

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

NEC CORPORATION,
Patent Owner.

Case IPR2023-01239
U.S. Patent No. 8,752,101

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

Pursuant to 37 C.F.R. § 42.64 and the Federal Rules of Evidence (“FRE”), Petitioner (“Peloton”) submits the following objections to evidence associated with the Patent Owner Response (“POR”) of NEC Corporation (“NEC”).

A. Exhibit 2012

Peloton objects to Exhibit 2012 to the extent Dr. Cooperstock relies upon Exhibits 2013 and 2014 in forming his opinions, which are in and of themselves objectionable for the reasons set forth in this paper, including under FRE 401–403.

Peloton further objects to Exhibit 2012 as inadmissible under FRE 702 and 703 for failing to provide expert testimony based on sufficient facts or data, the use of reliable principles and methods, and a reliable application of such principles and methods.

B. Exhibit 2013

Peloton objects to Exhibit 2013 as irrelevant and inadmissible under FRE 401 and 402, and for confusing the issues and creating undue prejudice under FRE 403.

C. Exhibit 2014

Peloton objects to Exhibit 2014 as irrelevant and inadmissible under FRE 401 and 402, and for confusing the issues and creating undue prejudice under FRE 403.

Date: June 7, 2024

Respectfully submitted,

By /Scott C. Weidenfeller/

Scott C. Weidenfeller

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Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that the foregoing Petitioner's Objection to Evidence under 37 C.F.R. § 42.64 was served by electronic mail today on the following counsel of record for Patent Owner:

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Date: June 7, 2024

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