

Filed: March 2, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP., and CAVIUM, INC.
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner.

Case IPR2017-01406¹
U.S. Patent No. 7,673,072

**PETITIONER'S OBJECTIONS TO DOCUMENTS SERVED WITH
PATENT OWNER'S RESPONSE**

¹ Cavium, who filed a Petition in case IPR 2017-01707, has been joined as a petitioner in this proceeding.

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

Evidence	Objections
Exhibit 2004	<p>FRE 401/402: This evidence is not relevant as it is not cited in the Patent Owner's Response or the expert declaration.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p> <p>FRE 801, 802: This exhibit is an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay.</p> <p>FRE 901: This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.</p>
Corrected Exhibit 2026	<p>FRE 701/702/703: Intel objects to Ex. 2026 as being improper expert testimony because paragraphs 76-78, 89-123 and 125-135 are not based on sufficient facts or data, are irrelevant, are not based on a reliable foundation, and constitute conclusory opinions without sufficient support. It includes include opinions that are not admissible under FRE 701, 702, or 703 or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p> <p>For example, paragraphs 125-135 are not based on sufficient facts or data because they provide no evidence of nexus to the invention.</p>
Exhibit 2030	<p>FRE 401/402: This evidence is not relevant because it does not reflect the broadest reasonable interpretation of the</p>

	<p>claims. <i>See In re Am. Acad. of Sci. Tech. Ctr.</i>, 367 F.3d 1359, 1364 (Fed. Cir. 2004).</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p>
Exhibit 2031	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged long-felt, yet unresolved need in the art.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p>
Exhibit 2032	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged long-felt, yet unresolved need in the art.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p>
Exhibit 2033	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged long-felt, yet unresolved need in the art.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p>
Exhibit 2034	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged long-felt, yet unresolved need in the art.</p>

	<p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p> <p>FRE 801, 802: This exhibit is an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay.</p> <p>FRE 901: This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.</p>
Exhibit 2035	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged commercial success.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p> <p>FRE 801, 802: This exhibit is an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay.</p> <p>FRE 901: This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.</p>
Exhibit 2036	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged commercial success.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p> <p>FRE 801, 802: This exhibit is an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay.</p>

	<p>FRE 901: This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.</p>
Exhibit 2037	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged commercial success.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p> <p>FRE 801, 802: This exhibit is an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay.</p> <p>FRE 901: This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.</p>
Exhibit 2038	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the licenses in Exhibit 2038.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time.</p> <p>FRE 801, 802: This exhibit is an out of court statement offered for its truth, and because it does not fall within any exception to the rule against hearsay, it is inadmissible hearsay.</p> <p>FRE 901: This exhibit is an unauthenticated document and is not self-authenticating under FRE 902.</p>
Exhibit 2039	<p>FRE 401/402: This evidence is not relevant because the Patent Owner has not shown any nexus between the invention and the alleged praise in the industry.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the</p>

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