

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

S.M.R INNOVATIONS LTD and Y.M.R TECH LTD,

Patent Owners.

IPR2024-01048

U.S. Patent 10,547,648

PATENT OWNERS' OBJECTIONS TO EVIDENCE SUBMITTED WITH
PETITIONER'S REPLY PURSUANT TO 37 C.F.R. § 42.64

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owners hereby object to the admissibility of the evidence and arguments identified below that were submitted by Petitioner with its Reply in support of its Petition for inter partes review of U.S. Patent No. 10,547,648, Case No. IPR2024-01048. Patent Owners also object to Petitioner’s reliance on, or citation to, any objected to evidence or arguments in its papers. These objections are timely as they have been filed and served within five (5) business days of the service of evidence to which the objection is directed.

Patent Owners object to the admissibility of Petitioner’s Exhibits 1037, 1038, and 1039. These exhibits were neither referenced in, nor submitted with, the Petition. Instead, they were referenced and attached as exhibits for the first time in Petitioner’s Reply. Patent Owners also object to Exhibit 1037, the Supplemental Declaration of Sayfe Kiaei, for its reliance on and discussion of Exhibits 1038 and 1039, which were introduced for the first time with Petitioner’s Reply. This has deprived Patent Owners of a fair opportunity to address them. Moreover, they are submitted in violation of the Board’s decision instituting trial. *See* Paper 8 at 31 (“nothing in this Decision authorizes Petitioner to supplement information advanced in the Petition in a manner not permitted by the Board’s Rules.”). Patent Owner therefore objects to these exhibits under 37 C.F.R. § 42.23, the Administrative Procedures Act (5 U.S.C. §§ 551 et seq.), and the Due Process Clause (see U.S. Const. am. 5).

Patent Owners also object to Exhibit 1037, the Supplemental Declaration of

Sayfe Kiaei, based on FRE, 702, 703, and 704 as offering conclusory opinion testimony without having demonstrated the requisite expertise, basis, methodology, foundation for, or the reliability of, the opinions expressed in Exhibit 1037.

Petitioner's Exhibit 1036 is the transcript of the deposition of Karl Ginter. Pursuant to 37 C.F.R. § 42.64(a), Patent Owners objected to certain questions and testimony during the course of the deposition as reflected in the transcript, including where the scope of the cross-examination was beyond the scope of the direct testimony and was therefore improper under 37 C.F.R. § 42.53(d)(5)(ii) (and Fed. R. Evid. 611(b)). Patent Owners incorporate those objections herein by reference.

Dated: August 18, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a) and (b), I certify that on the date indicated below, a true and accurate copy of the foregoing document was served on the following counsel for Petitioner via e-mail, pursuant to Petitioner's consent to e-mail service:

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