

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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HYUNDAI MOTOR AMERICA,  
Petitioner

v.

STRATOSAUDIO INC.,  
Patent Owner.

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Case IPR2021-01303  
U.S. Patent No. 8,688,028

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**PETITIONER'S OBJECTIONS TO  
PATENT OWNER'S EVIDENCE**

## **I. INTRODUCTION**

Under the Federal Rules of Evidence and 37 C.F.R. § 42.64, Hyundai Motor America (“Petitioner”) timely objects to evidence submitted by StratosAudio, Inc. (“Patent Owner”) in this proceeding. Petitioner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c) unless Patent Owner provides evidence curing the objections identified by Petitioner below.

## **II. SPECIFIC OBJECTIONS**

### **A. Exhibit 2014 – Oct. 8, 2003 Hyundai Autonet Press Release**

Petitioner objects to Exhibit 2014 (a) under Federal Rules of Evidence (“FRE”) 901 because Patent Owner has not produced any evidence sufficient to support a finding that the item is what the proponent claims it is, and (b) under FRE 802 as containing hearsay, and Patent Owner has not identified any applicable hearsay exceptions.

### **B. Exhibit 2015 – Dec. 20, 2003 StratosAudio Press Release**

Petitioner objects to Exhibit 2015 (a) under FRE 901 because Patent Owner has not produced any evidence sufficient to support a finding that the item is what the proponent claims it is, and (b) under FRE 802 as containing hearsay, and Patent Owner has not identified any applicable hearsay exceptions.

**C. Exhibit 2016 – Feb. 20, 2004 StratosAudio Press Release**

Petitioner objects to Exhibit 2016 (a) under FRE 901 because Patent Owner has not produced any evidence sufficient to support a finding that the item is what the proponent claims it is, and (b) under FRE 802 as containing hearsay, and Patent Owner has not identified any applicable hearsay exceptions.

**D. Exhibit 2017 – Wayback Machine**

Petitioner objects to Exhibit 2017 (a) under FRE 901 because Patent Owner has not produced any evidence sufficient to support a finding that the item is what the proponent claims it is, and (b) under FRE 802 as containing hearsay, and Patent Owner has not identified any applicable hearsay exceptions.

**E. Exhibit 2018 – Transcript from Deposition of Kevin Almeroth**

Petitioner preserves all of the objections that were made on the record during the Deposition of Kevin Almeroth.

**F. Exhibit 2020 – Declaration of John C. Hart**

Petitioner objects to Exhibit 2020 under FRE 701-705 and 802 because John Hart has not been made available for deposition, and Petitioner reserves the right to raise any additional objections that become apparent from his deposition at that time if he is made available for deposition.

**CERTIFICATE OF SERVICE**

The undersigned certifies pursuant to 37 C.F.R. §§42.6(e) and 42.105 that on April 26, 2022, a true and correct copy of Petitioner's Objections to Patent Owner's Evidence was served via electronic mail on the below counsel of record:

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Respectfully submitted,

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