

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PROXENSE, LLC,
Patent Owner.

Case IPR2024-00232¹
Patent No. 8,352,730

**PETITIONER'S OBJECTIONS TO EVIDENCE FILED IN SUPPORT OF
PATENT OWNER'S SUR-REPLY UNDER 37 C.F.R. § 42.64**

¹ IPR2024-01333 has been joined to this proceeding.

Petitioner Apple Inc. (“Petitioner” or “Apple”) objects under the Federal Rules of Evidence and 37 C.F.R. § 42.64(b)(1) to the admissibility of Exhibits 2028-2034 submitted by Proxense, LLC (“Patent Owner” or “Proxense”), on February 18, 2025, in support of its Sur-Reply (Paper 22). These objections are timely because they are being served within 5 business days of filing of this evidence. 37 C.F.R. § 42.64(b)(1). By serving these objections, Petitioner reserves its right to file motions to exclude these exhibits under 37 C.F.R. § 42.64(c).

Petitioner objects to the admissibility of Exhibits 2028-2034 based on the following reasons and authorities:

I. FRE 401, 402, 403

Exhibits 2028-2034 are irrelevant, prejudicial, misleading, and of minimal probative value. None of these exhibits have been shown to speak to the state of the art as of the priority date of the ’730 Patent.

II. FRE 801, 802

Exhibits 2028-2034 are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.

III. FRE 901, 902

Exhibits 2028-2034 are not authenticated and are not self-authenticating. There is no evidence, in the exhibits or otherwise, that any of these exhibits were publicly available at the as of the priority date of the ’730 Patent. *See, e.g.,*

Microsoft Corp. v. Corel Software, LLC, IPR2016-01300 (P.T.A.B. Jan. 4, 2017)

(Denial of Institution); *ServiceNow, Inc. v. Hewlett-Packard Co.*, IPR2015-00716,

Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015).

Dated: February 25, 2025

Respectfully submitted,

BY: /Philip W. Woo/

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a complete and entire copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE FILED IN SUPPORT OF PATENT OWNER'S SUR-REPLY UNDER 37 C.F.R. § 42.64 was served electronically on February 25, 2025, on counsel of record for the Petitioner as follows:

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