

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HESAI TECHNOLOGY CO. LTD.,
Petitioner

v.

OUSTER, INC.
Patent Owner

Case No. IPR2023-01422
Patent No. 11,287,515 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
FILED WITH THE PETITION**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Ouster, Inc. (“Patent Owner”) hereby objects to Petitioner’s Hesai Technology Co. Ltd. (“Petitioner”) exhibits submitted with Petition for *Inter Partes* Review (Paper 2) as indicated below, as well as any reference thereto or reliance thereon, without limitation.

Exhibit Number and Description	Objections
Ex. 1003 - Declaration of Dr. Michael Lebby	FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 702/703 (Unreliable expert testimony): The exhibit contains statements and opinions that are not admissible under FRE 702 or 703. For example, the exhibit fails to identify facts or data supporting the witness’s conclusory testimony, and that testimony thus is not based on sufficient facts or data. Further, the testimony is not the product of reliable principles and methods, and the witness fails to reliably apply the principles and methods of the facts of the case. The exhibit contains opinions for which the factual bases have not been disclosed, including numerous broad and/or conclusory statements made without analysis or sufficient citation to evidence or explanation. <i>See also</i> Consolidated Trial Practice Guide, November 2019, at 36 (“Expert testimony, however, cannot take the place of a disclosure in a prior art reference,

	when that disclosure is required as part of the unpatentability analysis.”). The exhibit fails to reliably apply the correct legal standard to the facts of the case. For example, the witness fails to explain the differences between the claims and the prior art. <i>Graham v. John Deere Co.</i>, 383 U.S. 1, 17-18 (1966) (requiring that the obviousness analysis consider “differences between the claimed subject matter and the prior art.”). The exhibit may contain statements that are not Dr. Lebby’s opinion, as large portions of the declaration are nearly identical to the Petition itself. FRE 802: The exhibit and statements included therein are inadmissible hearsay. 37 CFR § 42.6(a)(3): The declaration is excessively long at over 200 pages and thereby attempts to circumvent the rule against incorporation by reference by providing analysis beyond the scope of the Petition. Further, numerous portions of the declaration are improperly incorporated by reference into the petition, e.g., Petition at 17-19, 21, 24-26, 28-29, 31, 33-38, 40, 43, 46, 48, 51, 53, 55, 65, 68, 69, 73, 77, 78, 80-81, 84, 86, 89, 90, 92, 95, 97, 101, 104, 106 <i>passim</i> (improperly incorporating ranges of paragraphs from Ex. 1003).
Ex. 1014 - U.S. Patent No. 9,651,658 to Pennecot et al.	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.

	FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 134-135, 159, 169) as disclosing limitations of claim 6 for several Grounds. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1-3 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1015 - U.S. Patent No. 10,845,470 to Verghese et al.	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting

	time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 46, 103) as disclosing limitations of claims 8 and 19 for Grounds 1 and 8. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1 and 8 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1016 - U.S. Patent Pub. No. 2010/0030380 to Shah et al.	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR §

	42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1017 - Complaint in ITC Inv. No. 337-TA-1363	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1023 - <i>Performance Analysis of Next-Generation LADAR for Manufacturing, Construction, and Mobility</i> , National Institute of Standards and Technology (2004)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

	FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1024 - U.S. Patent No. 6,747,747 to Hipp	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).

Ex. 1025 - <i>Report to Congress: DARPA Prize Authority</i> (2006)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1026 - <i>Hall et al., Team DAD Technical Paper, DARPA Grand Challenge</i> (2005)	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

	FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1027 - U.S. Patent No. 7,969,558 to Hall	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1028 - U.S. Patent No. 9,935,514 to William <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.

	FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1029 - U.S. Patent No. 9,059,649 to Droz <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).

Ex. 1030 - Sang-Hoon Kim, Electric Motor Control, 2017	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1031 - Mechanical Design of Electric Motors, 2014	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

	FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
Ex. 1032 - Axial Flux Permanent Magnet Brushless Machines	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1033 - NTN, Bearing Units	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.

	FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is. 5 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 25-26, 87-89, 100) as disclosing limitations of elements 1(e), 14(e), and 22(e.i) for Grounds 1, 6, and 8. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1, 6 and 8 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
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Ex. 1034 - U.S. Patent No. 11,374,458 to Johansen	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1035 - U.S. Patent No. 2,818,518 to Phaneuf <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific

	portions of the evidence that support the challenge.”).
Ex. 1036 - U.S. Publication No. 2016/0380523 to Hunter <i>et al</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 5 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 25-26, 87-89, 100) as disclosing limitations of elements 1(e), 14(e), and 22(e.i) for Grounds 1, 6, and 8. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1, 6 and 8 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).

Ex. 1037 - U.S. Patent No. 4,627,157 to Campisi <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 5 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 25-26, 87-89, 100) as disclosing limitations of elements 1(e), 14(e), and 22(e.i) for Grounds 1, 6, and 8. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1, 6 and 8 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1038 - U.S. Patent No. 6,324,745 to Poag <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.

	FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 5 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 25-26, 87-89, 100) as disclosing limitations of elements 1(e), 14(e), and 22(e.i) for Grounds 1, 6, and 8. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1, 6 and 8 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1039 - U.S. Patent No. 7,946,986 to Bockenstedt <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting

	time, or needlessly presenting cumulative evidence. 5 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 25-26, 87-89, 100) as disclosing limitations of elements 1(e), 14(e), and 22(e.i) for Grounds 1, 6, and 8. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1, 6 and 8 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1040 - Single-Layer vs. Multilayer PCBs, available at https://www.ymspcb.com/news/single-layer-vs-multilayer-pcb-how-do-they-differ	FRE 402: This exhibit, dated September 17, 2022, includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay.

	FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
Ex. 1041 - U.S. Patent No. 3,375,386 to P.F. Hayner <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1042 - U.S. Patent No. 10,141,822 to Ricci <i>et al.</i>	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

	5 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (at 25-26, 87, 100) as disclosing limitations of elements 1(e), 14(e), and 22(e.i) for Grounds 1, 6, and 8. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code § 312(a)(3) since it ensures Grounds 1, 6 and 8 are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1043 - U.S. Patent No. 9,606,230 to Nubling	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 5 USC § 312; 37 CFR § 42.104: The exhibit is generally cited to but not specifically relied upon on by the Petition (e.g., at 42-43) as disclosing more than two circuit boards for Grounds 1-3, 6, and 8-9. Petitioner’s use of the exhibit in this manner violates 35 U.S. Code §

	312(a)(3) since it ensures the Grounds are not set forth with the required particularity and multiplies the proceedings. <i>See also</i> 37 CFR § 42.104 (requiring “a statement of the precise relief requested for each claim challenged” including “the patents or printed publications relied upon for each ground. . . . The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. . . . The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
Ex. 1044 - Ouster’s Notice of Patent Priority Dates	FRE 403: The petition (at 5) mischaracterizes this exhibit as an admission by Ouster of a December 4, 2018 priority date. Accordingly, the exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.
Ex. 1046 - Provisional Application No. 62/232,222	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain

	its relevance in the Petition. <i>See also</i> 37 CFR § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).
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Dated: April 2, 2024

Respectfully submitted,

/Megan Bussey/
Megan Bussey
Reg. No. 63,789
Lead Attorney for Patent Owner

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Section 42.6, that a complete copy of the attached PATENT OWNER'S OBJECTIONS TO EVIDENCE FILED WITH THE PETITION are being served via electronic mail the 2nd day of April, 2024, on Petitioner by serving Petitioner's counsel of record in this proceeding as follows:

Jared W. Newton
James M. Glass
Nima Hefazi
QUINN EMANUEL URQUHART & SULLIVAN, LLP
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DATED: April 2, 2024

/Megan Bussey/

Megan Bussey
Reg. No. 63,789