

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EPIC GAMES, INC.,  
Petitioner,

v.

INGENIOSHARE, LLC,  
Patent Owner.

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Case No. IPR2022-00291  
Patent No. 10,708,727

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

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Mail Stop PATENT BOARD, PTAB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner IngenioShare LLC hereby objects to the admissibility of the evidence and arguments identified below that were submitted by Petitioner with its Petition for *inter partes* review of U.S. Patent No. 10,708,727, Case No. IPR2022-00291. Patent Owner also objects to Petitioner’s reliance on, or citation to, any objected to evidence or arguments in its papers. These objections are timely as they have been filed and served within ten (10) business days of the institution of the trial in this matter on May 24, 2022.

1. Patent Owner objects to the admissibility of Petitioner’s Exhibit 1003, the Declaration of Kevin Almeroth, based on FRE, 702, 703, and 704. Exhibit 1003 offers conclusory opinion testimony without having demonstrated the requisite expertise, basis, methodology, foundation for, or the reliability of, the opinions expressed in Exhibit 1003.

2. Patent Owner further objects to the admissibility of Petitioner’s Exhibit 1003, the Declaration of Kevin Almeroth, based on FRE 802, 803, 804, 805, 806, and 807 as Exhibit 1003 improperly contains and relies upon inadmissible hearsay.

3. Patent Owner objects to each of Petitioner’s Exhibits 1005-1029 and Exhibits 1033-1034 for the following reasons:

- Patent Owner objects under FRE 901 because Petitioner failed to

authenticate the exhibits in accordance with FRE 901(a).

- Due to the above deficiencies, Petitioner has failed to establish that the exhibits are relevant under FRE 401, and therefore the exhibits are inadmissible under FRE 402.

Patent Owner likewise objects to any portions of Petitioner's Petition for *Inter Partes* Review and the Declaration of Kevin Almeroth (Ex. 1003) purporting to rely on these exhibits.

Respectfully submitted this 7<sup>th</sup> day of June, 2022,

/Stephen R. Risley/

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**CERTIFICATE OF SERVICE**

I certify that on June 7, 2022, I will cause a copy of the foregoing document to be served via electronic mail, as previously consented to by Petitioners, upon the following on the following counsel for Petitioners:

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