

Paper No. \_\_\_\_

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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SAMSUNG ELECTRONICS CO., LTD.

Petitioner

v.

MEMORYWEB, LLC

Patent Owner

Patent No. 10,621,228

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*Inter Partes* Review No. IPR2022-00222

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**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. 1003 - “Declaration of Dr. Philip Greenspun”**

Patent Owner objects to Ex. 1003 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. 1003 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 1003 is objected to under FRE 702 for failing to demonstrate that the declarant is qualified as an expert in the relevant subject-matter. Exhibit 1003 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 1003 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 paragraphs 57-101, 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 57-101 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 57-101 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 paragraphs 102-190, 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 102-190 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 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 paragraphs 64, 66, 69, 70, 91, 92, 97, and 183 to the extent those paragraphs rely on Exhibits 1020, 1022, 1023, and/or 1024, which Patent Owner has objected to as inadmissible evidence.

2. **Ex. 1020 - “Tim Grey, Adobe Photoshop Lightroom Workflow: The Digital Photographer’s Guide (2007)”**

Patent Owner objects to Ex. 1020 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. 1020 as not authenticated and not self-authenticating. *See* Fed. R. Evid. 901-902. Petitioner provides no authenticating declaration explaining what Ex. 1020 is, how it was acquired, or how it was made. Patent Owner objects to Ex. 1020 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. 1022 - “Stephen Shankland, “What’s the best Web site for geotagged photos?,” CNET (Mar. 18, 2009), available at <https://www.cnet.com/tech/computing/whats-the-best-web-site-for-geotagged-photos/>”**

Patent Owner objects to Ex. 1022 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. 1022 as not authenticated and not self-authenticating. *See* Fed. R. Evid. 901-902. Petitioner provides no authenticating declaration explaining what Ex. 1022 is, how it was acquired, or how it was made. Patent Owner objects to Ex. 1022 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.

4. **Ex. 1023 - “Panoramio, ‘Embedding a Panoramio map into your web page’ (Archive.org: Mar. 28, 2010), available at [Patent Owner objects to Ex. 1023 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. 1023 as not authenticated and not self-authenticating. \*See\* Fed. R. Evid. 901-902; IPR2013-00578 \*Neste Oil Oyj v. REG Synthetic Fuels, LLC\* \(Paper 53, March 12, 2015\) \(“Neste has not provided the testimony of any witness with personal knowledge of the websites depicted in the printouts; nor do we have any other basis for concluding that the contents of the website are authentic. For this reason, \[the challenged Wayback Machine exhibits\] lack authentication and are inadmissible.”\). Petitioner provides no authenticating declaration explaining what Ex. 1023 is, how it was acquired, or how it was made. Patent Owner objects to Ex. 1023 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.](https://web.archive.org/web/20100328215828/http://www.panoramio.com:80/help/embedding)”</a>”</b></li></ol></div><div data-bbox=)**

5. **Ex. 1024 – “Shu-Wai Chow, PHP Web 2.0 Mashup Projects, Packt Publishing (2007)”**

Patent Owner objects to Ex. 1024 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. 1024 as not authenticated and not self-authenticating. *See* Fed. R.

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