

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JEISYS MEDICAL INC.,
Petitioner,

v.

SERENDIA, LLC
Patent Owner.

U.S. Patent No. 10,869,812
Filed: October 3, 2017
Issued: December 22, 2020
Inventor: Jongju Na

TITLE: METHOD, SYSTEM, AND APPARATUS
FOR DERMATOLOGICAL TREATMENT

Inter Partes Review No. IPR2024-00463

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

As provided by 37 C.F.R. § 42.64(b)(1), Petitioner Jeisys Medical Inc. hereby submits the following objections to evidence submitted by Patent Owner Serendia, LLC during the preliminary proceedings in this matter. To the extent Patent Owner subsequently relies on any of the evidence addressed herein, the objections set forth below shall continue to apply. These objections are timely served and filed within ten business days of institution of *inter partes* review. 37 C.F.R. § 42.64(b)(1). Notwithstanding the objections set forth herein, Petitioner expressly reserves the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Exhibit	Description	Objections
2003	Complainant's July 24, 2023 Supplemental Validity Contentions, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C. July 24, 2023) (PROTECTIVE ORDER MATERIAL AND REDACTED VERSIONS)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2007	Deposition transcript of Jean Woloszko, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C.), taken September 14, 2023 (excerpt)	FRE 106, 403: Exhibit 2007 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the issues. Petitioner reserves the right to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same

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Exhibit	Description	Objections
		time. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2008	Deposition transcript of Jean Woloszko, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C.), taken September 15, 2023 (excerpt)	FRE 106, 403: Exhibit 2008 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the issues. Petitioner reserves the right to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same time. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2015	Complainant's Rebuttal Post-Hearing Brief, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C. Jan. 5, 2024) (PROTECTIVE ORDER MATERIAL)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.

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Exhibit	Description	Objections
2019	Respondents' Joint Reply Post-Hearing Brief, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C. Jan. 5, 2024) (excerpts)	FRE 106, 403: Exhibit 2019 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the issues. Petitioner reserves the right to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same time. FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. For example, this exhibit is cited in support of Patent Owner's argument for discretionary denial of the Petition, which has been rejected. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2023	Letter from Keith K. Im, SynKloud Technologies, LLC, to Todd Tillemans, Cynosure, LLC, dated Nov. 29, 2021	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay,

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Exhibit	Description	Objections
		wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. For example, this exhibit is cited in support of Patent Owner's argument for discretionary denial of the Petition, which has been rejected. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2037	Brochure: Sylfirm X Dual Wave RF Microneedling System (2022) ("Brochure")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2041	Direct Rebuttal Demonstratives of Vincent A. Thomas (CDX-0045C), <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay,

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Exhibit	Description	Objections
	1356 (U.S.I.T.C. Dec. 12, 2023) (PROTECTIVE ORDER MATERIAL)	wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 702, 703: Petitioner objects to Exhibit 2005 to the extent it contains or purports to summarize improper expert testimony under FRE 702 and 703. Such testimony includes testimony based on conclusory statements and/or mischaracterizations of the patent, the state of/level of skill in the art, the cited prior art references, and/or any motivation to combine the references. Objectionable testimony also includes that not based on sufficient facts or data and that ignores relevant facts or data, is irrelevant, is not based on a reliable foundation, constitutes conclusory opinion without sufficient support, and/or does not reliably apply the appropriate principles and methods to the facts of the case. <i>See also Daubert v. Merrell Dow Pharms, Inc.</i>, 509 U.S. 579 (1993).

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Exhibit	Description	Objections
		FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2052	Email exchanges between SynKloud and Jeisys, transmitted December 6, 2021 through January 20, 2022, and Certified English Translations thereof (PROTECTIVE ORDER MATERIAL)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. For example, this exhibit is cited in support of Patent Owner's argument for discretionary denial of the Petition, which has been rejected.
2053	Respondents' Notice of Prior Art, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C. May 24, 2023) ("1356 Investigation NOPA")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. For example, this exhibit is cited in support of Patent Owner's argument for discretionary denial of the Petition, which has been rejected.
2054	Complainant's Initial Validity Contentions, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> ,	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of

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Exhibit	Description	Objections
	No. 337-TA-1356 (U.S.I.T.C. June 16, 2023) (PROTECTIVE ORDER MATERIAL)	causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. For example, this exhibit is cited in support of Patent Owner's argument for discretionary denial of the Petition, which has been rejected.
2062	Presentation: Sylfirm X Clinical Training (2021) (PROTECTIVE ORDER MATERIAL)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2066	Martin Braun, Sylfirm X Revolutionises [sic] the Clinical Applications of RF Microneedling, 12 PRIME INT'L J. AESTHETIC ANTI-AGEING [SIC] MED. 50 (2022)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under

