

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

ARUBA NETWORKS, INC.,  
HEWLETT PACKARD ENTERPRISE COMPANY, and HP, INC.,  
Petitioner,

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,  
Patent Owner

---

Case IPR2016-00768 (Patent 5,659,891)

---

**PETITIONER'S OBJECTIONS TO EXHIBITS SUBMITTED WITH  
PATENT OWNER'S PRELIMINARY RESPONSE**

Per 37 C.F.R. § 42.64, Petitioner hereby objects to exhibits submitted by Patent Owner with its Preliminary Response, exhibits designated by Patent Owner as Exhibit Nos. 2002-2009.

The grounds for objection are as follows:

<b>Patent Owner Exhibit No.</b>	<b>Grounds for Objection</b>
Exhibit 2002	<p>Authentication. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p>Relevance. Fed. R. Evid. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice and a waste of time, particularly because the document is dated 2015, which is 20 years after the filing date of the patent at issue, and does not purport to represent the state of the art at the time of the filing date of the patent at issue.</p>
Exhibit 2003	<p>Authentication. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule</p>

	<p>against hearsay.</p> <p>Relevance. Fed. R. Evid. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice and a waste of time, particularly because the document is dated 2012, which is 17 years after the filing date of the patent at issue, and does not purport to represent the state of the art at the time of the filing date of the patent at issue.</p>
Exhibit 2004	<p>Authentication. Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p>Relevance. Fed. R. Evid. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice and a waste of time, particularly because the document is dated 2002, which is 7 years after the filing date of the patent at issue, and does not purport to represent the state of the art at the time of the filing date of the patent at issue.</p>
Exhibit 2005	<p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p>Petitioner also objects to the admission of Exhibit 2005, on the additional basis that (1) Petitioner was not and is not a party to that litigation and was not given an</p>

	<p>opportunity to depose Dr. Min, and (2) Petitioner is not permitted to depose Dr. Min as a part of routine discovery under 37 C.F.R. § 42.51(b)(1). <i>See</i> 37 C.F.R. § 42.53; 37 C.F.R. § 42.51(b)(1)(ii) (authorizing only cross examination of testimony prepared for this proceeding).</p>
<p>Exhibit 2006</p>	<p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p>Improper Expert Opinion. Fed. R. Evid. 702. To the extent Patent Owner relies on this exhibit as expert testimony, Patent Owner has not offered or established that the witness is qualified as an expert in the area of the offered testimony.</p> <p>Relevance. Fed. R. Evid. 401-403. This exhibit is not relevant to any issue in this IPR proceeding, and any probative value of the exhibit is substantially outweighed by unfair prejudice and a waste of time, particularly because an inventor's testimony is irrelevant to claim construction.</p> <p>Fed. R. Evid. 901(a). Patent Owner has not produced evidence sufficient to support a finding that this exhibit is a true and correct copy of what Patent Owner purports it to be.</p> <p>Petitioner also objects to the admission of Exhibit 2006, on the additional basis that (1) Petitioner was not and is not a party to that litigation and was not given an opportunity to depose Dr. Hays, and (2) Petitioner is not permitted to depose Dr. Hays as a part of routine discovery under 37 C.F.R. § 42.51(b)(1). <i>See</i> 37 C.F.R. § 42.53; 37 C.F.R. § 42.51(b)(1)(ii) (authorizing only cross examination of testimony prepared for this proceeding).</p>

Exhibit 2007	<p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p>Petitioner also objects to the admission of Exhibit 2007, on the additional basis that (1) Petitioner was not and is not a party to that litigation and was not given an opportunity to depose Dr. Petrovic, and (2) Petitioner is not permitted to depose Dr. Petrovic as a part of routine discovery under 37 C.F.R. § 42.51(b)(1). <i>See</i> 37 C.F.R. § 42.53; 37 C.F.R. § 42.51(b)(1)(ii) (authorizing only cross examination of testimony prepared for this proceeding).</p>
Exhibit 2008	<p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p>Petitioner also objects to the admission of Exhibit 2008, on the additional basis that (1) Petitioner was not and is not a party to that litigation and was not given an opportunity to depose Dr. Petrovic, and (2) Petitioner is not permitted to depose Dr. Petrovic as a part of routine discovery under 37 C.F.R. § 42.51(b)(1). <i>See</i> 37 C.F.R. § 42.53; 37 C.F.R. § 42.51(b)(1)(ii) (authorizing only cross examination of testimony prepared for this proceeding).</p>
Exhibit 2009	<p>Hearsay. Fed. R. Evid. 801(c). To the extent Patent Owner relies on this exhibit to prove the truth of matters described therein, the statements are hearsay. Patent Owner has not offered evidence sufficient to demonstrate that the exhibit falls within any exceptions to the rule against hearsay.</p> <p>Petitioner also objects to the admission of Exhibit 2009,</p>

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.