

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON INC.; CANON USA, INC.;
CANON FINANCIAL SERVICES, INC.; FUJIFILM CORPORATION;
FUJIFILM HOLDINGS AMERICA CORPORATION;
FUJIFILM NORTH AMERICA CORPORATION; JVC KENWOOD
CORPORATION; JVCKENWOOD USA CORPORATION;
NIKON CORPORATION; NIKON INC.; OLYMPUS CORPORATION;
OLYMPUS AMERICA INC.; PANASONIC CORPORATION;
PANASONIC CORPORATION OF NORTH AMERICA;
SAMSUNG ELECTRONICS CO., LTD., AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

PAPST LICENSING GMBH & CO. KG
Patent Owner.

Case IPR2016-01211¹
Patent 8,504,746

**PAPST LICENSING GMBH & CO. KG'S OBJECTIONS UNDER 37 C.F.R.
§ 42.64(b)(1) TO EVIDENCE SUBMITTED WITH PETITIONER'S REPLY
TO PATENT OWNER RESPONSE**

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P.O. Box 1450
Alexandria, Virginia 22313-1450

¹ Case IPR2017-00678, filed by LG Electronics, Inc., and Case IPR2017-00710, filed by Huawei Device Co., Ltd., have been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Papst Licensing GmbH & Co. KG (“Papst”) hereby submits these objections to evidence submitted by Petitioners with Petitioner’s Reply to Patent Owner Response of June 15, 2017.

1. Papst objects to Exhibit 1215 as untimely. Office Trial Practice Guide, Section II(I), 77 Fed. Reg. at 48767; 37 CFR 42.23(b). Exhibit 1215 is a supplemental declaration of expert Dr. Paul Reynolds that includes newly presented testimony and evidence that has been relied upon in Petitioners’ Reply (Paper 23) that raise new issues that could have been presented in the original Corrected Petition (Paper 4) and in Dr. Reynolds’s original declaration (Ex. 1204). For example, Dr. Reynolds relies upon new evidence (Exs. 1217 and 1218), relies upon previously uncited portions of submitted evidence (e.g. Ex. 1204C), and provides new opinions regarding the purported knowledge of a POSITA and obviousness, including completely new theories related to asynchronous and overlapped I/O, store and forward data relaying, and purported benefits of file systems. (Ex. 1215 ¶¶ 2, 3, 5-21.)

2. Papst objects to Exhibit 1217 as untimely. Office Trial Practice Guide, Section II(I), 77 Fed. Reg. at 48767; 37 CFR 42.23(b). Exhibit 1217 is a purported publication entitled “Store and Forward Message Relay Using Microsatellites: The UOSAT-3 PACSAT Communications payload.” Papst also objects to Exhibit 1217

based on FRE 401/402/403 (relevance) and further objects to the exhibit because Petitioners have not demonstrated that Exhibit 1217 is a printed publication that was sufficiently accessible to a person of ordinary skill at the time of the invention of the '144 patent. To the extent that Exhibit 1217 is relied upon in support of Petitioners' obviousness grounds, such reliance is improper as it was not identified as forming part of an instituted ground in this proceeding.

3. Papst objects to Exhibit 1218 as untimely. Office Trial Practice Guide, Section II(I), 77 Fed. Reg. at 48767; 37 CFR 42.23(b). Exhibit 1218 is an excerpt of a textbook entitled "Operating System Concepts." To the extent that it is relied upon in support of Petitioners' obviousness grounds, such reliance is improper as it was not identified as forming part of an instituted ground in this proceeding.

4. Papst objects to Petitioners' Reply (Paper 23) to the extent it relies on new Exhibits 1215, 1217, and 1218 and to the extent it relies on new arguments that could have been presented in the original Corrected Petition (Paper 4). Office Trial Practice Guide, Section II(I), 77 Fed. Reg. at 48767; 37 CFR 42.23(b).

Respectfully submitted,

Dated: June 22, 2017

/Nicholas T. Peters /
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on June 22, 2017, a complete and entire copy of PAPT LICENSING GMBH & CO. KG'S OBJECTION TO EVIDENCE SUBMITTED WITH PETITIONER'S RESPONSE has been served in its entirety by e-mail on the following addresses of record for Petitioner:

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