

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. 11,336,832

Inter Partes Review No. IPR2024-01052

**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 the Patent Owner’s Preliminary Response (Paper 6) 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 10).

A. Exhibit 2001 (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 1-20, 22-33, 80, and 81 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 (Chinese Pat. App. 112804444 B) and Exhibit 2004 (Certified Translation of Chinese Pat. App. 112804444 B)

Petitioner objects to Exhibits 2003 and 2004 as being irrelevant and/or unduly prejudicial under FRE 401-403. Petitioner objects to these exhibits 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 these exhibits 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, the Abstract, claims, [0001], [0006]-[0026], [0045]-[0063], and Figures 1-3 were not discussed in the POPR. Accordingly, at

least those paragraphs, claims, and figures of these exhibits are objected to as not being relevant to any issue in this proceeding.

C. Exhibit 2005 (Hero9 Black Article)

Petitioner objects to Exhibit 2005 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 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 2 and 3 were not discussed or cited in the POPR. Accordingly, at least those pages of Exhibit 2005 are objected to as not being relevant to any issue in this proceeding.

D. 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 1-24 and 26-44 were not discussed in the POPR. Accordingly, at least those pages are objected to as not being relevant to any issue in this proceeding.

E. Exhibit 2008 (Projects Document)

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, at least pages 2-5, 7, and 9 of this exhibit were not cited or discussed in the POPR. Accordingly, at least those pages of Exhibit 2008 are objected to as not being relevant to any issue in this proceeding.

F. 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.

G. 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.

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Dated: January 22, 2025

Respectfully submitted,

By: /s/ Alex S. Yap

Alex S. Yap, Reg. 60,609

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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/ Alex S. Yap
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