

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner.

Case No. IPR2022-00295
Patent No. 10,492,038

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

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. 10,492,038, Case No. IPR2022-00294. 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 June 7, 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 1005-1009, Exhibits 1016-1029, and Exhibits 1032-1035 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 17th day of June, 2022,

/Stephen R. Risley/

Stephen R. Risley
Registration No. 35,659
Email: steverisley@kentrisley.com
Telephone: (404) 585-2101
Cortney S. Alexander
Registration No. 54,778
Email: cortneyalexander@kentrisley.com
Telephone: (404) 855-3867

KENT & RISLEY LLC
5755 North Point Parkway, Suite 57
Alpharetta, GA 30022

Attorneys for Patent Owner,
IngenioShare LLC

CERTIFICATE OF SERVICE

I certify that on June 17, 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:

W. Todd Baker (No. 45,265)
todd.baker@kirkland.com
Postal and Hand-Delivery Address:
KIRKLAND & ELLIS LLP
1301 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Telephone: (202) 389-5000
Facsimile: (202) 389-5200

Yimeng Dou (No. 69,770)
yimeng.dou@kirkland.com
Postal and Hand-Delivery Address:
KIRKLAND & ELLIS LLP
555 South Flower Street, Suite 3700
Los Angeles, CA 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

KENT & RISLEY LLC

/Stephen R. Risley/