

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Askeladden L.L.C.,
Petitioner

v.

Calabrese Stemer LLC,
Patent Owner

Patent No. 7,357,310
Title: Mobile Phone Charge Card Notification and
Authorization Method

Inter Partes Review No. IPR2024-00367

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b), Petitioner Askeladden LLC (“Petitioner”)

objects as follows to the admissibility of the evidence served on March 4, 2025.

Ex. No.	Description	Objections
2001	Patent Owner’s Declaration	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted at least because Patent Owner has failed to demonstrate a sufficient nexus between the purported secondary considerations of non-obviousness allegedly disclosed in the declaration and the invention claimed by the patent-at-issue. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. For example, Patent Owner has failed to demonstrate a sufficient nexus between the purported secondary considerations of non-obviousness allegedly disclosed in the declaration and the invention claimed by the patent-at-issue. FRE 802: The exhibit and statements included therein are inadmissible hearsay. For example, the declarant was not made available for cross-examination during the period of time established in the Board’s Scheduling Order.

		FRE 1002: The exhibit and statements included therein are inadmissible because they are not the original writing. For example, the exhibit purports to refer to the contents of licenses but is not itself a license and no referenced license is in evidence. 37 C.F.R. § 42.23(b): The exhibit contains uncompelled direct testimony and accompanies a sur-reply, and is new evidence other than the deposition transcript of a cross-examination of a reply witness. 37 C.F.R. § 42.53(b): The exhibit contains uncompelled direct testimony that was not taken in support of a petition, motion, opposition, or reply.
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Dated: March 6, 2025

Respectfully submitted,

By: /s/ Andrew W. Rinehart
Andrew W. Rinehart
Reg. No. 75,537
Back-up Counsel for Petitioner