

Filed on behalf of: RapidPulse, Inc.

Entered: March 7, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PENUMBRA, INC.,
Petitioner,

v.

RAPIDPULSE, INC.,
Patent Owner.

Case IPR2024-01261
Patent 11,406,402

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner RapidPulse, Inc. (“Patent Owner”) submits the following objections to the evidence submitted by Petitioner Penumbra, Inc. (“Petitioner”). Patent Owner’s objections apply equally to Petitioner’s reliance on this evidence in any subsequently filed documents or further proceedings in this matter. These objections are timely, having been filed and served within ten business days of institution of trial. Notwithstanding these objections, Petitioner expressly reserves the right to rely on any evidence submitted by Petitioner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibits 1005, 1023

Patent Owner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent they impermissibly act as a conduit for hearsay, including the hearsay objected to herein, and do not rely on the kinds of facts or data that experts in the relevant fields would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Patent Owner further objects to these exhibits for lack of foundation and lack of personal knowledge under FRE 602, and as improper lay testimony under FRE 701, to the extent they offer testimony in areas outside of Mr. Brown’s and Dr. Ross’

areas of expertise or fails to properly provide the underlying facts, data, and other required disclosures.

Exhibits 1014-1015, 1017-1018, 1022, 1027, 1032-1033

Patent Owner objects to these exhibits as not properly authenticated under FRE 901 because Petitioner has not presented sufficient evidence to show that they are authentic or self-authenticating under FRE 902. To the extent Petitioner relies on these documents for the truth of the matter asserted, Patent Owner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that do not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Exhibits 1002-1003, 1007-1013, 1016, 1019-1021, 1025-1026, 1028-1031, 1034

To the extent Petitioner relies on these exhibits for the truth of the matter asserted, Patent Owner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Respectfully submitted,

Dated: March 7, 2025

By: / Charles H. Sanders /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 7th day of March, 2025, a true and correct copy of the foregoing **Patent Owner's Objections to Petitioner's Evidence** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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