

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TROVE BRANDS, LLC,
Petitioner,

v.

CAMELBAK PRODUCTS, LLC,
Patent Owner.

Case No. IPR2024-01137
U.S. Patent No. 10,676,255 C1

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S ALLEGED
EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE**

Petitioner Trove Brands, LLC hereby objects to the alleged evidence submitted with Patent Owner's Response on April 29, 2025. Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner objects to the alleged evidence on the grounds identified in the table below. These objections are timely, because they are being filed within five business days of the Patent Owner's Response (*i.e.*, by May 6th). *See* 37 C.F.R. 42.64(b)(1).

Exhibit	Ground(s) for Objection
Ex. 2016— Declaration of Michael Jobin	F.R.E. §§ 401, 402, and 403: The paragraphs in Ex. 2016 that are not cited in Patent Owner's Response are irrelevant to this proceeding. <i>See, e.g.</i>, Ex. 2016 at ¶¶ 1-48, 50-55, 63, 71, 75, 81, 84-85, 111, 122-125. Any belated attempt by Patent Owner to rely on any of these irrelevant paragraphs would likely violate at least 37 C.F.R. § 42.6(a)(3). F.R.E. §§ 602, 702, 703: The declarant's testimony fails to establish that it is based on the kinds of facts or data upon which experts in the field (to the extent Michael Jobin has ever been properly qualified as an expert in the relevant field) would reasonably rely, and it is based on insufficient facts and data and is unreliable. <i>See, e.g.</i>, Ex. 2016 ¶¶ 49, 56-62, 64-70, 72-74, 76-80, 82-83, 86-110, 112-121. F.R.E. § 702: Insufficient showing by Patent Owner that the declarant "is qualified as an expert by knowledge, skill, experience, training or education." F.R.E. §§ 703, 801, 802: Petitioner objects to the declarant's testimony to the extent it impermissibly acts as a conduit for hearsay not falling under any exception.

	In addition, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to this exhibit as inadmissible hearsay that does not fall under any exceptions. 37 C.F.R. § 42.65(a): The declarant’s testimony fails to disclose the underlying facts and data on which the opinion is based. <i>See, e.g.</i>, Ex. 2016 ¶¶ 49, 56-62, 64-70, 72-74, 76-80, 82-83, 86-110, 112-121.
Ex. 2018—Cambridge Dictionary – “pivot”	F.R.E. §§ 401, 402, 403: This exhibit is a web capture from 2025. Patent Owner provides no evidence that the definitions in the web capture applied at the ’255 patent’s earliest claimed priority date. The exhibit is thus irrelevant. Even if relevant, a danger of unfair prejudice, confusing the issues, and/or wasting time substantially outweighs any probative value. F.R.E. §§ 901, 902: This exhibit is neither authenticated nor self-authenticating.
Ex. 2019—Oxford Dictionary – “pivot”	F.R.E. §§ 401, 402, 403: This exhibit is a photocopy of a book published in 2011. Patent Owner provides no evidence that the definitions in the photocopy applied at the ’255 patent’s earliest claimed priority date. The exhibit is thus irrelevant. Even if relevant, a danger of unfair prejudice, confusing the issues, and/or wasting time substantially outweighs any probative value.
Ex. 2021—Merriam-Webster Dictionary – “pivot”	F.R.E. §§ 401, 402, 403: This exhibit is a web capture from 2025. Patent Owner provides no evidence that the definitions in the web capture applied at the ’255 patent’s earliest claimed priority date. The exhibit is thus irrelevant. Even if relevant, a danger of unfair prejudice, confusing the issues, and/or wasting time substantially outweighs any probative value. F.R.E. §§ 901, 902: This exhibit is neither authenticated nor self-authenticating.

