

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORCA SECURITY LTD.,
Petitioner,

v.

WIZ, INC.,
Patent Owner.

Case IPR2025-01084
Patent No. 11,929,896

PATENT OWNER'S FIRST OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. §42.64(b)(1), Wiz, Inc. (“Patent Owner”) submits the following objections to Orca Security Ltd.(“Petitioner”) Exhibits 1003, 1007-1057.

Patent Owner’s objections are made pursuant to the Code of Federal Regulations (“C.F.R.”) governing this proceeding, including without limitation 37 C.F.R. §§42.61-42.65 and §42.6(a)(3). As required by 37 C.F.R. §42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“F.R.E.”).

II. OBJECTIONS

1. Exhibit 1003

Grounds for Objection: F.R.E. 105 (Limited Scope); F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 602 (Need for Personal Knowledge); F.R.E. 701 (Opinion Testimony by Lay Witnesses), 702-703 (Expert Foundation and Opinions); F.R.E. 801-803 (Inadmissible Hearsay).

Exhibit 1003 is the declaration of Dr. Chuck Easttom and is objected to in its entirety. Dr. Easttom’s opinions are not based on sufficient facts or data and are not the product of reliable principles and methods reliably applied to the facts of this case (F.R.E. 702-703). Moreover, exhibit 1003 is not relevant to the extent portions of it have not been cited to in the Petition, including but not limited to

paragraphs 1-20, 33-35, 49-52, 55, 57-73, 126, 159, 169, 171, 183, 190, 194, 206, 226, 231-327, 331-332, 336-509, 515-523 (F.R.E. 401-402). However, to the extent exhibit 1003 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time (F.R.E. 403). Exhibit 1003 is further objected to under F.R.E. 801-803 as resting on statements constituting hearsay without satisfying any of the hearsay exceptions, including to the extent that Dr. Easttom has not been made available for cross-examination in a manner complying with all rules governing this proceeding. Finally, Dr. Easttom's testimony is objected to under F.R.E. 602 and 701 to the extent it is offered for subject matters outside of his expertise and fails to properly provide evidence of personal knowledge of his testimony or his testimony is not based on his own perception or is based on specialized knowledge within the scope of F.R.E. 702.

Additionally, to the extent any portions of exhibit 1003 are admitted, this exhibit is additionally objected to in accordance with F.R.E. 105 in so far as the admitted exhibit is used for any purpose other than for what it was admitted.

2. Exhibits 1010-1011, 1013-1021, 1024-1027, 1032, 1034-1041, and 1043-1050

Grounds for Objection: F.R.E. 105 (Limited Scope), F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of

Time, or Other Reasons); F.R.E. 801-803 (Inadmissible Hearsay); F.R.E. 901 (Authenticating or Identifying Evidence).

Patent Owner objects to exhibits 1010-1011, 1013-1021, 1024-1027, 1032, 1034-1041, and 1043-1050 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of the exhibits, and these exhibits are not self-authenticating (F.R.E. 902).

Exhibits 1010-1011, 1013-1021, 1024-1027, 1032, 1034-1041, and 1043-1050 are further objected to for being irrelevant, including for example to the extent exhibits 1013-1021, 1024-1027, 1032, 1034-1041, and 1043-1050 are irrelevant because they are not cited in the Petition (F.R.E. 401-402). Additionally, exhibits 1016, 1039, 1041, 1043-1046, and 1048-1049 are further irrelevant to this proceeding because the Petitioner provides no publication dates for exhibits 1016, 1039, 1041, and 1043-1044 and the provided publication dates for exhibits 1045-1046 and 1048-1049 are after the priority date of the patent-at-issue. To the extent exhibits 1010-1011, 1013-1021, 1024-1027, 1032, 1034-1041, and 1043-1050 are deemed relevant, their probative value is minimal and substantially outweighed by the risk of confusing the issues, wasting time, being unduly prejudicial, and needlessly presenting cumulative evidence (F.R.E. 403).

Furthermore, exhibits 1010-1011, 1013-1021, 1024-1027, 1032, 1034-1041, and 1043-1050 are further objected to under F.R.E. 801-803 as hearsay to the

extent they are offered for the truth of any matters asserted without satisfying any of the hearsay exceptions.

Lastly, to the extent any portion of exhibits 1010-1011, 1013-1021, 1024-1027, 1032, 1034-1041, and 1043-1050 is admitted, these exhibits are additionally objected to in accordance with F.R.E. 105 in so far as the admitted exhibits are used for any purpose other than for what they were admitted.

