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 IPR2017-01406[1]
U.S. Patent No. 7,673,072

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

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[1] Cavium, Inc., which filed a Petition in Case IPR2017-01707, 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
Exhibit 1205 (Request for Comments (RFC) 2026)	**FRE 901:** 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. **FRE 801**: 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. 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. **FRE 401, 402, and 403:** 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.
Exhibit 1206 (Website: https://www.rfc-editor.org/search/rfc_ search_detail.php?rfc =929&pubstatus%5B%5D =Any&pub_date_type=any)	**FRE 901:** 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. **FRE 801**: Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not

Evidence	Objections
	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. **FRE 401, 402, and 403:** 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.
Exhibit 1207 (Website: https://www.rfc-editor.org/search/rfc_ search_detail.php?rfc=793& pubstatus%5B%5D= Any&pub_date_type=any)	**FRE 901:** 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. **FRE 801**: 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. **FRE 401, 402, and 403:** 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.
Ex. 1210 (Declaration of Robert Horst, Ph. D. In Support of Petitioner's Response in Opposition to Patent Owner's Contingent Motion to Amend (April 4,	Patent Owner objects to this exhibit because it includes arguments that are outside the scope of the Opposition. Admissibility of such declaration would permit the use of declarations to circumvent the page limits that apply to oppositions.

Evidence	Objections
2018))	**FRE 702**: Patent Owner objects to this exhibit to the extent it is irrelevant, not based on a reliable foundation, and constitutes conclusory opinions without sufficient support. For example, it provides no basis or evidence that: "The pre-negotiated transport layer header above refers to a UDP header, but a POSA would have understood that a TCP script includes the corresponding TCP header information, including TCP state information"; "A POSA would have understood that TCP and UDP were designed to send large amounts of user data in one or more packets, and that Erickson's UDP script could be used to send large blocks of data in multiple UDP datagrams by simply advancing the start pointer before spanking the GO register again"; "Two obvious ways to complete the UDP datagram would be to prepend the header to the user data or to append the user data to the headers. Both would have been obvious and within the abilities of a person of ordinary skill in the art. Thus it would have been obvious to one of ordinary skill in the art to implement the system disclosed in Erickson by 'prepending the headers to the segments to form transmit packets'"; "one of ordinary skill would have understood how to modify Erickson's UDP template header shown in Figure 7 of Erickson to use the TCP prototype header disclosed at p.566

Evidence	Objections
	of Tanenbaum96"; "A POSA would have been motivated to consider Tanenbaum96's teaching to implement the TCP/IP connection on Erickson's I/O device. Unlike UDP, TCP requires establishing a connection before sending a data packet"; "A POSA would have understood that in the combination of Erickson and Tanenbaum96, incrementing the sequence number (updating the context) is done or could be done by the I/O adapter (interface device). In particular, the third obvious TCP scripts for Erickson has the segmentation completely handled by the I/O device. In this script, each time a new segment is sent, the sequence number is incremented by the I/O device"; "A POSA would have understood that a TCP script for Erickson would also cause the transmission of packets on a network." **FRE 801**: Patent Owner objects to this declaration to the extent it includes inadmissible hearsay that does not fall within the scope of any hearsay exception under FRE 803, *e.g.*, in Paragraphs 11, 12, and 13.

Date: April 11, 2018   Respectfully submitted,

By: /s/ *James M. Glass*, Reg. No. 46,729
James M. Glass (Reg. No. 46,729)

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