

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC AND
FREEDMAN ELECTRONICS PTY LTD, Petitioners

v.

ZAXCOM, INC.,

Patent Owner

Case IPR2025-00230

U.S. Patent 7,711,443

PATENT OWNER'S RESPONSE TO PETITIONER'S
OBJECTIONS TO EVIDENCE FILED WITH PATENT OWNERS' RESPONSE

Pursuant to 37 C.F.R. § 42.64(b)(2), Zaxcom, Inc. (“Patent Owner”) responds to Paper 24, Petitioners’ Objections to Evidence Filed with Patent Owner Response (“Objections”). Patent Owner reserves the right to present further objections as allowed by the applicable rules or other authority. As explained below, each and every objection should be overruled. To conserve the Board’s time and to avoid repetitive briefing, Patent Owner addresses the objections raised to each exhibit under each objection they received.

I. ABA Model Rule 3.7 and the Rules of Professional Conduct of New Jersey and New York

Petitioners object to Exhibit 2030 (Ms. Chipperson’s declaration) as “improper testimony on contested issues by Zaxcom’s attorney in violation of Rule 3.7” of the Rules of Professional Conduct of New Jersey and New York, and ABA Model Rule 3.7. Rule 3.7, per the ABA, states “(a) [a] lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless: (1) the testimony relates to an uncontested issue; (2) the testimony relates to the nature and value of legal services rendered in the case; or (3) disqualification of the lawyer would work substantial hardship on the client.” Petitioners, however, object without distinctly pointing out how each paragraph does not fall within one of these three exceptions. Notably, Ms. Chipperson’s declaration contains various statements, including, but not limited to, LORC’s engagement of Zaxcom, the drafting and filing of Application Serial No. 11/181,062 (the “‘062 Application”), and declarations regarding the draft applications and figures of the ‘062 Application. In fact, each paragraph of Ms. Chipperson’s declaration is either “testimony [that] relates to an uncontested issue” or “testimony [that] relates to the nature and value of legal services rendered in the case.” Also, Ms. Chipperson is not a necessary witness, and the information in her declaration is cumulative to that in the declaration of Glenn Sanders (Ex-2029). Rule 3.7 applies only if counsel is a necessary witness, i.e., their testimony is material and

unobtainable from other sources. *See, e.g., Reardon*, 83 N.J. at 473–75; *S&S Hotel Ventures*, 69 N.Y.2d at 446–47; *Murray*, 583 F.3d at 178–79. Here, the facts at issue can be (and already are) established through the declaration of Glenn Sanders (Ex. 2029), rendering any counsel testimony cumulative at most. Thus, this objection should be overruled.

Nonetheless, Patent Owner introduces Exhibit 2147, a declaration by Morgan Golightly, an employee at Chipperson Law Group (“CLG”), which is the same company formerly known as the Law Offices of Rita C. Chipperson (“LORC”). Ms. Golightly’s declaration serves as separate authentication and support for Exhibits 2148-2152, and 2161.

II. Federal Rules of Evidence 106

Petitioners object to Exhibits 2032-2046, 2050, 2054, 2058-2059, 2061-2068, 2070-2105, and 2135 under the Federal Rules of Evidence (“FRE”) 106. However, Petitioners’ objections should be overruled. FRE 106 states that if “a party introduces all or part of a statement, an adverse party may require the introduction, at that time, of any other party...that in fairness ought to be considered at the same time.” The listed exhibits, however, are complete documents of draft applications that were exchanged between Patent Owner and LORC. Each document has a distinct beginning and end, and none are truncated or missing sections. Petitioners have not pointed to any omitted pages or writings that would be necessary to meet the requirements of FRE 106. Petitioners merely state that “Petitioners object to this document as incomplete under FRE 106.” These generalized objections lack reasonable particularity and do not allow Patent Owner to meaningfully respond and correct. Thus, this objection should be overruled.

III. Federal Rules of Evidence 401-403

Petitioners object to Exhibits 2030-2046, 2048-2109, 2115, 2118, 2120 (version served on 9/8/2025), 2123, 2131-2132, and 2134-2137 under the FRE 401, 402, and 403. However,

Petitioners' objections should be overruled. First, these generalized objections lack reasonable particularity and do not allow Patent Owner to meaningfully respond and correct. Furthermore, FRE 401 states that the evidence is relevant if "(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action." FRE 402 recites that relevant evidence is admissible unless an exception applies, and irrelevant evidence is inadmissible. FRE 403 states that the "court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence."

A. Ms. Rita C. Chipperson Declaration (Ex-2030)

Petitioners claim that Ms. Chipperson's declaration is irrelevant because it cannot properly address any issue relevant to the case. Exhibit 2030 is referenced in the Patent Owner Response to support various claims, including, the engagement of LORC/CLG by Patent Owner, the conception date of the '443 invention, and reasonable diligence of the drafting of the '062 Application. These statements are relevant to at least the "swearing behind" argument, as stated in the Patent Owner Response, p. 28. Petitioners claim that the declaration cannot properly address any issue relevant to the case, when, in fact, determining whether Winningstad is considered "prior art," is very relevant to the case. Furthermore, Petitioners' objections do not identify what specific prejudice, confusion, or waste would occur from admitting this evidence. Further, Petitioners objections to Ex-2030 under FRE 401-403 directly contradict its objection to the *same exhibit* under Rule 3.7 of the attorney Rules of Professional Conduct of New Jersey and New York, and ABA Model Rule 3.7, which requires that the attorney be a "necessary witness" and that the lawyer's testimony be relevant and material. *See* Model Rules of Prof. Conduct r. 3.7

(Am. Bar Ass’n, 2025) These two objections cannot co-exist, particularly in light of Petitioners’ failure to identify which portions of the exhibit are being referenced.

Thus, because this exhibit is relevant under FRE 401, admissible under FRE 402, and its probative value is not substantially outweighed by any other factor under FRE 403, the objection should be overruled.

B. File Explorer Screenshot (Ex-2031)

Next, Petitioners claim that there is no admissible evidence that the exhibit existed before the priority of the ‘443 Patent. Petitioners generalized objection does not distinctly point out which section(s) of the exhibit is objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. However, Patent Owner does not claim that the File Explorer Screenshot existed before the priority of the ‘443 Patent. Rather, the files listed in the File Explorer Screenshot existed before the priority date of the ‘443 Patent, as evidenced by the file names and “date modified” dates as shown in Exhibit 2031 and newly submitted exhibits 2148 through 2152 and 2161, the latter of which is supported by the declaration of Ms. Morgan Golightly (Ex-2147). Exhibit 2031 is also supported by the declaration of Glenn Sanders (Ex. 2029). Thus, because this exhibit is relevant under FRE 401, admissible under FRE 402, and its probative value is not substantially outweighed by any other factor under FRE 403, the objection should be overruled.

