

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC d/b/a
ON SEMICONDUCTOR
Petitioner,

v.

POWER INTEGRATIONS, INC.
Patent Owner.

Case No. IPR2016-01600
Patent 7,834,605

**PETITIONER'S OBJECTIONS UNDER 37 C.F.R. § 42.64 TO
PATENT OWNER'S EVIDENCE SUBMITTED WITH
PATENT OWNER'S PRELIMINARY RESPONSE**

Petitioner's Objections to Patent Owner's Evidence for IPR2016-01600

Petitioner, ON Semiconductor, respectfully submits the following objections to exhibits filed on November 22, 2016 by Patent Owner in conjunction with its Patent Owner Preliminary Response (Paper 8). These objections are made within ten business days from the institution of the trial on February 17, 2017 (*see* Paper 11).

The following chart lists Petitioner's objections to the admissibility of certain documents (identified below) that accompany Patent Owner's Preliminary Response and the basis for those objections:

Objected to Exhibit	Basis for Objection
<p>1. Exhibit 2001 (document regarding merger transaction)</p> <p>2. Exhibit 2002 (document regarding merger transaction)</p> <p>3. Exhibit 2003 (district court litigation document)</p> <p>4. Exhibit 2005 (document regarding merger transaction)</p> <p>5. Exhibit 2006 (district court litigation document)</p>	<p>FRE 401-403: At least because the exhibits and the statements therein are irrelevant and therefore inadmissible, and/or their probative value, if any, is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, and/or wasting time.</p> <p>For example, several of the exhibits, including Exs. 2001, 2002, 2005, and 2007, concern a merger transaction involving ON Semiconductor Corporation, Falcon Operations Sub, Inc., and</p>

<p>6. Exhibit 2007 (document regarding merger transaction)</p> <p>7. Exhibit 2008 (oscilloscope documentation)</p> <p>8. Exhibit 2009 (oscilloscope documentation)</p>	<p>Fairchild Semiconductor International, Inc. (“Fairchild”). Because Fairchild and its subsidiaries had no role in the decision to file the Petition in this proceeding, the content of the Petition, or the preparation of the Petition, and because the contemplated merger transaction did not close until after the filing of the Petition, these exhibits are not relevant to any issue in this proceeding.</p> <p>Moreover, Exhibits 2003 and 2006 concern district court litigation between Patent Owner and Fairchild and its subsidiaries. Because Fairchild and its subsidiaries had no role in the decision to file the Petition in this proceeding, the content of the Petition, or the preparation of the Petition, and because the contemplated merger transaction did not close until after the filing of the Petition, these exhibits are not relevant to any issue in this proceeding.</p> <p>In addition, Exs. 2003 and 2006 are documents from litigation in district court. This proceeding involves</p>
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	<p>a standard of proof for invalidating a patent that is different from the clear and convincing evidence standard used in district court litigation. <i>See</i> 37 C.F.R. § 42.1(d). Moreover, the litigation referenced in the exhibits did not involve the prior art at issue in this proceeding. The different standard of proof, and the different prior art at issue in this proceeding renders these exhibits irrelevant and of little probative value in light of the confusion that would be introduced by these exhibits.</p> <p>Finally, Exs. 2008 and 2009 relate to the operation and functionality of oscilloscopes. Oscilloscopes are wholly unrelated to the subject matter of the patent and the particular claims at issue in this Petition. Therefore, these exhibits are irrelevant to any issue in this proceeding.</p> <p>FRE 901: These exhibits have not been authenticated. Patent Owner has not provided evidence regarding the origin of the documents or whether the documents are true and correct copies.</p>
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Respectfully submitted,
BAKER BOTTS L.L.P.

March 6, 2017

Date

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