

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

PROXENSE, LLC,
Patent Owner.

Case IPR2024-00846
Patent 8,886,954

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to evidence filed with Patent Owner's Response of February 10, 2025.

<u>Evidence</u>	<u>Objections</u>
Exhibit 2009	FRE 901 and 902 (Authenticating) and FRE 801 and 802 (Hearsay) Petitioner objects to Exhibit 2009 under FRE 901 and FRE 902, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Of note, there is insufficient support in the Exhibit 2009 to show that the document was publically available before the priority date of the patent. <i>See, e.g., Microsoft Corp. v. Corel Software, LLC</i>, IPR2016-01300 (P.T.A.B. Jan. 4, 2017) (Denial of Institution); <i>ServiceNow, Inc. v. Hewlett-Packard Co.</i>, IPR2015-00716, Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015). Petitioner further objects to Exhibit 2009 under FRE 801 and 802 as inadmissible hearsay.
Exhibit 2010	FRE 901 and 902 (Authenticating) and FRE 801 and 802 (Hearsay) Petitioner objects to Exhibit 2010 under FRE 901 and FRE 902, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is

	self-authenticating. Of note, there is insufficient support in the Exhibit 2010 to show that the document was publically available before the priority date of the patent. <i>See, e.g., Microsoft Corp. v. Corel Software, LLC</i>, IPR2016-01300 (P.T.A.B. Jan. 4, 2017) (Denial of Institution); <i>ServiceNow, Inc. v. Hewlett-Packard Co.</i>, IPR2015-00716, Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015). Petitioner further objects to Exhibit 2010 under FRE 801 and 802 as inadmissible hearsay.
Exhibit 2011	FRE 901 and 902 (Authenticating) and FRE 801 and 802 (Hearsay) Petitioner objects to Exhibit 2011 under FRE 901, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Of note, there is insufficient support in the Exhibit 2011 to show that the document was publically available before the priority date of the patent. <i>See, e.g., Microsoft Corp. v. Corel Software, LLC</i>, IPR2016-01300 (P.T.A.B. Jan. 4, 2017) (Denial of Institution); <i>ServiceNow, Inc. v. Hewlett-Packard Co.</i>, IPR2015-00716, Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015).

	Petitioner further objects to Exhibit 2011 under FRE 801 and 802 as inadmissible hearsay.
Exhibit 2012	FRE 901 and 902 (Authenticating) and FRE 801 and 802 (Hearsay) Petitioner objects to Exhibit 2012 under FRE 901 and FRE 902, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Of note, there is insufficient support in the Exhibit 2012 to show that the document was publically available before the priority date of the patent. <i>See, e.g., Microsoft Corp. v. Corel Software, LLC</i>, IPR2016-01300 (P.T.A.B. Jan. 4, 2017) (Denial of Institution); <i>ServiceNow, Inc. v. Hewlett-Packard Co.</i>, IPR2015-00716, Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015). Petitioner further objects to Exhibit 2012 under FRE 801 and 802 as inadmissible hearsay.
Exhibit 2013	FRE 901 and 902 (Authenticating) and FRE 801 and 802 (Hearsay) Petitioner objects to Exhibit 2013 under FRE 901 and FRE 902, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Of note, there is insufficient support

	in the Exhibit 2013 to show that the document was publically available before the priority date of the patent. <i>See, e.g., Microsoft Corp. v. Corel Software, LLC</i>, IPR2016-01300 (P.T.A.B. Jan. 4, 2017) (Denial of Institution); <i>ServiceNow, Inc. v. Hewlett-Packard Co.</i>, IPR2015-00716, Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015). Petitioner further objects to Exhibit 2013 under FRE 801 and 802 as inadmissible hearsay.
Exhibit 2014	FRE 901 and 902 (Authenticating) Petitioner objects to Exhibit 2014 under FRE 901 and FRE 902, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Of note, there is insufficient support in the Exhibit 2014 to show that the document was publically available before the priority date of the patent. <i>See, e.g., Microsoft Corp. v. Corel Software, LLC</i>, IPR2016-01300 (P.T.A.B. Jan. 4, 2017) (Denial of Institution); <i>ServiceNow, Inc. v. Hewlett-Packard Co.</i>, IPR2015-00716, Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015).
Exhibit 2015	FRE 901 and 902 (Authenticating)

	Petitioner objects to Exhibit 2015 under FRE 901 and 902, as Patent Owner has not submitted evidence that the document is authentic, nor that the document is self-authenticating. Of note, there is insufficient support in the Exhibit 2015 to show that the document was publically available before the priority date of the patent. <i>See, e.g., Microsoft Corp. v. Corel Software, LLC</i>, IPR2016-01300 (P.T.A.B. Jan. 4, 2017) (Denial of Institution); <i>ServiceNow, Inc. v. Hewlett-Packard Co.</i>, IPR2015-00716, Paper No. 13 at 2-3, 10-18 (P.T.A.B. Aug. 26, 2015).
--	--

For at least these reasons, Petitioner objects to Exhibits 2009-2015.

Respectfully submitted,

Dated: February 18, 2025

/Usman Khan/

W. Karl Renner, Reg. No. 41,265
Roberto J. Devoto, Reg. No. 55,108
Usman Khan, Reg. No. 70,439
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
Tel: 202-783-5070
Fax: 877-769-7945

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on February 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:

David L Hecht
James Zak
Hecht Partners LLP
125 Park Avenue, 25th Floor
New York, NY 10017

Email: proxense@hechtpartners.com

_____/Diana Bradley/
Diana Bradley
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
bradley@fr.com