

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

UNIFIED PATENTS, LLC

Petitioner

v.

MEMORYWEB, LLC

Patent Owner

Patent No. 10,621,228

---

*Inter Partes* Review No. IPR2021-01413

---

**PATENT OWNER'S OBJECTIONS TO EVIDENCE**

Patent Owner hereby submits objections to evidence pursuant to 37 C.F.R. § 42.64(b)(1). The discussion below identifies the evidence Patent Owner objects to and summarizes the objections, including the Federal Rules of Evidence (“FRE”) or other rules that form the basis for the objections.

**1. Ex. 1035**

Patent Owner objects to Ex. 1035 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. Patent Owner objects to Ex. 1035 as not authenticated and not self-authenticating. *See* Fed. R. Evid. 901-902. Petitioner provides no authenticating declaration explaining what Ex. 1035 is, how it was acquired, or how it was made. Patent Owner objects to Ex. 1035 because it is not sufficiently relevant, and any relevance is outweighed by the risks of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. *See* Fed. R. Evid. 401-403..

**2. Ex. 1036**

Patent Owner objects to Ex. 1036 as hearsay offered for a hearsay purpose and to which no valid exception applies. *See* Fed. R. Evid. 801-807. Patent Owner objects to Ex. 1036 as not authenticated and not self-authenticating. *See* Fed. R. Evid. 901-902. Petitioner provides no authenticating declaration explaining what Ex. 1036 is, how it was acquired, or how it was made. Patent Owner objects to Ex. 1036 because it is not sufficiently relevant, and any relevance is outweighed by the risks

of confusion, substantial danger of unfair prejudice, and/or misleading the fact finder. See Fed. R. Evid. 401-403..

**3. Ex. 1038**

Patent Owner objects to Ex. 1038 as hearsay being offered for a hearsay purpose and to which no valid exception applies. See Fed. R. Evid. 801-807. Patent Owner also objects to Ex. 1038 as lacking foundation, assuming facts not in evidence, containing testimony on matters as to which the witness lacks personal knowledge and as being conclusory. Exhibit 1038 is objected to under FRE 702 for failing to demonstrate that the declarant is qualified as an expert in the relevant subject-matter. Exhibit 1038 is further objected to under FRE 702(b), (c) and (d) as failing to be based upon sufficient facts or data, as the product of unreliable principles and methods and for failing to reliably apply sound principles and methods to the facts of the case. Exhibit 1038 is further objected to as irrelevant under FRE 401 and 402, and as being unfairly prejudicial, confusing and misleading under FRE 403.

Patent Owner objects to paragraph 31 under FRE 602 and 703, and as lacking foundation, assuming facts not in evidence, containing testimony on matters as to which the witness lacks personal knowledge, containing hearsay and as being conclusory. Paragraph 31 is also objected to under FRE 702 for failing to demonstrate that the declarant is qualified as an expert in the relevant subject-matter. Paragraph 31 is further objected to under FRE 702(b), (c) and (d) as failing to be

based upon sufficient facts or data, as the product of unreliable principles and methods and for failing to reliably apply sound principles and methods to the facts of the case.

Patent Owner objects to paragraphs 9-30, 32-48, 50-70, 72-75, under FRE 602 and 703, and as lacking foundation, assuming facts not in evidence, containing testimony on matters as to which the witness lacks personal knowledge, containing hearsay and as being conclusory. Paragraphs 9-30, 32-48, 50-70, 72-75 are also objected to under FRE 702 for failing to demonstrate that the declarant is qualified as an expert in the relevant subject-matter. Paragraphs 9-30, 32-48, 50-70, 72-75 are further objected to under FRE 702(b), (c) and (d) as failing to be based upon sufficient facts or data, as the product of unreliable principles and methods and for failing to reliably apply sound principles and methods to the facts of the case.

Patent Owner objects to paragraph 35 to the extent it relies on Exhibits 1035 and 1036, which Patent Owner has objected to as inadmissible evidence.

Respectfully submitted,

Dated: September 6, 2022

By: /Jennifer Hayes/  
Jennifer Hayes  
Reg. No. 50,845  
Nixon Peabody LLP  
300 South Grand Avenue,  
Suite 4100,  
Los Angeles, CA 90071-3151  
Tel. 213-629-6179  
Fax 866-781-9391

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.