C. Exhibits 2032-2046, 2048-2106, and 2134-2135

Petitioners claim that there is no admissible evidence that Exhibits 2032-2046, 2048-2106, and 2134-2135 existed before the priority of the ‘443 Patent. Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and

correct. However, Patent Owner submitted Ex-2030 and the declarations of Mr. Glenn Sanders and Mrs. Rita Chipperson (Exhibits 2029 and 2028, respectively) to show the evidence of the dates of creation or last modification of the various files submitted as 2032-2046, 2048-2106, and 2134-2135. Further, in response to these objections, Patent Owner submits six additional exhibits (Exhibits 2148-2152, 2161) evidencing the dates of creation or last modification of these files as per the data that existed on the CLG server on September 23, 2025, and as supported by the declaration of CLG employee, Ms. Morgan Golightly (Exhibit 2147). Petitioners' objections to the listed exhibits should be overruled, and Patent Owner contends there is enough evidence to establish the fact that these exhibits were created and existed before the priority date of the '443 Patent. Further, these files are available for inspection by Petitioners. Thus, because these exhibits are relevant under FRE 401, admissible under FRE 402, and their probative value is not substantially outweighed by any other factor under FRE 403, the objection should be overruled.

D. Exhibits 2107-2108

Petitioners claim that there is no admissible evidence that these exhibits existed before the priority of the '443 Patent and that the document is undated. Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Ex-2029 supports the fact that these exhibits existed before the priority date of the '443 Patent. Furthermore, Petitioners' objections do not identify what specific prejudice, confusion, or waste would occur from admitting this evidence.

Petitioners also object to these exhibits as irrelevant because neither the Patent Owner nor its expert cited them. This objection has no basis in the Rules of Evidence since relevance *does not* depend on who cited the document, but on whether the document makes a material fact more

or less probable, such as is the case with Exs-2107-2108. Thus, because these exhibits are relevant under FRE 401, admissible under FRE 402, and their probative value is not substantially outweighed by any other factor under FRE 403, the objection should be overruled.

E. Exhibits 2109

First, Petitioners generalized objection does not distinctly point out which section(s) of the exhibit is objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Petitioners claim that there is no admissible evidence that this exhibit existed before the priority of the ‘443. Ex-2029, on its own, self-dates the fact that these the product that is embodied by the Challenged Claims existed before the priority date of the ‘443 Patent. Notably, Mr. Sanders states that he is “at the floor at NAB” while clearly standing in a conference venue. Ex-2109; *see also* Ex-2155, ¶ 10. Nonetheless, Patent Owner introduces Ex-2155, a supplemental declaration from Glenn Sanders, and Ex-2159, a screenshot from the National Association of Broadcasters (“NAB”) website that shows that the NAB conference occurred between April 16, 2005 and April 21, 2005. In his declaration, Mr. Sanders notes that the two documents that can be seen behind him during most of Ex-2029 are two awards he received from the same year-Best of Show in TV Technology and Best of Show from Government Video Magazine. *See* Ex-2155, ¶ 10. These documents corroborate that a NAB conference occurred in April 2005, Mr. Sanders was at said NAB conference, and Mr. Sanders was presenting the product that is embodied by the Challenged Claims at said NAB conference. Finally, Petitioners’ objections do not identify what specific prejudice, confusion, or waste would occur from admitting this evidence. Thus, because this exhibit is relevant under FRE 401, admissible under FRE 402, and its probative value is not substantially outweighed by any other factor under FRE 403, the objection should be overruled.

F. MC68HC11G Technical Data Sheet (Ex-2115)

Petitioners object to the document as irrelevant because the document is undated and there is no evidence that it is contemporaneous with either Strub or the 2005 filing date of the patents in suit. The reference to “patents-in-suit” is presumably a reference to U.S. Patent No. 7,711,443 (the “443 Patent”), which will be the assumption made throughout this response. Additionally, Petitioners generalized objection does not distinctly point out which section(s) of the exhibit is objected to and lacks reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct.

Nonetheless, Petitioners completely ignore the declaration of Patent Owner’s expert, Mr. James DeFilippis, which states “[i]n April 2000, the Motorola 68HC11 was available in at least 5 different versions (i.e., A/D/E/F/and G series). For the purposes of this analysis, we refer to the **most advanced version** available in April of 2000, the 68HC11G microcontroller (“68HC11G”).” (Ex-2140, ¶ 300) (emphasis added). Further, the teachings of Strub, particularly the disclosure, are relevant as to whether Strub’s specification is enabling, which is a central issue in the case. Strub identifies the Motorola 68HC11 by name. Strub states “a system controller for use in a recording unit according to the invention can be embodied by a Motorola 68HC11 microcontroller (as is commercially available) appropriately programmed, as can readily be done by those skilled in the art, to accomplish the desired functions of the system controller, as described herein.” Ex-1003, 14:7-13. Thus, Ex-2115 adds technical details as to whether or not Strub teaches a working embodiment of the invention and whether its specification is enabled. Furthermore, Petitioners’ objections do not identify what specific prejudice, confusion, or waste would occur from admitting this evidence. Thus, because this

exhibit is relevant under FRE 401, admissible under FRE 402, and its probative value is not substantially outweighed by any other factor under FRE 403, the objection should be overruled.

G. Exhibits 2118, 2123, 2131-2132, and 2136-2137

Petitioners' claim that these exhibits are irrelevant because they are either "undated" or because the date range listed on it is 1998-2020 (e.g., Ex-2136) and "thus there is no evidence that it is contemporaneous with Strub or the 2005 filing date of the patents-in-suit." Petitioners erroneously conclude that they are not "relevant to the capabilities or characteristics of any device in the relevant time period." Furthermore, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct.

Regarding Ex-2118, Strub teaches a data processing device can be a Recon-11. *See* Ex-1003, 29:44-46. Patent Owner submits supplemental evidence, Ex-2156, to show that this document was published in 1996, prior to the filing date of Strub. Ex-2118 is further tied to the Recon-11 disclosure of Strub through its model number as discussed therein. The teachings of Ex-2118 are relevant to the Recon-11 referenced in Strub, its components, how it operated, and whether Strub was enabled at the time of its filing.

