

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.

IPR2025-00232

Patent 10,276,207

PETITIONERS' OBJECTIONS TO DOCUMENTS DOWNLOADABLE
DURING DEPOSITION OF DR. CHRIS KYRIAKAKIS

Pursuant to 37 C.F.R. § 42.64(b)(1) (to the extent applicable) and the Federal Rules of Evidence (“FRE”), Petitioners RØDE Microphones, LLC and Freedman Electronics Pty Ltd (“RØDE” or “Petitioners”) hereby object to the admissibility of certain documents that the court reporter made available for download during Zaxcom, Inc.’s (“Zaxcom’s” or “Patent Owner’s”) August 13, 2025 deposition of Petitioners’ expert Dr. Chris Kyriakakis. These objections shall not be taken as an admission that the downloadable documents were served on Petitioners as required by 37 C.F.R. §§ 42.6(e) and 42.63(e). Petitioners deny that the documents were served.

Zaxcom did not properly label the documents with exhibit numbers compliant with 37 C.F.R. § 42.63(c), instead labeling them as “Dr. Chris Kyriakakis Deposition Exhibit 27,” etc. Accordingly, Petitioners will use Zaxcom’s nomenclature when referring to the documents herein.

“Dr. Chris Kyriakakis Deposition Exhibit 27” (document entitled “M68HC11E Family Data Sheet”):

Petitioners object to this document as irrelevant under FRE 401, 402, and 403, at least because neither Patent Owner nor its expert have cited it to address any issue relevant to the case.

Petitioners further object to this document as inadmissible hearsay under FRE 801 and 802 that does not fall within any exception.

Petitioners further object to this document as unauthenticated under FRE 901 and 902.

“Dr. Chris Kyriakakis Deposition Exhibit 28” (document entitled “Instructions for Use...Mikroport Body-Pack Transmitter...SK 50...SK250”):

Petitioners object to this document as incomplete under FRE 106.

Petitioners further object to this document as irrelevant under FRE 401, 402, and 403 because neither Patent Owner nor its expert have cited it to address any issue relevant to the case. Petitioners further object to this document as irrelevant under FRE 401, 402, and 403 because the document is undated and thus there is no evidence that it is contemporaneous with the 2005 filing date of the patents-in-suit. Accordingly, it is not relevant to the construction of any claim term. *See, e.g., Brookhill-Wilk 1, LLC. v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1299 (Fed. Cir. 2003) (“[N]on-contemporaneous authorities,...dated well after the [filing date of the] patent,...are not contemporaneous with the patent, do not reflect the meanings that would have been attributed [by POSAs] as of the grant of the...patent, and for those reasons are not considered in our...claim construction analysis.”); *Intellicheck Mobilisa, Inc. v. Wizz Sys., LLC*, 173 F. Supp. 3d 1085, 1098 (W.D. Wash. 2016) (“IDScan pulls this definition from non-technical online dictionaries accessed almost twenty years after the initial application for the ’623 Patent....As such, IDScan’s definition is not persuasive evidence...”); *Gemak Trust v. Reckitt*

Benckiser LLC, Nos. 18-1855-RGA, 18-1854-RGA, 2020 WL 4284973, at *4 n.5 (D. Del. July 27, 2020) (rejecting non-contemporaneous extrinsic evidence).

Petitioners further object to this document as inadmissible hearsay under FRE 801 and 802 that does not fall within any exception.

Petitioners further object to this document as unauthenticated under FRE 901 and 902.

“Dr. Chris Kyriakakis Deposition Exhibit 29” (Webpage entitled “Federal Agencies Digitization Guidelines Initiative,” subtitled “Term: Multichannel (audio)”):

Petitioners object to this document as irrelevant under FRE 401, 402, and 403 because neither Patent Owner nor its expert have cited it to address any issue relevant to the case. Petitioners further object to this document as irrelevant under FRE 401, 402, and 403 because the document is undated (other than the August 7, 2025 download date indicated at the top) and thus there is no evidence that it is contemporaneous with the 2005 filing date of the patents-in-suit. Accordingly, it is not relevant to the construction of any claim term. *See, e.g., Brookhill-Wilk 1*, 334 F.3d at 1299; *Intellicheck*, 173 F. Supp. 3d at 1098; *Gemak*, 2020 WL 4284973, at *4 n.5.

