

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LIMESTONE MEMORY SYSTEMS LLC,
Patent Owner

Case IPR2016-01561
Patent No. 6,233,181

PETITIONER'S OBJECTIONS TO PATENT OWNER'S
EVIDENCE UNDER 37 C.F.R. § 42.64(b)(1)

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Submitted Electroncially via PTAB E2E

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Apple Inc. (“Petitioner”) hereby timely objects to evidence submitted by Patent Owner Limestone Memory Systems LLC (“Patent Owner”) with the Patent Owner Response (Paper 13) filed May 9, 2017. The objections are based on 37 C.F.R. Part 42, and the relevant portions of Federal Rules of Evidence (“FRE”) that are applicable to IPR proceedings under 37 C.F.R. § 42.62.

1. Exhibit 2011 (Fairchild Semiconductor, 74F538 1-of-8 Decoder with 3-STATE Outputs (April 1988), available at http://www.komponenten.es.aau.dk/fileadmin/komponenten/Data_Sheet/MO_S-TTL/f/74F538.pdf) should be excluded for at least the following reasons: the exhibit constitutes hearsay under FRE 801 and 802 (the Patent Owner relies on the exhibit for the truth of what it states and has not shown a hearsay exception that applies); the exhibit lacks authentication under FRE 901 and 902 (no authenticating information has been provided to support a finding that the website associated with the exhibit is accurately depicting the original datasheet for the 74F538 chip); and the exhibit is not relevant under FRE 402 (the exhibit includes a copyright date of 2004, which is six years after the priority date of U.S. Patent No. 6,233,181) and needlessly presents cumulative evidence under FRE 403 (the Patent Owner relies on the exhibit merely to corroborate the pin names in FIG. 2 of Walck).

2. Exhibit 2014 (Search results for “APD/19760101->19980609 AND DRAM” in the USPTO Patent Full Text and Image Database) should be excluded for at least the following reasons: the exhibit constitutes hearsay under FRE 801 and 802 (the Patent Owner relies on the exhibit for the truth of what it states and has not shown a hearsay exception that applies); and the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403 (the Patent Owner has not provided information as to how a general search for “DRAM” in the USPTO Patent Full Text and Image Database is relevant to the specific combination of Sukegawa and Fujishima).
3. Exhibit 2015 (Search results for “APD/19760101->19980609 AND (DRAM and "redundant memory")” in the in the USPTO Patent Full Text and Image Database) should be excluded for at least the following reasons: the exhibit constitutes hearsay under FRE 801 and 802 (the Patent Owner relies on the exhibit for the truth of what it states and has not shown a hearsay exception that applies); and the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403 (the Patent Owner has not provided information as to how a general search for “DRAM” and “redundant memory” in the USPTO Patent Full Text and Image Database is relevant to the specific combination of Sukegawa and Fujishima).
4. Exhibit 2016 (Search results for “APD/19760101->19980609 AND

ICL/G11C07/00 OR ICL/G11C011/34 OR ICL/G11C013/00” in the in the USPTO Patent Full Text and Image Database) should be excluded for at least the following reasons: the exhibit constitutes hearsay under FRE 801 and 802 (the Patent Owner relies on the exhibit for the truth of what it states and has not shown a hearsay exception that applies); and the exhibit is not relevant under FRE 402 and confuses the issues and wastes time under FRE 403 (the Patent Owner has not provided information as to how a general search for patents having the same classification as any of U.S. Patent No. 6,233,181, Sukegawa, or Fujishima is relevant to the specific combination of Sukegawa and Fujishima).

These objections have been timely filed and served within FIVE business days of service of evidence, under 37 C.F.R. § 42.64(b)(1).

Respectfully submitted,

Dated: May 16, 2017

/John R. Hutchins/

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