UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARASHI VISION (U.S.) LLC (D/B/A INSTA360),
Petitioner,

v.

GOPRO, INC.,
Patent Owner.

Patent No. 10,015,413

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Inter Partes Review No. IPR2024-00984

PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER'S PRELIMINARY RESPONSE

Petitioner Arashi Vision (U.S.) LLC (d/b/a Insta360) ("Petitioner") hereby objects to the following evidence that was submitted by Patent Owner Go Pro, Inc. ("Patent Owner" or "GoPro") with its Patent Owner's Preliminary Response (POPR) (Paper 9) in the above- captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), Petitioner timely filed and served these objections within ten (10) business days of the institution of the trial by the Patent and Trial Appeal Board ("Board"), which is reflected in the Board's Decision on Institution dated January 7, 2025 (Paper 13).

A. Exhibit 2001 (Expert Declaration of Hassan Foroosh, Ph.D.)

Petitioner objects to Exhibit 2001 as irrelevant, lacking foundation, assuming facts not in evidence, calling for legal conclusion, and mischaracterizing evidence. Petitioner further objects to this exhibit to the extent that it includes expert opinions for which the factual bases have not been disclosed, for which Dr. Foroosh does not have personal knowledge (Fed. R. Evid. (FRE) 602), and to the extent that Dr. Foroosh's opinions constitute unreliable expert testimony under FRE 702 and 703.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue on which trial has been instituted. Additionally, if the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated

contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least paragraphs 1-18, 22-33, 54, 92, and 93 of this exhibit were not cited or discussed in the POPR. Accordingly, at least those paragraphs of Exhibit 2001 are objected to as not being relevant to any issue in this proceeding.

B. Exhibit 2003 (GoPro SuperView Article)

Petitioner objects to Exhibit 2003 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, the exhibit's alleged publication date (June 27, 2022) is several years after the '413 patent's priority date (August 22, 2013). Further, Patent Owner fails to offer any evidence that this exhibit was publicly accessible in its presented form as of the alleged publication date. Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be. Additionally, Patent Owner offers no evidence that a person of ordinary skill in the art would have relied upon this exhibit at the time of the '413 patent's priority date (August 22, 2013).

Petitioner objects to the portion of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to

material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least pages 1-5 and 7-13 were not discussed or cited in the POPR. Accordingly, at least those pages of Exhibit 2003 are objected to as not being relevant to any issue in this proceeding.

C. Exhibit 2004 (U.S. Pat. No. 7,893,985)

Petitioner objects to the portions of Exhibit 2004 not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, 1:1-8:42 and Figures 1-10 were not discussed in the POPR. Accordingly, at least those passages and figures of the exhibit are objected to as not being relevant to any issue in this proceeding.

D. Exhibit 2005 (U.S. Pat. App. Pub. 2011/0187903 A1)

Petitioner objects to the portions of Exhibit 2005 not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair

opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, [0001]-[0087], claims 1-16, and Figures 1-8 were not discussed in the POPR. Accordingly, at least those paragraphs, claims, and figures of the exhibit are objected to as not being relevant to any issue in this proceeding.

E. Exhibit 2006 (Complaint, In the Matter of Certain Cameras, Camera Systems, and Accessories Used Therewith, Inv. No. 337-TA-1400)

Petitioner objects to the portions of Exhibit 2006 not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, pages 1-22 and 24-44 were not discussed in the POPR. Accordingly, at least those pages are objected to as not being relevant to any issue in this proceeding.

F. Exhibit 2008 (GoPro Hero 3+ Black Article)

Petitioner objects to Exhibit 2008 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking

foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner cites this exhibit for allegedly discussing GoPro's SuperView functionality (discussed on page 2 of this exhibit). Accordingly, at least the exhibit's discussions on functionality other than SuperView are objected to as not being relevant to any issue in this proceeding.

G. Exhibit 2009 (Insta360 Stabilization Article)

Petitioner objects to Exhibit 2009 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it

to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner cites this exhibit for allegedly discussing Insta360's ActionView functionality (discussed on page 2 of this exhibit). Accordingly, at least the exhibit's discussions on functionality other than ActionView are objected to as not being relevant to any issue in this proceeding.

H. Exhibit 2010 (GoPro SuperView Article)

Petitioner objects to Exhibit 2010 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802.

For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, pages 2 and 3 were not discussed in the POPR. Accordingly, at least those pages are objected to as not being relevant to any issue in this proceeding.

