

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY INTERACTIVE ENTERTAINMENT LLC,
Petitioner,

v.

BOT M8 LLC,
Patent Owner.

Case No. IPR2020-01288
U.S. Patent No. 7,664,988

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64**

Patent Owner, Bot M8 LLC (“Patent Owner”), objects under the Federal Rules of Evidence and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following documents submitted by Sony Interactive Entertainment LLC (“Petitioner”) in its Petition. Paper 1.

The Board instituted *inter partes* review of the above-captioned case on February 16, 2021. Paper 11. Thus, Patent Owner's objections are timely under 37 C.F.R. § 42.64(b)(1). Patent Owner serves Petitioner with these objections to provide notice that Patent Owner will move to exclude these exhibits as improper evidence.

I. *Anand Lal Shimpi's Intel 815 Chipset (2000) (Ex. 1035)*

Patent Owner objects to the admissibility of Anand Lal Shimpi's Intel 815 Chipset (2000) (“Intel 815 Chipset,” Ex. 1035) for at least the following reasons:

1. Intel 815 Chipset is hearsay under **FRE 801** and does not fall within a hearsay exception under **FRE 802** or **FRE 803**, and lacks authentication.
2. Intel 815 Chipset is not relevant under **FRE 401** and is inadmissible under **FRE 402** because it does not make a fact more or less probable than it would be without the evidence. Further, Intel 815 Chipset, and the assertions it supports, are not of consequence in determining the action. Moreover, the introduction of Intel 815 Chipset is confusing,

of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under **FRE 403**.

II. Apple II Motherboard (1977) (Ex. 1044)

Patent Owner objects to the admissibility of Apple II Motherboard ("Apple II," Ex. 1044) for at least the following reasons:

1. Apple II is hearsay under **FRE 801** and does not fall within a hearsay exception under **FRE 802** or **FRE 803**, and lacks authentication.
2. Apple II is not relevant under **FRE 401** and is inadmissible under **FRE 402** because it does not make a fact more or less probable than it would be without the evidence. Further, Apple II, and the assertions it supports, are not of consequence in determining the action.

Moreover, the introduction of Apple II is confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under **FRE 403**.

III. Dell 1702FP (Ex. 1047)

Patent Owner objects to the admissibility of Dell 1702FP (Ex. 1047) for at least the following reasons:

1. Dell 1702FP is hearsay under **FRE 801** and does not fall within a hearsay exception under **FRE 802** or **FRE 803**, and lacks authentication.

2. Dell 1702FP is not relevant under **FRE 401** and is inadmissible under **FRE 402** because it does not make a fact more or less probable than it would be without the evidence. Further, Dell 1702FP, and the assertions it supports, are not of consequence in determining the action. Moreover, the introduction of Dell 1702FP is confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under **FRE 403**.

IV. Dell Dimension 8200 (Ex. 1048)

Patent Owner objects to the admissibility of Dell Dimension 8200 ("Dell 8200," Ex. 1048) for at least the following reasons:

1. Dell 8200 is hearsay under **FRE 801** and does not fall within a hearsay exception under **FRE 802** or **FRE 803**, and lacks authentication.
2. Dell 8200 is not relevant under **FRE 401** and is inadmissible under **FRE 402** because it does not make a fact more or less probable than it would be without the evidence. Further, Dell 8200, and the assertions it supports, are not of consequence in determining the action. Moreover, the introduction of Dell 8200 is confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under **FRE 403**.

V. Dimension 8250 (Ex. 1049)

Patent Owner objects to the admissibility of Dimension 8250 ("Dimension 8250," Ex. 1049) for at least the following reasons:

1. Dimension 8250 is hearsay under **FRE 801** and does not fall within a hearsay exception under **FRE 802** or **FRE 803**, and lacks authentication.
2. Dimension 8250 is not relevant under **FRE 401** and is inadmissible under **FRE 402** because it does not make a fact more or less probable than it would be without the evidence. Further, Dimension 8250, and the assertions it supports, are not of consequence in determining the action. Moreover, the introduction of Dimension 8250 is confusing, of minimal probative value, outweighed by prejudice, and/or a waste of time and therefore inadmissible under **FRE 403**.

VI. Declaration of Expert Dr. Andrew Wolfe (Ex. 1003)

Patent Owner objects to the admissibility of the Declaration of Dr. Andrew Wolfe ("Wolfe Declaration," Ex. 1003) for at least the following reasons:

1. Dr. Wolfe's opinions are conclusory, do not disclose underlying facts or data in support of his opinions, and are unreliable. Therefore, Dr. Wolfe's opinions are inadmissible under **FRE 702**.

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