

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

GOPRO, INC.,
Patent Owner.

Patent No. 10,015,413

Inter Partes Review No. IPR2024-00984

**PETITIONER'S OBJECTION TO EVIDENCE
SUBMITTED WITH PATENT OWNER'S RESPONSE**

Petitioner Insta360 (“Petitioner” or “Insta360”) objects to the following evidence that was submitted by Patent Owner GoPro, Inc. (“Patent Owner” or “GoPro”) with its Patent Owner’s Response (Paper 25 (sealed), Paper 27 (redacted)) in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), Petitioner is filing and serving these objections within five (5) business days of service of evidence to which the objections are directed.

A. Exhibit 2024 (Sealed and Redacted Versions) (Declaration of Pablo Lema)

Petitioner objects to Exhibit 2024 as irrelevant, lacking foundation, assuming facts not in evidence, and mischaracterizing evidence. Petitioner further objects to the exhibit to the extent that it includes lay opinions for which the factual bases have not been disclosed, for which Mr. Lema does not have personal knowledge (FRE 602), and to the extent that Mr. Lema’s opinions constitute inadmissible lay opinion testimony under FRE 701.

Petitioner objects to the portions of the exhibit not discussed or cited in the Patent Owner Response, 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 Patent Owner Response, 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 1-4, 21, and 23-26 of the exhibit were

not cited or discussed in the Patent Owner Response. Accordingly, at least those paragraphs of the exhibit are objected to as not being relevant to any issue in this proceeding.

B. Exhibit 2025 (Sealed) (ITC Joint Stipulation Regarding Representative Domestic Industry Products)

Petitioner objects to Exhibit 2025 for not being discussed or cited in the Patent Owner Response, as not being relevant to any issue in this proceeding. Additionally, if the objected to material was not discussed or cited in the Patent Owner Response, 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.

C. Exhibit 2026 (Public) (Deposition Transcript of Dr. Aggelos Katsaggelos Dated March 28, 2025)

Petitioner objects to Exhibit 2026 for each of the reasons noted in the objections made during the underlying deposition.

D. Exhibit 2027 (Sealed and Redacted Versions) (Declaration of Hassan Foroosh, Ph.D.)

Petitioner objects to Exhibit 2027 as irrelevant, lacking foundation, assuming facts not in evidence, calling for legal conclusion, and mischaracterizing evidence. Petitioner further objects to the 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 (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 the exhibit not discussed or cited in the Patent Owner Response, 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 Patent Owner Response, 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, 45, 46, 123, 129, 174, and 175 of the exhibit were not cited or discussed in the Patent Owner Response. Accordingly, at least those paragraphs of the exhibit are objected to as not being relevant to any issue in this proceeding.

E. Exhibit 2028 (Public) (Hero7 Black Document)

Petitioner objects to Exhibit 2028 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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 and Hero7 Black's sensor. Accordingly, at least the exhibit's discussions on functionality other than SuperView and Hero7 Black's sensor are objected to as not being relevant to any issue in this proceeding.

F. Exhibit 2029 (Public) (Hero7 Black Article)

Petitioner objects to Exhibit 2029 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If

the objected to material was not discussed or cited in the Patent Owner Response, 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. Patent Owner cites this exhibit for allegedly discussing Hero7 Black's sensor. And in particular, at least pages 1, 2, and 4-53 were not cited or discussed in the Patent Owner Response. Accordingly, at least the exhibit's discussions of Hero7 other than its sensor, and pages 1, 2, and 4-53 of the exhibit are objected to as not being relevant to any issue in this proceeding.

G. Exhibit 2030 (Sealed) (Article)

Petitioner objects to Exhibit 2030 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response,

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. Patent Owner cites this exhibit for allegedly discussing Hero7's processor, memory, and code. And in particular, at least pages 2-4 were not cited or discussed in the Patent Owner Response. Accordingly, at least the exhibit's discussions of Hero7 other than its processor, memory, and code and pages 2-4 of the exhibit are objected to as not being relevant to any issue in this proceeding.

H. Exhibit 2031 (Sealed) (GoPro Source Code File)

Petitioner objects to Exhibit 2031 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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 lines 1-31, 43-135, and 186-219 were not cited or discussed in the Patent Owner Response. Accordingly, at least those lines of the exhibit are objected to as not being relevant to any issue in this proceeding.

