

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON INC., *et al.*,
Petitioner,

v.

PAPST LICENSING GMBH & CO., KG,
Patent Owner.

Case IPR2016-01211
U.S. Patent No. 8,504,746

**PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1)
TO EVIDENCE SUBMITTED WITH PATENT OWNER RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Canon, Inc., *et al.*

(Petitioners) hereby serve these objections to evidence submitted by Patent Owner Papst Licensing GmbH & Co. KG (“Papst”) with Papst’s Patent Owner Response in the above noted case. This notice is being timely filed within 5 business days of service of the Patent Owner Response (March 15, 2017).

1. Exhibit 2009

Petitioners object to the admissibility of Exhibit 2009 (“Second Certified Kawaguchi Translation”). Trial was instituted based on Petitioners’ translation of Kawaguchi (Exhibit 1207 in each proceeding). Papst had an opportunity to object to Petitioners’ translation under 37 C.F.R. § 42.64(b)(1) and elected not to do so. Papst has thus waived its right to challenge Petitioners’ exhibit. Petitioners object to the admissibility of Exhibit 2009 based on Federal Rule of Evidence (“FRE”) 401/402 (relevance), 403 (probative value outweighed by prejudice, confusing of issues, wasting time), and waiver principles (*see Flir Systems v. Leak Surveys*, IPR2014-00411, Paper 113 at 6 (PTAB, Sept. 3, 2015)).

Respectfully submitted,

Dated: March 22, 2017

/ David M. Maiorana /
David M. Maiorana (Reg. No. 41,449)
ATTORNEY FOR CANON INC., LEAD
COUNSEL FOR PETITIONERS

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on March 22, 2017, a complete and entire copy of PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) TO EVIDENCE SUBMITTED WITH PATENT OWNER RESPONSE has been served in its entirety by e-mail on the following addresses of record for Petitioner:

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Respectfully submitted,

Dated: March 22, 2017

/ Matthew W. Johnson /

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