

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Electronic Arts Inc.
Petitioner

v.

White Knuckle Gaming, LLC
Patent Owner

Case: IPR2016-00634
Patent 8,540,575 B2

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Electronic Arts Inc. (“EA”) files these objections to evidence served by Patent Owner White Knuckle Gaming, LLC (“White Knuckle”) on December 19, 2016 in connection with its Patent Owner’s Response in IPR2016-00634. As required by 37 C.F.R. § 42.62, EA’s objections apply the Federal Rules of Evidence (“FRE”).

Exhibit 2202 – International Publication No. WO 02/062436 to Pisanich¹

EA objects to the admissibility of Exhibit 2202 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay), and 37 C.F.R. § 42.61(c).

Exhibit 2202 is a prior art reference that is at issue in IPR2015-01595 but is not at issue in this IPR. Its disclosure is not relevant to the instituted grounds in this IPR, and its probative value, if any, is outweighed by potential confusing of issues.

White Knuckle cites to Exhibit 2202 for the truth of its statements regarding conventional gaming architectures. Therefore it is inadmissible hearsay. Because White Knuckle is not submitting Exhibit 2202 to prove what the specification or drawings describe, it is inadmissible under 37 C.F.R. § 42.61(c).

Exhibit 2203 – FIFA 2009 Article

¹ The exhibit served on EA has the file name “2202 Pisanich,” however each page within the document includes the identifier “EA-1006.”

EA objects to the admissibility of Exhibit 2203 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay), and FRE 805 (hearsay within hearsay).

Exhibit 2203 does not describe if or how features of FIFA 2009 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2203 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2203 for the truth of the matters asserted. Therefore it is inadmissible hearsay and hearsay within hearsay.

Exhibits 2204 and 2205 – FIFA 2009 Article – Aktualne.cz and translation

EA objects to the admissibility of Exhibits 2204 and 2205 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay), and 37 C.F.R. § 42.63(b) (translation requires affidavit attesting to accuracy).

Exhibit 2204 appears to be a web page with the title “FIFA 09 – Adidas Live Season.” The remainder of the web page is not in English. According to the Declaration of David Jones, served as Exhibit 2237, Exhibit 2205 is a “machine translation[s] obtained using Google’s automated website machine translation feature.” Mr. Jones has not attested to the accuracy of the translation, only that it was provided by Google. Exhibits 2204 and 2205 are inadmissible because White Knuckle has not provided “a translation of the document into English and an affidavit attesting to the accuracy of the translation.” 37 C.F.R. § 42.63(b).

Exhibits 2204 and 2205 are not specifically cited in the Patent Owner’s Response White Knuckle served on EA. Page 3 of Patent Owner’s Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore they are not relevant to the instituted grounds and their probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibits 2204 and 2205 for the truth of the matters asserted, they would be inadmissible hearsay.

Exhibit 2206 – FIFA 2009 Article – Live Season Guide

EA objects to the admissibility of Exhibit 2206 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2206 is not specifically cited in the Patent Owner's Response White Knuckle served on EA. Page 3 of Patent Owner's Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore Exhibit 2206 is not relevant to the instituted grounds and its probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibit 2206 for the truth of the matters asserted, it would be inadmissible hearsay.

Exhibit 2207 – FIFA 2009 Article – PSU Article

EA objects to the admissibility of Exhibit 2207 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2207 is not specifically cited in the Patent Owner's Response White Knuckle served on EA. Page 3 of Patent Owner's Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore Exhibit 2207 is not relevant to the instituted grounds and its probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibit 2207 for the truth of the matters asserted, it would be inadmissible hearsay.

Exhibits 2208 and 2209 – FIFA 2009 Article – Taringa and translation

EA objects to the admissibility of Exhibits 2208 and 2209 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay), and 37 C.F.R. § 42.63(b) (translation requires affidavit attesting to accuracy).

