

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC.,  
Petitioner,

v.

E-WATCH, INC. and E-WATCH CORPORATION  
Patent Owner.

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Case No. IPR2015-00412  
Patent 7,365,871

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**PETITIONER APPLE, INC.'S OBJECTIONS TO EVIDENCE SUBMITTED  
DURING PRELIMINARY PROCEEDING UNDER 37 C.F.R. § 42.64(b)(1)**

Mail Stop **Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), the petitioner, Apple, Inc. (“Apple”), hereby objects to the following evidence submitted by Patent Owner e-Watch, Inc. and e-Watch Corporation (“Patent Owner”) during the preliminary proceeding for *Inter Partes* Review of U.S. Patent No. 7,365,871, the petition for which was filed on December 11, 2014.

1. Exhibit 2001 is objected to for lack of proper authentication under Fed. R. Ev. 901;
2. Exhibit 2001 is further objected to as hearsay under Fed. R. Ev. 801 and 802;
3. Exhibit 2001 is further objected to as irrelevant under Fed. R. Ev. 402;
4. Exhibit 2001 is further objected to as unduly prejudicial, confusing the issues, misleading, and needlessly presenting cumulative evidence under Fed. R. Ev. 403;
5. Exhibit 2001 is further objected to as an improper summary of evidence of non-voluminous writings that is also inaccurate, is prejudicial, and has not been introduced through the testimony of a witness under Fed. R. Evid. 1006;

These objections have been timely made and served within 10 business days from the May 11, 2015 Decision on Institution of *Inter Partes* Review.

Respectfully submitted,

DATED: May 26, 2015

By: /s/ Brian M. Buroker

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*Attorney for Petitioner Apple, Inc.*

## CERFITICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Objections to Evidence by electronic mail on May 26, 2015 on the counsel of record of the Patent Owner:

Robert C. Curfiss, bob@curfiss.com

David Simmons, dsimmons1@sbcglobal.net

DATED: May 26, 2015

By: /s/Brian M. Buroker

Brian M. Buroker (Reg. No. 39,125)

*Attorney for Petitioner Apple, Inc.*