

Filed on behalf of Microsoft Corporation

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

PROXYCONN, INC.
Patent Owner

Case IPR2012-00026 (TLG)
Case IPR2013-00109 (TLG)
Patent 6,757,717 B1

**MICROSOFT CORPORATION'S OBJECTIONS
TO PATENT HOLDER PROXYCONN, INC.'S EXHIBITS 2002, 2004**

MICROSOFT
EXHIBIT 1027
Microsoft v. Proxyconn
IPR2012-00026 (TLG)
IPR2013-00109 (TLG)

Pursuant to 37.C.F.R. § 42.64 and the Federal Rules of Evidence, petitioner Microsoft Corporation (“Microsoft”) provides the following objections to Exhibits 2002, 2004, which were submitted by Proxyconn, Inc. (“Proxyconn”) with its May 21, 2013 “Patent Owner’s Response.”

Further, Microsoft reserves the right to present further objections to these or additional Exhibits submitted by Proxyconn, as allowed by the applicable rules or other authority, including without limitation upon conclusion of the deposition of Dr. Alon Konchitsky.

Exhibit No. 2002 (entitled “Declaration of Alon Konchitsky”)

The alleged evidence presented in Exhibit No. 2002 (“Konchitsky Declaration”) is inadmissible for at least the following reasons, including under the noted Federal Rules of Evidence (“FRE”).

The Konchitsky Declaration is inadmissible under FRE 602, 701, 702 and 703. Dr. Konchitsky is not qualified as an expert on the matters on which he opines. Dr. Konchitsky’s fuller CV (submitted herewith as Microsoft Exhibit 1022) suggests that he may qualify as an expert in various areas of wireless telecommunications and 3GPP cellular technology, and perhaps discrete time signal processing. But, nothing indicates that he qualifies as an expert, or even as

one of ordinary skill in the art, in the fields pertinent to the challenged patents.

Microsoft's expert Dr. Darrel Long has explained those fields in his two declarations and in his deposition. Dr. Long's CV, testimony and declarations demonstrate his expertise in this field. In contrast, nothing in Dr. Konchitsky's CV indicates that he has published or taught or studied or designed, etc. in the fields pertinent to this patent.

Further, each opinion in the Konchitsky Declaration further is inadmissible because it lacks the requisite underlying "sufficient facts or data" of FRE 702(b), is not "the product of reliable principles and methods" under FRE 702(c), does not result from the reliable application of principles or methods to any related facts under FRE 702(d), and / or constitutes mere *ipse dixit* of the alleged expert.

Exhibit No. 2004 (described by Proxycorn as "Israeli Patent")

To the extent offered for the truth, Exhibit No. 2004 is inadmissible under FRE 802 because the underlying content of the document constitutes hearsay.

Exhibit No. 2004 is further inadmissible for lack of authentication.

Exhibit No. 2004 is further inadmissible as an inaccurate copy.

Exhibit No. 2004 is further inadmissible as containing improper attorney argument.

Dated: May 29, 2013

Respectfully submitted,

/John D. Vandenberg/

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Certificate of Service in Compliance With 37 C.F.R. § 42.6(e)(4)

The undersigned certifies that a complete copy of Microsoft Corporation's Objections To Patent Holder Proxyconn, Inc.'s Exhibits 2002-2004, was served on the official correspondence address for the U.S. Patent No. 6,757,717 shown in PAIR and the attorneys of record for Plaintiff in this proceeding and in the concurrent litigation matter:

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via EXPRESS MAIL, on May 29, 2013.

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