chris Perque/

Chris Perque
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Fisher Boyles LLP

Richard M. Lehrer
Reg. No. 38,536
Fisher Boyles LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner Mandatory Notice Information Under 37 CFR § 42.8 was served on the above referenced date via email on the following attorneys for the Petitioners:

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