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Exhibit	Description	Objections
		Rule 403. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2067	World-Class Product of Korea 2020, Certificate to ViOL Co., Ltd., dated December 9, 2020 (“Sylfirm X Award”)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2071	Profit & Loss, January–December 2021 (Accrual Basis) (July 6, 2023, 2:31 PM) (PROTECTIVE ORDER MATERIAL)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible

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Exhibit	Description	Objections
		hearsay not falling under any objection. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2083	ViOL, Sylfirm X User Manual (VO-UM-SFX-03), revised April 20, 2022	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2084	Sylfirm X, Device Description (PROTECTIVE ORDER MATERIAL)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.

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Exhibit	Description	Objections
		FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2086	Sylfirm X Product Photographs	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2097	Sylfirm X Introduction Video 1	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.

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Exhibit	Description	Objections
		FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2098	Transcript of Exhibit 2097 - Sylfirm X Introduction Video 1	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating.
2103	Deposition transcript of Peter Crosby, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C.), taken September 4, 2023 (excerpt)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 106, 403: Exhibit 2103 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the

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Exhibit	Description	Objections
		issues. Petitioner reserves the right to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same time. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2104	Deposition transcript of Peter Crosby, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C.), taken September 5, 2023 (excerpt)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 106, 403: Exhibit 2104 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the issues. Petitioner reserves the right to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same time. FRE 801, 802: Petitioner objects to this exhibit as inadmissible

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Exhibit	Description	Objections
		hearsay not falling under any objection.
2108	U.S. Patent Application Publication No. 2002/0120260 A1 ("Morris")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2109	U.S. Patent Application Publication No. 2003/0130711 A1 ("Pearson")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2111	Respondents' Amended Notice of Prior Art, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C. June 2, 2023)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2112	Rebuttal Expert Report of Peter Crosby, dated August 28, 2023 (PROTECTIVE ORDER MATERIAL)	FRE 702, 703: Petitioner objects to Exhibit 2112 to the extent it contains improper expert testimony under FRE 702 and 703.

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Exhibit	Description	Objections
		Such testimony includes testimony based on conclusory statements and/or mischaracterizations of the patent, the state of/level of skill in the art, the cited prior art references, and/or any motivation to combine the references. Objectionable testimony also includes that not based on sufficient facts or data and that ignores relevant facts or data, is irrelevant, is not based on a reliable foundation, constitutes conclusory opinion without sufficient support, and/or does not reliably apply the appropriate principles and methods to the facts of the case. <i>See also Daubert v. Merrell Dow Pharms, Inc.</i>, 509 U.S. 579 (1993). FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 401, 402: Petitioner objects to this exhibit to the extent it contains analysis or opinions that are not relevant and/or not relied upon by Patent Owner.
2113	Appendix 6 to Respondents' Final Invalidity Contentions, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C. July 10, 2023)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly

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Exhibit	Description	Objections
		presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2115	U.S. Patent No. 6,890,319 B1 ("Crocker")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2116	U.S. Patent No. 10,869,812 B2 ("812 Patent")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2117	U.S. Patent No. 8,540,705 B2 ("Mehta '705")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2119	U.S. Patent. No. 6,277,116 B1 ("Utely")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of

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Exhibit	Description	Objections
		causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2120	U.S. Patent Application Publication No. 2002/0120261 A1 ("Morris '261")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2122	Cartessa Aesthetics, <i>Innovations in RF Microneedling: A Closer Look at VirtueRF</i> , Observations Aesthetics, Issue No. 1 (June 2021)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2125	Hearing transcripts, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C.), held November 7, 2023 and December 11, 2023 (Jean	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay,

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Exhibit	Description	Objections
	Woloszko testimony excerpts) ("Woloszko Hr'g Tr.")	wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 106, 403: Exhibit 2125 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the issues. Petitioner reserves the right to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same time. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2126	Hearing transcript, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C.), held December 12, 2023 (Peter Crosby testimony excerpts) ("Crosby Hr'g Tr.")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 106, 403: Exhibit 2126 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the issues. Petitioner reserves the right

