

Paper No. _____
Filed: November 10, 2016

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 ten business days of the Board's decision to institute a trial in this proceeding. Patent Owner objects to the following exhibits:

GE-1003	Declaration of Reza Abhari, Ph.D.
GE-1004	Curriculum Vitae of Reza Abhari
GE-1005	D.G.M. Davies, et al., <i>A Variable Pitch Fan for an Ultra Quiet Demonstrator Engine</i>
GE-1006	Pete Middleton, <i>614: VFW's Jet Feedliner</i> , Flight International
GE-1008	NASA SP-7037 (92), <i>A Cumulative Index to the 1977 Issues of Aeronautical Engineering: A Special Bibliography</i>
GE-1009	John W. Schaefer et al., <i>Dynamics of High-Bypass-Engine Thrust Reversal Using A Variable-Pitch Fan</i>
GE-1010	NASA Technical Reports Server (NTRS) Record Details
GE-1011	William S. Willis, Quiet Clean Short-Haul Experimental Engine (QCSEE) Final Report
GE-1012	Bill Sweetman et al., <i>Pratt & Whitney's surprise leap</i> , INTERAVIA
GE-1013	Gerald Brines, <i>The Turbofan of Tomorrow</i> , Mechanical Engineering
GE-1014	Jack D. Mattingly, <i>Elements of Gas Turbine Propulsion</i>
GE-1015	Bill Gunston, <i>Pratt & Whitney PW8000</i> , Jane's Aero-Engines Issue Seven
GE-1016	Bruce E. Wendus et al., <i>Follow-On Technology Requirement Study for Advanced Subsonic Transport</i>

GE-1017	Richard Whitaker, <i>ALF502: plugging the turbofan gap</i> , Flight International
GE-1018	About NASA Technical Reports Server (www.sti.nasa.gov/find-sti)
GE-1019	University of California at Davis MARC record
GE-1020	NASA Technical Reports Server Record Details
GE-1021	U.S. 5,141,400 to Murphy et al
GE-1022	S.A. Savelle et al., <i>Application of Transient and Dynamic Simulations to the U.S. Army T55-L-712 Helicopter Engine</i>
GE-1023	<i>A Summary of Commonly Used MARC 21 Authority Fields</i> , MARC 21 REFERENCE MATERIALS

GE-1003 and 1004

Patent Owner objects to GE-1003 and 1004 under Federal Rules of Evidence (“FRE”) 401-403 as prejudicial, confusing, or a waste of time. Patent Owner also objects to GE-1003 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. Until Petitioner provides the declarant for cross-examination, GE-1003 and 1004 are inadmissible hearsay.

GE-1005, 1006, 1008-1013, 1015-1020, 1022, and 1023

Patent Owner objects to GE-1005, 1006, 1008-1013, 1015-1020, 1022, and 1023 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. Additionally, to the extent Petitioner relies on any one of GE-1005, 1006, 1008-1013, 1015-1020, 1022, and 1023 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.

GE-1008 and 1010-1023

Patent Owner objects to GE-1008 and 1010-1023 under FRE 401-403 as irrelevant or, in the alternative, prejudicial, confusing, and a waste of time. Petitioner expressly states that GE-1005, 1006, and 1009 are bases for “statutory grounds for the challenges” and alleges no other prior art references in the grounds submitted. *See* Petition at 13. It follows that the Petition does not contend that GE-1008 and 1010-1023 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).

Patent Owner also objects to GE-1008, 1010, 1015, and 1017 because the Petition never cites the exhibit. It is irrelevant or, in the alternative, prejudicial, confusing, and a waste of time.

For GE-1011, 1013, 1014, 1016, 1018, and 1021-1023, the Petition cites only small portions of those exhibits. For example, GE-1011 is a 312-page document, but Petitioner cites only a single figure and a few sentences of this exhibit as background discussion outside of its challenges. Petitioner has not demonstrated this exhibit's relevance to this proceeding, and even if some portions were deemed relevant, most of the exhibit is uncited and irrelevant or, in the alternative, prejudicial, confusing, and a waste of time. FRE 401-403.

Respectfully submitted,

Dated: November 10, 2016

By: *M. Andrew Holtman*
M. Andrew Holtman
Reg. No. 53,032

Lead Counsel for Patent Owner

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