UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner

v.

SITNET, LLC,
Patent Owner

Case IPR2024-00530
U.S. Patent No. 9,877,345

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
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Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Meta Platforms, Inc. ("Petitioner") objects under the Federal Rules of Evidence ("F.R.E.") to the admissibility of Exhibit 2005, which Patent Owner filed with its Preliminary Response.

Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed ten business days of the institution of trial.

I. EX2005 – DECLARATION OF DR. AVIEL D. RUBIN

Petitioner objects to Exhibit 2005, including at least ¶¶ 23–54, as improper expert testimony under F.R.E. 702 and 703 because there has not been an adequate showing that Mr. Rubin's testimony is based on sufficient facts or data, is the product of reliable principles or methods, or will help the Board understand the evidence or determine a fact in issue.

Petitioner further objects to Exhibit 2005 under F.R.E. 401, 402, and 403 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Petitioner further objects to Exhibit 2005 as an improper declaration for failing to include statements required under 37 C.F.R. § 1.68. 37 C.F.R. § 42.53(a) ("Uncompelled direct testimony must be submitted in the form of an affidavit.");

37 C.F.R. § 42.2 ("Affidavit means affidavit or declaration under § 1.68 of this chapter.").

Petitioner further objects to Exhibit 2005 for including an improper exhibit label. 37 C.F.R. § 1.68(d). Specifically, the exhibit label states "Exhibit 2002," but the exhibit was filed as Exhibit 2005.

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jonathan Tuminaro/

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Date: September 24, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** was served electronically via e-mail on September 24, 2024, in its entirety on the following counsel of record for Patent Owner:

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Respectfully submitted,

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