

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

PROXENSE, LLC,

Patent Owner

IPR2024-00232 (joined with IPR2024-01333)

U.S. Patent No. 8,352,730

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S DEMONSTRATIVES**

Patent Owner, Proxense LLC (“Patent Owner” or “Proxense”) objects under the Board’s Order Setting Oral Argument (Paper 26, 3–4) and 37 C.F.R. § 42.23 to Demonstrative Exhibits (Slide Nos. 3-9) submitted by Petitioner Apple, Inc. (“Petitioner” or “Apple”), on April 19, 2025 (Exhibit 1029) and requests that Patent Owner not be allowed to use these slides at the oral argument hearing, scheduled for April 22, 2025.

Petitioner objects to Patent Owner’s use of Demonstrative Exhibits (Slide Nos. 3-9) at the oral argument hearing because the slides consist of new evidence, including new arguments relating to estoppel arguments that were not raised in Petitioner’s Reply (Paper 16) or previously discussed in any paper of record. See Consolidated Trial Practice Guide 85 (“[N]o new evidence may be presented at the oral argument.”); *see also St. Jude Med., Cardiology Div., Inc. v. The Bd. Of Regents of the Univ. of Mich.*, IPR2013-00041, Paper 65, 2–3 (PTAB Jan. 27, 2014) (explaining that “new” evidence includes evidence already of record but not previously discussed in any paper of record). In fact, at the hearing on April 16 at 4:00pm ET, the Board explicitly requested that the parties meet and confer regarding a briefing schedule for estoppel arguments.

The objected-to demonstratives are objected to in their entirety.

Counsel for the parties have met and conferred but were unable to reach agreement on Petitioner's objection to Patent Owner's use of the objected-to slides at the oral argument hearing.

Dated: April 21, 2025

Respectfully submitted by,

/s/ David L. Hecht
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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that the Objections to Petitioner's Demonstratives were served on April 21, 2025, by e-mailing copies to the e-mail addresses provided by Petitioner.

Dated: April 21, 2025

Respectfully submitted by,

/s/ David L. Hecht
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