

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRUSOE ENERGY SYSTEMS, LLC
Petitioner

v.

UPSTREAM DATA INC.
Patent Owner

Case PGR2023-00039
Patent No. 11,574,372

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S REPLY EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b) and the Federal Rules of Evidence ("FRE"), Patent Owner Upstream Data Inc. submits the following objections to evidence submitted by Petitioner Crusoe Energy Systems, LLC with its Reply. These objections are timely filed and served within five business days of Petitioner's service of its Reply in this proceeding.

Exhibit 1028

Patent Owner objects to Exhibit 1028 as lacking relevance to the instituted grounds (*see* FRE 401 and 402), including due to the Petitioner not having cited the Exhibit in its Petition or Reply. This Exhibit should further be excluded because any late citation to the Exhibit document in the Petition or Reply would be substantially outweighed by a danger of unfair prejudice and confusion (*see* FRE 403). To the extent Petitioner attempts to rely on the Exhibit and/or relies on the content of this Exhibit for the truth of the matter asserted, Patent Owner objects to the Exhibit as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions (including FRE 803, 804, 805, and 807).

Exhibit 1029

Patent Owner objects to Exhibit 1029 as lacking relevance to the instituted grounds (*see* FRE 401 and 402), including due to the Petitioner not having cited the Exhibit in its Petition or Reply. This Exhibit should further be excluded

because any late citation to the Exhibit document in the Petition or Reply would be substantially outweighed by a danger of unfair prejudice and confusion (*see* FRE 403). To the extent Petitioner attempts to rely on the Exhibit and/or relies on the content of this Exhibit for the truth of the matter asserted, Patent Owner objects to the Exhibit as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions (including FRE 803, 804, 805, and 807).

Exhibit 1031

Patent Owner objects to Exhibit 1031 as lacking relevance to the instituted grounds (*see* FRE 401 and 402), including due to the Petitioner not having cited the Exhibit in its Petition or Reply. This Exhibit should further be excluded because any late citation to the Exhibit would be substantially outweighed by a danger of unfair prejudice and confusion (*see* FRE 403). To the extent Petitioner attempts to rely on the Exhibit and/or relies on the content of this Exhibit for the truth of the matter asserted, Patent Owner objects to the Exhibit as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions (including FRE 803, 804, 805, and 807).

Exhibit 1032

Patent Owner objects to Exhibit 1032 as lacking relevance to the instituted grounds (*see* FRE 401 and 402), including due to the Petitioner not having cited

the Exhibit in its Petition or Reply. This Exhibit should further be excluded because any late citation to the Exhibit would be substantially outweighed by a danger of unfair prejudice and confusion (*see* FRE 403). To the extent Petitioner attempts to rely on the Exhibit and/or relies on the content of this Exhibit for the truth of the matter asserted, Patent Owner objects to the Exhibit as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions (including FRE 803, 804, 805, and 807).

Exhibit 1038

Patent Owner objects to Exhibit 1038 as lacking relevance to the instituted grounds (*see* FRE 401 and 402), including due to the Petitioner not having presented sufficient evidence regarding the accuracy of Exhibit 1038 or its source. This Exhibit should further be excluded because the source of the Exhibit and the included data are indeterminant and thus any purported relevance would be substantially outweighed by a danger of unfair prejudice and confusion (*see* FRE 403). To the extent Petitioner relies on the content of this Exhibit for the truth of the matter asserted (i.e., a purported "bitcoin price surge in 2021), Patent Owner objects to the Exhibit as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions (including FRE 803, 804, 805, and 807). Patent Owner further objects to this Exhibit as lacking authentication (*see* FRE 901) because

sufficient evidence has not been provided to establish the authenticity of this exhibit. Exhibit 1038 purports to be Bitcoin's Price History, but is not sufficiently authenticated.

These objections have been timely filed and are being concurrently served on the Petitioner.

July 22, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on July 22, 2024, a complete and entire copy of this Patent Owner's Objections to Petitioner's Reply Evidence was served on Petitioner electronically by emailing a copy of the same to the following attorney for the Petitioner:

John Phillips
Jia Zhu
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By: /James M. Heintz, 41,828/
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