

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ANTHONY INC.,
Petitioner

v.

CONTROLTEC, LLC,
Patent Owner.

IPR2025-00559
U.S. Patent 7,207,181

**PATENT OWNER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SUBMITTED BY PETITIONER**

Pursuant to 37 C.F.R. § 42.64(b), ControlTec, LLC hereby objects as follows to the admissibility of evidence filed by Petitioner Anthony, Inc., in conjunction with the Petition filed on January 30, 2025. These objections are timely presented, as the objected to evidence was submitted during a preliminary proceeding, and these objections are submitted and served within ten business days of the institution of trial. 37 C.F.R. §42.64(b)(1).

Evidence	Objections
EX1002	FRE 802: To the extent the prosecution history includes declarations, affidavits, or the like, they are inadmissible hearsay to the extent they are offered for the truth of the matter asserted and the declarant is not made available for deposition.
EX1003	FRE 105: To the extent that any portion of this exhibit may be deemed admissible, such admissibility should be for a limited purpose. FRE 701/702 and/or 37 C.F.R. § 42.65: The opinion testimony offered in this exhibit is not based on scientific, technical, or other specialized knowledge, and is also not based on personal knowledge. The opinion testimony fails to properly disclose the underlying facts or data on which the opinion is based. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted unless the declarant is made available for deposition.

EX1009	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.
EX1010	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.
EX1011	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.

EX1012	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.
EX1013	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.
EX1014	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.

EX1015	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1016	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.

EX1017	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1018	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1019	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1020	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1021	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1022	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1023	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1024	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1025	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1026	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1027	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1028	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1029	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.
EX1030	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1031	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1032	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1033	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1034	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EX1035	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.
EX1036	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.

EX1039	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
EX1040	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.

EX1041	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.
EX 1042	FRE 403: The exhibit's 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 cumulative evidence. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted.

EX 1049	FRE 105: To the extent that any portion of this exhibit may be deemed admissible, such admissibility should be for a limited purpose. FRE 701/702 and/or 37 C.F.R. § 42.65: The opinion testimony offered in this exhibit is not based on scientific, technical, or other specialized knowledge, and is also not based on personal knowledge. The opinion testimony fails to properly disclose the underlying facts or data on which the opinion is based. FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted unless the declarant is made available for deposition.
EX 1050	FRE 802: The entirety of the exhibit is inadmissible hearsay to the extent it is offered for the truth of the matter asserted. FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

Respectfully submitted,

Dated: September 8, 2025
HAYNES AND BOONE, LLP
2801 N. Harwood St., Suite 2300
Dallas, Texas 75201
Customer No. 27683

/Robert P. Ziemain/
Robert P. Ziemian
Lead Counsel for Patent Owner
Registration No. 57,931

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), Patent Owner hereby certifies, in accordance with and reliance on the word count provided by the word-processing system used to prepare these Objections to Admissibility of Evidence Submitted by Petitioner, that the number of words in this paper is 2,623. Pursuant to 37 C.F.R. § 42.24(d), this word count excludes the table of contents, table of authorities, mandatory notices under § 42.8, certificate of service, certificate of word count, appendix of exhibits, and any claim listing.

Dated: September 8, 2025

/Robert P. Ziemian/
Robert P. Ziemian
Lead Counsel for Patent Owner
Registration No. 57,931

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing was served on the Petitioner as detailed below:

<i>Date of service</i>	September 8, 2025
<i>Manner of service</i>	Electronic Email: IPR43789-0259IP1@fr.com ; PTABInbound@fr.com
<i>Documents served</i>	Patent Owner's Objections to Admissibility of Evidence Submitted by Petitioner
<i>Persons Served</i>	Kenneth W. Darby Jr. Kenneth Hoover Christopher Dillon (Pending <i>Pro Hac Vice</i>) Fish & Richardson P.C. 60 South Sixth Street, Suite 3200 Minneapolis, MN 55402

/Robert P. Ziemian/
Robert P. Ziemian
Lead Counsel for Patent Owner
Registration No. 57,931