

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOME DEPOT U.S.A., INC.,
Petitioner

v.

SECURITY TECHNOLOGY, LLC,
Patent Owner

Case IPR2024-01420
U.S. Patent No. 11,562,402

**PETITIONER’S OBJECTIONS TO PATENT OWNER’S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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), Petitioner Home Depot U.S.A., Inc., (“Petitioner”) objects under the Federal Rules of Evidence (“F.R.E.”) to the admissibility of Exhibits 2003-2008, 2011, 2013, 2014, and 2016, which Patent Owner filed with its Response under 37 C.F.R. § 42.120.

Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed five business days of service of evidence.

I. EXHIBITS 2003, 2006-2008, AND 2016

Petitioner objects to Exhibits 2003, 2006-2008, and 2016 under F.R.E. 401, 402, and 403 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Given the fact that Patent Owner does not cite any of these exhibits a single time in its response, the probative value of these exhibits is non-existent.

Petitioner also objects to Exhibits 2003, 2006-2008, and 2016 as impermissible hearsay under F.R.E. 801 and 802 to the extent these exhibits are offered for the truth of the matters asserted. Patent Owner has not identified any applicable exception or exclusion to the rule against hearsay that applies to these exhibits.

Petitioner further objects to Exhibits 2003, 2006-2008, and 2016 under F.R.E. 901 because Patent Owner has not presented evidence sufficient to support a finding that the documents in question are what Patent Owner claims them to be. There is no evidence that the documents are self-authenticating under F.R.E. 902.

II. EXHIBITS 2004, 2011, 2013-2014 AND 2017

Petitioner objects to Exhibits 2004, 2011, 2013-2014 and 2017 under F.R.E. 401, 402, and 403 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Petitioner also objects to Exhibits 2004, 2011, 2013-2014 and 2017 as impermissible hearsay under F.R.E. 801 and 802 to the extent these exhibits are offered for the truth of the matters asserted. Patent Owner has not identified any applicable exception or exclusion to the rule against hearsay that applies to these exhibits.

Petitioner further objects to Exhibits 2004, 2011, 2013-2014 and 2017 under F.R.E. 901 because Patent Owner has not presented evidence sufficient to support a finding that the documents in question are what Patent Owner claims them to be. There is no evidence that the documents are self-authenticating under F.R.E. 902.

III. EXHIBIT 2005 – DECLARATION OF BERNARD J. JANSEN

Petitioner objects to Exhibit 2005 to the extent it relies on Exhibits 2003, 2004, 2006-2008, 2011, 2013, 2014, and 2016 for the same reasons as provided above, and/or because Exhibits 2003, 2004, 2006-2008, 2011, 2013, 2014, and 2016 are not qualified to be the basis for an expert opinion under F.R.E. 703. Therefore, these portions of Exhibit 2005 are inadmissible under F.R.E. 702 and F.R.E. 703.

Petitioner also objects to Exhibit 2005, including at least paragraphs 27 and 53-102, as improper expert testimony under F.R.E. 702 and 703. There has not been an adequate showing that Mr. Jansen's testimony is based on sufficient facts or data, is the product of reliable principles or methods, or that the testimony will help the Board understand the evidence or determine a fact in issue.

Petitioner further objects to Exhibit 2005 in its entirety because Exhibit 2005 purports to be an unsworn declaration signed under the penalty of perjury in Doha, Qatar, but it fails to comply with the requirements of 28 U.S.C. §1746(1) for unsworn declarations made outside the United States.

Respectfully submitted,

/s/ Jennifer Librach Nall

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Attorney for Petitioner, Home Depot
U.S.A., Inc

CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§42.6(e) that on June 27, 2025 a true and correct copy of the PETITIONER’S OBJECTIONS TO PATENT OWNER’S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1) was served via email:

- dalberti@krameralberti.com
- jfitzsimmons-PTAB@sternekessler.com
- rbemben-PTAB@sternekessler.com
- spappas-PTAB@sternekessler.com
- slim@krameralberti.com
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- KramerAlberti-RavenWhite@krameralberti.com

Respectfully submitted,

/s/ Jennifer Librach Nall

Jennifer Librach Nall