UNITED STATES PATENT & TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMART MODULAR TECHNOLOGIES INC.,
Petitioner,

v.

JAMES B. GOODMAN,
Patent Owner.

Case IPR2105-01675
Patent No. 6,243,315 B1

Before BRIAN J. McNAMARA, PATRICK M. BOUCHER, AND
GARTH D. BAER, *Administrative Patent Judges*

RESPONSE BY PATENT OWNER TO PETITIONER'S OBJECTIONS TO PATENT OWNER'S SUPPLEMENTAL EXHIBITS 2001-2003

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The Petitioner has submitted objections on March 18, 2016 to Supplemental Exhibits 2001-2003 filed by the Patent Owner's on March 11, 2016.

Basically, Petitioner is recycling most of its objections from its objections filed March 11, 2016 with the same defects.

Once again, it is respectfully pointed out that Petitioner has made no objection as to the content or evidentiary value of the Patent Owner's Exhibits.

1.   As to the objection pursuant to 37 CFR § 42.63(a), Petitioner has failed again to comply with 37 CFR 42.64(b)(1) which states, "The objection must identify the grounds for the objection with sufficient particularity to allow correction in the form of supplemental evidence." Thus, Petitioner's vague statement "failure to file in the form of an exhibit" does not satisfy 37 CFR 42.64(b)(1).

2.   As to the objection pursuant to F.R.E. 106, Petitioner has failed again to provide any basis for requiring the Exhibits to be complete copies of the document or webpage. F.R.E. 106 requires any other part of the document "that in fairness ought to be considered at the same time". Petitioner has failed again to explain the need for the more than 3000 pages of JEDEC21-C to be submitted when a mere two pages show the information relevant to the Response. It is respectfully pointed out that the first page of the Exhibit identifies JEDEC21-C as having more than 3000 pages. Petitioner has failed to point to even a single page of the 3000 pages, other than the pages before the PTAB, that is relevant to this proceedings.

3.   Petitioner objects to Patent Owner' characterization of Exhibits 2001-2003 at

page 9 of the Patent Owner's Response, under F.R.E. 702. Petitioner has not

identified the specific language at page 9 again; however it is assumed that

Petitioner is referring to the following paragraph:

> The fact that CKE is a control signal is
> evident from its function and the fact that the
> industry standard for memory configurations,
> JEDEC21-C, Section 3.12.3.1, ¶6. identifies CKE
> as a control signal along with WE, CAS, RAS, and
> CS. Attached are: copy of web page from
> www.jedec.org describing the importance of the
> JESD21-C, and copies of pages 3.12.3-1 and
> 3.12.3-2 from the JESD21-C.

The JEDEC web site identifies JEDEC21-C as the industry standard for memory

configurations, and apparently, Petitioner believes that only an expert can read

and report this fact to the PTAB. In addition, Petitioner believes that only an

expert can read the Exhibits and report the specific pages and sections to the

PTAB that address the facts. The Petitioner has not pointed to a single opinion

being asserted as an expert. The Exhibits speak for themselves.

Respectfully submitted,

March 18, 2016

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CERTIFICATE OF SERVICE IN COMPLIANCE WITH 37 C.F.R. § 42.6(E)(4)

The undersigned certifies that a complete copy of this *RESPONSE BY PATENT OWNER*

TO PETITIONER'S OBJECTIONS TO PATENT OWNER'S SUPPLEMENTAL EXHIBITS 2001-

2003 was served via email on Counsel for Petitioner in this proceeding on March 18, 2016:

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Date: March 18, 2016

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