

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYUNDAI MOTOR AMERICA,
Petitioner

v.

STRATOSAUDIO, INC.,
Patent Owner

IPR2021-01267
U.S. Patent No. 8,166,081

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner, StratosAudio, Inc. (“Patent Owner”) hereby objects to the admissibility of exhibits to Petitioner Hyundai Motor America’s (“Petitioner”) Reply to Patent Owner’s Response (“Reply”) to Petitioner’s petition for *inter partes* review of U.S. Patent No. 8,166,081. Patent Owner’s objections are based on the Federal Rules of Evidence (“FRE”) and relevant case law, as set forth below.

Exhibit 1028

Patent Owner objects to the admissibility of Exhibit 1028 under FRE 801, 802 (hearsay), and FRE 901 (authentication). In particular, Exhibit 1028 is not testimony. Petitioner offers statements in this document, namely the alleged date shown thereon, to prove the truth of the matter asserted (date of publication). *See, e.g.*, Reply 4-5 (relying on Exhibit 1028 for the proposition that “implementation details were well known at the time,” indicating that Exhibit 1028 was published and reflected the relevant POSITA knowledge). Petitioner has not established Exhibit 1028 as self-authenticating, nor has Petitioner authenticated this document as required by FRE 901. *See, e.g.*, *TRW Automotive U.S. LLC v. Magna Elecs. Inc.*, IPR2014-01347, Paper 25 at 10-12 (PTAB Jan. 6, 2016) (granting motion to exclude exhibit that was not self-authenticating and was not shown to be authentic); *In-Depth Geophysical, Inc. v. Conocophillips Co.*, IPR2019-00849,

Paper 14 at 4-13 (PTAB Sept. 6, 2019) (informative) (copyright date of 2012 and a date of September 2012 on exhibit's cover were insufficient to show paper had been disseminated by certain time).

Dated: July 19, 2022

Respectfully submitted,

/John Scheibeler/ (Electronically signed)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Objections to Petitioner's Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) was served on July 19, 2022, by filing this document through the PTAB E2E System, as well as delivering a copy via electronic mail upon the following attorneys of record for Petitioner:

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