

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
ZTE CORPORATION and ZTE (USA) INC.,
Petitioners

v.

E-WATCH, INC.
Patent Owner

IPR2015-00412
IPR2015-01366¹
U.S. Patent No. 7,365,871 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH
PETITIONER'S REPLY BRIEF UNDER 37 C.F.R. § 42.64(B)(1)**

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U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ IPR2015-01366 has been joined with IPR2015-00412.

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner e-Watch (“Patent Owner” or “e-Watch”) hereby objects to the following evidence submitted by Apple, Inc. (“Petitioner” or “Apple”) in conjunction with Petitioner’s Reply Brief, Paper 30, filed on October 15, 2015.

1. Exhibit 1010 is objected to for the following reasons:

- (a) lack of proper authentication under Fed. R. Evid. 901;
- (b) hearsay under Fed. R. Evid. 801 and 802;
- (c) irrelevant under Fed. R. Evid. 402; and
- (d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

2. Exhibit 1011 is objected to for the following reasons:

- (a) lack of proper authentication under Fed. R. Evid. 901;
- (b) hearsay under Fed. R. Evid. 801 and 802;
- (c) irrelevant under Fed. R. Evid. 402; and
- (d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

3. Exhibit 1012 is objected to for the following reasons:

- (a) lack of proper authentication under Fed. R. Evid. 901;
- (b) hearsay under Fed. R. Evid. 801 and 802;
- (c) irrelevant under Fed. R. Evid. 402; and

(d) unduly prejudicial, confusing the issues, misleading, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

4. Exhibit 1013 is objected to for the following reasons:

(a) lack of proper authentication under Fed. R. Evid. 901;

(b) hearsay under Fed. R. Evid. 801 and 802;

(c) irrelevant under Fed. R. Evid. 402; and

(d) unduly prejudicial, confusing the issues, misleading, and needlessly presenting cumulative evidence under Fed. R. Evid. 403.

5. Exhibit 1014 is objected to for the following reasons:

(a) lack of proper authentication under Fed. R. Evid. 901;

(b) hearsay under Fed. R. Evid. 801 and 802;

(c) irrelevant under Fed. R. Evid. 402;

(d) unduly prejudicial, confusing the issues, misleading, and needlessly presenting cumulative evidence under Fed. R. Evid. 403;

(e) exceeding the proper scope of a reply under 37 C.F.R. § 42.23(b) due to not being limited to responding to arguments raised in the patent owner's response; and

(f) an improper summary of evidence of non-voluminous writings that is also inaccurate and prejudicial under Fed. R. Evid. 1006.

6. Exhibit 1015 is objected to for the following reasons:

- (a) lack of proper authentication under Fed. R. Evid. 901;
- (b) hearsay under Fed. R. Evid. 801 and 802;
- (c) irrelevant under Fed. R. Evid. 402; and
- (d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

7. Exhibit 1016 is objected to for the following reasons:

- (a) lack of proper authentication under Fed. R. Evid. 901;
- (b) hearsay under Fed. R. Evid. 801 and 802;
- (c) irrelevant under Fed. R. Evid. 402; and
- (d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

8. Exhibit 1017 is objected to for the following reasons:

- (a) lack of proper authentication under Fed. R. Evid. 901;
- (b) hearsay under Fed. R. Evid. 801 and 802;
- (c) irrelevant under Fed. R. Evid. 402; and
- (d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

9. Exhibit 1018 is objected to for the following reasons:

- (a) lack of proper authentication under Fed. R. Evid. 901;
- (b) hearsay under Fed. R. Evid. 801 and 802;

(c) irrelevant under Fed. R. Evid. 402; and

(d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

10. Exhibit 1019 is objected to for the following reasons:

(a) lack of proper authentication under Fed. R. Evid. 901;

(b) hearsay under Fed. R. Evid. 801 and 802;

(c) irrelevant under Fed. R. Evid. 402; and

(d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

11. Exhibit 1020 is objected to for the following reasons:

(a) lack of proper authentication under Fed. R. Evid. 901;

(b) hearsay under Fed. R. Evid. 801 and 802;

(c) irrelevant under Fed. R. Evid. 402; and

(d) unduly prejudicial, confusing the issues, misleading, and

needlessly presenting cumulative evidence under Fed. R. Evid. 403.

12. Exhibit 1021 is objected to for the following reasons:

(a) lack of proper authentication under Fed. R. Evid. 901;

(b) hearsay under Fed. R. Evid. 801 and 802;

(c) irrelevant under Fed. R. Evid. 402; and

(d) unduly prejudicial, confusing the issues, misleading, and

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