UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENIUS SPORTS LTD.,
Petitioner

v.

SPORTSCASTR INC.
(d/b/a PANDA Interactive),
Patent Owner.

IPR2024-01308
U.S. Patent No. 10,425,697

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

The Federal Rules of Evidence generally apply to proceedings before the Board. 37 C.F.R. § 42.62(a). Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Genius Sports Ltd. ("Petitioner") submits the following objections to certain exhibits submitted by Patent Owner SPORTSCASTR INC. (d/b/a PANDA Interactive) ("Patent Owner"). These objections apply equally to Patent Owner's reliance on these exhibits in any subsequently filed documents. These objections are timely filed and served within ten business days of the institution of the trial.

Exhibit 2001

Petitioner objects to this exhibit under Fed. R. Evid. 602 for lack of foundation and lack of personal knowledge. With regards to Exhibits 2016 and 2017, Dr. Aviel Rubin fails to testify he has personal knowledge that Exhibits 2016 and 2017 are what they are purported to be, communications between Petitioner and Patent Owner. *See* Exhibit 2001 ¶ 315. Moreover, Petitioner objects to Paragraph 315 of Exhibit 2001 under Fed. R. Evid. 801 and 802 because it relies on inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807. *Id*.

Petitioner objects to this exhibit under Fed. R. Evid. 701 as including improper lay testimony to the extent it offers testimony in areas outside of Dr. Rubin's area of expertise or is unsupported by sufficient underlying facts or data.

Petitioner also objects to this exhibit under Fed. R. Evid. 702 and 703, as

including statements that are not the product of reliable principles and methods, do not reliably apply the principles and methods to the facts of the case, and/or rely upon facts and data that would not reasonably be relied upon by someone in the relevant field.

Petitioner further objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Exhibit 2002

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Exhibits 2003 and 2004

Petitioner objects to these exhibits under Fed. R. Evid. 401 and 402 as lacking relevance. These exhibits are irrelevant at least because it does not make any fact more or less probable than it would be without the evidence. Moreover, Petitioner objects to these exhibits because any probative value of the documents is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative

evidence under Fed. R. Evid. 403.

Exhibit 2006

Petitioner objects to this exhibit under Fed. R. Evid. 401 and 402 as lacking relevance. This exhibit is irrelevant at least because it does not make any fact more or less probable than it would be without the evidence. Furthermore, this exhibit is irrelevant because Patent Owner has failed to show that the exhibit is describing, embodies, or is otherwise commensurate in scope with the claimed invention. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Petitioner also objects to this document under Fed. R. Evid. 901 as Patent Owner has failed to show that this document is authentic or self-authenticated under Fed. R. Evid. 902.

Exhibit 2007

Petitioner objects to this exhibit under Fed. R. Evid. 401 and 402 as lacking

relevance. This exhibit is irrelevant at least because it does not make any fact more or less probable than it would be without the evidence. Furthermore, this exhibit is irrelevant because Patent Owner has failed to show that the exhibit is describing, embodies, or is otherwise commensurate in scope with the claimed invention. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to this exhibit under Fed. R. Evid. 701 as including improper lay testimony to the extent it offers testimony in areas outside of former NBA commissioner David Stern's area of expertise or is unsupported by sufficient underlying facts or data.

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Petitioner also objects to this document under Fed. R. Evid. 901 as Patent Owner has failed to show that this document is authentic or self-authenticated under Fed. R. Evid. 902.

Exhibit 2008

Petitioner objects to this exhibit under Fed. R. Evid. 401 and 402 as lacking relevance. This exhibit is irrelevant at least because it does not make any fact more or less probable than it would be without the evidence. Furthermore, this exhibit is irrelevant because Patent Owner has failed to show that the exhibit is describing, embodies, or is otherwise commensurate in scope with the claimed invention. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Petitioner also objects to this document under Fed. R. Evid. 901 as Patent Owner has failed to show that this document is authentic or self-authenticated under Fed. R. Evid. 902.

Exhibit 2009

Petitioner objects to this exhibit under Fed. R. Evid. 401 and 402 as lacking relevance. This exhibit is irrelevant at least because it does not make any fact more

or less probable than it would be without the evidence. For example, this exhibit is irrelevant because Patent Owner has failed to show that the exhibit is describing, embodies, or is otherwise commensurate in scope with the claimed invention. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Petitioner also objects to this document under Fed. R. Evid. 901 as Patent Owner has failed to show that this document is authentic or self-authenticated under Fed. R. Evid. 902, particularly because this exhibit is a combination of several separate articles purportedly created by Patent Owner, some of which do not even appear to be included in full.

