

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ORACLE CORPORATION  
Petitioner,  
v.  
DR. JOSEPH L. DE BELLIS.,  
Patent Owner.

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Case No. IPR2024-00221  
U.S. Patent No. 6,760,720

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**PETITIONER'S OBJECTIONS TO  
PATENT OWNER'S RESPONSE EVIDENCE**

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Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners hereby object to the exhibits cited and relied upon in Patent Owner's October 21, 2024 response on the following grounds. For each objected to exhibit, the pertinent Federal Rule of Evidence ("FRE") or other rule that gives rise to the objection is provided, along with a brief summary of the basis of the objection.

**1. Ex. 2001 – First Declaration of Dr. Joseph L. De Bellis, M.D.**

Petitioner objects to the paragraphs of Ex. 2001 listed below on the grounds indicated:

- **¶¶ 15-43, 54: FRE 402.** Paragraphs 15-43 and 54 are irrelevant because they include personal narrative, discussions of medical practice, and other subject matter that bears no relation to any of the issues in this proceeding. **FRE 403.** Any limited probative value of paragraphs 15-43 and 54 is substantially outweighed by the risk of unfair prejudice, confusion of the issues, and waste of time.
- **¶¶ 45-47: FRE 402.** Paragraphs 45-47 are irrelevant because they include statements relating to the purported date of conception of the subject matter underlying the '720 patent that are not adequately or properly corroborated. **FRE 403.** Any limited probative value of paragraphs 45-47 is substantially outweighed by the risk of unfair prejudice and confusion of the issues.

- **¶¶ 48-52, 54, 56-59: FRE 402.** Paragraphs 48-52, 54, 56, and 59 are irrelevant because they include statements relating to the purported reduction to practice of the subject matter underlying the '720 patent that are not adequately or properly corroborated. **FRE 403.** Any limited probative value of paragraphs 48-52, 54, and 56-59 is substantially outweighed by the risk of unfair prejudice, confusion of the issues, and waste of time.
- **¶¶ 53, 55, 59: FRE 1004.** Paragraphs 53 and 55 are improperly attempting to prove the content of various writings—including receipts, invoices, call logs, and other documents—via statements and pictures in a declaration rather than via the introduction of the original versions of these writings as evidence. Paragraph 59 is improperly attempting to prove the content of a CD—and the program it purportedly contained—without introducing the original version or providing any information about the same.

2. **Ex. 2002 – Declaration of Lucille Marie De Bellis.** Petitioner objects to the paragraphs of Ex. 2002 listed below on the grounds indicated:

- **¶¶ 5-7, 11-14, 16, 22, 24, 28-29, 30: FRE 602.** Paragraphs 5-7, 11-14, 16, 22, 24, 28-29, and 30 improperly include statements relating to Dr. De Bellis's purported state of mind, thoughts, wants, and activities of

which the declarant has no personal knowledge. **FRE 402.** Paragraphs 5-7, 11-14, 16, 22, 24, 28-29, and 30 are irrelevant because they include statements relating to the purported reduction to practice of the subject matter underlying the '720 patent that are not adequately or properly corroborated. **FRE 403.** Any limited probative value of paragraphs 5-7, 11-14, 16, 22, 24, 28-29, and 30 is substantially outweighed by the risk of unfair prejudice and confusion of the issues.

**3. Ex. 2003 – Second Declaration of Dr. Joseph L. De Bellis, M.D.**

Petitioner objects to the paragraphs of Ex. 2003 listed below on the grounds indicated:

- ¶¶ 15-46: **FRE 402.** Paragraphs 15-46 are irrelevant because they include personal narrative, discussions of medical practice, and other subject matter that bears no relation to any of the issues in this proceeding. **FRE 403.** Any limited probative value of paragraphs 15-46 is substantially outweighed by the risk of unfair prejudice, confusion of the issues, and waste of time.
- ¶¶ 47-54: **FRE 402.** Paragraphs 47-54 are irrelevant because they include discussion of purported commercial “embodiments” without providing any foundation showing what those products were, the features they possessed, or their functionality. **FRE 403.** Any limited

probative value of paragraphs 47-54 is substantially outweighed by the risk of unfair prejudice, confusion of the issues, and waste of time.

- ¶¶ 56-82. **FRE 701.** Paragraphs 56-82 include improper lay witness opinion testimony regarding the prior art references at issue in this proceeding. **FRE 702.** Paragraphs 56-82 include opinion testimony from the inventor, as opposed to an individual qualified as an expert or a person having ordinary skill in the art. *See, e.g., Standard Oil Co. v. American Cyanamid Co.*, 774 F.2d 448, 454 (Fed. Cir. 1985) (“one should not go about determining obviousness under § 103 by inquiring into what patentees (*i.e.*, inventors) would have known or would likely have done”).

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: October 28, 2024

*/K. Patrick Herman/*

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## **CERTIFICATE OF SERVICE**

The undersigned hereby confirms that the foregoing paper was caused to be served on October 28, 2024 via email upon the following representative of Patent Owner:

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