

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

SANDPIPER CDN, LLC,
Patent Owner

Case IPR2025-00826
U.S. Patent No. 9,021,112

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

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Sandpiper CDN, LLC (“Patent Owner”) objects under the Federal Rules of Evidence (“F.R.E.”) to the admissibility of Exhibits 1008, 1011, 1012, 1014–1015, and 1023–1026, which Petitioner filed with its Petition.

Patent Owner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed ten business days of the institution of trial.

I. EXHIBITS 1011, 1012, 1014–1015, AND 1023–1026

Patent Owner objects to Exhibits 1011, 1012, 1014–1015, and 1023–1026 under F.R.E. 401, 402, and 403 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Patent Owner also objects to Exhibits 1011, 1012, 1014–1015, and 1023–1026 as impermissible hearsay under F.R.E. 801 and 802 to the extent these exhibits are offered for the truth of the matters asserted. Petitioner has not identified any applicable exception or exclusion to the rule against hearsay that applies to these exhibits.

Patent Owner further objects to Exhibits 1011, 1012, 1014–1015, and 1023–1026 under F.R.E. 901 because Petitioner has not presented evidence sufficient to support a finding that the documents in question are what Petitioner claims them to

be. There is no evidence that the documents are self-authenticating under F.R.E. 902.

II. EXHIBIT 1008 – DECLARATION OF TODD MOWRY

Patent Owner objects to Exhibit 1008 to the extent it relies on Exhibits 1011, 1012, 1014–1015, and 1023–1026 for the same reasons as provided above, and/or because Exhibits 1011, 1012, 1014–1015, and 1023–1026 are not qualified to be the basis for an expert opinion under F.R.E. 703. Therefore, these portions of Exhibit 1008 are inadmissible under F.R.E. 702 and F.R.E. 703.

Patent Owner also objects to Exhibit 1008, including at least paragraphs 67–652, as improper expert testimony under F.R.E. 702 and 703. There has not been an adequate showing that Dr. Mowry’s testimony is based on sufficient facts or data, is the product of reliable principles or methods, or that the testimony will help the Board understand the evidence or determine a fact in issue.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jason D. Eisenberg/

Jason D. Eisenberg
Registration No. 43,447
Counsel for Patent Owner

Date: November 24, 2025

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** was served electronically via e-mail on November 24, 2025, in its entirety on the following:

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Respectfully Submitted,

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