

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

LG Electronics, Inc.,
Petitioner

v.

Core Wireless Licensing S.a.r.l.,
Patent Owner.

Case No. IPR2015-01985

Patent No. 8,713,476

Title: Computing Device with Improved User Interface for
Applications

**PETITIONER'S OPPOSITION TO MOTION
TO EXCLUDE**

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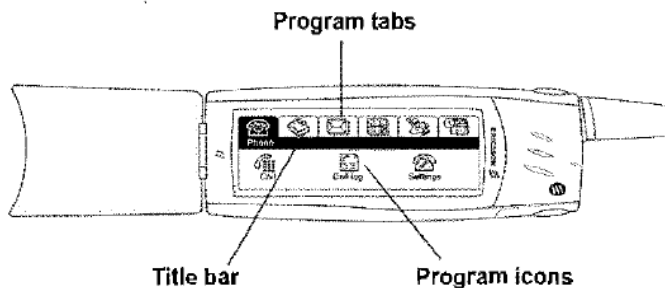
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Exhibit	Description
1010	Excerpt from 12/99 issue of Popular Science
1011	User's Guide for Ericsson R380s
1012	Press release dated 3/18/99 from Open Mobile Alliance
1013	Article dated 3/18/199 from EE Times
1014	Excerpts from Authoritative Dictionary of IEEE
1015	Rebuttal Declaration Of Dr. Vernon Thomas Rhyne, III
1016	Transcript of September 7, 2016 Deposition of Scott Denning

I. PATENT OWNER'S EVIDENTIARY OBJECTIONS SHOULD BE OVERRULED

A. Exhibits 1010, 1011, 1012, and 1013 Are Admissible

Exhibits 1010-1013 relate to the Ericsson R380 mobile telephone that is pictured below. Together, Exhibits 1010-1013 are referred to by Dr. Rhyne as confirmation that the software architecture “applications layered on top of an operating system” was known to those of ordinary skill prior to the July 2000 priority date. Ex. 1015 at ¶¶ 11, 18. More specifically, as Dr. Rhyne explains, these exhibits show that “Ericsson’s R380 “smartphone” included a version of the Symbian EPOC32 operating system as well as a variety of applications.” Ex. 1015 at ¶¶ 11-18.



Ex. 1011 at 6.



Ex. 1010 at 3.

Exhibit 1011 is a copy of a manual for the Ericsson R380 that is dated June, 2000. Ex. 1011 at 3. Exhibits 1010, 1012, and 1013 are publications from 1999 that refer to the Ericsson R380 telephone.

1. Exhibits 1010-1013 Are Authentic

Patent Owner objects to each of Exhibits 1010-1013 as “not authenticated,” arguing that Dr. Rhyne “cannot authenticate” these exhibits because he received them from attorneys representing LG. Motion to Exclude (Paper 31) at 1, 2-3, 4, 5. Patent Owner's argument is incorrect for at least two reasons. First, the fact Dr. Rhyne received copies of these exhibits from LG's attorneys does not mean that he cannot authenticate them. Second, even without Dr. Rhyne's testimony, Exhibits 1010-1013 satisfy the authenticity requirement because their appearance and contents confirms that each is what it purports to be.

Authentication of evidence requires its proponent to “produce evidence sufficient to support a finding that the item is what the proponent claims it is.” Fed. R. Evid. 901(a). Federal Rule of Evidence 901(b) provides examples of how this requirement may be satisfied, including:

(1) **Testimony of a Witness with Knowledge.** Testimony that an item is what it is claimed to be.

...

(4) **Distinctive Characteristics and the Like.** The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

Exhibits 1010-1013 are each authentic under either or both of these principles. First, each of these exhibits is authentic because, both individually and collectively, the “appearance, contents, substance, internal patterns, or other

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