Exhibit 2208 appears to be a web page with the title “FIFA 09 – Adidas Live Season.” The remainder of the web page is not in English. According to the Declaration of David Jones, served as Exhibit 2237, Exhibit 2209 is a “machine translation[s] obtained using Google’s automated website machine translation feature.” Mr. Jones has not attested to the accuracy of the translation, only that it was done by Google. Exhibits 2208 and 2209 are inadmissible because White Knuckle has not provided “a translation of the document into English and an affidavit attesting to the accuracy of the translation.” 37 C.F.R. § 42.63(b).

Exhibits 2208 and 2209 are not specifically cited in the Patent Owner’s Response White Knuckle served on EA. Page 3 of Patent Owner’s Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore they are not relevant to the instituted grounds and their probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibits 2208 and 2209 for the truth of the matters asserted, they would be inadmissible hearsay.

Exhibit 2210 – FIFA 2009 Article – Softpedia

EA objects to the admissibility of Exhibit 2210 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2210 is not specifically cited in the Patent Owner's Response White Knuckle served on EA. Page 3 of Patent Owner's Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore it is not relevant to the instituted grounds and its probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibit 2210 for the truth of the matters asserted, it would be inadmissible hearsay.

Exhibit 2211 – FIFA 2009 Article – Eurogamer.net

EA objects to the admissibility of Exhibit 2211 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay), and FRE 901 (authentication).

Exhibit 2211 is not specifically cited in the Patent Owner's Response White Knuckle served on EA. Page 3 of Patent Owner's Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore it is not relevant to the instituted grounds and its probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibit 2211 for the truth of the matters asserted, it would be inadmissible hearsay.

White Knuckle also failed to provide authentication for Exhibit 2211.

Exhibit 2212 – FIFA 2009 Article – YouTube.com

EA objects to the admissibility of Exhibit 2212 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2212 is not specifically cited in the Patent Owner's Response White Knuckle served on EA. Page 3 of Patent Owner's Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore it is not relevant to the instituted grounds and its probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibit 2212 for the truth of the matters asserted, it would be inadmissible hearsay.

Exhibit 2213 – FIFA 2009 Article – IGN.com

EA objects to the admissibility of Exhibit 2213 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2213 is not specifically cited in the Patent Owner's Response White Knuckle served on EA. Page 3 of Patent Owner's Response cites generally to Exhibits 2203-25 without explaining how any of those specific exhibits are relevant to the instituted grounds. Therefore it is not relevant to the instituted grounds and its probative value, if any, is outweighed by potential confusion of issues.

To the extent White Knuckle may later try to rely on Exhibit 2213 for the truth of the matters asserted, it would be inadmissible hearsay.

Exhibit 2214 – FIFA 2009 Article – Wikipedia.org

EA objects to the admissibility of Exhibit 2214 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2214 does not describe if or how features of FIFA 2009 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in

connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2214 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2214 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2215 – FIFA 2009 Article – FIFA.com blog

EA objects to the admissibility of Exhibit 2215 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay) and FRE 805 (hearsay within hearsay).

Exhibit 2215 does not describe if or how features of FIFA 2009 relate to claims at issue in this IPR. Accordingly, Exhibit 2215 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2215 for the truth of the matters asserted. Therefore it is inadmissible hearsay and hearsay within hearsay.

Exhibit 2216 – NBA Live 09 article (gamezone.com)

EA objects to the admissibility of Exhibit 2216 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2216 does not describe if or how features of NBA Live 09 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2216 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2216 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2217 – NBA Live 09 article (g4tv.com)

EA objects to the admissibility of Exhibit 2217 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2217 does not describe if or how features of NBA Live 09 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has

not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2217 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2217 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2218 – NBA Live 09 article – producer blog by Sean O’Brien

EA objects to the admissibility of Exhibit 2218 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2218 does not describe if or how features of NBA Live 09 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2218 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2218 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2219 – NBA Live 09 article – EA Sports News

EA objects to the admissibility of Exhibit 2219 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2219 does not describe if or how features of NBA Live 09 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2219 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2219 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2220 – NBA Live 09 forum (operationsports.com)

EA objects to the admissibility of Exhibit 2220 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2220 does not describe if or how features of NBA Live 09 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2220 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2220 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2221 – NBA 2K9 article – living rosters announcement (2ksports.com)

EA objects to the admissibility of Exhibit 2221 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2221 does not describe if or how features of NBA 2K9 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2221 is not relevant to the

instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2221 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2222 – NBA 2K9 article – feature list (operationsports.com)

EA objects to the admissibility of Exhibit 2222 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

The Declaration of David Jones served as Exhibit 2237, identifies Exhibit 2222 as page 4 of 8 of a website. EA objects to White Knuckle's failure to introduce the entire 8 page website.

