

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
SAMSUNG ELECTRONICS LTD, and
SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2015-00414¹
Patent 7,643,168 B2

PETITIONER APPLE INC.'S OBJECTIONS TO EVIDENCE
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

¹ Case IPR2015-00611 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), the Petitioner Apple Inc. hereby objects to the following evidence submitted by Patent Owner in the Patent Owner Response to the petition for *Inter Partes* Review of U.S. Patent No. 7,643,168, the petition for which was filed on December 11, 2014.

1. Exhibit 2004 is objected to as irrelevant under Fed. R. Ev. 402; Exhibit 2004 is from a different *inter partes* review proceeding involving different prior art, a different patent, and a different Petitioner and is also not binding authority on the Board.
2. Exhibit 2004 is further objected to as unduly prejudicial, confusing the issues, and misleading under Fed. R. Ev. 403; Exhibit 2004 is prejudicial, confusing, and misleading because it conflates this proceeding with another proceeding involving different prior art, a different patent, and a different Petitioner, and Exhibit 2004 cannot be cited as binding authority.
3. Exhibit 2005 is objected to as irrelevant under Fed. R. Ev. 402; Exhibit 2005 is from a different *inter partes* review proceeding involving different prior art, a different patent, and a different Petitioner and is also not binding authority on the Board.
4. Exhibit 2005 is further objected to as unduly prejudicial, confusing the issues, and misleading under Fed. R. Ev. 403; Exhibit 2005 is prejudicial, confusing, and misleading because it conflates this proceeding with another

proceeding involving different prior art, a different patent, and a different Petitioner, and Exhibit 2005 cannot be cited as binding authority.

5. Exhibit 2006 is objected to as irrelevant under Fed. R. Ev. 402; Exhibit 2006 is from a different *inter partes* review proceeding involving different prior art, a different patent, and a different Petitioner and is also not binding authority on the Board.
6. Exhibit 2006 is further objected to as unduly prejudicial, confusing the issues, and misleading under Fed. R. Ev. 403; Exhibit 2006 is prejudicial, confusing, and misleading because it conflates this proceeding with another proceeding involving different prior art, a different patent, and a different Petitioner, and Exhibit 2006 cannot be cited as binding authority.
7. Exhibit 2007 is objected to as irrelevant under Fed. R. Ev. 402; Exhibit 2007 is from a different *inter partes* review proceeding involving different prior art, a different patent, and a different Petitioner and is also not binding authority on the Board.
8. Exhibit 2007 is further objected to as unduly prejudicial, confusing the issues, and misleading under Fed. R. Ev. 403; Exhibit 2007 is prejudicial, confusing, and misleading because it conflates this proceeding with another proceeding involving different prior art, a different patent, and a different Petitioner, and Exhibit 2007 cannot be cited as binding authority.

9. Exhibit 2008 is objected to as irrelevant under Fed. R. Ev. 402; Exhibit 2008 is from a different *inter partes* review proceeding involving different prior art, a different patent, and a different Petitioner and is also not binding authority on the Board.
10. Exhibit 2008 is further objected to as unduly prejudicial, confusing the issues, and misleading under Fed. R. Ev. 403; Exhibit 2008 is prejudicial, confusing, and misleading because it conflates this proceeding with another proceeding involving different prior art, a different patent, and a different Petitioner, and Exhibit 2008 cannot be cited as binding authority.

These objections have been timely made and served within 5 business days from the September 22, 2015 Patent Owner Response to the petition for *Inter Partes Review*.

Respectfully submitted,

DATED: September 29, 2015

By: /s/ Brian M. Buroker

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CERTIFICATE 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 September 29, 2015 on the counsel of record for:

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DATED: September 29, 2015

By: /s/Brian M. Buroker

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