

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Casper Sleep Inc.,
Petitioner,

v.

Werner Media Partners, LLC,
Patent Owner.

U.S. Patent 10,842,301
IPR 2024-00474

**Petitioner's Objections to Evidence
Under 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Casper Sleep Inc. (“Petitioner”) provides the following objections to Exhibit 2019 produced by Werner Media Partners, LLC (“Patent Owner”) on September 23, 2024. Petitioner reserves the right to present further objections as allowed by the applicable rules or other authority.

Exhibit 2019 (Jungle Scout Data)

Exhibit 2019 is inadmissible for at least the following reasons:

- FRE 106 (lack of related statements);
- FRE 602 (lack of foundation as to underlying source of alleged data at least because Exhibit 2019 is not the Jungle Scout data relied upon by Jeff Quinn in his Declaration (Exhibit 2013));
- FRE 702/703 (failure to provide underlying data and documentation);
- FRE 801/802 (hearsay);
- FRE 901 (lack of authentication at least because Exhibit 2019 is not the Jungle Scout data relied upon by Jeff Quinn in his Declaration (Exhibit 2013)); and
- FRE 1002/1003 (lack of original or duplicate recording at least because Exhibit 2019 is not the Jungle Scout data relied upon by Jeff Quinn in his Declaration (Exhibit 2013)).

In addition, Exhibit 2019 is inadmissible because this Exhibit relies on one or more technical tests or data from such tests without an affidavit that meets the requirements of 37 C.F.R. § 42.65(b).

Respectfully submitted,

Dated: September 24, 2024

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CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e), service was made on Patent Owner as detailed below.

Date of Service September 24, 2024

Manner of Service Email to patent@assoulineberlowe.com,
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Document Served This Petitioner's Objections to Evidence Under
37 C.F.R. § 42.64(b)(1)

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