

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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INTEL CORP., and  
CAVIUM, INC.,  
Petitioners,

v.

ALACRITECH, INC.,  
*Patent Owner*

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Case IPR2017-01392<sup>1</sup>  
U.S. Patent No. 7,337,241

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE  
UNDER 37 C.F.R. § 42.64**

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<sup>1</sup> Cavium, Inc., which filed a Petition in Case IPR2017-01728, has been joined as a petitioner in this proceeding.

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner, Alacritech, Inc. hereby makes the following objections to the admissibility of documents submitted with Petitioner's Opposition.

Evidence	Objections
<p>Ex. 1201 (website: <a href="https://web.archive.org/web/19970622102719/http://www.alteon.com/index.html">https://web.archive.org/web/19970622102719/http://www.alteon.com/index.html</a> “Archived version of the Alteon home page”)</p>	<p><b>FRE 901:</b> Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed to authenticate this exhibit.</p> <p><b>FRE 801:</b> Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803. To the extent that Petitioner attempts to rely on any date that appears on this exhibit to establish public accessibility, the date is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</p> <p><b>FRE 401, 402, and 403:</b> Patent Owner objects to this exhibit as it is irrelevant, as it is not used as a reference in any of the instituted grounds, and is not referenced in any of the briefs.</p>
<p>Ex. 1202 (website: <a href="https://web.archive.org/web/19970622102647/http://www.alteon.com:80/presintr.html">https://web.archive.org/web/19970622102647/http://www.alteon.com:80/presintr.html</a>)</p>	<p><b>FRE 901:</b> Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed to authenticate this exhibit.</p> <p><b>FRE 801:</b> Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not</p>

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	<p>fall within the hearsay exceptions under FRE 803. To the extent that Petitioner attempts to rely on any date that appears on this exhibit to establish public accessibility, the date is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</p> <p><b>FRE 401, 402, and 403:</b> Patent Owner objects to this exhibit as it is irrelevant, as it is not used as a reference in any of the instituted grounds, and is not referenced in any of the briefs.</p>
<p>Ex. 1203 (website: <a href="https://web.archive.org/web/19970622102901/http://www.alteon.com/80/techbr01.html">https://web.archive.org/web/19970622102901/http://www.alteon.com/80/techbr01.html</a>)</p>	<p><b>FRE 901:</b> Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed to authenticate this exhibit.</p> <p><b>FRE 801:</b> Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803. To the extent that Petitioner attempts to rely on any date that appears on this exhibit to establish public accessibility, the date is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</p> <p><b>FRE 401, 402, and 403:</b> Patent Owner objects to</p>

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	<p>this exhibit as it is irrelevant, as it is not used as a reference in any of the instituted grounds, and is not referenced in any of the briefs.</p>
<p>Ex. 1204 (website: <a href="https://web.archive.org/web/19970622103538/http://www.alteon.com:80/whitpapr.pdf">https://web.archive.org/web/19970622103538/http://www.alteon.com:80/whitpapr.pdf</a>)</p>	<p><b>FRE 901:</b> Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed to authenticate this exhibit.</p> <p><b>FRE 801:</b> Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803. To the extent that Petitioner attempts to rely on any date that appears on this exhibit to establish public accessibility, the date is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</p> <p><b>FRE 401, 402, and 403:</b> Patent Owner objects to this exhibit as it is irrelevant, as it is not used as a reference in any of the instituted grounds, and is not referenced in any of the briefs.</p>
<p>Ex. 1205 (Request for Comments (RFC) 2026)</p>	<p><b>FRE 901:</b> Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed to authenticate this exhibit.</p> <p><b>FRE 801:</b> Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803. To the extent that Petitioner attempts to rely on any</p>

Evidence	Objections
	<p>date that appears on this exhibit to establish public accessibility, the date is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</p> <p><b>FRE 401, 402, and 403:</b> Patent Owner objects to this exhibit as it is irrelevant, as it is not used as a reference in any of the instituted grounds, and is not referenced in any of the briefs.</p>
Ex. 1206 (Website: <a href="https://www.rfc-editor.org/search/rfc_search_detail.php?rfc=929&amp;pubstatus%5B%5D=Any&amp;pub_date_type=any">https://www.rfc-editor.org/search/rfc_search_detail.php?rfc=929&amp;pubstatus%5B%5D=Any&amp;pub_date_type=any</a> )	<p><b>FRE 901:</b> Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed to authenticate this exhibit.</p> <p><b>FRE 801:</b> Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803. To the extent that Petitioner attempts to rely on any date that appears on this exhibit to establish public accessibility, the date is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p> <p><b>FRE 401, 402, and 403:</b> Patent Owner objects to this exhibit as it is irrelevant, as it is not used as a reference in any of the instituted grounds, and is not referenced in any of the briefs.</p>
Ex. 1207 (Website: <a href="https://www.rfc-editor.org/search/rfc">https://www.rfc-editor.org/search/rfc</a> )	<p><b>FRE 901:</b> Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed</p>

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