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Exhibit	Description	Objections
		to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same time. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2127	Sylfirm X RF Inspection Report of Peter Crosby	FRE 702, 703: Petitioner objects to Exhibit 2127 to the extent it contains improper expert testimony under FRE 702 and 703. Such testimony includes testimony based on conclusory statements and/or mischaracterizations of the patent, the state of/level of skill in the art, the cited prior art references, and/or any motivation to combine the references. Objectionable testimony also includes that not based on sufficient facts or data and that ignores relevant facts or data, is irrelevant, is not based on a reliable foundation, constitutes conclusory opinion without sufficient support, and/or does not reliably apply the appropriate principles and methods to the facts of the case. <i>See also Daubert v. Merrell Dow Pharms, Inc.</i>, 509 U.S. 579 (1993). FRE 801, 802: Petitioner objects

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Exhibit	Description	Objections
		to this exhibit as inadmissible hearsay not falling under any objection. FRE 401, 402: Petitioner objects to this exhibit to the extent it contains analysis or opinions that are not relevant and/or not relied upon by Patent Owner.
2128	Deposition transcript of Jongju Na, <i>In re Certain Dermatological Treatment Devices & Components Thereof</i> , No. 337-TA-1356 (U.S.I.T.C.), taken July 25, 2023 (excerpts)	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 106, 403: Exhibit 2128 is an incomplete excerpt and excludes relevant evidence, causing unfair prejudice and/or confusion of the issues. Petitioner reserves the right to require the introduction into evidence of any other part of the original material excerpted, or any other statement, that in fairness ought to be considered at the same time. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.

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Exhibit	Description	Objections
2130	Sylfirm X Product Photographs	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403. FRE 901, 902: This exhibit lacks foundation, is not authenticated, and is not self- authenticating. FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.
2140	Declaration of Peter Crosby, dated May 16, 2024 ("Crosby Decl.") (PROTECTIVE ORDER MATERIAL AND REDACTED VERSIONS)	FRE 702, 703: Petitioner objects to Exhibit 2123 to the extent it contains improper expert testimony under FRE 702 and 703. Such testimony includes testimony based on conclusory statements and/or mischaracterizations of the patent, the state of/level of skill in the art, the cited prior art references, and/or any motivation to combine the references. Objectionable testimony also includes that not based on sufficient facts or data and that ignores relevant facts or data, is irrelevant, is not based on a reliable foundation, constitutes conclusory opinion without sufficient support, and/or does not reliably apply the appropriate principles and methods to the facts of the case. <i>See also</i>

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Exhibit	Description	Objections
		<i>Daubert v. Merrell Dow Pharms, Inc.</i>, 509 U.S. 579 (1993). FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection. FRE 401, 402: Petitioner objects to this exhibit to the extent it contains analysis or opinions that are not relevant and/or not relied upon by Patent Owner.
2141	Declaration of Vincent A. Thomas, dated May 20, 2024 (“Thomas Decl.”) (PROTECTIVE ORDER MATERIAL AND REDACTED VERSIONS)	FRE 702, 703: Petitioner objects to Exhibit 2124 to the extent it contains improper expert testimony under FRE 702 and 703. Such testimony includes testimony based on conclusory statements and/or mischaracterizations of the patent, the state of/level of skill in the art, the cited prior art references, and/or any motivation to combine the references. Objectionable testimony also includes that not based on sufficient facts or data and that ignores relevant facts or data, is irrelevant, is not based on a reliable foundation, constitutes conclusory opinion without sufficient support, and/or does not reliably apply the appropriate principles and methods to the facts of the case. <i>See also Daubert v. Merrell Dow Pharms, Inc.</i>, 509 U.S. 579 (1993). FRE 801, 802: Petitioner objects to this exhibit as inadmissible hearsay not falling under any objection.

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Exhibit	Description	Objections
		FRE 401, 402: Petitioner objects to this exhibit to the extent it contains analysis or opinions that are not relevant and/or not relied upon by Patent Owner.
2142	U.S. Patent Application Publication No. 2004/0058882 A1 ("Eriksson")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.
2143	U.S. Patent Application Publication No. 2008/0091182 A1 ("Mehta 182")	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.

Respectfully submitted,

Date: September 3, 2024

/s/ Wesley O. Mueller
Wesley O. Mueller (Reg. No. 33,976)
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that a complete copy of this Petitioner's Objections to Patent Owner's Evidence was served via electronic email on Patent Owner's counsel of record listed below, pursuant to its January 26, 2024 Mandatory Notices, on September 3, 2024:

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Date: September 3, 2024

/s/ Wesley O. Mueller
Wesley O. Mueller (Reg. No. 33,976)
Counsel for Petitioner