I. Exhibit 2011 ("Niek / superview" Website Printout)

Petitioner objects to Exhibit 2011 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner cites this exhibit for allegedly discussing GoPro's SuperView functionality (discussed on page 2 of this exhibit). Accordingly, at least the exhibit's discussions on functionality other than SuperView are objected to as not being relevant to any issue in this proceeding.

J. Exhibit 2012 ("meekaah / SuperViou" Website Printout)

Petitioner objects to Exhibit 2012 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to

material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner cites this exhibit for allegedly discussing a SuperViou functionality (discussed on page 2 of this exhibit). Accordingly, at least the exhibit's discussions on functionality other than SuperViou are objected to as not being relevant to any issue in this proceeding.

K. Exhibit 2013 (GoPro Hero4 vs. GoPro Hero3+ Article)

Petitioner objects to Exhibit 2013 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding

the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner cites this exhibit for allegedly discussing GoPro's SuperView functionality (discussed on page 27 of this exhibit). Accordingly, at least pages 1-26 and 28-47 and the exhibit's discussions on functionality other than SuperView are objected to as not being relevant to any issue in this proceeding.

L. Exhibit 2014 (New Atlas Website Printout)

Petitioner objects to Exhibit 2014 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly

prejudicial to Petitioner. In particular, Patent Owner cites this exhibit for allegedly discussing the articles covered by New Atlas and its readership (discussed on page 1 of this exhibit). Accordingly, at least pages 2-24 and the exhibit's discussions other than the articles covered by New Atlas and its readership are objected to as not being relevant to any issue in this proceeding.

M. Exhibit 2015 (GoPro Hero 3+ Article)

Petitioner objects to Exhibit 2015 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, Patent Owner cites this exhibit for allegedly

discussing GoPro's SuperView lens (discussed on page 3 of this exhibit). Accordingly, at least the exhibit's discussions other than regarding GoPro's Superview lens are objected to as not being relevant to any issue in this proceeding.

N. Exhibit 2016 (Website Printout About "Superview-like mode")

Petitioner objects to Exhibit 2016 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least posts 3, 6, 8-18, 20, and 22-25 were

not discussed in the POPR. Accordingly, at least those posts are objected to as not being relevant to any issue in this proceeding.

O. Exhibit 2017 (Website Printout About "Next Firmware")

Petitioner objects to Exhibit 2017 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least posts 1-27 and 29, and posts after post #30 were not discussed in the POPR. Accordingly, at least those posts are objected to as not being relevant to any issue in this proceeding.

P. Exhibit 2018 (Consumer Document)

Petitioner objects to Exhibit 2018 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least pages 1-22 and 24-78 were not discussed in the POPR. Accordingly, at least those pages are objected to as not being relevant to any issue in this proceeding.

Q. Exhibit 2019 (Insights Document)

Petitioner objects to Exhibit 2019 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this

exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least pages 1-13 and 15-32 are objected to as not being relevant to any issue in this proceeding.

R. Exhibit 2020 (Nikon D5200 Digital Camera Manual)

Petitioner objects to Exhibit 2020 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least pages 1-119 and 122-266 are objected to as not being relevant to any issue in this proceeding.

S. Exhibit 2021 ("RAW POV SURFING GLASSY BARRELS OVER SHALLOW REEF!! (MINI SLAB)" Website Printout)

Petitioner objects to Exhibit 2021 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to this exhibit as lacking foundation and lacking authentication under FRE 901. Petitioner objects to this exhibit as containing hearsay to the extent that Patent Owner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Patent Owner fails to offer any evidence that this exhibit is what Patent Owner claims it to be.

Petitioner objects to the portions of this exhibit not discussed or cited in the POPR, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the POPR, Petitioner has had no fair opportunity to respond to Patent Owner's unstated contentions (if any) regarding

the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Petitioner. In particular, at least pages 1-3 were not discussed in the POPR. Accordingly, at least those pages are objected to as not being relevant to any issue in this proceeding.

Dated: January 22, 2025

Respectfully submitted,

By: */s/ Jean Nguyen*
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Attorney for Petitioner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached **PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER'S PRELIMINARY RESPONSE** was served as of the below date on the Patent Owner via e-mail (by agreement) to the following counsel of record:

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Dated: January 22, 2025

/s/ Jean Nguyen
Jean Nguyen