

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOWMAR ARCHERY LLC,
Petitioner,

v.

MATTHEW FUTTERE,
Patent Owner.

IPR2024-00401
Patent 8,043,177 B2

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S PRELIMINARY
PROCEEDING EVIDENCE**

Bowmar Archery LLC (“Petitioner”) hereby makes the following objections pursuant to 37 C.F.R. § 42.64(b):

Exhibit No.	Section	Objections
2001	Paragraphs 5-9	Petitioner objects to the indicated section under Fed. R. Evid. 401, 402, 403, 602, 701, 801, and 802 because statements in the indicated section (i) will not help the Board understand the evidence or determine a fact in issue; (ii) are irrelevant; and (iii) lack probative value and their probative value is substantially outweighed by the risk of undue prejudice, confusion, misleading of the factfinder, and wasting time. The indicated section of the exhibit also contain statements on which Mr. Futtere lacks personal knowledge (e.g., statements made on Mr. Futtere’s “information and belief,” “are likely,” “may” or refer to common/uncommon practice of companies) are not rationally based on his perception or personal knowledge, lack foundation, and are impermissible speculation and/or hearsay (or based on inadmissible hearsay). Additionally, portions of the indicated section of the exhibit (e.g., as to coverage of the claims of the ‘848 Patent) also constitute

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		improper opinion of a non-expert that do not meet the requirements of Fed. R. Evid. 701. Further, the indicated section of the exhibit contains statements made outside the current trial or hearing offered to prove the truth of the matter asserted (e.g., regarding Veteran Innovative Product's Response to allegations of infringement of U.S. Patent No. 6,918,848 and statements allegedly made by Mr. Josh Bowmar), and thus constitute inadmissible hearsay. See Fed. R. Evid. 801, 802 and do not meet any exception provided under Fed. R. Evid. 803-804 and 807.

BANNER & WITCOFF, LTD.

Dated: July 17, 2024

By: /Jason S. Shull/

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CERTIFICATE OF SERVICE

The undersigned certifies service on the Petitioner, pursuant to 37 C.F.R. § 42.6(e), by electronic (e-mail) delivery of a true copy of the foregoing PETITIONER'S OBJECTIONS TO PATENT OWNER'S PRELIMINARY PROCEEDING EVIDENCE, to lead and back-up counsel of record for Petitioner as follows:

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Dated: July 17, 2024

By: /Carlos Goldie/

Carlos Goldie