

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASTERCARD INCORPORATED AND MASTERCARD
INTERNATIONAL INCORPORATED.,

Petitioner,

v.

OV LOOP, INC.,

Patent Owner.

Case IPR2023-01289

Patent 10,032,171

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
REPLY EXHIBITS**

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I. Introduction

Petitioner filed its Reply on September 20, 2024, and in connection with the Reply, Petitioner filed, among others, Exhibits 1050, 1058, 1059, 1063–1065. Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Patent Owner, hereby submits the following objections to Petitioner’s Exhibits 1050, 1058, 1059, 1063–1065 along with any reference to or reliance on the foregoing.

II. Objections Under the Federal Rules of Evidence (FRE)

A. Exhibits 1058, 1059, 1063–1065

Patent Owner objects to Exhibits 1058, 1059, 1063–1065 as inadmissible hearsay under FRE 801–807, because the statements within each of these exhibits are used for the truth of the matter asserted.

In addition, Exhibits 1058, 1059, 1063–1065 are objected to as not authenticated under FRE 901, and the documents are not self-authenticating under FRE 902. *See* FRE 901(a) (“To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the

item is what the proponent claims it is.”). Here, Petitioner identifies no authenticating evidence explaining what Exhibits 1058, 1059, 1063–1065 are, how they were acquired, or how they were made.

Exhibits 1058, 1059, 1063–1065 are also objected to as irrelevant and inadmissible under FRE 401 and 402, and prejudicial under FRE 403.

B. Exhibit 1050

Patent Owner further objects, under Rule 702 and Rule 703, to the supplemental declaration of Petitioner’s expert, Dr. Stuart Fiske in Exhibit 1050 to the extent he relies on Exhibits 1058, 1059, and/or 1063–1065 in support of his opinions. *See, e.g.*, Ex. 1006 at ¶¶ 7, 9-11, 15-17, 33, 35, 39, 41, 50, 71, 72, Annex A, Annex B.

III. Conclusion

These objections are timely presented, as the objected to evidence was submitted during a preliminary proceeding, and these objections are submitted and served within five business days of service. 37 C.F.R. § 42.64(b)(l). Patent Owner reserves the right to file a motion to exclude the evidence objected to herein.

Respectfully submitted,

Dated: September 27, 2024

/s/ Seth Lindner

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above document was served on September 27, 2024, by filing this document through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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