

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TABLEAU SOFTWARE, LLC
Petitioner

v.

ICHARTS LLC
Patent Owner

Case IPR2024-01387
U.S. Patent No. 8,271,892

PETITIONER'S OBJECTIONS TO EVIDENCE

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Tableau Software, LLC (“Petitioner”) objects to Exhibits 2002-2009, 2011-2106, 2109, 2110, 2112-2138, 2140-2159, 2161-2167, 2169, 2171-2175, 2178-2180, 2182, 2184, 2185, 2187, 2189-2196, 2200, and 2201, which iCharts LLC (“Patent Owner”) filed with its Patent Owner Response on August 6, 2025. Petitioner objects to these exhibits under:

F.R.E. 401: Exhibits 2002-2009, 2011-2106, 2109, 2110, 2112-2138, 2140-2159, 2161-2167, 2169, 2171-2175, 2178-2180, 2182, 2184, 2185, 2187, 2189-2196, 2200, and 2201 are irrelevant and do not have any tendency to make a fact of consequence more or less probable than it would be without the evidence. To the extent these exhibits are relevant, Petitioner objects to Exhibits 2002-2009, 2011-2106, 2109, 2110, 2112-2138, 2140-2159, 2161-2167, 2169, 2171-2175, 2178-2180, 2182, 2184, 2185, 2187, 2189-2196, and 2200, and 2201 under F.R.E. 403, because any probative value is substantially outweighed by unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.

F.R.E. 602: Exhibit 2200 includes testimony with insufficient evidence to support a finding that the witness has personal knowledge of all the statements contained therein. For example, Exhibit 2200 includes testimony about Exhibits 2003, 2004, 2006-2009, 2011, 2013, 2015-2020, 2023, 2025, 2026, 2030, 2048, 2109, 2167, and 2193 without establishing that the witness has personal knowledge of certain facts associated with the documents, including the asserted dates.

F.R.E. 701: Exhibit 2200, including at least paragraphs 10, 14-16, and 20, go outside the scope of proper testimony by a lay witness because it includes opinions based on scientific, technical, or other specialized knowledge within the scope of F.R.E. 702. Petitioner also objects to Exhibit 2200 under F.R.E. 701 because it includes opinions on legal conclusions, not merely opinions on facts.

F.R.E. 702 and 703: Exhibit 2201, including at least paragraphs 20-64, includes improper expert testimony because there has not been an adequate showing that Dr. Miller's testimony is based on sufficient facts or data, is the product of reliable principles or methods, or will help the Board understand the evidence or determine a fact in issue. Additionally, to the extent Patent Owner tries to proffer Mr. Duncker's opinions in Exhibit 2200 as expert testimony, there has been an insufficient showing that Mr. Duncker is qualified to provide expert testimony. Nor has there been an adequate showing that Mr. Duncker's testimony is based on sufficient facts or data, is the product of reliable principles or methods, or will help the Board understand the evidence or determine a fact in issue.

F.R.E. 802: Patent Owner relies on out-of-court statements in Exhibits 2002-2009, 2011-2106, 2109, 2110, 2112-2138, 2140-2159, 2161-2167, 2169, 2171-2175, 2178-2180, 2182, 2184, 2185, 2187, and 2189-2196 for the truth of the matter asserted. *E.g.*, POR, 55-78. No hearsay exclusions or exceptions apply.

F.R.E. 901: Patent Owner has not produced evidence sufficient to support a

finding that Exhibits 2002-2009, 2011-2106, 2109, 2110, 2112-2138, 2140-2159, 2161-2167, 2169, 2171-2175, 2178-2180, 2182, 2184, 2185, 2187, and 2189-2196 are what Patent Owner claims they are.

F.R.E. 106: Exhibits 2112 and 2171 include redactions and are incomplete. The redacted portions of the document should be undredacted and also introduced such that the document as a whole can be, in fairness, considered at the same time. Additionally, to the extent Exhibits 2002, 2005, 2012, 2014, 2019, 2021, 2022, 2024, 2027-2029, 2031-2047, 2049-2106, 2110, 2112-2138, 2140-2159, 2161-2166, 2169, 2171-2175, 2178-2180, 2182, 2184, 2185, 2187, 2189-2192, 2194-2196 have missing portions of the email thread or missing attachments (e.g., EX2179, which is missing an attachment), Petitioner also objects to these exhibits as being incomplete such that the document as a whole cannot be considered fully.

To the extent Patent Owner fails to correct these defects, Petitioner may file a motion to exclude the challenged exhibits under 37 C.F.R. § 42.64(c).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Ryan C. Richardson, Reg. No., 67,254/

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Counsel for Petitioner

Date: August 13, 2025

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PETITIONER'S OBJECTIONS TO EVIDENCE** was served in its entirety on August 13, 2025 upon the following parties via electronic mail:

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Respectfully submitted,

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/Ryan C. Richardson, Reg. No., 67,254/

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