Filed on behalf of: Serendia, LLC

Entered: September 3, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JEISYS MEDICAL INC.,
Petitioner,

v.

SERENDIA, LLC,
Patent Owner.

Case IPR2024-00463
Patent 10,869,812

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Serendia, LLC submits the following objections to evidence submitted by Petitioner Jeisys Medical Inc. Patent Owner's objections apply equally to Petitioner's reliance on this evidence in any subsequently filed documents or further proceedings in this matter. These objections are timely, having been filed and served within ten business days of institution of trial. Notwithstanding these objections, Patent Owner expressly reserves the right to rely on any evidence submitted by Petitioner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibits 1003 and 1021

Patent Owner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 not falling under any exception. Patent Owner further objects to the these exhibits under FRE 702 and 703 as improper expert testimony to the extent the statements contained within are not based on scientific, technical, or other specialized knowledge, and to the extent they impermissibly act as a conduit for hearsay, including the hearsay objected to herein, and do not rely on the kinds of facts or data that experts in the relevant fields would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures. Patent Owner also objects to these exhibits under FRE 401 and 402 to the extent they contain irrelevant analysis not relied upon in the Petition.

Patent Owner further objects to these exhibits for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent they offer testimony in areas outside of Dr. Bérubé's and Dr. Woloszko's areas of expertise or fail to properly provide the underlying facts, data, and other required disclosures.

Moreover, on March 1, 2024, Petitioner filed an unopposed motion to substitute Ex. 1003 from Dr. Bérubé with Ex. 1021 from Dr. Woloszko. Paper 9. The Board has not ruled on the Motion, and cited to Ex. 1003 in the Institution Decision. *E.g.*, Paper 20 at 6, 15, 16, and 18. To the extent that Ex. 1003 remains in the record, Patent Owner maintains its objections.

Exhibits 1009 and 1016

Patent owner objects to these exhibits under FRE 604 to the extent Mr. Jo and Mr. McCourt do not have the necessary qualifications to provide certified translations of foreign language document. Patent Owner objects to these exhibits for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent they offer testimony in areas outside of Mr. Jo's and Mr. McCourt's areas of expertise or fail to properly provide the underlying facts, data, and other required disclosures. To the extent Petitioner relies on these exhibits for the truth of the matter asserted, Patent Owner

objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Respectfully submitted,

Dated: September 3, 2024

By: / Charles H. Sanders /

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Serendia, LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 3rd day of September, 2024, a true and correct copy of the foregoing **Patent Owner's Objections to Petitioner's Evidence** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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