

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC,
Petitioner,

v.

DAEDALUS PRIME LLC,
Patent Owner.

Case IPR2023-01333
Patent No. 10,049,080

**PETITIONER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(B)(1)**

Filed on behalf of Petitioner:

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I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Mercedes-Benz USA, LLC (“Petitioner”) asserts the following objections to the below exhibits submitted by Patent Owner Daedalus Prime LLC (“Patent Owner”) with its Patent Owner’s Response (“Response”) in this *inter partes* review. As required by 37 C.F.R. § 42.62, Petitioner’s objections apply the Federal Rules of Evidence (“F.R.E.”). These objections apply equally to Patent Owner’s reliance on these exhibits in any subsequently filed documents.

- EX2003, U.S. Patent No. 5,889,679 Henry et al.;
- EX2004, U.S. Patent No. 8,892,931 Kruglick;
- EX2005, U.S. Patent No. 9,086,883 Thomson et al.;
- EX2006, Declaration of Michael C. Brogioli, Ph.D.;
- EX2007, Excerpts from Microsoft Computer Dictionary, Fifth Edition (2002), pp. 378 (“operating system”), 518 (“thread”).

II. OBJECTIONS

A. Exhibit 2003

Petitioner objects to Exhibit 2003 because any probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time.

B. Exhibits 2004-2005

Petitioner objects to Exhibits 2004 and 2005 under F.R.E. 401-402 because they are not relevant, at least to the extent that they are not relied upon in the Patent Owner Response. Petitioner also objects to Exhibits 2004 and 2005 because any probative value of these exhibits is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time.

C. Exhibit 2006

Petitioner objects to Exhibit 2006 under F.R.E. 702 and 703, because the testimony is not based on sufficient facts or data, is not the product of reliable principles and methods, and does not reflect a reliable application of the principles and methods to the facts of the case. *See, e.g.*, EX2006, ¶¶25-66. Further, the facts and data that the declarant relied upon are not those on which experts in this field would reasonably rely. Petitioner also objects to Exhibit 2006 under F.R.E. 602 to the extent that the declarant's testimony is not based on his own personal knowledge. *See, e.g.*, EX2006, ¶¶30, 43, 65.

Petitioner further objects to Exhibit 2006 because it is not relevant under F.R.E. 401-402, at least to the extent that it is not relied upon in the Patent Owner Response. Petitioner also objects to Exhibit 2006 because any probative value of

this exhibit is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time.

D. Exhibit 2007

Petitioner objects to Exhibit 2007 because any probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time.

III. CONCLUSION

These objections are timely filed under 37 C.F.R. § 42.64(b)(1), within five business days of the Response served on May 7, 2024. To the extent Patent Owner fails to correct the defects associated with the challenged exhibits in view of Petitioner's objections herein, Petitioner may file a motion to exclude the challenged evidence under 37 C.F.R. § 42.64(c).

Dated: May 14, 2024

Respectfully submitted,

/s/ Celine Jimenez Crowson

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