Paper No. 30
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONOS, INC.
Petitioner

v.

IMPLICIT, LLC
Patent Owner

IPR2018-00767
U.S. Patent No. 8,942,252

PETITIONER'S MOTION TO EXCLUDE

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I. INTRODUCTION

Pursuant to 37 C.F.R. §§ 42.64(c) and 42.61(a) and the Federal Rules of Evidence, Sonos respectfully moves to exclude Exhibits 2002-2009, 2011-2078, and 2083-2088 as lacking sufficient authentication, and Exhibits 2081 and 2082 as being improperly incorporated by reference.

II. STANDARD

A Motion to Exclude must (a) identify where in the record the objection was made, (b) identify where in the record the evidence sought to be excluded was relied upon by an opponent, (c) address objections to exhibits in numerical order, and (d) explain the objection. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,767 (Aug. 14, 2012).

III. EXHIBITS 2002-2009, 2011-2078, AND 2083-2088 SHOULD BE EXCLUDED AS NOT BEING AUTHENTICATED UNDER FRE 901

A. Sonos Timely Objected

Implicit introduced Exhibits 2002-2009, 2011-2078, and 2083-2088 in its Patent Owner response ("POR"), arguing that these exhibits corroborate the declaration of its lead inventor and founder of Implicit (and its predecessor companies). POR, pp. 14-29; Patent Owner's Exhibit List. Sonos timely objected to these Exhibits on December 26, 2018 as lacking sufficient authentication under FRE 901 and *Neste Oil OYJ v. REG Synthetic Fuels, LLC*, IPR2013-00578, Paper

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