

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioner

v.

SUMMIT 6 LLC,  
Patent Owner

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

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**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE  
SERVED WITH PATENT OWNER SUMMIT 6 LLC'S RESPONSE TO  
PETITION FOR *INTER PARTES* REVIEW**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner objects as follows to the admissibility of evidence served with Patent Owner’s Response filed December 9, 2015.

<u>Evidence</u>	<u>Objection</u>
Exhibit 2044 – iPIX Presentation eBay Picture Services Stats	<p><b>FRE 402:</b> 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><b>FRE 403:</b> 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. 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><b>FRE 802:</b> The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> 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>
Exhibit 2045 –eBay Presentation – Jeff Jordan, Senior Vice President,	<b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted. For example, Patent Owner has failed to demonstrate a sufficient

eBay U.S.

nexus between the purported secondary considerations of non-obviousness allegedly disclosed in the exhibit and the invention claimed by the patent-at-issue.

**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. 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.

**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.

**FRE 603:** The exhibit is inadmissible because the statements made therein were not made under oath.

**FRE 701/702/703:** The exhibit is inadmissible because it includes opinions that are not admissible testimony under FRE 701, 702, or 703. For instance, the testimony is not rationally based on the witness's perception; helpful to clearly understanding the witness's testimony or to determining a fact in issue; and/or based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

**FRE 802:** The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.

**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.
Exhibit 2046 – Press Release, Admission Wins Far-Reaching Patent	<p><b>FRE 402:</b> 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><b>FRE 403:</b> 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. 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><b>FRE 802:</b> The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> 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><b>37 C.F.R. § 42.64(b)(2):</b> The exhibit is inadmissible because it was filed and served by Patent Owner as supplemental evidence to correct deficiencies in Patent Owner’s evidence more than 10 business days after Patent Owner received Petitioner’s timely served objections.</p>
Exhibit 2047 - [PROTECTIVE ORDER MATERIAL] LG	<b>FRE 402:</b> The exhibit is not relevant to any ground upon which trial was instituted. For example, the exhibit is not offered by Patent Owner to rebut any

<p>Electronics – Summit 6 License and Settlement Agreement</p>	<p>argument made by Petitioner.</p> <p><b>FRE 403:</b> 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. For example, the exhibit is not offered by Patent Owner to rebut any argument made by Petitioner.</p> <p><b>FRE 802:</b> The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> 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 2048 – Prepare and Post Product Overview</p>	<p><b>FRE 402:</b> 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><b>FRE 403:</b> 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. 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><b>FRE 802:</b> The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly</p>

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