

IPR2022-01433

Petitioner's Objections to Evidence

Filed on behalf of Amazon.com, Inc., Amazon Web Services, Inc., and
Amazon.com Services LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON WEB SERVICES, INC.,
AND AMAZON.COM SERVICES LLC,
Petitioner,

v.

WAG ACQUISITION, LLC,
Patent Owner.

Case No. IPR2022-01433
Patent 9,762,636

**PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED
WITH PATENT OWNER RESPONSE**

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Pursuant to 37 C.F.R. § 42.64(b), Petitioner Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services LLC ("Petitioner") respectfully asserts the following objections to the evidence proffered with the Patent Owner Response filed by Patent Owner (Paper 11). The Federal Rules of Evidence ("FRE") apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Petitioner's objections apply equally to Patent Owner's reliance on or citation to any objected evidence in its papers, including expert declarations. These objections are being served and filed within five (5) business days from Patent Owner's Response, which Patent Owner filed and served on June 5, 2023.

Evidence	Objection(s)
Ex. 2002	<p>Exhibit 2002 is IETF RFC 1945 dated May 1996 and downloaded from https://www.ietf.org/rfc/rfc1945.txt on April 9, 2023.</p> <p>Petitioner objects to this exhibit as it is not cited in the Patent Owner Response and, therefore, is not relevant. <i>See</i> FRE 402, 403; 37 C.F.R. § 42.61.</p>
Ex. 2004	<p>Exhibit 2004 is a Memorandum Opinion, dated March 31, 2022, in <i>Longhorn HD LLC v. Netscout Systems, Inc.</i>, Case No. 2:20-CV-00349 (E.D. Tex.).</p> <p>Petitioner objects to this exhibit as it is not cited in the Patent Owner Response and, therefore, is not relevant. <i>See</i> FRE 402, 403; 37 C.F.R. § 42.61.</p>

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Evidence	Objection(s)
Ex. 2005	<p>Exhibit 2005 is a Memorandum Order, dated March 30, 2022, in <i>3G Licensing, S.A. v. HTC Corp.</i>, Case No. 17-83 (D. Del.).</p> <p>Petitioner objects to this exhibit as it is not cited in the Patent Owner Response and, therefore, is not relevant. <i>See</i> FRE 402, 403; 37 C.F.R. § 42.61.</p>
Ex. 2006	<p>Exhibit 2006 is minutes of a Pretrial Conference, dated December 12, 2018, in <i>SEVEN Networks, LLC v. Google LLC</i>, Case No. 2:17-cv-442 (E.D. Tex.).</p> <p>Petitioner objects to this exhibit as it is not cited in the Patent Owner Response and, therefore, is not relevant. <i>See</i> FRE 402, 403; 37 C.F.R. § 42.61.</p>
Ex. 2010	<p>Exhibit 2010 is a deposition transcript of Dr. Kevin Jeffay, dated May 23, 2023, in IPR2022-01430 and -01433.</p> <p>Petitioner objects to any portion of Ex. 2010 cited where an objection was made on the record at the deposition.</p>
Ex. 2013	<p>Exhibit 2013 is a transcript of an evidentiary hearing, dated March 14, 2022, in International Trade Commission Investigation No. 337-TA-1265.</p> <p>Petitioner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 2021	<p>Exhibit 2021 is a deposition transcript of Dr. Henry Houh, dated April 10, 2023, in IPR2022-01227 and -01228.</p> <p>Petitioner objects to this exhibit as it is not cited in the Patent Owner Response and, therefore, is not relevant. <i>See</i> FRE 402, 403; 37 C.F.R. § 42.61.</p>

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Dated: June 12, 2023

FENWICK & WEST LLP

/J. David Hadden/
J. DAVID HADDEN
Reg. No. 40,629
Attorney for Petitioner

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on June 12, 2023, I caused a true and correct copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER RESPONSE to be electronically served on Patent Owner's lead and backup counsel at the following addresses:

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Dated: June 12, 2023

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