3. Exhibits 1007-1009, 1022-1023, 1029-1031, 1033, and 1052

Grounds for Objection: F.R.E. 105 (Limited Scope); F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 801-803 (Inadmissible Hearsay).

Exhibits 1007-1009, 1022-1023, 1029-1031, 1033, and 1052 are objected to for being irrelevant, including for example to the extent exhibits 1022-1023, 1029-1031, and 1033 are not cited in the Petition (F.R.E. 401-402). To the extent exhibits 1007-1009, 1022-1023, 1029-1031, 1033, and 1052 are deemed relevant, their probative value is minimal and is substantially outweighed by the risk of confusing the issues, wasting time, being unduly prejudicial, and needlessly presenting cumulative evidence (F.R.E. 403).

Exhibits 1007-1009, 1022-1023, 1029-1031, 1033, and 1052 are further objected to under F.R.E. 801-803 as hearsay to the extent they are offered for the truth of any matters asserted without satisfying any of the hearsay exceptions.

Lastly, to the extent any portion of exhibits 1007-1009, 1022-1023, 1029-1031, 1033, and 1052 is admitted, these exhibits are additionally objected to in accordance with F.R.E. 105 in so far as the admitted exhibits are used for any purpose other than for what they were admitted.

4. Exhibits 1012 and 1053-1057

Grounds for Objection: F.R.E. 105 (Limited Scope); F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons).

Exhibits 1012 and 1053-1057 are also objected to for not being relevant to the current proceedings, including for example to the extent exhibits 1054-1057 are not cited in the Petition (F.R.E. 401-402). To the extent these exhibits are deemed relevant, their probative value is minimal and is substantially outweighed by the risk of confusing the issues, wasting time, being unduly prejudicial, and needlessly presenting cumulative evidence (F.R.E. 403).

Lastly, to the extent any portion of exhibits 1012 and 1053-1057 is admitted, these exhibits are additionally objected to in accordance with F.R.E. 105 in so far as the exhibits are used for any purpose other than for what they were admitted.

5. Exhibits 1028, 1042, and 1051

Grounds for Objection: F.R.E. 105 (Limited Scope); F.R.E. 106 (Completeness); F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons); F.R.E. 801-803 (Inadmissible Hearsay); F.R.E. 901 (Authenticating or Identifying Evidence).

Patent Owner objects to exhibits 1028, 1042, and 1051 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of the exhibits, and these exhibits are not self-authenticating (F.R.E. 902).

Exhibits 1028, 1042, and 1051 are also objected to for not being relevant to the current proceedings, including for example to the extent exhibits 1028 is not cited in the Petition (F.R.E. 401-402). To the extent these exhibits are deemed relevant, their probative value is minimal and is substantially outweighed by the risk of confusing the issues, wasting time, being unduly prejudicial, and needlessly presenting cumulative evidence (F.R.E. 403).

Patent Owner also further objects to exhibits 1028, 1042, and 1051 for constituting incomplete portions of a writing (excerpts of the document) (F.R.E. 106).

Furthermore, exhibits 1028, 1042, and 1051 are objected to under F.R.E. 801-803 as hearsay to the extent they are offered for the truth of any matters asserted without satisfying any of the hearsay exceptions.

Lastly, to the extent any portion of exhibits 1028, 1042, and 1051 is admitted, these exhibits are additionally objected to in accordance with F.R.E. 105 in so far as the exhibits are used for any purpose other than for what they were admitted.

III. CONCLUSION

The aforementioned exhibits were submitted with either the Petition or the Petitioner's Opposition to Patent Owner's Request for Discretionary Denial. These objections are made within 10 business days of institution pursuant to 37 C.F.R. §42.64.

Respectfully submitted,

Dated: December 30, 2025

/ Matthew A. Argenti /
Matthew A. Argenti, Lead Counsel
Reg. No. 61,836

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Patent Owner's First Objections to Evidence was served on December 30, 2025, at the following electronic service addresses:

Robin A. Snader
Eric A. Buresh
Kathleen Fitterling
Chris Schmidt
robin.snader@eriseip.com
eric.buresh@eriseip.com
kathleen.fitterling@eriseip.com
chris.schmidt@eriseip.com

ERISE IP, P.A.
PTAB@eriseip.com

Respectfully submitted,

Dated: December 30, 2025

/ Matthew A. Argenti /
Matthew A. Argenti, Lead Counsel
Reg. No. 61,836