

Filed: July 9, 2018

Filed on behalf of:

Patent Owner Intellectual Ventures II LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TOYOTA MOTOR CORP. and AISIN SEIKI CO., LTD.,

Petitioners,

v.

INTELLECTUAL VENTURES II LLC,

Patent Owner.

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Case No. IPR2017-01495

U.S. Patent No. 7,928,348

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**PATENT OWNER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE  
SERVED WITH PETITIONERS' REPLY**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner objects as follows to the admissibility of evidence served on June 29, 2018 with Petitioners' Reply. Patent Owner reserves its rights to: (1) timely file a motion to exclude these exhibits or portions thereof; (2) challenge the credibility and/or weight that should be afforded to any of Petitioners' exhibits, whether or not Patent Owner objects to the exhibits or files a motion to exclude the exhibits; (3) challenge the sufficiency of the evidence to meet Petitioners' burden of proof on any issue, whether or not Patent Owner has objected to, or files a motion to exclude, the evidence; and (4) cross examine any declarant of Petitioners within the scope of his or her direct testimony that is or relates to these exhibits, without regard to whether Patent Owner has objected to the testimony or related exhibits or whether the testimony or related exhibits are ultimately found to be inadmissible.

Evidence	Objections
Exhibit 1136	<b>FRE 703/802:</b> The exhibit is an expert report provided in connection with patents asserted by Patent Owner in a co-pending ITC action that include, but are not limited to, the subject patent of this IPR proceeding. The author of the report has not provided testimony in this proceeding, and the statements in the report constitute inadmissible hearsay in this proceeding.

Evidence	Objections
	<p><b>FRE 402:</b> The report includes statements that are directed at asserted patents, alleged prior art, and alleged invalidity theories that are not at issue in this IPR proceeding, and such statements are not relevant to any of the grounds on which trial was instituted.</p> <p><b>FRE 403:</b> The report, if admitted, would merely confuse the issues at trial.</p>
Exhibits 1140, 1141, 1142	<p><b>FRE 402:</b> These exhibits include two videos and an associated printout from a website, each of which is dated on its face after the filing date of Petitioners' IPR Petition. The exhibits do not relate to any of the prior art references asserted by Petitioners in this proceeding, and they are not relevant to any of the grounds on which trial was instituted.</p> <p><b>FRE 403:</b> These exhibits, if admitted, would merely confuse the issues at trial.</p> <p><b>FRE 701/702:</b> The exhibits include opinions that are not admissible as lay opinion testimony under FRE 701 or as expert testimony under FRE 702.</p> <p><b>FRE 802:</b> The exhibits include statements that are (1) not made while testifying in this proceeding and (2) offered to prove the truth of the matters asserted in the statements.</p>

IPR2017-01495

Toyota Motor v. Intellectual Ventures II

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 9, 2018

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Toyota Motor v. Intellectual Ventures II

**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e) and with the agreement of counsel for Petitioner, a true and correct copy of **PATENT OWNER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE SERVED WITH PETITIONERS' REPLY** is being served electronically on July 9, 2018, to the email addresses below:

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