

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERACTIVE COMMUNICATIONS
INTERNATIONAL, INC.,
Petitioner

v.

BLACKHAWK NETWORK INC.,
Patent Owner

Case No. IPR2024-00465
U.S. Patent No. 11,488,451

PETITIONER'S NOTICE OF OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Interactive Communications International, Inc. (“Petitioner”), submits the following objections to Patent Owner Blackhawk Network Inc.’s (“Patent Owner”) exhibits. As required by 37 C.F.R. § 42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“FRE”).

II. OBJECTIONS

A. **Objections to Exhibit 2002 – Production Distribution Agreement**

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2002 under FRE 401-403, 801-803, 901. Exhibit 2002 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

B. **Objections to Exhibit 2003 – SL Card Company’s Amended Answer**

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2003 under FRE 401-403, 801-803, 901. Exhibit 2003 is not relevant to this proceeding. Further,

to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

C. Objections to Exhibit 2004 – Blackhawk confidential presentation

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2004 under FRE 401-403, 801-803, 901. Exhibit 2004 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

D. Objections to Exhibit 2005 – November 9, 2017 Correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2005 under FRE 401-403, 801-803, 901. Exhibit 2005 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established

that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

E. Objections to Exhibit 2006 – February 14, 2018 correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2006 under FRE 401-403, 801-803, 901. Exhibit 2006 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

F. Objections to Exhibit 2007 – April 26, 2018 correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2007 under FRE 401-403, 801-803, 901. Exhibit 2007 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

G. Objections to Exhibit 2008 – November 9-10, 2018 correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2008 under FRE 401-403, 801-803, 901. Exhibit 2008 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

H. Objections to Exhibit 2009 – Ontario Lottery & Gaming Annual Report

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2009 under FRE 401-403, 801-803, 901. Exhibit 2009 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

I. Objections to Exhibit 2009 – Ontario Lottery & Gaming Annual Report

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2009 under FRE 401-403, 801-803, 901. Exhibit 2009 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

J. Objections to Exhibit 2010 – Blackhawk confidential presentation dated December 2017

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2010 under FRE 401-403, 801-803, 901. Exhibit 2010 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

K. Objections to Exhibit 2011 – Nov. 10-13, 2017 correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2011 under FRE 401-403, 801-803, 901. Exhibit 2011 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly

prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

L. Objections to Exhibit 2012 – Dec. 7, 2017 correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2012 under FRE 401-403, 801-803, 901. Exhibit 2012 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

M. Objections to Exhibit 2013 – May 1, 2018 correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2013 under FRE 401-403, 801-803, 901. Exhibit 2013 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

N. Objections to Exhibit 2014 – Sept. 17, 2018 correspondence

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2014 under FRE 401-403, 801-803, 901. Exhibit 2014 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

O. Objections to Exhibit 2015 – Canadian Pat. App. 2 855 434

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2015 under FRE 401-403, 801-803, 901. Exhibit 2015 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

P. Objections to Exhibit 2016 – Patent Assignment

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2016 under FRE 401-403, 801-803, 901. Exhibit 2016 is not relevant to this proceeding. Further,

to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

Q. Objections to Exhibit 2018 – Patent Assignment Agreement

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2018 under FRE 401-403, 801-803, 901. Exhibit 2018 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

R. Objections to Exhibit 2019 – U.S. Pat. 10,229,561

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2019 under FRE 401-403. Exhibit 2019 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

S. Objections to Exhibit 2020 – U.S. Pat. 10,217,326

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2020 under FRE 401-403. Exhibit 2020 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

T. Objections to Exhibit 2021 – U.S. Pat. D877,812

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2021 under FRE 401-403. Exhibit 2021 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

U. Objections to Exhibit 2022 – U.S. Pat. 10,943,432

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2022 under FRE 401-403. Exhibit 2022 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

V. Objections to Exhibit 2023 – U.S. Pat. 10,943,438

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2023 under FRE 401-403. Exhibit 2023 is not relevant to this proceeding. Further, to the extent

the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

W. Objections to Exhibit 2024 – Prosecution History of Trademark App. 87/953,104

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2024 under FRE 401-403. Exhibit 2024 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

X. Objections to Exhibit 2025 – Motion to Dismiss

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2025 under FRE 401-403. Exhibit 2025 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

Y. Objections to Exhibit 2026 – Incomm Webpage

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2026 under FRE 401-403, 801-803, 901. Exhibit 2026 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established

that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

Z. Objections to Exhibit 2027 – Mar. 12, 2019 Press Release

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2027 under FRE 401-403, 801-803, 901. Exhibit 2027 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

AA. Objections to Exhibit 2028 – Incomm Webpage

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2028 under FRE 401-403, 801-803, 901. Exhibit 2028 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

BB. Objections to Exhibit 2029 – USPTO Assignment Record Search

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2029 under FRE 401-403. Exhibit 2029 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

CC. Objections to Exhibit 2030 – U.S. Pat. No. 11,580,823

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2030 under FRE 401-403. Exhibit 2030 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

DD. Objections to Exhibit 2031 – U.S. Pat. No. 11,776,355

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2031 under FRE 401-403. Exhibit 2031 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

EE. Objections to Exhibit 2032 – Continuity Report

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2032 under FRE 401-403. Exhibit 2032 is not relevant to this proceeding. Further, to the extent

the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

FF. Objections to Exhibit 2033 – Complaint

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2033 under FRE 401-403. Exhibit 2033 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

GG. Objections to Exhibit 2034 – Scheduling Order

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2034 under FRE 401-403. Exhibit 2034 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

HH. Objections to Exhibit 2035 – Rulings on Motions for Partial Summary Judgment

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2035 under FRE 401-403. Exhibit 2035 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

II. Objections to Exhibit 2036 – Rulings on Motions to Exclude

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2036 under FRE 401-403. Exhibit 2036 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

JJ. Objections to Exhibit 2037 – Order Regarding Briefing

Grounds for Objection: FRE 401-403

Petitioner objects to the admissibility of Exhibit 2037 under FRE 401-403. Exhibit 2037 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time.

KK. Objections to Exhibit 2039 – Annual Registration for HI Tech. Corp.

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2039 under FRE 401-403, 801-803, 901. Exhibit 2039 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

LL. Objections to Exhibit 2040 – Annual Report for Incomm

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2040 under FRE 401-403, 801-803, 901. Exhibit 2040 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

MM. Objections to Exhibit 2041 – Annual Registration for e2Interactive

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2041 under FRE 401-403, 801-803, 901. Exhibit 2041 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

NN. Objections to Exhibit 2042 – Annual Report for SL Card Co.

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2042 under FRE 401-403, 801-803, 901. Exhibit 2042 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

OO. Objections to Exhibit 2043 – Annual Report for SL Card Co.

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2043 under FRE 401-403, 801-803, 901. Exhibit 2043 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

PP. Objections to Exhibit 2044 – LinkedIn Webpage

Grounds for Objection: FRE 401-403, 801-803, 901

Petitioner objects to the admissibility of Exhibit 2044 under FRE 401-403, 801-803, 901. Exhibit 2044 is not relevant to this proceeding. Further, to the extent the exhibit is deemed relevant, its admission would be unduly

prejudicial, misleading, and a waste of time. Patent Owner has not established that this exhibit is an authentic copy. Petitioner further objects to this exhibit as hearsay.

Date: August 7, 2024

By: /s/ James Glass

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CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(E), 42.105(A))

The undersigned hereby certifies that the foregoing document was served in its entirety on August 7, 2024 upon the following parties via Electronic Mail:

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Date: August 7, 2024

By: /s/ James Glass
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