

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM SERVICES LLC and AMAZON WEB SERVICES, INC.,
Petitioners

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2026-00106

U.S. Patent No. 10,321,320

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

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Amazon.com Services LLC and Amazon Web Services, Inc. (“Petitioners” or “Amazon”) object to Exhibits 2008 and 2014 submitted by Patent Owner Headwater Research LLC (“Patent Owner”) with its Patent Owner’s Response (Paper 17) filed August 4, 2026. These objections are based on 37 C.F.R. Part 42 and the relevant portions of the Federal Rules of Evidence (“F.R.E.”) that apply to *inter partes* review proceedings under 37 C.F.R. § 42.62. These objections are being timely served within five business days of service of the evidence to which each objection is directed.

II. OBJECTIONS TO EVIDENCE

A. Exhibit 2008 – Declaration of Dr. Michael C. Brogioli

Petitioners object to Exhibit 2008 under F.R.E. 401-403. Patent Owner’s Response (“POR”) states that “for purposes of this response, Patent Owner exclusively responds to the invalidity theory presented by Petitioners and Dr. Traynor under their interpretation of ‘message delivery trigger...’” Paper 17 at 14 n.2. Further, the POR seeks no construction of “message delivery trigger.” *Id.* at 4-9.

Paragraphs 43-45, 47, 67-83, and 103 of Exhibit 2008, however, do not “respond[] to the invalidity theory...under [that] interpretation of ‘message delivery trigger.’” Instead, they offer opinions regarding Dr. Brogioli’s construction of

“message delivery trigger” and his application of that construction to the prior art. The POR does not cite paragraphs 43-45, 47, 67-83, and 103.

Paragraph 46 offers opinions: (1) characterizing the Petition’s and Dr. Traynor’s interpretation of “message delivery trigger”; and (2) construing “message delivery trigger.” The POR only cites paragraph 46 to support Patent Owner’s arguments related to (1). Paper 17, 16-17 n.3. The POR does not cite or rely on Dr. Brogioli’s opinions in paragraph 46 related to (2).

Thus, paragraphs 43-47, 67-83, and 103 are irrelevant under F.R.E. 401-402. Moreover, under F.R.E. 403, any probative value is substantially outweighed by unfair prejudice, confusing the issues, misleading the Board, undue delay, or wasting time.

B. Exhibit 2014 – U.S. 12,210,419

Petitioners object to Exhibit 2014 under F.R.E. 401-403. Patent Owner cites Exhibit 2014 as evidence that “Petitioners’ affiliate[’s]...usage of ‘periodic’ in its own patents” is consistent with Patent Owner’s understanding of what “periodic” means. *See* Paper 17 at 5. Exhibit 2014 is irrelevant under F.R.E. 401-402 because how a term is used in an unrelated patent is not relevant to how a person of ordinary skill would have understood the term in the challenged patent. *See Goldenberg v. Cytogen, Inc.*, 373 F.3d 1158, 1167-68 (Fed. Cir. 2004) (finding statements in another patent irrelevant to claim construction “[a]bsent a formal relationship or

incorporation during prosecution” of the patent at issue); *Pfizer, Inc. v. Ranbaxy Lab 'ys Ltd.*, 457 F.3d 1284, 1290 (Fed. Cir. 2006). Moreover, under F.R.E. 403, any probative value is substantially outweighed by unfair prejudice, confusing the issues, misleading the Board, undue delay, or wasting time.

Respectfully submitted,

/ *Jessica Kaiser* /

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Date: August 11, 2026

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of PETITIONERS' OBJECTIONS TO EVIDENCE were served upon the below listed counsel by electronic mail:

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