

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 PETITIONER'S
SUPPLEMENTAL 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: December 14, 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 supplemental evidence identified below that was served by Micron Technology, Inc. and Micron Memory Japan, Inc. (“Micron” or “Petitioner”), for the following reasons:

A. Exhibits 1048-1051, 1053

Exhibits 1048-1051, 1053 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.* Exhibits 1052 and 1054 are declarations from counsel for Petitioner that certain of these documents were printed from certain

websites at certain times, but these declarations are deficient. For example, they still offer no further evidence that the respective documents printed off of these websites are what they claim to be or were available and unaltered from the date that Petitioner claims to the date they were stated to have been printed by counsel for Petitioner.

B. Exhibits 1045-1051, 1053

Exhibits 1045-1051 and 1053 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 1045

Exhibit 1045 is objected to as lacking completeness. *See* Fed. R. Evid. 106.

MIT renews its prior objections as they apply to the allegedly corresponding supplements. The objections have been made within five business days from the December 7, 2015 service of Petitioner's supplemental evidence.

Respectfully submitted,

Dated: December 14, 2015

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Registration No. 35,326
Ramzi R. Khazen

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