**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

UNIFIED PATENTS, INC.
*Petitioner*,

v.

UNIVERSAL SECURE REGISTRY LLC
*Patent Owner*

Case IPR2018-00067
U.S. Patent No. 8,577,813

# PATENT OWNER'S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64

Pursuant to 37 C.F.R. § 42.64(b)(1), Universal Secure Registry LLC ("Patent Owner") submits the following objections to evidence that Petitioner Unified Patents Inc. ("Petitioner") served in its Petition for Inter Partes Review (Paper 2). These objections are timely filed and served within ten business days of the PTAB's May 2, 2018 Institution Decision (Paper 14).

| Evidence | Objections |
|---|---|
| Exhibit 1008 | **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. Petitioner does not allege that the challenged claims are anticipated or obvious based on this exhibit, and instead uses it to make misleading and inaccurate claims about the state of the art and the '813 patent. |
| Exhibit 1009 | 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 word limits that apply to petitions.<br><br>**FRE 602, 702, 703:** Patent Owner objects to this exhibit to the extent it is irrelevant, the testimony is based on a lack of personal knowledge or speculation, includes insufficient facts or data, is not based on a reliable foundation, and constitutes conclusory opinions without sufficient support. For example, Exhibit 1009 includes repeated assertions that its proposed modifications to the prior art would have required "only minor modifications" or that a "PHOSITA" would "recognize," "understand or have certain knowledge, without any basis, evidence or support for these claims, for instance: "A PHOSITA would have been motivated |

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| | incorporate Burger's teachings related to deactivating an electronic device by ending a session or wiping a device's memory into the system of Maes, as modified by Pare and Labrou, to prevent attackers from gaining access to the device through trial-and-error. Such would have required only minor modifications in software and would have yielded predictable results; namely, that a device would be deactivated without generating any encryption information if the user is not successfully authenticated." For example, USR objects to the following paragraphs: ¶¶ 27-28, 31-41, 50-54, 57-59, 61, 63-64, 69, 72. |
| Exhibit 1011-Exhibit 1018 | **FRE 401, 402, and 403:** Patent Owner objects to these exhibit because they are not cited and discussed in the Petition, are not relied on as a reference and are irrelevant, and their probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.<br><br>**FRE 901**: Patent owner also objects to Exhibits 1012 and 1015-1016 as unauthenticated documents that are not self-authenticating under FRE 902. Thus, Exhibits 1012 and 1015-1016 lack authentication.<br><br>Patent Owner further objects to Exhibits 1012 and 1015-1016 to the extent that Petitioner attempts to rely on these exhibits as prior art or to show the alleged state of the art or understanding of a "PHOSITA." Petitioner has not demonstrated Exhibits 1012 and 1015-1016 are "printed publication" within the meaning of 35 U.S.C. §§ 102 and 311(b). |

Date: May 15, 2018

Respectfully Submitted,

*/s/ James Glass*

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Counsel for Patent Owner Universal Secure Registry LLC

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Patent Owner's Objections to Evidence were served on counsel of record for the Petitioner, Monica Grewal, and Ben Fernandez, on May 15, 2018, at the following addresses:

| Lead Counsel | Back-Up Counsel |
|---|---|
| Monica Grewal (Reg. No. 40,056)<br>monica.grewal@wilmerhale.com<br>Postal and Hand-Delivery Address:<br>Wilmer Cutler Pickering Hale and Dorr LLP<br>60 State Street<br>Boston, MA 02109<br>Telephone: (617)-526-6223 | Ben Fernandez (Reg. No. 55,172)<br>ben.fernandez@wilmerhale.com<br>Postal and Hand-Delivery Address:<br>Wilmer Cutler Pickering Hale and Dorr LLP<br>60 State Street<br>Boston, MA 02109<br>Telephone: (617)-526-6223 |

Date: May 15, 2018

Signed: /James M. Glass/
James M. Glass
Registration No. 46,729
***Counsel for Patent Owner***
***Universal Secure Registry LLC***