Ex-2123 is relevant to show that battery-powered camcorders with built in audiovisual streaming wasn't majorly released until 2010. *See* Paper 23 at 51. Despite Petitioners statement that Ex-2123 is undated, Ex-2123 clearly shows multiple examples that indicate that the document was released on or near April of 2014. *See* Ex-2123, p. 14, 21, 49, 56, and 88.

Ex-2131 and 2132 are the TRX900AA and TRX900LA/LAS manuals. Notably, Petitioners only objected to these documents in this IPR, while deciding not to object to them in IPR2025-00232. Nonetheless, Petitioners' argument is flawed. As stated in Ex-2029, Ex-2131

and Ex-2132 are manuals of Zaxcom products that are embodied by the ‘443 Patent claims – the exact patent at issue. Both of these exhibits are referenced throughout the Patent Owner Response (*see* Paper 23 at 29) and is supported by the declaration of Mr. Sanders. As per the declaration of Mr. Sanders, although these manuals are dated as June 2013 and May 2013, respectively, the products have not technically changed “since the product[s] [were] introduced in 2005.” Ex-2155, ¶¶ 1-2.

Ex-2136 is relevant to show that no consumer battery powered MPEG encoder existed in 2000. *See* Paper 23 at 39. Patent Owner’s expert supports this in stating “[i]n 2000, no consumer, battery-powered MPEG encoder existed. The Tiernan Video SE4000 was demonstrated at NAB but was a rack-mount or fixed housing unit” while citing to Ex-2136. *See* Ex-2140, p. 108.

Ex-2137 is relevant to show that the first battery powered streaming camcorder wasn’t introduced until 2002. *See* Paper 23 at 51. This is also supported by Exhibit 2140, ¶¶ 314, 316. Ex-2137 is dated in the footer that states “Printed in Japan KCS-8365B CEDV300UN0203.” A simple search would have revealed that JVC notates the month and year of publication at the end of this footer - “0203.” Thus, Ex-2137 itself is marked as being published in February of 2003. Nonetheless, a precise calendar date is not required to overcome the relevancy inquiry. As illustrated above, each challenged exhibit can be placed at their relevant time period.

Finally, Exhibits 2118, 2123, 2131-2132, and 2136-2137 are *all* are supported by Patent Owner’s expert, Mr. DeFilippis. *See* Ex-2140, ¶ 308, 314, 289, 289, 297, and 314, respectively. Thus, these documents add technical details as to whether Strub teaches a working embodiment of the invention and whether the specification is enabled. Petitioners’ objections do not identify what specific prejudice, confusion, or waste would occur from admitting this evidence. Thus,

because these exhibits are relevant under FRE 401, admissible under FRE 402, and their probative value is not substantially outweighed by any other factor under FRE 403, the objection should be overruled.

H. Ex-2120 (Version served on 9/8/2025)

Exhibit 2120 was served on 9/8/2025 and uploaded in error, however, has since been replaced. Thus, since the replacement Exhibit 2120 does not get objected to on relevancy grounds, this objection is considered moot.

IV. Federal Rules of Evidence 602

Petitioners object to Exhibit 2030 (Ms. Chipperson's declaration) as "testimony by a witness lacking personal knowledge" under FRE 602. Petitioners, however, object without reasonable particularity and do not allow Patent Owner to meaningfully respond. FRE 602 states "[a] witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony." However, as previously stated, all 80 paragraphs of the declaration were made by Ms. Chipperson with her own personal knowledge. Thus, without more particularity and proof that the statements in the declaration were not made with Ms. Chipperson's personal knowledge, this objection should be overruled.

V. Federal Rules of Evidence 701

Petitioners object to Exhibits 2029-2030, 2109, and 2126-2127 as improper opinion testimony by a lay witness under FRE 701. Petitioners object without distinctly pointing out which section(s) of the declaration are objected to. These generalized objections lack reasonable particularity and do not allow Patent Owner to meaningfully respond and correct. Nonetheless, FRE 701 states "[i]f a witness is not testifying as an expert, testimony in the form of an opinion

is limited to one that is: (a) rationally based on the witness's perception; (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702."

A. Mr. Glenn Norman Sanders (Ex-2029)

Under the heading for "EXHIBIT 2029," Petitioners object to "Exhibit 2036" as improper opinion testimony by a lay witness under the FRE 701, and Petitioners have raised no other objection to Exhibit 2029 under FRE 701.

Nonetheless, Exhibit 2029 is the declaration of Glenn Norman Sanders, the founder of Zaxcom, Inc. and one of the two inventors of U.S. Patent No., 7,711,443 ("443 Patent"). Petitioners' generalized objections under FRE 702 and 703 (and potentially FRE 701) do not distinctly point out which section(s) of the declaration are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. FRE 701 states "[i]f a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is: (a) rationally based on the witness's perception; (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702."

Exhibit 2029 is the declaration of the witness, Glenn Sanders, and has personally observed the matters to which he attests to. Accordingly, this is fact testimony, not opinion testimony. Such testimony relates to Mr. Sanders' experience with engaging LORC/CLG, conceiving of the invention embodied by the '443 Patent, exchanging draft patent applications with LORC/CLG, authenticating various documents and photos provided by Mr. Sanders for this IPR, and demonstrating how the Challenged Claims were disclosed in the '062 Application. To the extent any statements are "opinions," they are (a) rationally based on the witness's own

perceptions; (b) helpful to understanding their testimony or determining facts (e.g., objective indicia of non-obviousness); and (c) not based on scientific/technical expertise of the kind governed by Rule 702.

Accordingly, since every paragraph of Exhibit 2029 would satisfy the three-part test established by FRE 701, these objections should be overruled.

B. Ms. Rita C. Chipperson (Ex-2030)

Petitioners object to paragraph 4 of Exhibit 2030 as improper opinion testimony under FRE 701. Petitioners generalized objection does not distinctly point out which section(s) of the declaration are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Furthermore, Patent Owner disagrees to this objection, as it's clear that paragraph 4 of Ms. Chipperson's declaration was (a) rationally based on the witness's own perceptions; (b) helpful to understanding their testimony or determining facts (e.g., objective indicia of non-obviousness); and (c) not based on scientific/technical expertise of the kind governed by Rule 702. Accordingly, since paragraph of Exhibit 2029 would satisfy the three-part test established by FRE 701, this objection should be overruled.