Exhibit 2222 does not describe if or how features of NBA 2K9 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2222 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2222 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2222 – NBA 2K9 article – feature list (operationsports.com)

EA objects to the admissibility of Exhibit 2222 under FRE 106 (incomplete writing), FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2222 does not describe if or how features of NBA 2K9 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2222 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2222 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2223 – NBA 2K9 article – reviews (ign.com)

EA objects to the admissibility of Exhibit 2223 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2223 does not describe if or how features of NBA 2K9 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2223 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2223 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2224 – NBA 2K9 article – living rosters (wired.com)

EA objects to the admissibility of Exhibit 2224 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2224 does not describe if or how features of NBA 2K9 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has

not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2224 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2224 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2225 – NBA Live 10 article – dynamic season hands on (gamespot.com)

EA objects to the admissibility of Exhibit 2225 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay), and FRE 805 (hearsay within hearsay).

Exhibit 2225 does not describe if or how features of NBA Live 10 relate to claims at issue in this IPR. Further, while White Knuckle offers this exhibit in connection with arguments regarding purported secondary considerations, it has not provided any evidence or analysis showing that the alleged secondary considerations are attributable to the claimed invention as opposed to other elements of the video game. Accordingly, Exhibit 2225 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2225 for the truth of the matters asserted. Therefore it is inadmissible hearsay and hearsay within hearsay.

Exhibit 2226 – Wikipedia article – 1999 Steelers

EA objects to the admissibility of Exhibit 2226 under FRE 106 (incomplete writing), FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

The Declaration of Andrew S. Hansen served as Exhibit 2238 identifies Exhibit 2226 as a copy of a Wikipedia webpage. However, Exhibit 2238 appears to show only a small portion of that web page. EA objects to White Knuckle's failure to introduce the entire web page.

White Knuckle cites to Exhibit 2226 in relation to its arguments regarding how the Madden 2000 video game updates worked. The Madden 2000 video game is not prior art being considered in this IPR. Accordingly, Exhibit 2226 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2226 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2227 – Wikipedia article – FIFA series

EA objects to the admissibility of Exhibit 2227 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2227 provides opinion evidence from an unidentified author regarding video game capabilities of decades ago and is not relevant to claims at issue in this IPR. Accordingly, Exhibit 2227 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2227 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2230 – Wikipedia entry for “patch_(computing)”

EA objects to the admissibility of Exhibit 2230 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

Exhibit 2230 provides opinion evidence from an unidentified author regarding patches in the context of computing and is not relevant to claims at issue in this IPR. Accordingly, Exhibit 2230 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2230 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibits 2231 and 2232 – Screen Shots

EA objects to the admissibility of Exhibits 2231 and 2232 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 901 (authentication).

The declaration of David Jones served as Exhibit 2237, identifies Exhibit 2231 as a “representation of the Madden 2000 video game updated with the PlayoffWeek1 updated provided by Petitioner in Exhibit 1016 as photographed on November 28, 2016” and identifies Exhibit 2232 as a “representation of the Madden 2000 video game updated with the Super Bowl Update provided by Petition [sic] in Exhibit 1019 as photographed on November 28, 2016.” Mr. Jones’s declaration fails to authenticate these exhibits because it does not explain what actions White Knuckle took to install the Madden 2000 video game or to update the Madden 2000 video game with the PlayoffWeek1 and Super Bowl updates, it does not explain what actions White Knuckle took to navigate to certain screens and take certain photographs of the game, and it does not explain what settings or configurations White Knuckle selected or altered while installing the game, updating the game, or otherwise. Accordingly, Mr. Jones’s declaration does provide evidence sufficient to support a finding that the images show what Mr. Jones claims they show.

