

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and APPLE INC.,
Petitioners,

v.

ROSETTA-WIRELESS CORPORATION,
Patent Owner.

Case IPR2016-00622¹
Patent No. 7,149,511 B1

Before the Honorable JUSTIN T. ARBES, PATRICK R. SCANLON, and JOHN A. HUDALLA, *Administrative Patent Judges*.

**PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH
PETITIONERS' PETITION FOR INTER PARTES REVIEW**

Patent Owner Rosetta-Wireless Corporation ("Patent Owner") hereby respectfully submits, pursuant to 37 C.F.R. § 42.64(b)(1), the following objections to Petitioners Samsung Electronics Co., Ltd., Samsung Electronics Incorporated, America, Inc., and Apple Inc.'s ("Petitioners") Exhibits as set forth in more detail below, as well as any reference thereto or reliance thereon. Patent Owner's objections apply the Federal Rules of Evidence ("F.R.E.") as required by 37 C.F.R.

¹ Case IPR2016-00616 has been consolidated with this proceeding.

§ 42.62. These objections address evidentiary deficiencies in the evidence filed by Petitioners on February 24 and 25, 2016 and refiled on August 29, 2016.

The following objections apply to the Exhibits identified herein as actually presented by Petitioners in their February 24 and 25, 2016 Petitions for *Inter Partes* Review (“Petitions”) (Paper 4 and IPR2016-00616, Paper 1, respectively), and their updated exhibit list filed August 29, 2016 (Paper 18), and not in the context of any other substantive argument on the merits of the instituted grounds in this proceeding. Patent Owner expressly objects to any other purported use of these Exhibits, including as substantive evidence in this proceeding, which would be untimely and improper under the applicable rules, and Patent Owner expressly asserts, reserves, and does not waive any other objections that would be applicable in such a context.

I. Objections to Exhibits 1015 and 1055 And Any Reference to/Reliance Thereon

Grounds for objection: F.R.E. 901 (“Authenticating or Identifying Evidence”); F.R.E. 801, 802 (Impermissible Hearsay), 805 (Hearsay within Hearsay); F.R.E. 602 (“Need for Personal Knowledge”); and 37 C.F.R. § 42.61 (“Admissibility”).

Patent Owner objects to the use of Exhibits 1015 and 1055 under F.R.E. 901 and 37 C.F.R. § 42.61 because Petitioners have not properly authenticated these

documents. Moreover, the documents are not self-authenticating under F.R.E. 902.

Patent Owner further objects to Exhibits 1015 and 1055 as impermissible hearsay under F.R.E. 801 and 802, and 805, because the documents contain or reproduce out-of-court statements that are offered for the truth of the matters asserted and constitute impermissible hearsay for which no hearsay exception or exclusion applies (F.R.E. 801, 802, 805).

Patent Owner further objects to Exhibits 1015 and 1055 under F.R.E. 602 and 37 C.F.R. § 42.61 because the statements and assertions set forth therein are not premised upon personal knowledge.

II. Objections to Exhibit 1029 and 1041-1054 and Any Reference to/Reliance Thereon

Grounds for objection: F.R.E. 901 (“Authenticating or Identifying Evidence”); F.R.E. 801, 802 (Impermissible Hearsay), 805 (Hearsay within Hearsay); F.R.E. 602 (“Need for Personal Knowledge”); and 37 C.F.R. § 42.61 (“Admissibility”).

Patent Owner objects to the use of Exhibits 1029 and 1041-1054 under F.R.E. 901 and 37 C.F.R. § 42.61 because Petitioners have not properly authenticated these documents. Moreover, the documents are not self-authenticating under F.R.E. 902.

Patent Owner further objects to Exhibits 1029 and 1041-1054 as impermissible hearsay under F.R.E. 801 and 802, and 805, because the documents contain or reproduce out-of-court statements that are offered for the truth of the matters

asserted and constitute impermissible hearsay for which no hearsay exception or exclusion applies (F.R.E. 801, 802, 805).

Patent Owner further objects to Exhibits 1029 and 1041-1054 under F.R.E. 602 and 37 C.F.R. § 42.61 because the statements and assertions set forth therein are not premised upon personal knowledge.

III. Objections to Exhibit 1030-1032 and Any Reference to/Reliance Thereon

Grounds for objection: F.R.E. 901 (“Authenticating or Identifying Evidence”); F.R.E. 602 (“Need for Personal Knowledge”); and 37 C.F.R. § 42.61 (“Admissibility”).

Patent Owner objects to the use of Exhibits 1030-1032 under F.R.E. 901 and 37 C.F.R. § 42.61 because Petitioners have not properly authenticated these documents. Moreover, the documents are not self-authenticating under F.R.E. 902.

Dated: September 6, 2016

Respectfully submitted,

By: /s/ Miranda Y. Jones

Miranda Y. Jones (Reg. No. 64,721)

Attorney for Patent Owner

Rosetta-Wireless Corp.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PETITIONERS' PETITION FOR INTER PARTES REVIEW was served on September 6, 2016 in its entirety by causing the aforementioned document to be electronically mailed, pursuant to the parties' agreement, to the following attorneys of record for the Patent Owner listed below:

Megan Raymond
Steven Baughman
Ropes & Gray LLP
Megan.Raymond@ropesgray.com
Steven.Baughman@ropesgray.com

Brian E. Ferguson
Anish R. Desai
Megan H. Wantland
Weil, Gotshal & Manges LLP
Brian.Ferguson@weil.com
Anish.Desai@weil.com
Megan.Wantland@weil.com

Dated: September 6, 2016

By: /s/ Miranda Jones
Miranda Y. Jones (Reg. No. 64,721)
Attorney for Patent Owner
Rosetta-Wireless Corp.