

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Bank of America, N.A.,
Petitioner

v.

Nant Holdings IP, LLC,
Patent Owner

Case No. IPR2021-01080
U.S. Patent No. 8,463,030

PATENT OWNER'S NOTICE OF OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Nant Holdings IP, LLC (“Patent Owner”), submits the following objections to Petitioner Bank of America, N.A.’s (“Petitioner”) Exhibits 1003, 1007, 1008, 1015, 1019, and 1022. As required by 37 C.F.R. § 42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“FRE”).

II. OBJECTIONS

A. Objections to Exhibit 1003 – Declaration of Jeffrey Rodriguez, Ph.D.

Grounds for Objection: FRE 401-403

Patent Owner objects to the admissibility of certain portions of Exhibit 1002 under FRE 401, 402, and 403. Patent Owner objects to Exhibit 1003 to the extent that is not cited by the petition, including but not limited to paragraphs 30-41, 44-52, 55-58, 60-69, 71-77, 86-102, and 193-197. Because the petition does not rely on those portions of Exhibit 1003, they are not relevant to the instituted grounds of review. Further, to the extent the uncited portions of Exhibit 1003 are deemed relevant, their admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that they are not cited in the petition.

B. Objections to Exhibit 1007 – L. O’Gorman and R. Kasturi, Document Image Analysis, IEEE Computer Society Executive Briefing (IEEE Computer Society Press, 1997)

Grounds for Objection: FRE 401-403

Patent Owner objects to the admissibility of Exhibit 1007 under FRE 401, 402, and 403. Patent Owner objects to Exhibit 1007 because it is not cited in the petition. Because the petition does not rely on Exhibit 1007, it is not relevant to the instituted grounds of review. Further, to the extent Exhibit 1007 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that it is not cited in the petition. Patent Owner further objects to Exhibit 1007 because Petitioner has not established that Exhibit 1007 is prior art. To the extent that Exhibit 1007 is not prior art, it is not relevant to the instituted grounds of review.

C. Objections to Exhibit 1008 – Provisional Application No. 60/246,295

Grounds for Objection: FRE 401-403

Patent Owner objects to the admissibility of Exhibit 1008 under FRE 401, 402, and 403. Patent Owner objects to Exhibit 1008 because it is not cited in the petition. Because the petition does not rely on Exhibit 1008, it is not relevant to the instituted grounds of review. Further, to the extent Exhibit 1008 is deemed relevant, its admission would be unduly prejudicial,

misleading, and a waste of time in view of the fact that it is not cited in the petition.

D. Objections to Exhibit 1015 – Defendants Bank of America Corporation and Bank of America, N.A.’s Answer to First Amended Complaint, Affirmative Defenses, and Counterclaims, NantWorks, LLC and Nant Holdings IP, LLC v. Bank of America Corporation and Bank of America, N.A., 2:20-CV-7872-GW-PVC (C.D. Cal. Nov. 11, 2020), ECF No. 99

Grounds for Objection: FRE 401-403, 801, 802

Patent Owner objects to the admissibility of Exhibit 1015 under FRE 401, 402, and 403. Patent Owner objects to Exhibit 1015 because it is not cited in the petition. Because the petition does not rely on Exhibit 1015, it is not relevant to the instituted grounds of review. Further, to the extent Exhibit 1015 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that it is not cited in the petition.

Patent Owner further objects to the admissibility of Exhibit 1015 under FRE 801 and 802 to the extent it is impermissible hearsay.

E. Objections to Exhibit 1019 – Declaration of Silvia Hall-Ellis, Ph.D. and accompanying Attachments 1a–1f and 2.

Grounds for Objection: FRE 401-403, 801, 802

Patent Owner objects to the admissibility of Exhibit 1019 under FRE 401, 402, and 403. Patent Owner objects to Exhibit 1019 because it is not cited in the petition. Because the petition does not rely on Exhibit 1019, it is not relevant to the instituted grounds of review. Further, to the extent Exhibit 1019 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that it is not cited in the petition.

Patent Owner further objects to Attachments 1a-1f of Exhibit 1019 under FRE 801 and 802 because they are impermissible hearsay.

F. Objections to Exhibit 1022 – U.S. Patent No. 6,947,571, entitled “Cell Phones With Optical Capabilities, and Related Applications” to Geoffrey B. Rhoads, et al.

Grounds for Objection: FRE 401-403

Patent Owner objects to the admissibility of Exhibit 1022 under FRE 401, 402, and 403. Patent Owner objects to Exhibit 1022 because it is not cited in the petition. Because the petition does not rely on Exhibit 1022, it is not relevant to the instituted grounds of review. Further, to the extent Exhibit 1022 is deemed relevant, its admission would be unduly prejudicial, misleading, and a waste of time in view of the fact that it is not cited in the petition.

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