

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DROPBOX, INC.
Petitioner

v.

MOTION OFFENSE, LLC
Patent Owner

IPR2024-00287
U.S. Patent No. 11,611,520

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Dropbox, Inc. (“Petitioner”) hereby submits objections to evidence that Motion Offense, LLC (“Patent Owner”) included in its Patent Owner’s Sur-Reply (Paper No. 36). Untimely new and irrelevant evidence, requested by Patent Owner but denied by the Board, is improper and objectionable.

The following objections are timely filed within five (5) business days of March 20, 2025, which is the date on which Patent Owner filed its Sur-Reply. *See* 37 C.F.R. § 42.64(b)(1). Petitioner reserves all rights to file a motion to strike all or part of the Sur-Reply. Petitioner also reserves all rights to request sanctions appropriate for Patent Owner’s misconduct.

I. Improper Suggestions of Petitioner’s Prior Inconsistent Statements

Indeed, Petitioner filed multiple patent applications years later¹ directed to file request functionality, which only further demonstrates that its Petition and arguments are based on pure hindsight.

Sur-Reply at 1.

Petitioner has not served any information as routine discovery and PO submits that it is exceedingly unlikely that Petitioner has no inconsistent information with its positions in this proceeding.

Id. at n. 1.

Dropbox did not serve this information despite taking inconsistent positions in this IPR.

Id. at 23.

Petitioner objects to the above statements by Patent Owner as being in direct violation of the Board's Order. On March 19, 2025, Patent Owner emailed the Board, requesting authorization to submit new evidence that allegedly indicates that Petitioner has not complied with 37 CFR 42.51(b)(1)(iii). On March 20, 2025, the Board denied Patent Owner's request as being untimely. Later that same day, Patent Owner filed its Sur-Reply including the above statements.

Petitioner also objects to the above statements by Patent Owner under FRE 401-403 as not being relevant to any issue in this *inter partes* review and/or unduly prejudicial.

II. Improper New Evidence from Not-of-Record Papers from Another IPR

Petitioner has also contradicted itself in the co-pending - 286 IPR. There, it admitted Garcia uses links to share folders that allow recipients to receive file contents without having an account (or virtual drive). (IPR2024-00286, Pet., 31; EX1002, ¶92.)

Sur-Reply at 23.

Petitioner objects to the above statements by Patent Owner as being in direct violation of the Board's Order. On March 19, 2025, Patent Owner emailed the Board, requesting authorization to submit new evidence that allegedly indicates that Petitioner has not complied with 37 CFR 42.51(b)(1)(iii). On March 20, 2025, the Board denied Patent Owner's request as being untimely. Later that same day, Patent Owner filed its Sur-Reply including the above statements. The above statements, which cite Petitioner's original Petition in co-pending IPR2024-00286, do not indicate that Petitioner has not complied with 37 CFR 42.51(b)(1)(iii). Had Patent Owner included these statements in its Patent Owner Response, Petitioner could have responded to them in its Reply. Patent Owner did not do so and instead included this argument as improper new evidence in its Sur-Reply.

Petitioner also objects to the above statements by Patent Owner under FRE 401-403 as not being relevant to any issue in this *inter partes* review and/or unduly prejudicial.

III. Improper New Evidence from Not-of-Record Patent Applications

Petitioner's statements during prosecution of continuation applications claiming priority to Garcia further support this understanding. Dropbox pointed to the statement "When the contact clicks on the link to folder

1115, the contents of the folder are shared with the contact” as support for claims that delivered content to the contact in response to the selecting the link.

Sur-Reply at 23.

Petitioner objects to the above statements by Patent Owner as being in direct violation of the Board’s Order. On March 19, 2025, Patent Owner emailed the Board, requesting authorization to submit new evidence that allegedly indicates that Petitioner has not complied with 37 CFR 42.51(b)(1)(iii). On March 20, 2025, the Board denied Patent Owner’s request as being untimely. Later that same day, Patent Owner filed its Sur-Reply including the above statements.

Petitioner also objects to the above statements by Patent Owner under FRE 401-403 as not being relevant to any issue in this *inter partes* review and/or unduly prejudicial.

Respectfully,

Date: March 27, 2025

/Trishan Efram/

Trishan Efram
Registration No. 74,075
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that, on March 27, 2025, I caused a true and correct copy of the foregoing materials:

- Petitioner's Objections to Evidence

to be served via electronic mail by consent on counsel of record at:

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Respectfully,

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