C. Video Presentation (Ex-2109)

Petitioners object to Exhibit 2109 as improper opinion testimony by a lay witness and inadmissible expert testimony. Petitioners object without distinctly pointing out which section of the declaration is objected to. These generalized objections lack reasonable particularity and do not allow Patent Owner to meaningfully respond and correct. Patent Owner argues that this exhibit is not any type of opinion testimony, rather, it's a factual explanation of an inventor discussing his invention. Further, the statements made by Mr. Sanders are: (a) rationally based on the witness's own perceptions; (b) helpful to understanding their testimony or determining facts

(e.g., objective indicia of non-obviousness); and (c) not based on scientific/technical expertise of the kind governed by Rule 702. Accordingly, this objection should be overruled.

D. Exhibits 2126 and 2127

Petitioners object to Exhibits 2126 and 2127 as improper opinion testimony by a lay witness under FRE 701. Petitioners object without distinctly pointing out which section(s) of the declaration are objected to. These generalized objections lack reasonable particularity and do not allow Patent Owner to meaningfully respond and correct. Nonetheless, FRE 701 states “[i]f a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is: (a) rationally based on the witness’s perception; (b) helpful to clearly understanding the witness’s testimony or to determining a fact in issue; and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.”

These exhibits are declarations from witnesses, who have both had **personal** experience with Zaxcom’s products and have personally observed the matters to which they attest, and, accordingly, this is fact testimony, not opinion testimony. To the extent any statements are “opinions,” they are (a) rationally based on the witness’s own perceptions; (b) helpful to understanding their testimony or determining facts (e.g., objective indicia of non-obviousness); and (c) not based on scientific/technical expertise of the kind governed by Rule 702. Further, where Exhibits 2126 and 2127 recount what was experienced or said by and to others, it is offered for notice/effect on the listener or context, not for technical truth. *See*, i.e., Ex-2126, ¶¶ 5-7 and Ex-2127, ¶¶ 5-8. In fact, both Exhibits 2126 and 2127 make this clear by stating “I...provide this declaration **to describe my experience** with the Zaxcom products that embody U.S. Patent No. 10,276,207.” Ex-2126, ¶1 (emphasis added); *see also* Ex-2127, ¶1.

Accordingly, since every paragraph of Exhibits 2126 and 2127 would satisfy the three-part test established by FRE 701, these objections should be overruled.

VI. Federal Rules of Evidence 702-703

Petitioners object to Exhibits 2029, 2109, and 2126-2127 as “inadmissible expert testimony” under FRE 702 and 703, while citing to *Daubert v. Merrel Dow Pharms., Inc.*, 509 U.S. 579 (1993). Petitioners do this concurrently with the objection under FRE 701 of improper opinion testimony by a lay witness. Since Petitioners have failed to specify which portions of Exhibits 2029, 2109, and 2126-2127 they deem to be lay testimony and which portions they deem to be expert testimony, Patent Owner is unable to specifically respond to these objections. Thus, these objections should be overruled.

VII. Federal Rules of Evidence 801-802

Petitioners object to Exhibits 2031, 2033-2034, 2041-2042, 2051-2053, 2060, 2069, 2100, 2107-2109, 2113-2118, 2120 (version served on 9/8/25), 2120 (version served on 9/12/25), 2123, 2128-2139, 2142-2143, and 2145. The objection under FRE 801 and 802 should be overruled. First, these generalized objections lack reasonable particularity and do not allow Patent Owner to meaningfully respond and correct. Next, the relevant section of FRE 801 states that hearsay is an out of court statement to prove the truth of the matter asserted. FRE 802 states that hearsay is not admissible unless a federal statute, the Federal Rules of Evidence, or other Supreme Court rule applies.

A. File Explorer Screenshot (Exhibit 2031)

Petitioners erroneously claim that the File Explorer Screenshot is considered hearsay. Metadata shown on a computer screen cannot be considered hearsay, and courts have held as such. *See U.S. v. Khorozian*, 333 F.3d 498, 506 (Fed. Cir. 2003) (“Under FRE 801(a), a

statement is something uttered by “a person,” so nothing “said” by a machine . . . is hearsay.”) (internal citations omitted). *See also U.S. v. Moon*, 512 F.3d 359, 362 (Fed. Cir. 2008) (“[D]ata are not statements in any ‘useful’ sense.”); *U.S. v. Channon*, 881 F.3d 806, 810 (Fed. Cir. 2018) (Finding machine-generated data to be “non-hearsay”). Exhibit 2031 is further supported by the declaration of Mrs. Chipperson. *See* Exhibit 2030. Finally, Petitioners generalized objection does not distinctly point out which section(s) of the exhibit is objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Furthermore

If the Board determines that Exhibit 2031 is considered hearsay, these exhibits fall under at least under the following hearsay exceptions: FRE 803(6) and 807.

FRE 803(6) provides that the following is not hearsay: “[a] record of an act, event, condition, opinion, or diagnosis if:

(A) the record was made at or near the time by — or from information transmitted by — someone with knowledge;

(B) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;

(C) making the record was a regular practice of that activity;

(D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and

(E) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.”

Patent Owner submits supplemental Exhibits 2148-2152, and 2161 taken recently from CLG's server operating system showing the file names and date modified of the various files submitted as Exhibits 2032 through 2105 along with the declaration of Morgan Golightly. *See* Exhibit 2147. As clearly stated in these declarations, Exhibits 2148-2152, and 2161 were made at/near the time by someone with knowledge, kept in the regular course of business, and is the maker's regular practice to make/keep such records. Thus, no untrustworthiness has been shown.

Furthermore, FRE 807 allows for a hearsay statement to be admissible if the "statement is supported by sufficient guarantees of trustworthiness-after considering the totality of the circumstances under which it was made and evidence, if any, corroborating the statement; and it is more probative on the point for which it is offered than any other evidence that the proponent can obtained through reasonable efforts."

The File Explorer Screenshot meets both of these exceptions. It was prepared and published in the ordinary course of business of a regularly conducted activity. Accordingly, the File Explorer Screenshot should not be considered hearsay under FRE 801, however, if it were, it would fall under an exception, as illustrated in FRE 803 and FRE 807.

B. Exhibits 2033-2034, 2041-2042, and 2100

Exhibits 2033-2034, 2041-2042, and 2100 include draft patent applications and draft figures that were exchanged between LORC/CLG and Patent Owner during the drafting of the '062 Application. Finally, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Nonetheless, these exhibits fall under at least the following hearsay exceptions: FRE 803(6) and 807.

As defined earlier, FRE 803(6) allows for records of a regularly conducted activity while 807 allows for a hearsay statement that is “supported by sufficient guarantees of trustworthiness” to not be considered hearsay.

