

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.,
Petitioner

v.

POLARIS INNOVATIONS LTD.,
Patent Owner

Case IPR2016-01622
Patent 6,850,414 B2

**PATENT OWNER POLARIS INNOVATIONS LTD.'S
OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner Polaris Innovations Ltd. hereby files objections to the admissibility of the following documents served by Petitioner Kingston Technology Company, Inc. on August 16, 2016 with its Petition for Inter Partes Review.

Patent Owner objects, under FRE 402/403, to all references that do not form the basis of the instituted reviews.

Patent Owner additionally objects, under FRE 402/403, to all portions of Exhibit 1006 (Declaration of Vivek Subramanian) that do not directly relate to the instituted reviews.

Patent Owner’s further objections to specific documents include, but are not limited to:

1. **Exhibit 1006 (“Declaration of Vivek Subramanian”).**

Exhibit 1006 is inadmissible to the extent it provides opinions that are irrelevant under FRE 402, or that their probative value is substantially outweighed by other consideration under FRE 403, including unfair prejudice, confusion of the issue and waste of time. Patent Owner further objects to this Exhibit in its entirety, and to each paragraph therein, as hearsay under FRE 802.

In addition to the above, Patent Owner’s objections to specific paragraphs from Exhibit 1006 include, but are not limited to:

- ¶¶ 33 – 36 are not admissible under FRE 402/403 because they provide opinions relating to purported references that do not form the basis of the instituted ground.
- ¶¶ 37 – 41 are not admissible under FRE 402/403 to the extent that they provide opinions based on Exhibit 1003 (Intel Specification), which is not the basis of the instituted ground, and to the extent that they provide opinions relating to modification of Exhibit 1002 (Simpson) beyond those opinions expressed with respect to the instituted ground 1, obviousness in view of Simpson.
- ¶¶ 73 – 99 are not admissible under FRE 402/403 because they provide opinions relating to claims for which review was not instituted.
- ¶¶ 107 – 108 are not admissible under FRE 402/403 to the extent that they express opinions relating to the combination of Simpson and Intel Specification, for which review was not instituted.
- ¶¶ 111 – 162 are not admissible under FRE 402/403 because they provide opinions relating to grounds for which review was not instituted.

2. **Exhibit 1003 (“Intel Specifications”).**

Exhibit 1003 is inadmissible under FRE 402/403 because it is a purported reference that does not form the basis of the instituted ground.

3. **Exhibit 1004 (“Gall”).**

Exhibit 1004 is inadmissible under FRE 402/403 because it is a purported reference that does not form the basis of the instituted ground.

4. **Exhibit 1005 (“PC133 SDRAM Specifications”).**

Exhibit 1005 is inadmissible under FRE 402/403 because it is a purported reference that does not form the stated basis of the instituted ground.

5. **Exhibit 1008 (“’183 Pat. File History”).**

Exhibit 1008 is inadmissible under FRE 402/403 because it is a purported reference that does not form the basis of the instituted ground.

Respectfully submitted,

/ Kenneth J. Weatherwax /
Kenneth J. Weatherwax, Reg. No. 54,528
Lowenstein & Weatherwax LLP

Date: March 2, 2017

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

PATENT OWNER POLARIS INNOVATIONS LTD.'S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)

The names and address of the parties being served are as follows:

IPR37307-0007IP1@fr.com (David Hoffman)

IPR@sjclawpc.com (Martha Hopkins)

Respectfully submitted,

/ Parham Hendifar /

Date: March 2, 2017