

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS, INC.  
Petitioner

v.

VILOX TECHNOLOGIES, LLC  
Patent Owner

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Case IPR2018-00044  
Patent No. 7,302,423

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**PATENT OWNER'S OBJECTION TO EVIDENCE**

## **I. INTRODUCTION**

On September 24, 2018, Petitioner served Patent Owner with an Opposition to a Motion to Amend the Claims (Opposition). The Opposition was accompanied by two pieces of evidence, Declaration of Dr. Philip Greenspun, Exhibit 1013, and U.S. Patent 6,452,597 to Greenburg et al., Exhibit 1014.

## **II. OBJECTION**

Trial Practice before the Patent Trial and Appeal Board, 37 C.F.R. § 42.64 (b)(1), provides that a Patent Owner may object to evidence “within five business days of service” of the evidence. Accordingly, Patent Owner objects to both Exhibit 1013 and Exhibit 1014.

Specifically, Patent Owner objects to this evidence under the Federal Rules of Evidence, Rule 403 – Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons, which states:

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Patent Owner asserts that consideration of Exhibits 1013 and 1014 would

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unfairly prejudice Patent Owner, confuse the issues, produce undue delay, waste time of Patent Owner and the Panel, and needlessly present cumulative evidence. Patent Owner will show in the Motion to Exclude that the evidence is, *inter alia*, at least merely cumulative and unfairly prejudicial because of its late submission.

Respectfully submitted,

Dated: September 28, 2018

By: /John K. Harrop/  
John K. Harrop

*Counsel for Patent Owner*  
*Vilox Technologies LLC*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the date indicated below, a complete and entire copy of this submission was provided by email to Petitioner's counsel via email, as agreed to by Petitioner's Service Information in the Petition submission, by serving the email addresses of record.

Respectfully submitted,

Dated: September 28, 2018

By: /John K. Harrop/  
John K. Harrop

*Counsel for Patent Owner*  
*Vilox Technologies LLC*