Petitioners further object to this document as inadmissible hearsay under FRE 801 and 802 that does not fall within any exception.

Petitioners further object to this document as unauthenticated under FRE 901 and 902.

“Dr. Chris Kyriakakis Deposition Exhibit 30” (Webpage entitled “Federal Agencies Digitization Guidelines Initiative,” subtitled “Term: Channel (audio)”):

Petitioners object to this document as irrelevant under FRE 401, 402, and 403 because neither Patent Owner nor its expert have cited it to address any issue relevant to the case. Petitioners further object to this document as irrelevant under FRE 401, 402, and 403 because the document is undated (other than the August 7, 2025 download date indicated at the top) and thus there is no evidence that it is contemporaneous with the 2005 filing date of the patents-in-suit. Accordingly, it is not relevant to the construction of any claim term. *See, e.g., Brookhill-Wilk 1*, 334 F.3d at 1299; *Intellicheck*, 173 F. Supp. 3d at 1098; *Gemak*, 2020 WL 4284973, at *4 n.5.

Petitioners further object to this document as inadmissible hearsay under FRE 801 and 802 that does not fall within any exception.

Petitioners further object to this document as unauthenticated under FRE 901 and 902.

“Dr. Chris Kyriakakis Deposition Exhibit 31” (Webpage entitled “Federal Agencies Digitization Guidelines Initiative,” subtitled “Term: Track (audio)”):

Petitioners object to this document as irrelevant under FRE 401, 402, and 403 because neither Patent Owner nor its expert have cited it to address any issue relevant to the case. Petitioners further object to this document as irrelevant under FRE 401, 402, and 403 because the document is undated (other than the August 7, 2025 download date indicated at the top) and thus there is no evidence that it is contemporaneous with the 2005 filing date of the patents-in-suit. Accordingly, it is not relevant to the construction of any claim term. *See, e.g., Brookhill-Wilk 1*, 334 F.3d at 1299; *Intellicheck*, 173 F. Supp. 3d at 1098; *Gemak*, 2020 WL 4284973, at *4 n.5.

Petitioners further object to this document as inadmissible hearsay under FRE 801 and 802 that does not fall within any exception.

Petitioners further object to this document as unauthenticated under FRE 901 and 902.

“Dr. Chris Kyriakakis Deposition Exhibit 34” (document entitled “Sennheiser SK 5012 Instruction Manual”):

Petitioners object to this document as irrelevant under FRE 401, 402, and 403 because neither Patent Owner nor its expert have cited it to address any issue relevant

to the case. Petitioners further object to this document as irrelevant under FRE 401, 402, and 403 because the document contains no legible date, and thus there is no evidence that it is contemporaneous with the 2005 filing date of the patents-in-suit. Accordingly, it is not relevant to the construction of any claim term. *See, e.g., Brookhill-Wilk 1*, 334 F.3d at 1299; *Intellicheck*, 173 F. Supp. 3d at 1098; *Gemak*, 2020 WL 4284973, at *4 n.5.

Petitioners further object to this document as inadmissible hearsay under FRE 801 and 802 that does not fall within any exception.

Petitioners further object to this document as unauthenticated under FRE 901 and 902.

Dated: August 20, 2025

/ Michael A. Fisher /
Jeffrey B. Plies, reg. no. 46,999
Michael A. Fisher, reg. no. 42,536
DECHERT LLP
Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that today in:

RØDE Microphones, LLC., et al. v, Zaxcom, Inc., IPR2025-00232 (U.S. Patent 10,276,207)

I caused to be served a copy of the foregoing Petitioners' Objections to Documents Downloadable During Deposition of Dr. Chris Kyriakakis upon:

ZAXCOM INC., c/o:

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Patent Owner agreed to have the above-listed counsel accept electronic service of papers filed in this IPR, by e-mail on November 20, 2024, and by Patent Owner's Mandatory Notices of December 23, 2024. *See* 37 CFR § 42.105(b) ("Upon agreement of the parties, service may be made electronically....").

Dated: August 20, 2025

By: /Michael A. Fisher/
Michael A. Fisher, Reg. No. 42,536

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