White Knuckle cites to Exhibits 2231 and 2232 in relation to its arguments regarding how the Madden 2000 video game updates worked. The Madden 2000 video game is not prior art being considered in this IPR. Accordingly, Exhibits 2231 and 2232 are not relevant to the instituted grounds, and their probative value, if any, is outweighed by potential confusion of issues.

Exhibit 2233 – ESPN article regarding Nick Lowery of the Rams

EA objects to the admissibility of Exhibit 2232 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and FRE 801-802 (inadmissible hearsay).

White Knuckle cites to Exhibit 2233 in relation to its arguments regarding how the Madden 2000 video game updates worked. The Madden 2000 video game is not prior art being considered in this IPR. Accordingly, Exhibit 2233 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2233 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

Exhibit 2234 – Deposition Transcript of David Crane

EA objects to the admissibility of Exhibit 2234 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of

issues, wasting time), FRE 611(b) (cross-examination beyond scope of direct), and 37 C.F.R. § 42.53(d)(5)(ii) (cross-examination beyond scope of direct).

Patent Owner's Response only refers to Mr. Crane's deposition testimony in relation to whether he analyzed the data contained within Madden 2000 updates. The Madden 2000 video game and its updates are not prior art being considered in this IPR. Accordingly, Exhibit 2234 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, the portion of Mr. Crane's deposition testimony cited in Patent Owner's response goes beyond the subject matter of Mr. Crane's direct testimony.

Exhibit 2235 – Deposition Transcript of Ryan Ferwerda

EA objects to the admissibility of Exhibit 2235 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 611(b) (cross-examination beyond scope of direct), and 37 C.F.R. § 42.53(d)(5)(ii) (cross-examination beyond scope of direct).

Patent Owner's Response only refers to Mr. Ferwerda's deposition testimony in relation to who maintained control of the .zip files that contain the Madden 2000 updates, when those updates were packaged, and the Madden 2000 video game with purported updates. The Madden 2000 video game and its updates are not prior art being considered in this IPR, and the maintenance and packaging of the updates is unrelated to whether they were publicly available as prior art.

Accordingly, Exhibit 2235 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, the portion of Mr. Ferwerda's deposition testimony cited in Patent Owner's response goes beyond the subject matter of Mr. Ferwerda's direct testimony.

Exhibit 2236 – Dorsett's Son Also Rises Article²

EA objects to the admissibility of Exhibit 2236 under FRE 401-402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time), FRE 801-802 (inadmissible hearsay), FRE 901 (authentication), and 37 C.F.R. § 42.63(e) (not included on exhibit list).

White Knuckle cites to Exhibit 2236 in relation to its arguments regarding how the Madden 2000 video game updates worked. The Madden 2000 video game is not prior art being considered in this IPR. Accordingly, Exhibit 2236 is not relevant to the instituted grounds, and its probative value, if any, is outweighed by potential confusion of issues.

Further, White Knuckle submitted Exhibit 2236 for the truth of the matters asserted. Therefore it is inadmissible hearsay.

White Knuckle also failed to provide authentication for Exhibit 2236.

² The exhibit served on EA has the file name "2236 Dorsett's Son Also Rises – latimes." White Knuckles' exhibit list, however, lists exhibit 2236 as "Declaration of David Jones."

Moreover, White Knuckle's exhibit was required to include "the exhibit number and a brief description of each exhibit." 37 C.F.R. § 42.63(e). Exhibit 2236 served on EA was not included in White Knuckle's exhibit list.

Respectfully submitted,

Dated: December 23, 2016

/Marc S. Kaufman, Reg. No. 35,212/
Marc S. Kaufman
Reg. No. 35,212

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 23rd day of December 2016, a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO EVIDENCE** was served via email upon the following attorney of record for Patent Owner:

Andrew S. Hansen
Hansen IP, LLC
282 Maxine Circle
Bountiful, Utah 84010
Andrew@hansenip.org

David A. Jones
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Lehi, UT 84043
david@whiteknucklegaming.org

Respectfully submitted,

Dated: December 23, 2016

/Marc S. Kaufman, Reg. No. 35,212/
Marc S. Kaufman
Reg. No. 35,212