

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN XINZEXING E-COMMERCE CO., LTD.,

Petitioner,

v.

SHENZHEN CAR KU TECHNOLOGY CO., LTD.,

Patent Owner.

PTAB Case No. IPR2024-00222

Patent No. 9,643,506 B2

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
EVIDENCE IN A PRELIMINARY PROCEEDING
UNDER 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Shenzhen Carku Technology Co., Ltd. (“Carku” or “Patent Owner”) objects to evidence submitted during a preliminary proceeding by Petitioner Shenzhen Xinzexing E-Commerce Co., Ltd. (“Petitioner”) with its Petition (Paper 2) filed November 21, 2023. The objections are based on 37 C.F.R. Part 42, and the relevant portions of Federal Rules of Evidence (“F.R.E.”) that are applicable to *Inter Partes* Review proceedings under 37 C.F.R. § 42.62. These objections have been timely filed and served within ten business days of the institution of trial.

I. Exhibit 1003

Patent Owner objects to Dr. Woods’ Declaration to the extent that any paragraph relies upon an exhibit that is objected to herein for the reasons set forth in those objections. Patent Owner objects to Exhibit 1003 to the extent that it provides opinions that are irrelevant under F.R.E. 401-402, or that its probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. For example, paragraphs 1-16, 18-25, 27-28 and 35 of Exhibit 1003 are not cited in the Petition (Paper 2) and, therefore, do not appear to make any fact of consequence in determining this action more or less probable than it would be without them and are thus irrelevant and not admissible (F.R.E. 401, 402). Patent Owner further objects under F.R.E. 702 to Exhibit 1003 as unreliable, conclusory, and

unsubstantiated expert testimony due to lack of sufficient facts and data, lack of reliable principles and methods, failure to reliably apply the principles and methods to the facts, and lack of expert qualifications.

II. Exhibit 1004

Patent Owner objects to Exhibit 1004 under F.R.E. 106. Petitioner has produced an incomplete excerpt of the document and has not made a complete version available in the record of this trial.

III. Exhibit 1018

Patent Owner objects to Exhibit 1018 under F.R.E. 401 and 403. The document purports to be a foreign-language PCT publication and Petitioner has not provided a certified translation of the document.

IV. Exhibit 1019

Patent Owner objects to Exhibit 1019 under F.R.E. 401 and 403. The document purports to be a foreign-language patent publication and Petitioner has not provided a certified translation of the document.

V. Exhibit 1023

Patent Owner objects to Exhibit 1023 under F.R.E. 401 and 403. The document purports to be a foreign-language PCT publication and Petitioner has not provided a certified translation of the document.

These objections have been timely filed and served within ten business days of the institution of the trial.

Dated: August 14, 2024

Respectfully submitted,

/Kevin Patariu/

Lead Counsel

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*Attorneys for Shenzhen Carku Technology
Co., Ltd.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE was served in its entirety this 14th day of August 2024 by electronic mail on the Patent Owner via its attorneys of record:

Michael T. Hawkins, Reg. No. 57,867
Yong (Eric) Peng, Reg. No. 76,048
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Dated: August 14, 2024

Respectfully submitted,

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/Meghan Bright/
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