Exhibit 2010

Petitioner objects to this exhibit under Fed. R. Evid. 401 and 402 as lacking relevance. This exhibit is irrelevant at least because it does not make any fact more or less probable than it would be without the evidence. Furthermore, this exhibit is

irrelevant because Patent Owner has failed to show that the exhibit is describing, embodies, or is otherwise commensurate in scope with the claimed invention. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Petitioner also objects to this document under Fed. R. Evid. 901 as Patent Owner has failed to show that this document is authentic or self-authenticated under Fed. R. Evid. 902, particularly because this exhibit is a combination of several separate articles purportedly created by Patent Owner.

Exhibit 2011

Petitioner objects to this exhibit under Fed. R. Evid. 401 and 402 as lacking relevance. This exhibit is irrelevant at least because it does not make any fact more or less probable than it would be without the evidence. Furthermore, this exhibit is irrelevant because Patent Owner has failed to show that the exhibit is describing, embodies, or is otherwise commensurate in scope with the claimed invention.

Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Petitioner also objects to this document under Fed. R. Evid. 901 as Patent Owner has failed to show that this document is authentic or self-authenticated under Fed. R. Evid. 902.

Exhibits 2012, 2013, 2014, and 2015

Petitioner objects to these exhibits under Fed. R. Evid. 401 and 402 as lacking relevance. These exhibits are irrelevant at least because they do not make any fact more or less probable than it would be without the evidence. Furthermore, these exhibits are irrelevant because Patent Owner has failed to show that the exhibits are describing, embodies, or is otherwise commensurate in scope with the claimed invention. Moreover, Petitioner objects to these exhibits because any probative value of the documents is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly

presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to these exhibits under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on these exhibits for the truth of the matter asserted.

Petitioner also objects to these documents under Fed. R. Evid. 901 as Patent Owner has failed to show that these documents are authentic or self-authenticated under Fed. R. Evid. 902.

Exhibits 2016 and 2017

Petitioner objects to these exhibits under Fed. R. Evid. 401 and 402 as lacking relevance. These exhibits are irrelevant at least because they do not make any fact more or less probable than it would be without the evidence. Furthermore, these exhibits are irrelevant because Patent Owner has failed to show that the exhibits are describing, embodies, or is otherwise commensurate in scope with the claimed invention. Moreover, Petitioner objects to these exhibits because any probative value of the documents is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to these exhibits under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of

FRE 803, 804, 805, and 807, to the extent Patent Owner relies on these exhibits for the truth of the matter asserted.

Petitioner also objects to these documents under Fed. R. Evid. 901 as Patent Owner has failed to show that these documents are authentic or self-authenticated under Fed. R. Evid. 902.

Exhibit 2018

Petitioner objects to this exhibit under Fed. R. Evid. 401 and 402 as lacking relevance. This exhibit is irrelevant at least because it does not make any fact more or less probable than it would be without the evidence. For example, this exhibit is irrelevant at least because the Board does not evaluate infringement in these proceedings, and Patent Owner's own infringement contentions in the District Court do not make any fact more or less probable than it would be without the evidence. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to this exhibit under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on this exhibit for the truth of the matter asserted.

Exhibits 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, and 2036

Petitioner objects to these exhibits under Fed. R. Evid. 401 and 402 as lacking relevance. These exhibits are irrelevant at least because they do not make any fact more or less probable than it would be without the evidence. Moreover, Petitioner objects to these exhibits because any probative value of the documents is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, wasting time, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

Petitioner objects to these exhibits under Fed. R. Evid. 801 and 802 as inadmissible hearsay not falling within any recognized exception, including those of FRE 803, 804, 805, and 807, to the extent Patent Owner relies on these exhibits for the truth of the matter asserted.

Petitioner also objects to these documents under Fed. R. Evid. 901 as Patent Owner has failed to show that these documents are authentic or self-authenticated under Fed. R. Evid. 902.

Date: March 20, 2025

Respectfully submitted,

/s/ W. Todd Baker

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on March 20, 2025, via electronic mail directed to counsel of record for the Patent Owner as follows:

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