

Filed on behalf of Securus Technologies, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GLOBAL TEL\*LINK CORPORATION,  
Petitioner,

v.

SECURUS TECHNOLOGIES, INC.,  
Patent Owner.

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Case IPR2016-01220  
U.S. Patent No. 9,007,420

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**PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE  
UNDER 37 C.F.R. §§ 42.64(B)(1) AND 42.64(C)**

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**EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
2001	Dictionary of Computer and Information Technology 272 (2013)
2002	Declaration of Jeffrey R. Bragalone - PHV Motion
2003	Declaration of Daniel F. Olejko - PHV Motion
2004	Declaration of Patent Owner's Expert Dr. Ioannis A. Kakadiaris
2005	Webster's Third New International Dictionary, 22
2006	Feb. 22, 2017 Deposition Transcript of Homayoon Beigi, D.Eng.Sc
2007	Curriculum Vitae of Anshuman Razdan
2008	Curriculum Vitae of Gerald Farin
2009	Xerxes Mazda & Fraidoon Mazda, The Focal Illustrated Dictionary of Telecommunications 555 (1999)
2010	Declaration of Professor Ioannis Kakadiaris in Support of Patent Owner's Motion to Exclude

## **I. INTRODUCTION**

Pursuant to 37 C.F.R. § 42.64(c) and the Board’s Scheduling Order (as modified by stipulation in Paper 16), Patent Owner Securus Technologies, Inc. (“Securus”) hereby files this motion to exclude GTL Exhibit 1021. Petitioner cherry picks a statement from Exhibit 1021 in an attempt to support its interpretation of “actual face,” but takes that statement completely out of context. Because Exhibit 1021’s use of the word “actual” is fundamentally different than the use of “actual” in the ’420 patent, Exhibit 1021 lacks relevance under Federal Rule of Evidence 401, and any probative value of Exhibit 1021 is outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time under Federal Rule of Evidence 403. In addition, Exhibit 1021 has not been authenticated under Federal Rule of Evidence 901, and it is inadmissible hearsay under Federal Rule of Evidence 802. Accordingly, the Board should exclude Exhibit 1021.

## **II. PROCEDURAL BACKGROUND**

Securus filed timely objections to Exhibit 1021 on June 29, 2017, pursuant to 37 C.F.R. § 42.64(b)(1), after Exhibit 1021 was submitted with Petitioner’s Reply to Patent Owner Response. Paper No. 21. Petitioner did not serve any supplemental evidence in response to Securus’ objections.

### III. ARGUMENTS AND AUTHORITIES

**A. Exhibit 1021 Is Not Relevant Under FRE 401, and Any Probative Value of Exhibit 1021 Is Outweighed by the Danger of Unfair Prejudice, Confusing the Issues, Undue Delay, and Wasting Time Under FRE 403.**

Federal Rule of Evidence 401 provides that “[e]vidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” Fed. R. Evid. 401. “Relevancy is not an inherent characteristic of any item of evidence but exists only as a relation between an item of evidence and a matter properly provable in the case.” Fed. R. Evid. 401, advisory committee note. “Whether the relationship exists depends upon principles evolved by experience or science, applied logically to the situation at hand.” *Id.*

Petitioner does not contend that Exhibit 1021 is prior art to the ’420 patent for the purposes of showing obviousness under 35 U.S.C. § 103. Instead, Petitioner relies on a statement from Exhibit 1021 in an attempt to show that “Dr. Beigi’s understanding of ‘actual’ is consistent with how [Securus’ expert, Prof. Ioannis Kakadiaris,] has used the word in his own writings related to face detection and recognition.” Reply at 6-7. In particular, Petitioner asserts that “Dr. Kakadiaris describes an ‘*actual geometry* of the face’” in Exhibit 1021. *Id.* at 7 (emphasis added).

Petitioner takes the statement “actual geometry of the face” completely out of

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