

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC., AND
MICRON MEMORY JAPAN, INC.,
Petitioners

v.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Patent Owner

Case IPR2015-01087
U.S. Patent No. 6,057,221

**PATENT OWNER'S NOTICE OF OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

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P.O. Box 1450
Alexandria, VA 22313

The undersigned, on behalf of Massachusetts Institute Of Technology (“MIT” or “Patent Owner”), hereby provides Notice to the Board that the objections made on the record herewith were served to Micron Technology, Inc., and Micron Memory Japan, Inc. (“Micron” or “Petitioner”) pursuant to 37 C.F.R. § 42.64. *See also* Trial Practice Guide, 77 Fed. Reg. 48756, 48767 (Aug. 14, 2012).

Respectfully submitted,

Dated: November 20, 2015

by: /Steven J. Pollinger/
Steven J. Pollinger
Registration No. 35,326
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Counsel for Massachusetts Institute of
Technology

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Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Massachusetts Institute Of Technology (“MIT” or “Patent Owner”) objects to the admissibility of the documents identified below that were submitted by Micron Technology, Inc. and Micron Memory Japan, Inc. (“Micron” or “Petitioner”) during the preliminary proceedings, for the following reasons:

A. Exhibits 1028-1034

Exhibits 1028-1034 are objected to as lacking relevance, causing undue prejudice, and for lacking authentication. For example, Petitioner does not offer evidence that these exhibits are what Petitioner claims them to be, and the documents are not self-authenticating. *See* Fed. R. Evid. 901. For further example, these exhibits are irrelevant and cause undue prejudice because Petitioner relies on these exhibits improperly to attempt to fill in absent claim elements of the challenged claims in the asserted art where the asserted art itself is silent, including in purported anticipation analyses. *See* Fed. R. Evid. 401-403. Petitioner does not assert these documents themselves as prior art references that anticipate or combine to render obvious the challenged patent claims, and as such are not listed as specific grounds for challenging the patent claims. Because these documents are used improperly by Petitioner, the prejudice they would cause outweighs any purported probative value. *See Id.*

B. Exhibits 1018, 1019, 1028-1034

Exhibits 1018, 1019, and 1028-1034 are objected to for containing hearsay. *See* Fed. R. Evid. 801, 802. For example, Petitioner relies on these exhibits to prove the truth of material properties, product introduction dates, and/or alleged industry practices in the prior art.

C. Exhibit 1006

Exhibit 1006 is objected to for causing undue prejudice and/or as inauthentic as to the translation, such that the prejudice it would cause outweighs its probative value. *See* Fed. R. Evid. 801, 802, 901. For example, the English translation of this document states the term “thermal resistance,” while Petitioner purports to quote this language as “thermal resist[ivity],” suggesting that the translation is either faulty or is used improperly to mean something other than what it says.

D. Exhibit 1019

Exhibit 1019 is objected to as lacking completeness. *See* Fed. R. Evid. 106.

The objections have been made within 10 business days from the November 5, 2015 institution of trial.

Respectfully submitted,

Dated: November 20, 2015

by: /Steven J. Pollinger/
Steven J. Pollinger
Registration No. 35,326

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