

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

WIZ, INC.,  
Petitioner,

v.

ORCA SECURITY LTD.,  
Patent Owner.

---

Case IPR2024-00863  
Patent No. 11,663,031

---

**PETITIONER'S FIRST OBJECTIONS TO EVIDENCE**

## **I. INTRODUCTION**

Pursuant to 37 C.F.R. §42.64(b)(1), Wiz, Inc. (“Petitioner”) submits the following objections to Orca Security Ltd. (“Patent Owner”) Exhibits 2001, 2003-2008, 2010-2012, 2014-2016, 2018-2026, 2028-2030, 2037, and 2040.

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. Exhibit 2001**

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); F.R.E. 702, 703 (Expert Foundation and Opinions); F.R.E. 801, 802, 803, 804, 805 (Hearsay Inadmissible).

Exhibit 2001 is the declaration of Dr. David Kaeli and is objected to in its entirety. Dr. Kaeli’s opinions are not based on sufficient facts or data and are not the product of reliable principles and methods reliably applied to the facts of this case (F.R.E. 702-703). Moreover, exhibit 2001 is not relevant to the extent it has not been relied upon in the Patent Owner’s response (F.R.E. 401-402). To the

extent exhibit 2001 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time (F.R.E. 403). Exhibit 2001 is further objected to under F.R.E. 801-805 as resting on statements constituting hearsay without satisfying any of the hearsay exceptions, including to the extent that Dr. Kaeli has not been made available for cross-examination in a manner complying with all rules governing this proceeding.

## **2. Exhibits 2003-2004, 2020-2021, and 2025-2026**

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); F.R.E. 801, 802, 803 (Hearsay Inadmissible); F.R.E. 901 (Authenticating or Identifying Evidence).

Petitioner objects to exhibits 2003-2004, 2020-2021, and 2025-2026 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of the exhibits.

Exhibits 2003-2004, 2020-2021, and 2025-2026 are also not relevant to the current proceedings to the extent they are not cited in the Patent Owner's response, and their probative value is minimal and is substantially outweighed by the risk of confusing the issues, wasting time, and needlessly presenting cumulative evidence (F.R.E. 401-403). Moreover, to the extent any of exhibits 2003-2004, 2020-2021,

and 2025-2026 are deemed relevant, their admission would be unduly prejudicial, misleading, and a waste of time (F.R.E. 403). Exhibits 2003-2004, 2020-2021, and 2025-2026 are further objected to under F.R.E. 801-803 as hearsay to the extent they are offered for the truth of any matters asserted without satisfying any of the hearsay exceptions.

**3. Exhibits 2005, 2007-2008, 2010-2012, 2014-2016, 2022-2024, 2028-2030, 2037, and 2040**

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); F.R.E. 801, 802, 803 (Hearsay Inadmissible).

Exhibits 2005, 2007-2008, 2010-2012, 2014-2016, 2022-2024, 2028-2030, 2037, and 2040 are not relevant to the current proceedings to the extent they are not cited in the Patent Owner's response, and their probative value is minimal and is substantially outweighed by the risk of confusing the issues, wasting time, and needlessly presenting cumulative evidence (F.R.E. 401-403). Moreover, to the extent any of exhibits 2005, 2007-2008, 2010-2012, 2014-2016, 2022-2024, 2028-2030, 2037, and 2040 are deemed relevant, their admission would be unduly prejudicial, misleading, and a waste of time (F.R.E. 403). Exhibits 2005, 2007-2008, 2010-2012, 2014-2016, 2022-2024, 2028-2030, 2037, and 2040 are further

objected to under F.R.E. 801-803 as hearsay to the extent they are offered for the truth of any matters asserted without satisfying any of the hearsay exceptions.

#### **4. Exhibits 2006 and 2018-2019**

Grounds for Objection: F.R.E. 106 (Completeness); 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); F.R.E. 801, 802, 803 (Hearsay Inadmissible); F.R.E. 901 (Authenticating or Identifying Evidence).

Petitioner objects to exhibits 2006 and 2018-2019 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of the exhibits.

Exhibits 2006 and 2018-2019 are also not relevant to the current proceedings to the extent they are not cited in the Patent Owner's response, and their probative value is minimal and is substantially outweighed by the risk of confusing the issues, wasting time, and needlessly presenting cumulative evidence (F.R.E. 401-403). Moreover, to the extent any of exhibits 2006 and 2018-2019 are deemed relevant, their admission would be unduly prejudicial, misleading, and a waste of time (F.R.E. 403). Petitioner also objects to each of 2006 and 2018-2019 for constituting an incomplete portion of a writing (excerpts of the document) (F.R.E. 106). Exhibits 2006 and 2018-2019 are further objected to under F.R.E. 801-803

as hearsay to the extent they are offered for the truth of any matters asserted without satisfying any of the hearsay exceptions.

### **III. CONCLUSION**

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

Respectfully submitted,

Dated: December 23, 2024

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

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Petitioner's First Objections to Evidence was served on December 23, 2024, at the following electronic service addresses:

Christopher Henry  
Kristina McKenna  
Douglas E. Lumish  
Blake R. Davis  
Steven W. Peters  
Lucas Lonergan  
Latham & Watkins LLP  
christopher.henry@lw.com  
krissy.mckenna@lw.com  
doug.lumish@lw.com  
blake.davis@lw.com  
steven.peters@lw.com  
lucas.lonergan@lw.com

Respectfully submitted,

Dated: December 23, 2024

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