Paper No. _____
Filed: August 15, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VISA, INC.,
Petitioner,

v.
CORTEX MCP, INC.,
Patent Owner.

Case No. IPR2024-00488
Patent No. 9,954,854

PETITIONER'S OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. §42.64(b)(1), VISA, Inc. ("Petitioner") submits the following objections to Cortex MCP, Inc.'s ("Patent Owner") Exhibits 2001-2008.

Petitioner's objections are made pursuant to the Code of Federal Regulations ("C.F.R.") governing this proceeding, including without limitation 37 C.F.R. §§42.61-42.65 and §42.6(a)(3). As required by 37 C.F.R. §42.62, Petitioner's objections below apply the Federal Rules of Evidence ("F.R.E.").

II. OBJECTIONS

1. Exhibits 2001-2008

Grounds for Objection: F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons).

Exhibits 2001-2008 are not relevant to the current proceedings, and their probative value is minimal and is substantially outweighed by the risk of confusing the issues, wasting time, and needlessly presenting cumulative evidence. Exhibits 2001-2008 are not relevant at least insofar as none of them have been cited in any briefing beyond the preliminary response. Moreover, to the extent any of exhibits 2001-2008 are deemed relevant, their admission would be unduly prejudicial, misleading, and a waste of time.

III. CONCLUSION

The aforementioned exhibits were submitted with Patent Owner's preliminary response. These objections are made within 10 business days of institution pursuant to 37 C.F.R. §42.64.

Respectfully submitted,

Dated: August 15, 2024

/ Matthew A. Argenti /
Matthew A. Argenti, Lead Counsel
Reg. No. 61,836

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Petitioner's Objections to Evidence was served on August 15, 2024, at the following electronic service addresses:

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Respectfully submitted,

Dated: August 15, 2024

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