

Filed on behalf of Patent Owner Network-1 Security Solutions, Inc.

By: Robert G. Mukai, Esq.  
Charles F. Wieland, Esq.  
BUCHANAN INGERSOLL & ROONEY PC  
1737 King Street, Suite 500  
Alexandria, Virginia 22314-2727  
Telephone (703) 836-6620  
Facsimile (703) 836-2021  
[robert.mukai@bipc.com](mailto:robert.mukai@bipc.com)  
[charles.wieland@bipc.com](mailto:charles.wieland@bipc.com)

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

AVAYA INC., DELL INC., SONY CORP. OF AMERICA, and  
HEWLETT-PACKARD CO.  
Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.  
Patent Owner

---

Case IPR2013-00071<sup>1</sup>  
Patent 6,218,930

Administrative Patent Judges Jameson Lee, Joni Y. Chang and Justin T. Arbes

---

**OBJECTION TO EVIDENCE PURSUANT TO  
37 C.F.R. § 42.64(b)(1)**

---

<sup>1</sup> Cases IPR2013-00385 and IPR2013-00495 have been joined with this proceeding.

The Patent Owner, Network-1, objects to the admissibility of Petitioner's Exhibit AV-1042 (Expert Report of Melvin Mercer). The basis of the objection is the evidence constitutes and contains inadmissible hearsay under Rules 801, 802 and 805 of the Federal Rules of Evidence.

Further, the Patent Owner objects to the admissibility of Petitioner's Exhibits AV-1026 through AV-1044. The basis of the objection is that the exhibits lack the labels required by 37 C.F.R. § 42.63(d).

Respectfully submitted,  
BUCHANAN INGERSOLL & ROONEY PC

Date: October 29, 2013  
  
1737 King Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 836-6620

By: /Charles F. Wieland/  
Charles F. Wieland III, Esq.  
Registration No. 33,096  
*Counsel for NETWORK-1 SECURITY  
SOLUTIONS, INC.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OBJECTION TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** is being served upon the following this 29th day of October, 2013, via electronic mail:

Jeffrey D. Sanok and Jonathan Lindsay

[AV1-PRPS@Crowell.com](mailto:AV1-PRPS@Crowell.com)

[JSanok@Crowell.com](mailto:JSanok@Crowell.com)

[JLindsay@Crowell.com](mailto:JLindsay@Crowell.com)

Counsel for Avaya Inc.

Michael J. Scheer and Thomas M. Dunham

WINSTON & STRAWN LLP

[mscheer@winston.com](mailto:mscheer@winston.com)

[tdunham@winston.com](mailto:tdunham@winston.com)

Counsel for Dell, Inc.

Lionel M. Lavenue and Erika Arner

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

[lionel.lavenue@finnegan.com](mailto:lionel.lavenue@finnegan.com)

[erika.arnier@finnegan.com](mailto:erika.arnier@finnegan.com)

Counsel for Sony Corp. of America

Robert J. Walters and Charles J. Hawkins

McDERMOTT WILL & EMERY LLP

[rwalters@mwe.com](mailto:rwalters@mwe.com)

[chawkins@mwe.com](mailto:chawkins@mwe.com)

Counsel for Hewlett-Packard Co.

Date: October 29, 2013

/Charles F. Wieland/

Charles F. Wieland III, Esq.

Registration No. 33,096

*Counsel for NETWORK-1 SECURITY SOLUTIONS, INC.*