

From: Matthew Smith <smith@turnerboyd.com>
Sent: Friday, March 18, 2016 6:04 PM
To: Abramic, John
Cc: Filarski, Thomas; Zhuanjia Gu; Hails, Robert L. (rhails@bakerlaw.com); Jennifer Seraphine; 678IPR
Subject: Sony v. Raytheon, IPR2015-01201, U.S. Pat. No. 5,991,678, objections to evidence

John,

Regarding the Patent Owner Response filed on March 11, 2016, in the above-referenced *inter partes* review, the Petitioner has the following objections:

- (1) Petitioner objects to Exhibit 2008 under FRE 901 and 1002 because the date stamp in Exhibit 2008 may not have been accurately reproduced from the original.
- (2) Petitioner objects to Exhibits 2010, 2011, 2012, 2013, 2014, 2022, 2025, 2026 and 2027 under FRE 106, FRE 1002, FRE 901 and 37 C.F.R. 42.51(b)(1)(i), because it appears that the exhibits are incomplete portions of larger documents.
- (3) Petitioner objects to Exhibits 2020 and 2022 through 2036 under FRE 402 and 403 as not relevant because Patent Owner has not made a sufficient showing that these exhibits were available to a person of ordinary skill in the art in the relevant timeframe. To the extent the Petitioner intends to rely on information within the exhibits themselves to establish that the exhibits were available to a person of ordinary skill in the art, Petitioner objects to such use as violating the rule against hearsay (FRE 802).
- (4) Petitioner objects to any testimony that relies on exhibits which may later be excluded based on objections 1-3, above.
- (5) Petitioner objects under 37 C.F.R. 42.51(b)(1)(i) to testimony and argument referencing chips and mask sets, because these alleged chips and mask sets were not served. In particular, Petitioner objects to the Patent Owner Response at pages 8-9, Exhibit 2015 at paragraphs 33, 36-37, 43, 45-48 and 50, Exhibit 2016 at paragraphs 13-14 and 30, Exhibit 2038 at paragraphs 57, 59, 86 and Appendix B-1. Petitioner objects to other testimony generally alleging reduction to practice to the extent it is based on referenced, but unserved, exhibits.
- (6) Petitioner objects under 37 C.F.R. 42.51(b)(1)(i) to testimony concerning additional laboratory notebooks of Mr. Bendik (e.g. Ex. 2016, paragraph 34), because the additional notebooks were not served.

Furthermore, we remind you of your obligation to serve, in the inter partes review and under the inter partes review protective order, any “relevant information that is inconsistent with a position advanced” under 37 C.F.R. 42.51(b)(1)(iii).

Thank you for your consideration of these matters.

Regards,

M. Smith

Matthew A. Smith :: Turner Boyd LLP

smith@turnerboyd.com :: +1 650 265 6109 office :: +1 650 521 5931 fax :: +1 202 669 6207 mobile
702 Marshall St., Ste. 640, Redwood City, CA 94063