Once more, Patent Owner points to Exhibits 2148-2152 and 2161, taken recently from CLG’s server operating system showing the creation dates and file names of the various files submitted as Exhibits 2032 through 2105 along with the declaration of Morgan Golightly. *See* Exhibit 2147. As clearly stated in these declarations, Exhibits 2148-2152 and 2161 were made at/near the time by someone with knowledge, kept in the regular course of business, and is the maker’s regular practice to make/keep such records. Thus, no untrustworthiness has been shown.

Exhibits 2033-2034, 2041-2042, and 2100, all meet both of these exceptions. They were made at/near the time by someone with knowledge, kept in the regular course of business, and is the maker’s regular practice to make/keep such records. FRE 807 would also apply, as they are supported by a sufficient guarantee of trustworthiness. *See* Ex-2147. Accordingly, the listed exhibits should not be considered hearsay under FRE 801, however, if they were, they would fall under an exception, as illustrated in FRE 803 and FRE 807.

C. Exhibit 2120 (version served on 9/8/2025)

Exhibit 2120 served on 9/8/2025 was uploaded in error and has since been replaced. Accordingly, Patent Owner contends that Petitioners’ objection to this exhibit is moot.

D. Exhibits 2051-2053, 2060, and 2069

Exhibits 2051-2053, 2060, and 2069 include documents that were exchanged between LORC/CLG and Patent Owner during the drafting of the ‘062 Application. Finally, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully

respond and correct. Nonetheless, these exhibits fall under at least the following hearsay exceptions: FRE 803(6) and 807.

As defined earlier, FRE 803(6) allows for records of a regularly conducted activity while 807 allows for a hearsay statement that is “supported by sufficient guarantees of trustworthiness” to not be considered hearsay.

Once more, Patent Owner points to Exhibits 2148-2152 and 2161, taken recently from CLG’s server operating system showing the creation dates and file names of the various files submitted as Exhibits 2032 through 2105 along with the declaration of Morgan Golightly. *See* Exhibit 2147. As clearly stated in these declarations, Exhibits 2148-2152 and 2161 were made at/near the time by someone with knowledge, kept in the regular course of business, and is the maker’s regular practice to make/keep such records. Thus, no untrustworthiness has been shown.

Exhibits 2033-2034, 2041-2042, and 2100, all meet both of these exceptions. They were made at/near the time by someone with knowledge, kept in the regular course of business, and is the maker’s regular practice to make/keep such records. FRE 807 would also apply, as they are supported by a sufficient guarantee of trustworthiness. *See* Ex-2147. Accordingly, the listed exhibits should not be considered hearsay under FRE 801, however, if they were, they would fall under an exception, as illustrated in FRE 803 and FRE 807.

E. Exhibits 2107-2109, and 2133-2135

Exhibits 2107-2109, and 2133-2135 include documents that support Patent Owner’s argument for novelty and non-obviousness. Finally, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct.

Nonetheless, these exhibits fall under at least the following hearsay exceptions: FRE 803(6) and 807.

As defined earlier, FRE 803(6) allows for records of a regularly conducted activity while 807 allows for a hearsay statement that is “supported by sufficient guarantees of trustworthiness” to not be considered hearsay.

Exhibit 2107-2109 are all documents provided by Mr. Sanders. Therefore, Patent Owner points to Ex-2155. Ex-2155 states that Exhibit 2107 (a diagram of a Zaxcom IFTX7), Exhibit 2108 (a document depicting the TRX900 device), and Exhibit 2109 (a video presentation), have all been stored on the Zaxcom’s servers in the regular course of business, which are “consistent with Zaxcom’s regular practice of maintaining such records.” Ex-2155, ¶¶ 8-10.

Exhibit 2133 is an engagement letter that has been kept at the CLG offices since April 4, 2005. As per Exhibit 2147, Exhibit 2133 was made at/near the time by someone with knowledge, kept in the regular course of business, and is the maker’s regular practice to make/keep such records. Thus, no untrustworthiness has been shown.

Exhibits 2134 and 2135 are disclosures provided by Glenn Sanders to Ms. Chipperson along with the engagement letter, Exhibit 2133, as stated in Exhibit 2029. Additionally, as stated in Exhibit 2030, CLG has been in possession of Exhibits 2134 and 2135 since April 4, 2005. Accordingly, these exhibits have been kept in the regular course of business, and no untrustworthiness has been shown.

Exhibits 2107-2109, and 2133-2135, all meet both of these exceptions. They were made at/near the time by someone with knowledge, kept in the regular course of business, and is the maker’s regular practice to make/keep such records. FRE 807 would also apply, as they are supported by a sufficient guarantee of trustworthiness. Accordingly, the listed exhibits should not

be considered hearsay under FRE 801, however, if they were, they would fall under an exception, as illustrated in FRE 803 and FRE 807.

F. Exhibit 2120 (version served on 9/12/25)

Exhibit 2120 is a Wayback Machine screenshot of zaxcom.com from October 23, 1999. Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Nonetheless, this exhibit falls under FRE 807.

Exhibit 2120 shows that Patent Owner created and advertised a wireless transmitter prior to the priority date of the '443 Patent. The Wayback Machine is a reliable source and widely accepted archival tool. FRE 807(a) requires “the statement is supported by sufficient guarantees of trustworthiness.” That standard is satisfied here. The Internet Archive is a neutral, independent source. FRE 807(b) requires “it [to be] more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts.” That standard is also satisfied. The website capture is the only evidence reasonably available to show how Patent Owner represented its technology to the public before the priority date.

Accordingly, the listed exhibits should not be considered hearsay under FRE 801, however, if they were, they would fall under an exception, as illustrated in FRE 807.

G. Exhibits 2115-2118, 2123, 2131-2132, 2136-2139, 2142-2143, and 2145

Exhibits 2115-2118, 2123, 2136-2139, 2143, and 2145 show the specifications and/or features of various products/items identified by name or model number in Strub and/or items used in support of Mr. DeFilippis' declaration and analysis. Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct.

Nonetheless, these exhibits fall under at least the following hearsay exceptions: FRE 803(17) and 807.

FRE 803(17) allows for market quotations, lists, directories, or other compilations that are generally relied on by the public, customers, and professionals in particular occupations (e.g., engineering) to specify and purchase products. FRE 807 allows for a hearsay statement to be admissible if the “statement is supported by sufficient guarantees of trustworthiness” and “is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts.” These exhibits meet both of these exceptions. There would be no better evidence than these exhibits. Further, Exhibits 2115-2118, 2123, 2136-2139, 2143, and 2145 originate from the manufacturer or inventors/creators of their respective devices therein, and as downloaded from their respective websites (with the exception of Exhibit 2035) as discussed in greater detail herein.

