

IPR2024-00133

U.S. 8,688,089

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLR WORLDWIDE SALES LIMITED,
Petitioner

v.

FLIP PHONE GAMES, INC.,
Patent Owner

IPR No. IPR2024-00133

Patent No. 8,688,089

**PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED
WITH PETITIONER'S REPLY**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner, Flip Phone Games, Inc. (“Patent Owner”) objects as follows to the admissibility of the evidence served with Petitioner’s Reply filed on May 19, 2025.

Ex. No.	Description	Objections
1020	Supplemental Declaration of Jose Zagal, Ph.D.	FRE 401: The exhibit includes information that is not relevant to any ground upon which trial was instituted. 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. 37 C.F.R. § 42.23(b): The exhibit and statements included raise new evidence that could have been submitted with the petition. Such new testimony includes at least paragraphs 11-35, all of which should have been included with the Petition and amount to improper new testimony in violation of Section 42.23(b). <i>See Rembrandt Diagnostics, LP v. Alere, Inc.</i>, 76 F.4th 1376, 1383-84 (Fed. Cir. 2023); <i>Apple Inc. v. Andrea Electronics Corp.</i>, 949 F.3d 697, 706 (Fed. Cir. 2020); <i>Henny Penny Corp. v. Frymaster LLC</i>, 938 F.3d 1324, 1330 (Fed. Cir. 2019);

Ex. No.	Description	Objections
		<i>Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359, 1370 (Fed. Cir. 2016).
1021	U.S. Patent Application Publication 2006/0111979 to Chu	FRE 401: The exhibit includes information that is not relevant to any ground upon which trial was instituted. 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. 37 C.F.R. § 42.23(b): The exhibit and statements included raise new evidence that could have been submitted with the petition.

Dated: May 27, 2025

Respectfully submitted,

/Michael T. Morlock/

Michael T. Morlock

Reg. No. 62,245

Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PETITIONER'S REPLY** has been served electronically via email upon the following:

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Dated: May 27, 2025

By: /Michael T. Morlock/
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