Petitioner objects to the exhibit for being is an excerpt of the source code file, only reproducing a few lines from the source code. Considering the lines that Patent Owner selectively reproduced in isolation would unfairly prejudice Petitioner because the surrounding lines may be important, providing contextual clues for interpreting them. For the same reason, Petitioner objects to this exhibit as being an incomplete copy under FRE 106.

I. Exhibit 2032 (Sealed) (GoPro Source Code File)

Petitioner objects to Exhibit 2032 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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 lines 275-302 and 308-409 were not cited or discussed in the Patent Owner Response. Accordingly, at least those lines of the exhibit are objected to as not being relevant to any issue in this proceeding.

Although the source code appears to include over 409 lines, the exhibit itself only reproduces a few lines from the source code. Considering the lines that Patent Owner selectively reproduced in isolation would unfairly prejudice Petitioner because the surrounding lines may be important, providing contextual clues for interpreting them. For the same reason, Petitioner objects to this exhibit as being an incomplete copy under FRE 106.

J. Exhibit 2033 (Sealed) (Document)

Petitioner objects to Exhibit 2033 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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 2-4 and 8-55 were not cited or discussed in the Patent Owner Response. Accordingly, at least those pages of the exhibit are objected to as not being relevant to any issue in this proceeding.

Petitioner objects to this exhibit as irrelevant, prejudicial, and misleading (FRE 401-403) to the extent that it is an inaccurate translation. For example, the English version appears to add text or correct errors present in the Chinese version. *Compare* EX2033, 47 19 (showing a gray box containing 14 lines) *with id.*, 19 (showing a gray box containing more than 14 lines and highlighted text). Petitioner also objects to this exhibit under FRE 604 because it does not establish that the interpreter was qualified to produce a true and accurate translation.

K. Exhibit 2034 (Sealed) (Pages of a Hearing Transcript)

Petitioner objects to Exhibit 2034 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.

Although the hearing transcript spans over 873 pages, the exhibit itself only reproduces a few pages from that hearing transcript. Considering the pages that Patent Owner selectively reproduced in isolation would unfairly prejudice Petitioner because the surrounding pages may be important, providing contextual clues for interpreting them. For the same reason, Petitioner objects to this exhibit as being an incomplete copy under FRE 106.

L. Exhibit 2035 (Sealed) (Document)

Petitioner objects to Exhibit 2035 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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 and 5-51 were not cited or discussed in the Patent Owner Response. Accordingly, at least those pages of the exhibit are objected to as not being relevant to any issue in this proceeding.

Petitioner objects to this exhibit as irrelevant, prejudicial, and misleading (FRE 401-403) to the extent that it is an inaccurate translation. Petitioner also objects to this exhibit under FRE 604 because it does not establish that the interpreter was qualified to produce a true and accurate translation.

M. Exhibit 2036 (Public) (Picture of CES Innovation Awards 2019 Honoree)

Petitioner objects to Exhibit 2036 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.

N. Exhibit 2037 (Public) (Believe the Hype Article)

Petitioner objects to Exhibit 2037 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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. Patent Owner cites this exhibit for allegedly discussing a CES award. Accordingly, at least the exhibit's discussions on anything other than a CES award are objected to as not being relevant to any issue in this proceeding.

O. Exhibit 2038 (Public) (Picture of the Lucie Technical Awards)

Petitioner objects to Exhibit 2038 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.

P. Exhibit 2039 (Public) (Picture)

Petitioner objects to Exhibit 2039 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.

Q. Exhibit 2040 (Sealed) (Document)

Petitioner objects to Exhibit 2040 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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 1-9 and 15-25 were not cited or discussed in the Patent Owner Response. Accordingly, at least those pages of the exhibit are objected to as not being relevant to any issue in this proceeding.

R. Exhibit 2041 (Public) (GoPro Emmy Award Article)

Petitioner objects to Exhibit 2041 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 Patent Owner Response, as not being relevant to any issue in this proceeding. If the objected to material was not discussed or cited in the Patent Owner Response, 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 an Emmy award. Accordingly, at least the exhibit's discussions on anything other than an Emmy award are objected to as not being relevant to any issue in this proceeding.

Dated: April 25, 2025

Respectfully submitted,

By: /s/ Jean Nguyen

Jean Nguyen, Reg. No.: 71,051

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Counsel for Petitioner

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

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

James M. Glass, Registration No. 46,729
John T. McKee, Registration No. 65,926
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Dated: April 25, 2025

/s/ Jean Nguyen
Jean Nguyen