Courts have recognized that similar industry publications fall within these exceptions. *See Susemihl v. United S.S. Co. (Bah.)*, 1988 U.S. App. LEXIS 21219, at *4-5 (4th Cir. 1988) (finding that a manufacturer’s brochure was a published commercial compilation generally relied on by potential purchasers of the manufacturer’s product and therefore admitted under 803(17)). *See also United States v. Grossman*, 614 F.2d 295, 297 (1st Cir. 1980) (admitting a manufacturer’s catalogue under Rule 803(17) to allow a jury to identify stolen merchandise by comparison to merchandise pictured in catalogue); *Barber v. Fairbanks Capital Corp.*, 2003 Bankr. LEXIS 2359 (Bankr. E.D. Pa. 2003) (taking judicial notice of an Insurance Manual “since it is well-used and readily available, and also not excludable hearsay under FRE 803(17), because it is a commercial publication that is generally used and relied upon by persons in the Pennsylvania title insurance industry”); *Conoco Inc. v. U.S. Dep’t of Energy*, 99 F.3d 387, 393 (Fed. Cir. 1996).

For Exhibits 2131 and 2132, these exhibits are not hearsay and are admissible under FRE 803(6) as a regularly kept business record of Patent Owner, Zaxcom. Patent Owner points to Exhibit 2155, Glenn Sanders’ testimony and certification, that shows it was made at/near the time by someone with knowledge, kept in the regular course, and it is the maker’s regular practice to make/keep such records; no untrustworthiness has been shown.

For Exhibit 2142, this exhibit is additionally not hearsay because it is the opposing party’s own publication regarding its product—a statement by a party-opponent under FRE 801(d)(2). It was created and disseminated by the party (or its authorized agents) to describe its product. As thoroughly discussed throughout the parallel IPR proceeding, this Board has determined that Lectrosonics is a wholly owned subsidiary and in privity with Petitioners. *See RODE Microphones, LLC, and Freedman Electronics, Pty, Ltd. v. Zaxcom, Inc.*, IPR2025-00231, Paper 33 at 6 (Dec. 4, 2024). Thus, Lectrosonics’ statement is considered a statement by a party-opponent under FRE 801(d)(2), and Exhibit 2033 is admissible as an opposing party admission.

H. Exhibits 2128-2130, 2113-2114

Exhibits 2128 and 2129 are documents issued by The Television Academy to Zaxcom and given to Mr. Sanders at or near the time of the 68th Engineering Emmy Awards on October 26, 2016. Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Nonetheless, notably, they both were “maintained in the regular course of Zaxcom’s business, consistent with Zaxcom’s regular practice of retaining such records.” *See* Ex-2155, ¶¶ 4-5. Exhibit 2130 is an entry form provided by The Television Academy that was completed by Zaxcom on or around August 2015 before submitting it shortly

thereafter. Since that time, “entry form has been stored on Zaxcom’s servers at my direction...[and] has been maintained in the regular course of Zaxcom’s business, consistent with Zaxcom’s regular practice of retaining such records.” Ex-2155, ¶ 6. Exhibits 2113-2114 are photographs of the Academy Award given to Mr. Sanders and Mr. Howard Stark on February 11, 2017. As declared by Mr. Sanders, he “took these photographs at or near the time of IPR2018-00972, IPR2018-01129, and IPR2018-01130...[and] [s]ince that time, the photographs have been stored on Zaxcom’s servers, while the physical Academy Award has been kept in my office.” Ex-2155, ¶ 12. Furthermore, Mr. Sanders even states that he “retain[s] the original Academy Award in [his] possession and can provide it for inspection if needed.” *Id.*

These exhibits are exempted from hearsay, at least, pursuant to FRE 803(6) as these were kept by Zaxcom in the course of its regularly conducted activity. *See* Exhibit 2155, a certification by Glenn Sanders for the aforementioned exhibits, stating that the exhibits were taken by Glenn or by another person with knowledge, was kept in the regular course of Zaxcom’s business, and it is the regular practice of Zaxcom to make and keep such records. Thus, these exhibits are a true and correct copy of such records and are trustworthy. Furthermore, FRE 807 allows for a hearsay statement to be admissible if the “statement is supported by sufficient guarantees of trustworthiness-after considering the totality of the circumstances under which it was made and evidence, if any, corroborating the statement; and it is more probative on the point for which it is offered than any other evidence that the proponent can obtained through reasonable efforts” which is present in the listed exhibits.

Accordingly, these exhibits should not be considered hearsay under FRE 801.

VIII. Federal Rules of Evidence 901-902

Petitioners object to Exhibits 2031-2046, 2048-2118, 2120, 2123, 2128-2139, 2142-2143, and 2145. The objection under FRE 901 and 902 should be overruled. These generalized objections lack reasonable particularity and do not allow Patent Owner to meaningfully respond and correct. FRE 901(a) states that the “proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(b) provides examples of evidence that satisfies the authentication requirement, such as “[t]estimony that an item is what it is claimed to be,” as provided for by FRE 901(b)(1).

A. Exhibits 2031-2046, 2048-2105, and 2133-2135

First, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Exhibit 2031 (File Explorer Screenshot) satisfies FRE 901 because it is readily identifiable as a Microsoft Windows File Explorer page with distinctive features showing file names, paths, and metadata. Further, Exhibits 2029 and 2030 both include testimony that expressly declares the File Explorer Screenshot is what it purports to be. Nonetheless, Patent Owner points to Exhibits 2148-2152 and 2161-six new screenshots of various File Explorer pages that are supported by a declaration of Morgan Golightly (Ex-2147).

In addition, FRE 902 provides a list of examples of documents that are “self-authenticating” and do not require extrinsic evidence. FRE 902(11) specifically allows for “certified domestic records of a regularly conducted activity” if the requirements of FRE 803(6) are met. As explained above, both Exhibit 2031 and Exhibits 2148-2152, and 2161 were created and maintained in the ordinary course of business, thereby satisfying FRE 803(6). Accordingly, the screenshot is admissible under both FRE 901 and FRE 902.

Exhibits 2032–2046, 2048–2105, and 2133–2135 are authenticated through Exhibit 2031, and its two accompanying declarations (i.e., Ex-2029 and 2030). These exhibits are also authenticated by supplement exhibits 2148–2152, and 2161, and the supporting declaration of Ms. Golightly (Ex-2147).

