

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CORE WIRELESS LICENSING S.A.R.L.,
Patent Owner.

Case IPR2015-01898
Patent 8,434,020 B2

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S REPLY
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Patent Owner timely objects to the reply evidence of Petitioner filed and served on October 17, 2016 for the reasons set forth below:

Identity of Exhibit	Portion to be Excluded	Objection	Grounds
1028	p. 6	FRE 402/403	Extrinsic dictionary definition of “function” is not relevant to any issue in this proceeding
1028	All	FRE 402/403, 801, 901	Exhibit is not authenticated by Petitioner’s Ex. 1037, which is a declaration of an attorney having no personal knowledge of either the copyright date or the Ropes & Gray library logging date or logging procedures; exhibit contains hearsay (including alleged publication date) not subject to any exception; Exhibit is not established to be prior art and therefore is not relevant to any issue in this proceeding
1029	All	FRE 402/403	Exhibit is not relevant to any issue in this proceeding
1030	All	FRE 402/403	Exhibit is not relevant to any issue in this proceeding
1031	p. 5	FRE 402/403	Extrinsic dictionary definition of “program” is not relevant to any issue in this proceeding

Identity of Exhibit	Portion to be Excluded	Objection	Grounds
1031	All	FRE 402/403, 801, 901	Exhibit is not authenticated by Petitioner’s Ex. 1037, which is a declaration of an attorney having no personal knowledge of either the copyright date or the Texas A&M University Library receipt procedures; exhibit contains hearsay (including alleged publication date) not subject to any exception; Exhibit is not established to be prior art and therefore is not relevant to any issue in this proceeding
1032	All	FRE 402/403, 801, 901	Exhibit is not relevant to any issue in this proceeding; exhibit contains hearsay (including at least whether “mobile phones [were] using WindowsCE and web browsers” as Petitioner alleges) not subject to any exception; exhibit is not authenticated by declaration of Internet Archive manager having no personal knowledge of Ex. 1032 contents. <i>See, e.g., Neste Oil Oyj v. Reg Synthetic Fuels, LLC</i> , Case IPR2013-00578, slip op. at 3-4 (PTAB Mar. 12, 2015) (Paper 53) (“When offering a printout of a webpage into evidence to prove the website’s contents, the proponent of the evidence must authenticate the information from the website itself, not merely the printout.” (citing <i>Victaulic Co. v. Tieman</i> , 499 F.3d 227, 236 (3d Cir. 2007), as amended (Nov. 20, 2007) (citing <i>United States v. Jackson</i> , 208 F.3d 633, 638 (7th Cir. 2000))))).

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1034	All	FRE 402/403, 801, 901	Extrinsic dictionary definition is not relevant to any issue in this proceeding; Exhibit is not authenticated by Petitioner's Ex. 1037, which is a declaration of an attorney having no personal knowledge of either the copyright date or the Ropes & Gray library logging date or logging procedures; exhibit contains hearsay (including alleged publication date) not subject to any exception; Exhibit is not established to be prior art and therefore is not relevant to any issue in this proceeding

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1038	¶¶ 7-8, 13, 32	FRE 402/403, 702/703, 801, 901	Opinions rely on unauthenticated exhibits that are not relevant to any issue in this proceeding, not established to be prior art and contain hearsay not subject to any exception; Dr. Myers fails to establish that these exhibits would have been relied upon by a POSITA in forming his/her opinions.

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