

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION and APPLE INC.,  
Petitioner,

v.

PROXENSE, LLC,  
Patent Owner.

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Case IPR2024-00573<sup>1</sup>  
Patent 8,646,042

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**PETITIONER'S OBJECTIONS TO EVIDENCE**

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<sup>1</sup> IPR2024-01398 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to evidence filed with Patent Owner's Sur-Reply of March 11, 2025.

| <u><b>Evidence</b></u>                                                                                                                        | <u><b>Objections</b></u>                                                                                                                                                                                                                                                                                                                   |
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| <b>Exhibit 2017</b> – Plaintiff's Final Infringement Contentions, <i>Proxense, LLC v. Microsoft Corp.</i> , Case No. 6:23-cv-00319-ADA        | <b>37 C.F.R. § 42.23(b):</b> Petitioner objects to EX2017 because it was submitted with Patent Owner's sur-reply. Sur-replies may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness. EX2017 is not a deposition transcript of the cross-examination of any reply witness. |
| <b>Exhibit 2018</b> – Ex. E, Plaintiff's Final Infringement Contentions, <i>Proxense, LLC v. Microsoft Corp.</i> , Case No. 6:23-cv-00319-ADA | <b>37 C.F.R. § 42.23(b):</b> Petitioner objects to EX2018 because it was submitted with Patent Owner's sur-reply. Sur-replies may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness. EX2018 is not a deposition transcript of the cross-examination of any reply witness. |
| <b>Exhibit 2019</b> – Ex. D, Plaintiff's Final Infringement Contentions <i>Proxense, LLC v. Microsoft Corp.</i> , Case No. 6:23-cv-00319-ADA  | <b>37 C.F.R. § 42.23(b):</b> Petitioner objects to EX2019 because it was submitted with Patent Owner's sur-reply. Sur-replies may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness. EX2019 is not a deposition transcript of the cross-examination of any reply witness. |
| <b>Exhibit 2020</b> – Ex. G, Plaintiff's Final Infringement Contentions, <i>Proxense, LLC v.</i>                                              | <b>37 C.F.R. § 42.23(b):</b> Petitioner objects to EX2020 because it was submitted with Patent Owner's sur-reply. Sur-replies may not be accompanied by new evidence other than deposition transcripts of the cross-examination                                                                                                            |

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| <i>Microsoft Corp.</i> , No. 6:23-cv-00319-ADA                                                                                                  | of any reply witness. EX2020 is not a deposition transcript of the cross-examination of any reply witness.                                                                                                                                                                                                                                  |
| <b>Exhibit 2021</b> – Plaintiff’s Preliminary Infringement Contentions, <i>Proxense, LLC v. Apple, Inc.</i> , Case No. 6:24-cv-00143-ADA        | <b>37 C.F.R. § 42.23(b)</b> : Petitioner objects to EX2021 because it was submitted with Patent Owner’s sur-reply. Sur-replies may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness. EX2021 is not a deposition transcript of the cross-examination of any reply witness. |
| <b>Exhibit 2022</b> – Ex. D, Plaintiff’s Preliminary Infringement Contentions, <i>Proxense, LLC v. Apple, Inc.</i> , Case No. 6:24-cv-00143-ADA | <b>37 C.F.R. § 42.23(b)</b> : Petitioner objects to EX2022 because it was submitted with Patent Owner’s sur-reply. Sur-replies may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness. EX2022 is not a deposition transcript of the cross-examination of any reply witness. |

For at least these reasons, Petitioner objects to Exhibits 2017-2022.

Respectfully submitted,

Dated: March 18, 2025

/Jonathan Driesslein/

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# CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on March 18, 2025, a complete and entire copy of this Petitioner's Objections to Evidence was provided by electronic mail to the Patent Owner by serving the correspondence e-mail address of record as follows:

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