

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

SECURITY FIRST INNOVATIONS, LLC,
Patent Owner

Case IPR2024-00214
Patent 11,068,609

PATENT OWNER'S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner Security First Innovations, LLC hereby objects to the following documents submitted by Petitioner Google LLC.

Nothing in this paper should be construed as an admission that any rights of Patent Owner would have been waived or forfeited had the paper or any objection herein not been filed, or that 37 C.F.R. § 42.64(b) applies to any of the objections herein if § 42.64(b) would not otherwise apply. The objections herein are premised upon § 42.64 potentially being determined to apply to the document in question, and are submitted solely to preserve the rights of Patent Owner should § 42.64(b) be determined to apply.

1. Exhibit 1072

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition’s case-in-chief and could have been submitted with the Petition.

2. Exhibit 1073

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition’s case-in-chief and could have been submitted with the Petition.

3. Exhibit 1074

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

4. Exhibit 1075

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

5. Exhibit 1076

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6. Exhibit 1077

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7. Exhibit 1078

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

8. Exhibit 1079

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition. Under FRE 401/402/403, the exhibit is also inadmissible as irrelevant because, among other things, it does not form a basis of the instituted grounds, and their probative values are outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 801/802, to the extent this document is relied upon for the truth of the matter asserted, this document constitutes and contains inadmissible hearsay. Under FRE 901, this document is inadmissible because it has not been shown to be authenticated or identified.

9. Exhibit 1080

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition. Under FRE 401/402/403, the exhibit is also inadmissible as irrelevant because, among other things, it does not form a basis of the instituted grounds, and their probative values are outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 801/802, to the extent this document is relied upon for the truth of the matter asserted, this document constitutes and contains inadmissible hearsay. Under FRE 901, this document is inadmissible because it has not been shown to be authenticated or identified.

10. Exhibit 1081

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

11. Exhibit 1082

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition. Under FRE 401/402/403, the exhibit is also inadmissible as irrelevant because, among other things, it does not form a basis of the instituted grounds, and their probative values are outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 801/802, to the extent this document is relied upon for the truth of the matter asserted, this document constitutes and contains inadmissible hearsay. Under FRE 901, this document is inadmissible because it has not been shown to be authenticated or identified.

12. Exhibit 1083

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13. Exhibit 1084

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

14. Exhibit 1085

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

15. Exhibit 1086

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16. Exhibit 1087

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17. Exhibit 1088

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

18. Exhibit 1089

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

19. Exhibit 1090

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20. Exhibit 1091

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21. Exhibit 1092

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

22. Exhibit 1093

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23. Exhibit 1094

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

24. Exhibit 1095

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

25. Exhibit 1096

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition. Under FRE 401/402/403, the exhibit is also inadmissible as irrelevant because, among other things, it does not form a basis of the instituted grounds, and their probative values are outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 801/802, to the extent this document is relied upon for the truth of the matter asserted, this document constitutes and contains inadmissible hearsay. Under FRE 901, this document is inadmissible because it has not been shown to be authenticated or identified.

26. Exhibit 1097

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

27. Exhibit 1098

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

28. Exhibit 1100

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

29. Exhibit 1101

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

30. Exhibit 1102

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

31. Exhibit 1103

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

32. Exhibit 1104

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

33. Exhibit 1105

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

34. Exhibit 1106

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition. Under FRE 401/402/403, the exhibit is also inadmissible as irrelevant because, among other things, it does not form a basis of the instituted grounds, and their probative values are outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 801/802, to the extent this document is relied upon for the truth of the matter asserted, this document constitutes and

contains inadmissible hearsay. Under FRE 901, this document is inadmissible because it has not been shown to be authenticated or identified.

35. Exhibit 1107

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

36. Exhibit 1108

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

37. Exhibit 1109

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition. Under FRE 401/402/403, the exhibit is also inadmissible as irrelevant because, among other things, it does not form a basis of the instituted grounds, and their probative values are outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 801/802, to the extent this document is relied upon for the truth of the matter asserted, this document constitutes and contains inadmissible hearsay. Under FRE 901, this document is inadmissible because it has not been shown to be authenticated or identified.

38. Exhibit 1110

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

39. Exhibit 1111

Under the Trial Practice Guide, the testimony in this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition. Under FRE 602/701/801/802 and 37 C.F.R. § 42.61, this document includes testimony that is not shown to be based on first-hand knowledge including of how relied-upon data was generated, is based on speculation, and constitutes and contains inadmissible hearsay. Under FRE 401/402/403/702, this document includes testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant's testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant's opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten. Under FRE 401/705 and 37 C.F.R. § 42.65, this document does not disclose underlying facts and data. Under

FRE 401/705 and 37 C.F.R. § 42.65, this document includes testimony on patent law and practice.

40. Exhibit 1112

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

41. Exhibit 1113

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

42. Exhibit 1114

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43. Exhibit 1115

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44. Exhibit 1116

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45. Exhibit 1117

Under the Trial Practice Guide, this exhibit is untimely because it is relied upon to establish Petition's case-in-chief and could have been submitted with the Petition.

Respectfully submitted,

 / Kenneth J. Weatherwax /
Kenneth J. Weatherwax, Reg. No. 54,528
Lowenstein & Weatherwax LLP

Date: December 30, 2024

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

PATENT OWNER'S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)

The names and address of the parties being served are as follows:

Elisabeth H. Hunt
Gregory S. Nieberg
Nathan R. Speed

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GNieberg-PTAB@wolfgreenfield.com
NSpeed@wolfgreenfield.com

Respectfully submitted,

/ Colette Woo /

Date: December 30, 2024