

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

1LSS, INC.,
Patent Owner

Case IPR2025-01180
U.S. Patent No. 11,864,641

PETITIONER’S OBJECTIONS TO EVIDENCE

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

Petitioner Apple Inc. objects under the Federal Rules of Evidence (FRE) and 37 C.F.R. § 42.64(b)(1) to the admissibility of Exhibits 2009, 2011-2020, 2022-2026, filed by Patent Owner 1LSS, Inc. on May 1, 2026, with the Patent Owner's Response. Apple's Objections are timely filed under 37 C.F.R. § 42.64(b)(1), within five business days of May 1, 2026. Apple files these Objections to provide notice to 1LSS that Apple may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

I. IDENTIFICATION OF GROUNDS FOR OBJECTIONS

A. Exhibit 2009

Exhibit 2009 is a declaration from R. Glenn Akhavein, P.E. Apple objects to exhibit 2009, including paragraphs 400-417, under FRE 601 and 602 because 1LSS has not shown that Mr. Akhavein is competent to testify as a witness and he lacks requisite personal knowledge of the subject matter upon which he testifies.

Apple objects to exhibit 2009, including paragraphs 36-417, as improper expert testimony under FRE 702, 703, and 37 C.F.R. § 42.65. 1LSS has not shown that Mr. Akhavein is qualified to testify as an expert in the relevant subject matter or that his testimony (including any alleged testing he may have performed, e.g., paragraphs 346-365) 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. Apple further objects to exhibit 2009 under

FRE 702 and 703 to the extent exhibit 2009 relies on exhibits 2011-2020 and 2022-2026 because exhibits 2011-2020 and 2022-2026 are not qualified to be the basis for an expert opinion.

B. Exhibits 2011-2020, 2022, 2023, 2025, and 2026

Apple objects to exhibits 2011-2020, 2022, 2023, 2025, and 2026 under FRE 401, 402, and 403 for including information that is irrelevant because, among other things, they do not form a basis of the instituted grounds, and their probative value to any ground upon which trial was instituted is substantially outweighed by other considerations such as danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Apple objects to exhibits 2011-2020, 2022, 2023, 2025, and 2026 as impermissible hearsay under FRE 801 and 802 to the extent these exhibits are offered for the truth of the matters asserted. 1LSS has not identified any applicable exception or exclusion to the rule against hearsay that applies to these exhibits.

Apple objects to exhibits 2011-2020, 2022, 2023, 2025, and 2026 under FRE 901 because 1LSS has not presented evidence sufficient to support a finding that the documents in question are what 1LSS claims them to be. There is no evidence that the documents are self-authenticating under FRE 902.

Apple objects to exhibit 2023 under FRE 601 and 602 because exhibit 2023 appears to be a search response generated by artificial intelligence, which is not

competent to testify as a witness and lacks requisite personal knowledge.

C. Exhibit 2024

Exhibit 2024 is a declaration from Mydul Ronny Islam. Apple objects to exhibit 2024 under FRE 601 and 602 because 1LSS has not shown that Mr. Islam is competent to testify as a witness or that he has the requisite personal knowledge of the subject matter upon which he testifies.

Apple further objects to exhibit 2024 under FRE 602 to the extent exhibit 2024 relies on exhibits 2011-2020 and 2022-2026 because 1LSS has not shown that exhibits 2011-2020 and 2022-2026 are based on Mr. Islam's personal knowledge.

Apple objects to exhibit 2024, including Appendix B, as improper expert testimony under FRE 702, 703, and 37 C.F.R. § 42.65. 1LSS has not shown that Mr. Islam is qualified to testify as an expert or that his 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.

II. CONCLUSION

In view of the Objections set forth above, Apple may file a motion to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

Respectfully submitted,

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/Richard M. Bemben/

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Date: May 8, 2026

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PETITIONER’S OBJECTIONS TO EVIDENCE** was served in its entirety on May 8, 2026, upon the following parties via electronic mail:

Gregory S. Cordrey (Lead Counsel)
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Respectfully submitted,

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