

Paper No. _____
Filed: May 24, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL ELECTRIC COMPANY,
Petitioner,

v.

UNITED TECHNOLOGIES CORPORATION,
Patent Owner

Case IPR2016-00952
Patent No. 9,121,412

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner submits the following objections to certain exhibits submitted by Petitioner. Patent Owner's objections apply equally to Petitioner's reliance on these exhibits in any subsequently-filed documents. These objections are timely, having been served within five business days of service on Patent Owner. Patent Owner objects to the following exhibits:

GE-1024	U.S. Patent Application No. 2009/0314881 to Sucui et al. (published Dec. 24, 2009).
GE-1025	U.S. Patent No. 3,898,799 to Pollert et al. (1975).
GE-1026	W.K. Lord et al., Flow Control Opportunities in Gas Turbine Engines (2000).
GE-1027	Dale Rauch, Design Study of an Air Pump and Integral Lift Engine ALF-504 Using the Lycoming 502 Core (1972).
GE-1028	U.S. Patent No. 3,820,719 to Clark (1974).
GE-1029	David A. Sagerser et al., Reverse-Thrust Technology for Variable-Pitch Fan Propulsion Systems (1978).
GE-1030	R.M. Denning, Variable Pitch Ducted Fans for STOL Transport Aircraft (1971).
GE-1031	Deposition Transcript of K. Mathioudakis (April 20, 2017).
GE-1032	N.A. Cumptsy, Compressor Aerodynamics (2004).
GE-1033	Gunter Wilfert, Geared Fan, Aero-Engine Design: From State of the Art Turbofans Towards Innovative Architectures (March 3-7, 2008).
GE-1034	Declaration of Reza Abhari Under 37 C.F.R. § 1.68.

GE-1031

Patent Owner maintains its objections made during the deposition of Dr. Mathioudakis. Patent Owner's objections apply equally to Petitioner's reliance on the transcript and the exhibits used during the deposition in any subsequently-filed documents.

GE-1034

Patent Owner objects to GE-1034 under Federal Rule of Evidence ("FRE") 401-403 as irrelevant and prejudicial, confusing, or a waste of time. Patent Owner also objects to GE-1034 in its entirety under FRE 702 because opinions contained therein are conclusory and lack sufficient explanation. The opinions are not based on sufficient facts or data, and are not the product of reliable principles and methods reliably applied to the facts of the case. *See* 37 C.F.R. § 42.65. And until Petitioner provides Dr. Abhari for cross-examination, the entirety of GE-1034 is inadmissible hearsay.

GE-1026, 1027, 1029, 1030, 1032, and 1033

Patent Owner objects to GE-1026, 1027, 1029, 1030, 1032, and 1033 under FRE 901. Petitioner has not submitted evidence to authenticate these exhibits or to otherwise establish that they are what Petitioner claims them to be.

GE-1024-1030, 1032, and 1033

Patent Owner objects to GE-1024-1030, 1032, and 1033 under FRE 401-403 as irrelevant or, in the alternative, prejudicial, confusing, and a waste of time. Petitioner lists GE-1005, 1006, and 1009 as the prior art at issue and alleges no other prior art references at issue. (*See* Petition at 13, “Statutory Grounds for the Challenges”.) It follows that Petitioner’s Reply cannot contend that GE-1024-1030, 1032, and 1033 are part of any challenge to the claims or contend that the claimed subject matter is disclosed anywhere in the exhibits. *See* 35 U.S.C. § 312(a)(3); 37 C.F.R. § 42.6(a)(3); 37 C.F.R. § 42.104(b)(4); 37 C.F.R. § 42.104(b)(5).

Additionally, to the extent Petitioner relies on any one of GE-1024-1030, 1032, and 1033 for the truth of matters they assert, including, without limitation, alleged publication or purported publication dates, Patent Owner objects to them as inadmissible hearsay. FRE 802.

For GE-1024-1026, 1028, 1029, 1032 and 1033, Petitioner’s Reply cites only small portions of those documents. Petitioner has not demonstrated these exhibits’ relevance to this proceeding, and even if some portions were deemed relevant, most of the exhibits are uncited and irrelevant or, in the alternative, prejudicial, confusing, and a waste of time. FRE 401-403.

GE-1024-1034

Patent Owner objects to each of GE-1034-1041 to the extent Petitioner attempts to use those exhibits to present or support new arguments beyond the scope of a permissible reply. 37 C.F.R. § 42.23(b).

Respectfully submitted,

Dated: May 24, 2017

By: *Jeffrey C. Totten*
Jeffrey C. Totten
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Back-Up Counsel for Patent
Owner

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