

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC.,
Petitioner,

v.

CYANDIA, INC.,
Patent Owner.

Case IPR2024-01433
U.S. Patent No. 8,751,948

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner (“Cyandia”) submits the following objections to Petitioner’s exhibits. These objections are timely, having been filed within 10 business days of the institution of trial. Cyandia objects to the following exhibits:

Exhibit No.	Description
1103	Declaration of Christopher Schmandt, dated September 20, 2024 (“Schmandt Decl.”)
1111	U.S. Patent No. 7,348,968 to Thomas Dawson
1112	U.S. Patent No. 7,136,045 to Rosenberg et al.
1113	Lee et al., <i>Haptic Pen: A Tactile Feedback Stylus for Touch Screens</i> , Proc. of the 17th ann. ACM symp. on User interface software & tech. (UIST ’04), 291-294 (Oct. 2004)
1114	Hoggan et al., <i>Investigating the Effectiveness of Tactile Feedback for Mobile Touchscreens</i> , Proc. of the SIGCHI Conf. on Human Factors in Computing Sys. (CHI ’08), 1573-1582 (Apr. 2008)
1115	Stephen Brewster and Aurora Constantin, <i>Tactile Feedback for Ambient Awareness in Mobile Interactions</i> , Proc. of the 24 th BCS Interaction Specialist Grp. Conf. (BSC ’10), 412-417 (Sept. 2010)
1116	<i>IBM Rational Application Developer V6 Portlet Application Development and Portal Tools</i> (August 2005)
1117	Ron Ben-Natan et al., <i>Mastering IBM WebSphere Portal</i> (2004)
1118	<i>IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators Volume I: Installation and Administration</i> (May 2005)
1119	<i>IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators Volume II: Application Development</i> (March 2005)
1120	<i>IBM WebSphere Everyplace Access V5 Handbook for Developers and Administrators Volume IV: Advanced Topics</i> (March 2005)

Exhibit No.	Description
1125	<i>Microsoft Internet Explorer ResourceKit</i> , Microsoft (1998)
1126	David Pogue, <i>iPhone The Missing Manual</i> (excerpts) (2007)
1127	David Pogue, <i>Mac OS X Leopard The Missing Manual</i> (excerpts) (2007)
1128	Harry Newton, <i>Newton's Telecom Dictionary</i> (20th Ed.) (excerpts) (2004)
1129	WSRP standard 1.0 specification
1130	WSRP standard 2.0 specification

Schmandt Decl.

Cyandia objects to the Schmandt Decl. under Federal Rules of Evidence (“FRE”) 802 as inadmissible hearsay if Petitioner does not make Mr. Schmandt available for a deposition in this proceeding.

Exhibits 1113-1120 and 1125-1130 (FRE 801-803)

Cyandia objects to Exhibits 1113-1120 and 1125-1130 under FRE 801-803 as constituting or containing inadmissible hearsay. These exhibits contain out-of-court statements that are offered for the truth of the matter asserted therein.

Exhibits 1113-1120 and 1125-1130 (FRE 901)

Cyandia objects to Exhibits 1113-1120 and 1125-1130 under FRE 901 as lacking evidence of authentication. These exhibits have not been shown to be self-authenticating, and Petitioner has not produced any evidence sufficient to support a finding that the exhibits are what Petitioner claims them to be. Use of

unauthenticated documentations is not reasonable, particularly to the extent they are relied upon for the truth of the matter asserted.

Exhibits 1111-1115 (FRE 401-403)

Cyandia objects to Exhibits 1111-1115 under FRE 401-403 as being prejudicial, confusing, or a waste of time. These exhibits discuss touchscreen feedback of user-based interactions, for example, utilizing a touchscreen pen or touching a mobile device keyboard, that are not relevant to this proceeding.

Respectfully submitted,

Dated: April 21, 2025

/James Hannah/

James Hannah (Reg. No. 56,369)
Kristopher Kastens (Reg. No. 57,517)
Kramer Levin Naftalis & Frankel LLP
333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065
Telephone: (650) 752-1700
Facsimile: (650) 752-1800
jhannah@kramerlevin.com
kkastens@kramerlevin.com

Jeffrey H. Price (Reg. No. 69,141)
Jenna Fuller (Reg. No. 74,212)
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036
Telephone: (212) 715-9100
Facsimile: (212) 715-8000
jprice@kramerlevin.com
jfuller@kramerlevin.com

(Case No. IPR2024-01433)

Attorneys for Patent Owner
Cyandia, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the P-TACTS constitutes electronic service if Patent Owner sends an email notifying Petitioner of the filing, service was made on the Petitioner as detailed below.

<i>Date of service</i>	April 21, 2025
<i>Manner of service</i>	Electronic Filing with the Board (roy.chamcharas@klarquist.com; andrew.mason@klarquist.com; todd.siegel@klarquist.com; samuel.thacker@klarquist.com; SAP_Cyandia_IPRs@klarquist.com)
<i>Documents served</i>	PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64
<i>Persons Served</i>	KLARQUIST SPARKMAN, LLP Roy Chamcharas, Andrew M. Mason, Todd M. Siegel, Samuel B. Thacker

/James Hannah/
James Hannah
Registration No. 56,369
Lead Counsel for Patent Owner