

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC.
Petitioner

v.

INTELLECTUAL VENTURES MANAGEMENT, LLC,
Patent Owner.

Inter Partes Review No. IPR2013-00112
Patent No. 5,779,334

PETITIONER XILINX'S RESPONSE TO PATENT OWNER INTELLECTUAL
VENTURES' MOTION TO EXCLUDE TESTIMONY OF
A. BRUCE BUCKMAN, Ph.D.

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Petitioner Xilinx’s Response re Motion to Exclude Testimony of Dr. Buckman

Rule 702 passim

I. Introduction

IV's Motion to Exclude Dr. Buckman's testimony is similar to the one it filed in the '545 IPR and should be denied for the same fundamental reason—because IV's objections go to weight, and not admissibility. Notwithstanding these similarities, however, IV's motion here is different in two significant respects from its prior motion. But neither of these differences in IV's briefing leads to an outcome in IV's favor.

The first significant difference is that here, IV makes only a cursory challenge to Dr. Buckman's qualifications. This contrasts with IV's lengthy challenge in the '545 proceeding. IV's decision to drop most of its prior objections to Dr. Buckman's testimony makes it easier to dispose of the remaining issues. Nevertheless, Xilinx's brief explains, in full, why Dr. Buckman is qualified to provide testimony in this proceeding.

Second, IV's motion raises new "reliability" arguments, contending that Dr. Buckman's testimony is inadmissible because of statements he made on cross-examination. IV's reliability arguments were not properly preserved by a timely objection, and thus should not be considered now. Moreover, IV's "reliability" objections are really just additional briefing on the merits, not a serious argument that Dr. Buckman's testimony in this matter is inadmissible under Rule 702.

Xilinx accordingly requests that the Board deny IV's motion and admit Dr.

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