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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., AND APPLE INC.,
Petitioner
v.

IXI IP, LLC
Patent Owner

Case No. IPR2015-01444
Patent 7,039,033

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE
PURSUANT TO 37 C.F.R. SECTION 42.64**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner objects to the admissibility of the documents identified below that were submitted by Petitioners Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and Apple Inc. (collectively “Petitioner”) during the preliminary proceedings. The Federal Rules of Evidence (“FRE”) apply to these proceedings according to the provision of 37 C.F.R. § 42.62(a), and these rules form the basis of the objections contained herein. These objections have been made within 10 business days from the December 30, 2015 institution of trial. Patent Owner objects for the following reasons:

1. Petitioner’s Exhibit 1002 (“Bellovin”): Patent Owner objects to this exhibit under 37 C.F.R. §§ 42.6(a)(3) and 42.24(a)(1)(i) and as not relevant and prejudicial under FRE 402 and 403 because it is not referenced or explained at all in the Petition. *See* 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4). Petitioner’s attempt to rely upon Exhibit 1002 without referencing this exhibit in the Petition is an improper attempt to circumvent the 60-page limit for Petitions. *See* 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4).

2. Petitioner’s Exhibit 1007 (“RFC 2543”): Patent Owner objects to this exhibit under FRE 402 and 403 because Petitioner has not shown that it qualifies as a “printed publication” under § 102(b), and it is therefore not relevant and prejudicial. The Petition includes only a conclusory assertion that Exhibit 1007 qualifies as “prior art under 35 U.S.C. § 102(b).” *See* Petition at 5. Moreover, the

date information appearing on Exhibit 1007 constitutes inadmissible hearsay because that information is being offered to prove the truth of the matter being asserted; namely, that the contents of the document were publicly available, as of a particular date, and Petitioner has not shown that a hearsay exception applies. As such, Patent Owner objects under FRE 801 and 802. Patent Owner further objects to this exhibit under FRE 901 because no authenticating information has been provided, and this exhibit is not self-authenticating under FRE 902.

3. Petitioner's Exhibit 1009 ("JINI Spec."): Patent Owner objects to this exhibit under FRE 402 and 403 because Petitioner has not shown that it qualifies as a "printed publication" under § 102(b), and it is therefore not relevant and prejudicial. The Petition includes only a conclusory assertion that Exhibit 1009 qualifies as "prior art under 35 U.S.C. § 102(b)." *See* Petition at 5. Moreover, it is unclear what date information Petitioner is relying on, and any date information appearing on Exhibit 1009 constitutes inadmissible hearsay because that information is being offered to prove the truth of the matter being asserted; namely, that the contents of the document were publicly available, as of a particular date, and Petitioner has not shown that a hearsay exception applies. As such, Patent Owner objects under FRE 801 and 802. Patent Owner further objects

to this exhibit under FRE 901 because no authenticating information has been provided, and this exhibit is not self-authenticating under FRE 902.

4. Petitioner's Exhibit 1014 ("RFC 2131"): Patent Owner objects to this exhibit under 37 C.F.R. §§ 42.6(a)(3) and 42.24(a)(1)(i) and as not relevant and prejudicial under FRE 402 and 403 because it is not referenced or explained at all in the Petition. *See* 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4). Petitioner's attempt to rely upon Exhibit 1014 without referencing this exhibit in the Petition is an improper attempt to circumvent the 60-page limit for Petitions. *See* 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4).

5. Petitioner's Exhibit 1015 ("Hoffman"): Patent Owner objects to this exhibit under 37 C.F.R. §§ 42.6(a)(3) and 42.24(a)(1)(i) and as not relevant and prejudicial under FRE 402 and 403 because it is not referenced or explained at all in the Petition. *See* 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4). Petitioner's attempt to rely upon Exhibit 1015 without referencing this exhibit in the Petition is an improper attempt to circumvent the 60-page limit for Petitions. *See* 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4).

Dated: January 13, 2016

Respectfully submitted,
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