

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

KAWASAKI RAIL CAR, INC.
Petitioner,

v.

SCOTT BLAIR,
Patent Owner.

Case No. IPR2017-01036

Patent No. 6,700,602

Issue Date: March 2, 2004

Title: Subway TV Media System

**PETITIONER'S OBJECTIONS TO
PATENT OWNER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Kawasaki Rail Car, Inc. submits the following objections to Exhibits 2005-2008 submitted by Patent Owner Scott Blair, and any reference to or reliance on the foregoing. As required by 37 C.F.R § 42.62, Petitioner's objections below apply the Federal Rules of Evidence.

I. OBJECTIONS TO EXHIBIT 2005

Petitioner objects to Exhibit 2005 because Patent Owner has not produced admissible evidence to authenticate the Exhibit as required under Fed. R. Evid. 901(a) and has not produced admissible evidence to establish that this Exhibit is self-authenticating under Fed. R. Evid. 902.

Petitioner further objects to Exhibit 2005 under Fed. R. Evid. 802 as constituting inadmissible hearsay for which no exception has been established to the extent it is offered by Patent Owner to prove the truth of any matter asserted therein, *e.g.*, "TV sets are provided with ventilation openings in the cabinet to allow heat generated during the operation to be released. If these openings are blocked, heat build-up within the TV can cause failures which may result in a fire hazard." Exhibit 2005 is irrelevant for any non-hearsay purpose.

Additionally, Petitioner objects to Exhibit 2005 as irrelevant to this proceeding pursuant to Fed. R. Evid. 401, and, therefore, as inadmissible under Fed. R. Evid. 402 or Fed. R. Evid. 403.

II. OBJECTIONS TO EXHIBIT 2006

Petitioner objects to Exhibit 2006 because Patent Owner has not produced admissible evidence to establish that Mr. Jack R. Long is a qualified expert under Fed. R. Evid. 702. In particular, Patent Owner has failed to establish that Mr. Long has the knowledge, skill, experience, training, or education to testify as to the subject matter of paragraphs 15, 18, 25-28, and 34 of Exhibit 2006.

Petitioner also objects to paragraphs 15, 18, 25-28, and 34 of Exhibit 2006 to the extent they are based on inadmissible Exhibit 2005, because such testimony is irrelevant pursuant to Fed. R. Evid. 401, and, therefore, inadmissible under Fed. R. Evid. 402 or Fed. R. Evid. 403, and because, under Fed. R. Evid. 802, the testimony is inadmissible hearsay for which no exception has been established to the extent it is offered by Patent Owner to prove the truth of any matter asserted therein.

III. OBJECTIONS TO EXHIBIT 2007

Petitioner objects to Exhibit 2007 because Patent Owner has not produced admissible evidence to establish that Mr. Joseph B. Zicherman is a qualified expert under Fed. R. Evid. 702. In particular, Patent Owner has failed to establish that Mr. Zicherman has the knowledge, skill, experience, training, or education to testify as to the subject matter of paragraphs 16, 17, and 19-24 of Exhibit 2007.

Petitioner also objects to paragraphs 12, 13, 15, 18, and 25-34 of Exhibit

2007 to the extent they are based on inadmissible Exhibit 2005, because such testimony is irrelevant pursuant to Fed. R. Evid. 401, and, therefore, inadmissible under Fed. R. Evid. 402 or Fed. R. Evid. 403, and because, under Fed. R. Evid. 802, the testimony included in these paragraphs is inadmissible hearsay for which no exception has been established to the extent it is offered by Patent Owner to prove the truth of any matter asserted therein.

CERTIFICATE OF SERVICE

The undersigned certifies that on December 11, 2017, a complete and entire copy of this **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EXHIBITS** were served via Federal Express and e-mail on the following:

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Respectfully submitted,

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