

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

**PETITIONER'S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R.
§ 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Sony Interactive Entertainment LLC (“Petitioner”) submits the following objections to evidence that Bot M8, LLC, (“Patent Owner”) served in its Patent Owner Preliminary Response. These objections are timely filed and served within ten business days of the Board’s February 16, 2021, Institution Decision.

Evidence	Objections
Exhibit 2011	<p>37 CFR § 42.63(a): This exhibit is a machine translation of a foreign language document, which is improper and fails to include an affidavit attesting to the accuracy of the translation as required by 37 CFR § 42.63(a). <i>See also Kingbright Elecs. Co. Ltd. v. Cree, Inc.</i>, IPR2015-00751, Paper 8 at 12-13 (P.T.A.B., Aug. 10, 2015); <i>Square, Inc. v. REM Holdings 3, LLC</i>, IPR2014-00312, Paper 58 at 35-36 (P.T.A.B., July 7, 2015).</p> <p>FRE 401, 402 and 403: Petitioner objects to this evidence on the grounds that it is an unreliable machine translation and, therefore, irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, and wasting time.</p> <p>FRE 801, 802, and 803: This evidence is hearsay under FRE 801 and does not fall within a hearsay exception under FRE 802 and FRE 803.</p>

Respectfully submitted,

Dated: March 2, 2021

BY: /s/ Eric A. Buresh

Eric A. Buresh, Reg. No. 50,394

Jason R. Mudd, Reg. No. 57,700

Kathleen D. Fitterling, Reg. No. 62,950

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that on March 2, 2021, a true and correct copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1) were served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

James Hannah: jhannah@kramerlevin.com
Jonathan S. Caplan: jcaplan@kramerlevin.com
Jeffrey H. Price: jprice@kramerlevin.com
svdocketing@kramerlevin.com

BY: /s/ Eric A. Buresh
Eric A. Buresh, Reg. No. 50,394
Jason R. Mudd, Reg. No. 57,700
Kathleen D. Fitterling, Reg. No. 62,950

COUNSEL FOR PETITIONER