

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JVC KENWOOD Corporation, et al.
Petitioners

v.

PAPST LICENSING GMBH & CO., KG
Patent Owner

CASE: IPR2016-01213
Patent No. 8,504,746

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

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners JVC Kenwood Corporation, *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 2006, Appendix B

Petitioners object to the admissibility of Appendix B under FRE 901, 802, 401/402, 403, 602/703. Specifically:

- **FRE 901, Lack of Authenticity:** This exhibit purports to be a “Timeline of Important Events” with links supposedly supporting the events listed in the timeline. Patent Owner has not provided any evidence sufficient to authenticate this exhibit or the publications identified in the hyperlinks for certain events. When offering a printout of a webpage into evidence to prove the website’s contents, the proponent of the evidence must authenticate the information from the website itself, not merely the printout. *Neste Oil Oyj v. REG Synthetic Fuels, LLC*, IPR2013-00578, Paper 53 (P.T.A.B. March 12, 2015). None of these publications appear to be self-authenticating under FRE 902. Therefore, the exhibit is inadmissible under FRE 901.

- **FRE 802, Hearsay:** The exhibit and publications cited therein are inadmissible hearsay because Patent Owner offers it to prove the truth of the matter asserted, and this exhibit does not fall within any hearsay exception.
- **FRE 401/402, Lack of Relevance:** The exhibit is cited once in the supporting expert declaration of Patent Owner without any explanation tying this appendix to the opinions of Patent Owner’s expert regarding the issues in this trial.
- **FRE 403, Prejudicial, Confusing, Misleading:** This exhibit purports to be a “timeline of important events,” but arbitrarily identifies certain events, in some cases without dates, provides no admissible evidentiary support for the timing and description of the events, or an explanation why the events are important and relevant to the issues in this trial.
- **FRE 602/703, Lacking foundation, assumes facts not in evidence, contains statements as to which the witness lacks personal knowledge, conclusory, and containing testimony concerning documents for which authentication required by FRE 901 is lacking.** The Patent Owner has not provided testimony from a witness having personal knowledge of the statements made in this exhibit. The exhibit also makes statements that either have no supporting evidence or rely on unauthenticated webpage publications.

Dated: March 22, 2017

Respectfully submitted,

/s/ Gregory S. Cordrey

Gregory S. Cordrey (Reg. No. 44,089)
Lead Counsel for Petitioner
Jeffer Mangels Butler & Mitchell LLP
3 Park Plaza, Suite 1100
Irvine, CA 92614
Tel: (949) 623-7236
Fax: (888) 712-3345
gxc@jmbm.com

T. Vann Pearce, Jr. (Reg. No. 58,945)
Back Up Counsel for Petitioner
Orrick, Herrington & Sutcliffe
1152 15th St. NW
Washington, DC 20005
Tel: (202) 339-8400
TVPPTABDocket@orrick.com

Christopher J. Higgins (Reg. No.
66,422)
Back Up Counsel for Petitioner
Orrick, Herrington & Sutcliffe
1152 15th St. NW
Washington, DC 20005
Tel: (202) 339-8400
0CHPTABDocket@orrick.com

David M. Maiorana (Reg. No. 41,449)
Back Up Counsel for Petitioner
Joes Day
901 Lakeside Avenue
Cleveland, OH 44114
Tel: (216) 586-7499
Fax: (216) 579-0212
dmaiorana@jonesday.com

IPR2016-01213

Matthew W. Johnson (Reg. No. 59,108)
Back Up Counsel for Petitioner
Jones Day
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
Tel: (412) 394-9524
Fax: (412) 394-7959
mwjohnson@jonesday.com

David L. Witcoff (Reg. No. 31,443)
Back Up Counsel for Petitioner
Jones Day
77 West Wacker
Chicago, IL 60601
Tel: (312) 269-4259
Fax: (312) 782-8585
dlwitcoff@jonesday.com

Marc S. Blackman (Reg. No. 43,501)
Back Up Counsel for Petitioner
Jones Day
77 West Wacker
Chicago, IL 60601
Tel: (312) 269-269-4369
Fax: (312) 782-8585
msblackman@jonesday.com

Dion Bregman (Reg. No. 45,645)
Back Up Counsel for Petitioner
Morgan, Lewis & Bockius LLP
1400 Page Mill Rd.
Palo Alto, CA 94304
Tel: (650) 843-4000
Fax: (650) 843-4001
dion.bregman@morganlewis.com

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.