Ex. 2022—Science Facts – “Rotational Motion”	F.R.E. §§ 401, 402, 403: This exhibit is a web capture from 2025. The Response, this and the other exhibits, and Patent Owner do not demonstrate that the information in the web capture existed or applied at the ’255 patent’s earliest claimed priority date. The exhibit is thus irrelevant. Even if relevant, a danger of unfair prejudice, confusing the issues, and/or wasting time substantially outweighs any probative value. F.R.E. §§ 602, 702, 703: Patent Owner has not established that sciencefacts.net and the information presented in Ex. 2022 are the kinds of facts or data upon which experts in the field would reasonably rely. <i>See, e.g.</i>, Ex. 2022 at 7 (citing sources such as “openstax.org,” “sciencing.com,” and “shmoop.com”). Additionally, the pages in Ex. 2022 that are not cited in Patent Owner’s Response are irrelevant to this proceeding. <i>See, e.g.</i>, Ex. 2022 at 2-9. Any belated attempt by Patent Owner to rely on any of these irrelevant pages would likely violate at least 37 C.F.R. § 42.6(a)(3). F.R.E. §§ 801, 802: To the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to the exhibit as inadmissible hearsay that does not fall under any exceptions. F.R.E. §§ 901, 902: This exhibit is neither authenticated nor self-authenticating.
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Ex. 2023—Halliday & Resnick – Fundamentals of Physics Textbook, 10th Edition (Excerpt)	F.R.E. §§ 401, 402, 403: This exhibit are excerpts from a book from 2014. The Response, this and the other exhibits, and Patent Owner do not demonstrate that the information existed or applied at the '255 patent's earliest claimed priority date. The exhibit is thus irrelevant. Even if relevant, a danger of unfair prejudice, confusing the issues, and/or wasting time substantially outweighs any probative value. Additionally, the pages in Ex. 2023 that are not cited in Patent Owner's Response are irrelevant to this proceeding. <i>See, e.g.</i>, Ex. 2023 at 1-27, 30-65, 67-96. Any belated attempt by Patent Owner to rely on any of these irrelevant pages would likely violate at least 37 C.F.R. § 42.6(a)(3). F.R.E. §§ 801, 802: To the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to the exhibit as inadmissible hearsay that does not fall under any exceptions. F.R.E. §§ 901, 902: This exhibit is neither authenticated nor self-authenticating.
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Ex. 2026— Young & Freedman – University Physics Textbook, 15th Edition (Excerpt)	F.R.E. §§ 401, 402, 403: This exhibit are excerpts from a book. Ex. 2026 does establish its date of publication. The Response, this and the other exhibits, and Patent Owner do not demonstrate that the information in the book existed or applied at the '255 patent's earliest claimed priority date. The exhibit is thus irrelevant. Even if relevant, a danger of unfair prejudice, confusing the issues, and/or wasting time substantially outweighs any probative value. Additionally, the pages in Ex. 2026 that are not cited in Patent Owner's Response are irrelevant to this proceeding. <i>See, e.g.</i>, Ex. 2026 at 1-27, 29-56, 60-85. Any belated attempt by Patent Owner to rely on any of these irrelevant pages would likely violate at least 37 C.F.R. § 42.6(a)(3). F.R.E. §§ 801, 802: To the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to the exhibit as inadmissible hearsay that does not fall under any exceptions. F.R.E. §§ 901, 902: This exhibit is neither authenticated nor self-authenticating.
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Ex. 2027— Sciencing – “Rotational Motion (Physics): What Is It & Why It Matters”	F.R.E. §§ 401, 402, 403: This exhibit is a web capture of an article purportedly authored in 2022. The Response, this and the other exhibits, and Patent Owner do not demonstrate that the information in the web capture existed or applied at the '255 patent's earliest claimed priority date. The exhibit is thus irrelevant. Even if relevant, a danger of unfair prejudice, confusing the issues, and/or wasting time substantially outweighs any probative value. Additionally, the pages in Ex. 2027 that are not cited in Patent Owner's Response are irrelevant to this proceeding. <i>See, e.g.</i>, Ex. 2027 at 1, 3-11. Any belated attempt by Patent Owner to rely on any of these irrelevant pages would likely violate at least 37 C.F.R. § 42.6(a)(3). F.R.E. §§ 602, 702, 703: Patent Owner has not established that sciencing.com and the information presented in Ex. 2027 are the kinds of facts or data upon which experts in the field would reasonably rely. F.R.E. §§ 801, 802: To the extent Patent Owner relies on this exhibit for the truth of the matter asserted, Petitioner objects to the exhibit as inadmissible hearsay that does not fall under any exceptions. F.R.E. § 901: This exhibit is neither authenticated nor self-authenticating.
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Dated: May 6, 2025

Respectfully Submitted,

/ Jacob L. Peterson /

Jacob L. Peterson, Reg. No. 65,096

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4), I certify that on May 6, 2025, I caused to be served via email a true and correct copy of PETITIONER'S OBJECTIONS TO PATENT OWNER'S ALLEGED EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE on Patent Owner's counsel of record:

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Respectfully Submitted,

Dated: May 6, 2025

/ Jacob L. Peterson /
Jacob L. Peterson (Reg. No. 65,096)