

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Patent Owner.

Case IPR2017-00728
Patent 7,421,032

PATENT OWNER'S SECOND NOTICE OF OBJECTION TO EVIDENCE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner California Institute of Technology (“Caltech”), submits the following objections to Petitioner Apple Inc.’s (“Petitioner”) Exhibits 1229-1243. As required by 37 C.F.R. § 42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“F.R.E.”).

II. OBJECTIONS

Caltech objects to Ex. 1229, “OCLC Record of *Proceedings of the 36th Allerton Conference on Communication, Control and Computing*”; Ex. 1230, “Declaration of Library Expert Theodore A. Fons”; Ex. 1231, “Affidavit of Pamela Stansbury”; Ex. 1232, “Affidavit From Dr. Bruce Hajek”; Ex. 1233, “Affidavit from Dr. Tamer Başar”; Ex. 1234, “Affidavit from Dr. Ramavarapu Sreenivas”; Ex. 1235, “Declaration of Dr. Brendan Frey”; Ex. 1236, “A Screen Capture of an Archived Version of the Website for the 37th Annual Allerton Conference”; Ex. 1237, “A Purchase Order for the 37th Allerton Conference Proceedings”; Ex. 1238, “A Bill of Lading for the 37th Annual Allerton Conference Proceedings”; Ex. 1239, “An Excerpt from the Deposition of Dr. Stephen Wicker”; Ex. 1240, “An Excerpt from the Deposition of Dr. Rüdiger Urbanke”; Ex. 1241, “Jafar A. Alzubi, Omar A. Alzubi, and Thomas M. Chen, ‘Forward Error Correction Based on Algebraic-Geometric Theory’”; Ex. 1242, “MARC Record of *Proceedings of the 37th Allerton Conference on Communication, Control and Computing*”; Ex. 1243, “BEACON

Record of *Proceedings of the 37th Allerton Conference on Communication, Control and Computing*".

Grounds for Objection: F.R.E. 401 (Test for Relevant Evidence); F.R.E. 402 (General Admissibility of Relevant Evidence); F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons).

Exhibits 1229-1243 are not cited in the petition that initiated this proceeding. As such, these exhibits are not relevant to the instituted ground of review or any other aspect of this proceeding as they have no tendency to make a fact more or less probable than it would be without the evidence. Moreover, to the extent Petitioner intends to rely on any of Exhibits 1229-1243 as evidence that the Frey or Divsalar references qualify in this proceeding as prior art printed publications, Exhibits 1229-1243 are not relevant to the purported dates of publication specifically asserted in the petition. Further, to the extent any of Exhibits 1229-1243 are deemed relevant admission of the exhibit would be unduly prejudicial, misleading, and a waste of time.

III. CONCLUSION

Exhibits 1229-1243 were filed and served on October 31, 2017. These objections are made within five business days of service.

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Respectfully submitted,

Date: November 7, 2017

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182

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CERTIFICATE OF SERVICE

I certify that the foregoing Patent Owner's Second Notice of Objection to Evidence was served on this 7th day of November, 2017, on the Petitioner at the electronic service addresses of the Petitioner as follows:

Richard Goldenberg
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Respectfully submitted,

Date: November 7, 2017

/ Michael T. Rosato /
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