

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE BOEING COMPANY
Petitioner

v.

SEYMOUR LEVINE
Patent Owner

Case No. IPR2015-01341
U.S. Patent No. RE39,618

**Petitioner's Objections to Patent Owner's Evidence
Under 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner The Boeing Company submits the following objections to Exhibit No. 2013, which was served by Patent Owner Seymour Levine after the cross examination of Mr. Levine was completed on May 19, 2016, during Mr. Levine's redirect examination by his own counsel. Boeing does not believe that Exhibit No. 2013 is properly in the record before the Board and serves these objections only out of an excess of caution. These objections are timely because they have been served within five business days of the cross examination of Mr. Levine. *See* 37 C.F.R. § 42.64(b)(1).

Exhibit	Objections
2013	FRE 402, FRE 801, untimely production. Document was only produced after cross- examination of witness was completed. <i>See</i> 37 CFR 42.53(d)(2) (“Cross-examination should ordinarily take place after any supplemental evidence relating to the direct testimony has been filed”).

Dated: May 25, 2016

Respectfully submitted,

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Certificate of Service

The undersigned hereby certifies that the above-captioned Petitioner's Objections to Patent Owner's Evidence Under 37 C.F.R. § 42.64(b)(1) was served in its entirety on May 25, 2016, upon the following counsel for Patent Owner via e-mail, pursuant to the parties' agreement concerning service:

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