

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MPL BRANDS NV, INC.

Petitioner,

v.

BUZZBALLZ, LLC

Patent Owner.

PTAB Case No. PGR-2024-00035

U.S. Patent No. 11,932,441

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S
EVIDENCE UNDER 37 C.F.R. § 42(64)(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner MPL Brands NV, Inc. (“Petitioner”) objects to evidence submitted by Patent Owner BuzzBallz, LLC (“BuzzBallz” or “Patent Owner”) with its Patent Owner’s Response (Paper 17 (“POR”)) filed March 12, 2025. The objections are based on 37 C.F.R. Part 42 and the relevant portions of the Federal Rules of Evidence (“FRE”) that are applicable to post-grant review proceedings under 37 C.F.R. § 42.62. These objections have been timely filed and served within five (5) business days of service of the POR.

I. Exhibit 2018

Petitioner objects to Exhibit 2018 because BuzzBallz has failed to produce any evidence authenticating or identifying Exhibit 2018 as required by FRE 901. Exhibit 2018 does not contain any evidence required to show authentication.

II. Exhibit 2022

Petitioner objects to Exhibit 2022 for two reasons.

First, BuzzBallz has failed to produce any evidence authenticating or identifying Exhibit 2022 as required by FRE 901.

Second, Exhibit 2022 is inadmissible hearsay under FRE 802. BuzzBallz relies on the written statements in Exhibit 2022 for the truth of the following statement: “As a thermoplastic ‘is raise above the glass-transition temperature, T_g , or melting point, T_m , certain polymers become easier to form or molded into desired shapes. The increased temperature weakens the secondary bonds (through thermal

vibration of the long molecules), and the adjacent chains thus move more easily when subjected to external shaping forces.’ . . . ‘If the temperature of a thermoplastic polymer is raised above its T_g , it first becomes leathery and then increasing temperature, rubbery.’” (POR at 53 (quoting EX 2022 at 202; EX 2028 ¶ 99).) BuzzBallz’s use of Exhibit 2022 does not fall within any hearsay exception.

III. Exhibit 2023

Petitioner objects to Exhibit 2023 for two reasons.

First, BuzzBallz has failed to produce any evidence authenticating or identifying Exhibit 2023 as required by FRE 901. Exhibit 2023 does not contain any evidence required to show authentication.

Second, Petitioner objects to Exhibit 2023 because BuzzBallz has failed to establish the date of public availability. Exhibit 2023 lacks any indication of when it was made publicly available beyond a vague reference that reads “2003 Edition.” Again, Exhibit 2023 lacks any indication of the date it was published, or made available to the public.

IV. Exhibit 2024

Petitioner objects to Exhibit 2022 for two reasons.

First, BuzzBallz has failed to produce any evidence authenticating or identifying Exhibit 2024 as required by FRE 901. Exhibit 2024 does not contain any evidence required to show authentication.

Second, Petitioner objects to Exhibit 2024 because BuzzBallz has failed to establish the date of public availability. Exhibit 2024 lacks any indication of when it was made publicly available beyond a vague note that reads “Corrections added in 2019.” Again, Exhibit 2024 lacks any indication of the date it was published, or made available to the public.

V. Exhibit 2025

Petitioner objects to Exhibit 2025 for two reasons.

First, BuzzBallz has failed to produce any evidence authenticating or identifying Exhibit 2025 as required by FRE 901. Exhibit 2025 does not even bear a date, let alone any evidence required to show authentication.

Second, Petitioner objects to Exhibit 2025 because BuzzBallz has failed to establish the date of public availability. Exhibit 2025 lacks any indication of the date it was published, or made available to the public.

VI. Exhibit 2026

Petitioner objects to Exhibit 2026 for two reasons.

First, BuzzBallz has failed to produce any evidence authenticating or identifying Exhibit 2026 as required by FRE 901.

Second, Petitioner objects to Exhibit 2026 because its probative value is substantially outweighed at least by its tendency to confuse the issues, waste time, and needlessly present cumulative evidence in contravention of FRE 403. BuzzBallz

does not cite to Exhibit 2026 in its POR, and thus, the Exhibit does not have any probative value.

VII. Exhibit 2027

Petitioner objects to Exhibit 2027 because BuzzBallz has failed to produce any evidence authenticating or identifying Exhibit 2003 as required by FRE 901.

VIII. Conclusion

For at least these reasons, Petitioner objects to Exhibits 2018 and 2022-2027. These objections have been timely filed and served within five (5) business days of service of the POR.

Dated: March 19, 2025

PERKINS COIE LLP
11452 El Camino Real, Suite 300
San Diego, CA 92130
Telephone: (858) 720-5700
Fax: (858) 720-5834

Respectfully submitted,

/ R. Tyler Kendrick /

R. Tyler Kendrick, Reg. No. 73,930

Lead Counsel

Babak Tehranchi, Reg. No. 55,937

Back-up Counsel

M. Craig Tyler, Reg. No. 41,519

Daniel T. Shvodian, Reg. No. 42,148

R. Tyler Kendrick, Reg. No. 73,930

Andrew Kalamarides (*pro hac vice*)

Attorneys for Petitioner
MPL Brands NV, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE** was served by electronic mail on March 19, 2025, on the Patent Owner via its attorneys of record:

greg.webb.ipr@haynesboone.com
alan.herda.ipr@haynesboone.com
jason.whitney.ipr@haynesboone.com
zachary.halbur.ipr@haynesboone.com
brooke.cohen.ipr@haynesboone.com
adam.erickson.ipr@haynesboone.com

Dated: March 19, 2025

/Anita Chou/

Anita Chou
Paralegal