B. Exhibits 2106-2109

First, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Here, Exhibits 2106-2109 satisfy FRE 901 because they are identifiable as: a photograph of a device bearing the Zaxcom logo, a diagram of a device bearing the Zaxcom logo, a Zaxcom webpage, and a video of Glenn Sanders describing his new invention, respectively. Mr. Sanders’ testimony in Ex-2029 declares that Ex-2106 is a “true and correct copy” of the device bearing the Zaxcom logo (Ex-2029, ¶ 5), Ex-2107 is a “true and correct copy” (Ex-2029, ¶ 6) of the diagram, Ex-2108 is a “true and correct copy” (Ex-2029, ¶ 7) of the webpage, and Ex-2109 is a “true and correct copy” (Ex-2029, ¶ 8) of the video presentation. Further, Mr. Sanders’ supplemental declaration (Ex-2155) states that Ex-2106 is “a photograph of the Zaxcom IFB900 device [that] I took...[which] fairly and accurately depicts the device.” Ex-2155, ¶ 7. Ex-2107 is a “diagram of the Zaxcom IFB900 device [that]...fairly and accurately depicts the device... [which] has been stored on Zaxcom’s servers in the regular course of business.” *Id.* at ¶ 8. Ex-2108 is a “document depicting the Zaxcom TRX900 device...[that] fairly and accurately depicts the device...[which] has been stored on Zaxcom’s servers in the regular course of business.” *Id.* at ¶ 9. Finally, Ex-2109 is a “video presentation of [Mr. Sanders] at the NAB Conference in Las Vegas, in 2005...[which] has been stored on Zaxcom’s servers in the regular course of business.” *Id.* at ¶ 10. Mr. Sanders further states that he

“caused this video to be recorded.” *Id.* Thus, Petitioners objections are frivolous and should be overruled.

Next, FRE 902 states a list of examples that are “self-authenticating.” For example, FRE 902(11) allows for “certified domestic records of a regularly conducted activity” that meet the requirements of Rule 803(6). As testified by Mr. Sanders (Ex-2155), each of these documents and/or videos were created and maintained in the ordinary course of business. Together, these exhibits and the declarations establish authenticity. Thus, Petitioners’ objections should be overruled.

C. Exhibits 2110-2114

First, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Here, these Exhibits 2110-2114 satisfy FRE 901 because they are identifiable as an Emmy award and an Academy Award. They are also evidenced by Mr. Sanders’ declaration (Ex-2155), which states that Exhibits 2110-2112 are “photographs of an Emmy award [Mr. Sanders] received in 2016... These photos fairly and accurately depict the award...[Mr. Sanders] received this award from the Television Academy at the Emmy Awards ceremony in Hollywood, California in 2016. [Mr. Sanders] took these photographs of the award at or near the time of IPR2018-00972, IPR2018-01129, and IPR2018-01130. Since that time, the photographs have been stored on Zaxcom’s servers, while the physical Emmy Award has been kept in [Mr. Sanders’] office.” Ex-2155, ¶ 11. Mr. Sanders also states that he “retain[s] the original Emmy Award in [his] possession and can provide it for inspection if needed.” *Id.*

Exhibits 2113 and 2114 are “photographs of the Academy Award presented to [Mr. Sanders] and [his] co-inventor... These photographs fairly and accurately depict the

award...[Mr. Sanders] took these photographs at or near the time of IPR2018-00972, IPR2018-01129, and IPR2018-01130. Since that time, the photographs have been stored on Zaxcom's servers, while the physical Academy Award has been kept in [Mr. Sanders'] office." Ex-2155, ¶ 12. Mr. Sanders also states that he "retain[s] the original Academy Award in [his] possession and can provide it for inspection if needed." *Id.* Thus, this satisfies the FRE 901(b)(1) requirement.

Further, FRE 902 states a list of examples that are "self-authenticating." For example, FRE 902(7) allows for "[a]n inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control." The inscription present in the award photographed in Exhibits 2110-2114 purport to have been affixed in the course of business of manufacturing Emmy awards. Further, FRE 902(13) allows for "[a] record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(11)." As explained in Exhibit 2155, Mr. Sanders states that that these exhibits were created and maintained in the ordinary course of business. *See* Ex-2155, ¶¶ 11-12. Together, the exhibits and the certification establish authenticity.

Accordingly, the aforementioned exhibits are authenticated via at least FRE 901. Else, the exhibits fall under an exception, as illustrated in FRE 902.

D. Exhibits 2131 and 2132

First, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Here, Exhibits 2131 and 2132 satisfy FRE 901 because they are identifiable as a TRX900AA manual and a TRX900LA/LAS manual, respectively. They are also evidenced by Mr. Sanders' declaration (Ex-2155), which states that Exhibit 2131 is a

“correct copy of the TRX900AA User Manual. The current version of the manual is dated 2013, and it was created, at my direction, to describe the features and operation of the TRX900AA product. The manual is provided to detail the technical features of the TRX900AA.” Exhibit 2155, ¶ 2. Exhibit 2132 is a “correct copy of the TRX900LA/LAS User Manual. The current version of the manual is dated 2013, and it was created, at my direction, to describe the features and operation of the TRX900LA/LAS product. The manual is provided to detail the technical features of the TRX900LA/LAS.” *Id.* at ¶ 3.

Further, FRE 902 states a list of examples that are “self-authenticating.” For example, FRE 902(13) allows for “[a] record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(11).” As explained in Exhibit 2155, Mr. Sanders states that that these exhibits were created and maintained in the ordinary course of business. *See* Exhibit 2155, ¶¶ 1-2. Together, the exhibits and the certification establish authenticity.

Accordingly, the aforementioned exhibits are authenticated via at least FRE 901. Else, the exhibits fall under an exception, as illustrated in FRE 902.

E. Exhibit 2120 (version served on 9/8/25)

Exhibit 2120 was served on 9/8/2025 and uploaded in error, however, has since been replaced. Thus, since the replacement Exhibit 2120 does not get objected to on relevancy grounds, this objection is considered moot.

F. Exhibits 2115-2118, 2120 (version served on 9/12/25), 2123, 2136-2139, 2142-2143, and 2145

First, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Here, these exhibits satisfy FRE 901 because Exhibits

2115-2117, 2120 (version served on 9/12/25), 2123, 2136-2137, 2139, 2142-2143, and 2145 are identifiable as manufacturer issued technical documents or press releases relating to same.

Further, Exhibit 2118 is identifiable as a technical paper, and Exhibit 2138 is identifiable as a release article for a wearable camcorder released in 2010, and dated as such.

Exhibit 2115 was downloaded directly from (<https://www.nxp.com.cn/docs/en/data-sheet/MC68HC11G5.pdf>). Exhibit 2116 was downloaded directly from (<https://www.seagate.com/support/disc/manuals/scsi/67517c.pdf>). Exhibit 2117 was downloaded directly from (<https://web.archive.org/web/20001109184800/http://supercircuits.com:80/>).

