

Paper No. ____
Filed: November 4, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUGHES NETWORK SYSTEMS, LLC AND
HUGHES COMMUNICATIONS, INC.,
Petitioners,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Patent Owner.

Case IPR2015-00059
Patent 7,916,781

**PATENT OWNERS'S
NOTICE OF OBJECTION TO EVIDENCE**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner California Institute of Technology (“Patent Owner”), submits the following objections to Petitioners’ Hughes Network Systems, LLC and Hughes Communication, Inc. (“Petitioners”) Exhibits 1074, 1075, and 1200; and renewed objections to Exhibits 1031, 1041, 1042, 1057, and 1060, as listed in Petitioners’ Reply to Patent Owner’s Response (“Reply”) served on October 28, 2015. As required by 37 C.F.R. § 42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“F.R.E.”).

II. OBJECTION

A. **Objections to Ex. 1074, 1075, and 1200 and any Reference to/Reliance Thereon**

Patent Owner objects to Ex. 1074, “Supplemental Declaration of Dr. Henry Pfister”; Ex. 1075, “Excerpt of Dr. Robert McEliece’s Curricula Vitae”; and Ex. 1200, “Exhibit from the Deposition of Dr. Golomb.”

Grounds for Objection: F.R.E. 401 (Test for Relevant Evidence) and/or F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons).

Each of Exhibits 1074, 1075, and 1200 is offered in support of arguments improperly raised for the first time in Petitioners’ Reply. As such, each of these exhibits is not relevant to the instituted ground of review because any asserted facts to which the exhibit relates are of no consequence in determining this proceeding. Moreover, to the extent that any of these exhibits is determined to be relevant, the probative value of that exhibit is substantially outweighed by the unfair prejudice

to Patent Owner, because Patent Owner is denied the opportunity to respond to the evidence and corresponding argument.

B. Renewed Objections to Ex. 1031, 1041, 1042, 1057, and 1060 and any Reference to/Reliance Thereon

Patent Owner objects to Ex. 1031, “Viterbi and Viterbi, ‘New results on serial concatenated and accumulated-convolutional turbo code performance’ in *Annales Des Télécommunications* 1999”; Ex. 1041, “D. J. C. MacKay, ‘Gallager codes — Recent Results’ as published to <http://wol.ra.phy.cam.ac.uk/mackay/>, under the filename ‘sparsecodes.ps.gz’ by July 16, 1999 (Published July 16, 1999)”; Ex. 1042, “D.J.C. Mackay, Abstract ‘Gallager Codes — Recent Results’ as published to <http://vol.ra.phy.com.ac.wh/mackay/> under file name ‘sparsecodes0.ps.gz by June 2, 1999”; Ex. 1057, “H. D. Pfister and P. H. Siegel, ‘The serial concatenation of rate-1 codes through uniform random interleavers.’ *Proc. 37th Allerton Conf. on Comm., Control and Computing*, Monticello, Illinois, pp. 260-269, Sep. 1999 (‘Pfister’) (published no later than May 11, 2000 at the British Library Boston Spa)”; and paragraphs 30-33 of Ex. 1060, “Declaration of David J.C. Mackay.”

Grounds for Objection: F.R.E. 401 (Test for Relevant Evidence) and/or F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons).

On May 11, 2015, Patent Owner objected to numerous exhibits, including Exhibits 1031, 1041, 1042, 1057, and paragraphs 13-38 and 40-83 of Exhibit 1060, as inadmissible under F.R.E. 401 and/or F.R.E. 403 based on failure to cite the

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exhibits in the petition that initiated this proceeding. Exhibits 1031, 1041, 1042, 1057 and paragraphs 30-33 of Ex. 1060 are cited in Petitioners' Reply in support of arguments improperly raised for the first time in the Reply. As such, each of these exhibits is not relevant to the instituted ground of review because any asserted facts to which the exhibit relates are of no consequence in determining this proceeding. Moreover, to the extent that any of these exhibits is determined to be relevant the probative value of that exhibit is substantially outweighed by the unfair prejudice to Patent Owner, because Patent Owner is denied the opportunity to respond to the evidence and corresponding argument. Accordingly, Patent Owner renews its objections to Exhibits 1031, 1041, 1042, 1057 and 1060, relying on the same grounds for objection as set forth in the original May 11, 2015 objections.

III. CONCLUSION

The above referenced exhibits were filed or first relied upon on October 28, 2015. These objections are made within five business days of service of the exhibits (with respect to Exhibits 1074, 1075, and 1200) or service of the document first citing the exhibits (with respect to Exhibits 1031, 1041, 1042, 1057, and 1060).

Respectfully submitted,

Dated: November 4, 2015

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182

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CERTIFICATE OF SERVICE

This is to certify that I caused to be served a true and correct copy of the foregoing Patent Owner's Notice of Objection to Evidence, on this 4th day of November, 2015, by electronic service, on the Petitioners at the correspondence address of the Petitioners as follows:

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Respectfully submitted,

Dated: November 4, 2015

/ Michael T. Rosato /
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