

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,

Petitioner,

v.

IFIT, INC.,

Patent Owner

Case IPR2022-00030
Patent No. 7,166,062 B1

PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH THE
PETITION FOR *INTER PARTES* REVIEW

IFIT, INC. F/K/A ICON HEALTH & FITNESS, INC. (“iFIT” or “Patent Owner”) hereby objects to the following evidence that was submitted by PELOTON INTERACTIVE, INC. (“Petitioner”) with the petition (“Pet.,” Paper 2) in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely filed and served within ten (10) business days of the institution of the trial by the Patent and Trial Appeal Board (“Board”), which is reflected in the Board’s Institution Decision dated April 22, 2022 (Paper 12).

I. EXHIBIT 1011 (IEEE ALEXANDER GRAHAM BELL MEDAL RECIPIENTS)

iFIT objects to Exhibit 1011 as irrelevant, lacking foundation, and lacking authentication under Fed. R. Evid. (FRE) 901. iFIT objects to this Exhibit as containing hearsay to the extent that Petitioner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Petitioner fails to offer sufficient evidence that Exhibit 1011 was publicly accessible in its presented form as of the alleged publication date. Petitioner fails to offer sufficient evidence that Exhibit 1011 is what Petitioner claims it to be. iFIT objects to the portions of Exhibit 1011 not discussed or cited in the Petition or Declaration, as not being relevant to any issue on which trial has been instituted. If the objected to material was not discussed or cited in the Petition or Declaration, iFIT has had no fair opportunity to respond to Petitioner’s unstated contentions (if

any) regarding the same. Such information is irrelevant and its consideration would be unfairly prejudicial to iFIT. In particular, at least pages 1–3, 5, and 6 were not cited or discussed in the Petition or Declaration. Accordingly, at least those pages of Exhibit 1011 are objected to as not being relevant to any issue in this IPR.

II. EXHIBIT 1024 (INTERNET PROTOCOL)

iFIT objects to Exhibit 1024 as irrelevant, lacking foundation, and lacking authentication under FRE 901. iFIT objects to this Exhibit as containing hearsay to the extent that Petitioner attempts to rely on it to prove the truth of any matter described therein under FRE 801 and FRE 802. For example, Petitioner fails to offer sufficient evidence that Exhibit 1024 was publicly accessible in its presented form as of the alleged publication date. Petitioner fails to offer sufficient evidence that Exhibit 1024 is what Petitioner claims it to be. iFIT objects to the portions of Exhibit 1024 not discussed or cited in the Petition or Declaration, as not being relevant to any issue on which trial has been instituted. If the objected to material was not discussed or cited in the Petition or Declaration, iFIT has had no fair opportunity to respond to Petitioner's unstated contentions (if any) regarding the same. Such information is irrelevant and its consideration would be unfairly prejudicial to iFIT. In particular, at least pages 1–6 and 8–51 were not cited or discussed in the Petition or Declaration. Accordingly, at least those pages of

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Exhibit 1024 are objected to as not being relevant to any issue in this IPR.

Respectfully submitted,

Dated: May 6, 2022

By /George C. Beck/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Objections to Evidence Submitted with the Petition for *Inter Partes* Review was served on May 6, 2022 by email to litigation counsel for Petitioner's counsel of record:

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