Exhibit 2118 was downloaded directly from (<https://inis.iaea.org/records/8nbcv-v8h24>). Exhibit 2120 (version served on 9/12/25) was downloaded directly from (<https://web.archive.org/web/19991023064252/http://www.zaxcom.com/audio/wireless.html>).

Exhibit 2123 was downloaded directly from (https://help.na.panasonic.com/wp-content/uploads/2023/02/HXA500_SQW0001_ENG.pdf). Exhibit 2136 was downloaded directly from (<https://www.digisat.org/tiernan-video-se4000>). Exhibit 2137 was downloaded directly from (<http://pro.jvc.com/pro/attributes/prodv/brochure/dv300bro.pdf>). Exhibit 2138 was downloaded directly from (<https://techcrunch.com/2010/09/14/look-youtube-no-hands-looxcie-introduces-wearable-camcorder/>). Exhibit 2139 was downloaded directly from (https://cvp.com/pdf/sony_dsr300ap.pdf?srsId=AfmBOoqs4wlk_UIwIe3BokCwATqhviUJJBPb_UBhXtv9-7CRfdzQKPUZ). Exhibit 2142 was downloaded directly from

(<https://lectrosonics.com/lectrosonics-announces-firmware-updates-for-select-transmitters-to-record-transmit-simultaneously-for-markets-outside-of-the-united-states/>). Exhibit 2143 was downloaded directly from (<https://www.sweetwater.com/store/detail/A10-TX-BU--sound-devices-a10-tx-bu-digital-bodypack-transmitter-b-band>). Exhibit 2145 was downloaded directly

from

(<https://manuals.plus/m/15154fb0ff58c7f3526bcb53e7c35ec51e4c485be8768934f351221387592d09>).

A declaration from counsel for Patent Owner attesting to the date and download manner, and identifying the source URL, is submitted as Exhibit 2154. Each technical document and webpage was published by their respective authors, or manufacturers, as applicable. The authors and/or manufacturer drafted and distributed the technical documents in the ordinary course of business to provide engineers and customers with accurate specifications. Thus, as relevant through FRE 901(b)(1) and Exhibit 2154, each aforementioned exhibit is authenticated as “[t]estimony that an item is what it is claimed to be.”

Each document has features that show the document originating directly from the company responsible for designing and manufacturing each device. More specifically, FRE 901(b)(4), allows for documents that contain prevalent “appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances” to be authenticated.

Further, FRE 902 states a list of examples that are “self-authenticating.” For example, FRE 902(5) states a “book, pamphlet, or other publication purporting to be issued by a public authority,” while FRE 902(11) allows for “certified domestic records of a regularly conducted activity” that meet the requirements of Rule 803(6). “Because of the general trustworthiness of regularly kept records and the need for such evidence in many cases, the business records exception [to the hearsay rule] has been construed generously in favor of admissibility.” *Conoco Inc. v. Dept. of Energy*, 99 F.3d 387, 391 (Fed. Cir. 1996). Further, “the ‘custodian or other qualified witness’ who must authenticate business records need not be the person who prepared

or maintained the records, or even an employee of the record-keeping entity, so long as the witness understands the system used to prepare the records.” *Id.* Thus, these manufacturer documents, which were created and maintained in the ordinary course of business and distributed broadly to engineers, meet this requirement as a record regularly relied upon in the industry.

E. Exhibits 2128-2130

First, Petitioners generalized objections do not distinctly point out which section(s) of the exhibits are objected to and lack reasonable particularity. Therefore, Patent Owner has no ability to meaningfully respond and correct. Here, the exhibits satisfy FRE 901 because they are identifiable as the Engineering Emmy’s document, press release, and entry form, respectively. As evidenced by Ex-2140, Mr. DeFilippis’ declaration states that these documents are all “true and correct” copies (Ex-2140, ¶ 286). Furthermore, as evidenced by Ex-2155, Mr. Sanders’ supplemental declaration states that these documents are also all “true and correct” copies (Ex-2155, ¶¶ 4-6).

Ex-2128 is “a brochure from the Television Academy relating to the Engineering Emmy Awards. [Mr. Sanders] received this brochure in 2016, and since that time it has been stored on Zaxcom’s servers at [his] direction. It has been maintained in the regular course of Zaxcom’s business, consistent with Zaxcom’s regular practice of retaining such records. To the best of [his] knowledge, this exhibit is a true and correct copy of a record maintained by Zaxcom in the ordinary course of business, and it is trustworthy.” *Id.* at ¶ 4. Next, Ex-2129 is “a press release announcing the honorees for the 68th Engineering Emmy Awards. [Mr. Sanders] received this document from the Television Academy in 2016, and since that time it has been stored on Zaxcom’s servers at [his] direction. It has been maintained in the regular course of Zaxcom’s business, consistent with Zaxcom’s regular practice of retaining such records. To the best of [his]

knowledge, this exhibit is a true and correct copy of a record maintained by Zaxcom in the ordinary course of business, and it is trustworthy.” *Id.* at ¶ 5. Finally, Ex-2130 is “an Emmy Award entry form for outstanding achievement in engineering development for the 2015-2016 year. [Mr. Sanders] downloaded this entry form from the Television Academy website and completed it on or around August 2015 before submitting it shortly thereafter. Since that time, the entry form has been stored on Zaxcom’s servers at [his] direction. It has been maintained in the regular course of Zaxcom’s business, consistent with Zaxcom’s regular practice of retaining such records. To the best of [his] knowledge, this exhibit is a true and correct copy of a record maintained by Zaxcom in the ordinary course of business, and it is trustworthy.” *Id.* at ¶ 6. Thus, Exs-2128-2130 all meet the FRE 901 requirement.

Next, FRE 902 states a list of examples that are “self-authenticating.” For example, FRE 902(11) allows for “certified domestic records of a regularly conducted activity” that meet the requirements of Rule 803(6). As testified by Mr. Sanders, each of these documents were created and maintained in the ordinary course of business. Together, these exhibits and the declaration establish authenticity. Thus, Petitioners’ objections should be overruled.

Dated: September 29, 2025

Respectfully Submitted,
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CERTIFICATE OF SERVICE

The undersigned certifies that on September 29, 2025, a complete and entire copy of the foregoing “PATENT OWNER’S RESPONSE TO PETITIONER’S OBJECTIONS TO EVIDENCE FILED WITH PATENT OWNERS’ RESPONSE” is being served on the Petitioners at the electronic address shown below per consent.

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