

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORCA SECURITY LTD.,
Petitioner,

v.

WIZ, INC.,
Patent Owner.

Case IPR2025-01085
Patent No. 11,936,693

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, 1007-1051.

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 1-19, 32-34, 47, 52-54, 62, 65-79, 84-96, 105-109, 115-117, 120-185, and 188-189 (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 1008-1009, 1011-1016, 1020-1022, 1025-1026, 1028-1034, 1041-1043, and 1045

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 1008-1009, 1011-1016, 1020-1022, 1025-1026, 1028-1034, 1041-1043, and 1045 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 1008-1009, 1011-1016, 1020-1022, 1025-1026, 1028-1034, 1041-1043, and 1045 are further objected to for being irrelevant, including for example to the extent exhibits 1008-1009 and 1011-1016 are irrelevant because they are not cited in the Petition (F.R.E. 401-402). Additionally, exhibits 1022, 1026, and 1034 are further irrelevant to this proceeding because the Petitioner provides no publication dates for these exhibits. To the extent exhibits 1008-1009, 1011-1016, 1020-1022, 1025-1026, 1028-1034, 1041-1043, and 1045 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 1008-1009, 1011-1016, 1020-1022, 1025-1026, 1028-1034, 1041-1043, and 1045 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 1008-1009, 1011-1016, 1020-1022, 1025-1026, 1028-1034, 1041-1043, and 1045 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, 1017-1019, 1023-1024, 1027, 1035-1040, and 1044

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, 1017-1019, 1023-1024, 1027, 1035-1040, and 1044 are objected to for being irrelevant, including for example to the extent exhibits 1017-1018 and 1035-1036 are not cited in the Petition (F.R.E. 401-402). To the extent exhibits 1007, 1017-1019, 1023-1024, 1027, 1035-1040, and 1044 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, 1017-1019, 1023-1024, 1027, 1035-1040, and 1044 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, 1017-1019, 1023-1024, 1027, 1035-1040, and 1044 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 1046-1051

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 1046-1051 are also objected to for not being relevant to the current proceedings, including for example to the extent exhibits 1048-1051 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 1046-1051 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.

5. Exhibits 1010

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 exhibit 1010 as lacking authentication under F.R.E. 901 because sufficient evidence has not been provided to establish the authenticity of this exhibit, and this exhibit is not self-authenticating (F.R.E. 902).

Exhibit 1010 is also objected to for not being relevant to the current proceedings, including for example to the extent it is not cited in the Petition (F.R.E. 401-402). To the extent this exhibit is deemed relevant, its 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 exhibit 1010 for constituting incomplete portions of a writing (excerpts of the document) (F.R.E. 106).

Furthermore, exhibit 1010 is objected to under F.R.E. 801-803 as hearsay to the extent it is offered for the truth of any matters asserted without satisfying any of the hearsay exceptions.

Lastly, to the extent any portion of exhibit 1010 is admitted, this exhibit is additionally objected to in accordance with F.R.E. 105 in so far as this exhibit is used for any purpose other than for what it was 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