

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner

Case IPR2017-01406
U.S. Patent No. 7,673,072

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

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Pursuant to 37 C.F.R. § 42.64(b), Patent Owner, Alacrittech, Inc. hereby makes the following objections to the admissibility of documents submitted with Petitioner’s Petition (“Petition”).

Evidence	Objections
Exhibit 1003 (Horst Declaration)	<p>Patent Owner objects to this exhibit because it includes information that is not discussed sufficiently in the Petition. Admissibility of such declaration would permit the use of declarations to circumvent the page limits that apply to petitions.</p> <p>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:</p> <p>Stevens1, Stevens2, and Tanenbaum96 “were well known resources to a POSA”;</p> <p>“it would have been routine to adapt Erickson using Tanenbaum96’s TCP/IP teachings of a prototype header and header prediction. Moreover, these techniques were well known at this time”;</p> <p>“A POSA would have understood the standard functionality of UDP would be included in the adapter script and it within the ordinary level of knowledge to a POSA well before October 1997”;</p> <p>“The ‘dividing, by the interface device, the data into segments’ limitation is met by the foregoing obvious TCP script for Erickson”;</p> <p>“The “dividing, by the interface device, the data into segments” limitation is also met by a second obvious TCP script for Erickson”;</p>

Evidence	Objections
	<p>“The “dividing the data into multiple segments” limitation is also met by a third obvious TCP script for Erickson”;</p> <p>“The segmentation code discussed in the second and third alternative TCP scripts was well within the skills of a POSA in light of the disclosures of Tanenbaum96”;</p> <p>“A POSA would have been motivated to consider Tanenbaum96’s teaching to implement the TCP/IP connection on Erickson’s I/O device”;</p> <p>FRE 801: Patent Owner objects to this exhibit because it includes inadmissible hearsay that does not fall within the scope of hearsay exceptions under FRE 803.</p>
Exhibit 1004 (Horst Resume)	<p>FRE 801: Patent Owner also objects to this exhibit because it is hearsay under FRE 801.</p>
Exhibit 1006 (Tanenbaum96)	<p>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.</p> <p>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 reply 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 is publicly available before the priority date of the patent at issue.</p>

Evidence	Objections
Exhibit 1007 (Darpa Internet Protocol Specification)	<p>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.</p> <p>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 reply 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 is publicly available before the priority date of the patent at issue.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it is not relied on as a reference and is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>
Exhibit 1008 (Stevens1)	<p>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.</p> <p>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 reply 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>

Evidence	Objections
	<p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit is publicly available before the priority date of the patent at issue.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it is not relied on as a reference and is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>
Ex.1009 (Proposed Host-Front End Protocol)	<p>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.</p> <p>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 reply 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 is publicly available before the priority date of the patent at issue.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it is not relied on as a reference and is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>
Exhibit 1011 (Librarian Declaration of Rice Majors)	<p>FRE 602: Patent Owner objects to this exhibit because it does not introduce evidence of declarant's personal knowledge of the subject matter of the testimony contained therein.</p> <p>FRE 701 and FRE 702: Patent Owner objects to this exhibit</p>

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