

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner

v.

SUMMIT 6 LLC,
Patent Owner

Case IPR2015-00806
Patent No. 7,765,482

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b), Petitioner objects as follows to the admissibility of evidence served with Patent Owner’s Preliminary Response filed June 15, 2015.

<u>Evidence</u>	<u>Objection</u>
<p>Exhibit 2001 - [PROTECTIVE ORDER MATERIAL] RIM– Summit 6 License and Settlement Agreement (executed October 17, 2012).</p>	<p>FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: The exhibit is inadmissible because Patent Owner has not submitted evidence sufficient to support a finding that the item is what Patent Owner claims it is.</p>
<p>Exhibit 2002 - [PROTECTIVE ORDER MATERIAL] Facebook– Summit 6 License and Settlement Agreement (February 8, 2013).</p>	<p>FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: The exhibit is inadmissible because Patent Owner has not submitted evidence sufficient to support a finding that the item is what Patent Owner claims it is.</p>

<p>Exhibit 2003 - Jury Charge and Verdict Form, <i>Summit 6 LLC v. Research in Motion Corp. et al.</i>, Civil Action No. 3:11-cv-00367-O (N.D.Tex., April 5, 2013).</p>	<p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. For example, Patent Owner has failed to demonstrate a sufficient nexus between the purported secondary considerations of non-obviousness allegedly disclosed in the exhibit and the invention claimed by the patent-at-issue.</p> <p>FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: The exhibit is inadmissible because Patent Owner has not submitted evidence sufficient to support a finding that the item is what Patent Owner claims it is.</p>
<p>Exhibit 2004 - Excerpts of Trial Testimony of Dr. Mark Jones, <i>Summit 6 LLC v. Research in Motion Corp. et al.</i>, Civil Action No. 3:11-cv-00367-O, N.D.Tex. (April 4, 2013).</p>	<p>Lack of Foundation: The exhibit is inadmissible because Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. For example, Patent Owner has not cited to this exhibit in its Preliminary Response to rebut any argument presented by Petitioner.</p> <p>FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p>

	<p>FRE 701/702/703: The exhibit is inadmissible because it includes opinions that are not admissible testimony under FRE 701, 702, or 703.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: The exhibit is inadmissible because Patent Owner has not submitted evidence sufficient to support a finding that the item is what Patent Owner claims it is.</p> <p>FRE 1002 / 1006: The exhibit is inadmissible because Patent Owner has not submitted a complete copy of the original document.</p>
<p>Exhibit 2005 - Summit6-1876—Correspondence, T. Anderson to H. Latham of Moore Data Management Services (September 15, 1998).</p>	<p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. For example, Patent Owner has failed to demonstrate a sufficient nexus between the purported secondary considerations of non-obviousness allegedly disclosed in the exhibit and the invention claimed by the patent-at-issue.</p> <p>FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 602: The exhibit is inadmissible because Patent Owner has not submitted evidence sufficient to support a finding that Patent Owner has personal knowledge of the statements made therein.</p> <p>FRE 603: The exhibit is inadmissible because the statements made therein were not made under oath.</p>

	<p>FRE 701/702/703: The exhibit is inadmissible because it includes opinions that are not admissible testimony under FRE 701, 702, or 703.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: The exhibit is inadmissible because Patent Owner has not submitted evidence sufficient to support a finding that the item is what Patent Owner claims it is.</p>
<p>Exhibit 2006 - Summit6-4346—Correspondence, T. Anderson to J. Graff of RealSelect, Inc., Proposal to integrate Rimfire system with Realtor.com (April 26, 1999).</p>	<p>FRE 402: The exhibit is not relevant to any ground upon which trial was instituted. For example, Patent Owner has failed to demonstrate a sufficient nexus between the purported secondary considerations of non-obviousness allegedly disclosed in the exhibit and the invention claimed by the patent-at-issue.</p> <p>FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 602: The exhibit is inadmissible because Patent Owner has not submitted evidence sufficient to support a finding that Patent Owner has personal knowledge of the statements made therein.</p> <p>FRE 603: The exhibit is inadmissible because the statements made therein were not made under oath.</p> <p>FRE 701/702/703: The exhibit is inadmissible because it includes opinions that are not admissible testimony under FRE 701, 702, or 703.</p> <p>FRE 802: The exhibit is inadmissible hearsay if</p>

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