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Filed on behalf of Unified Patents Inc.

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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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UNIFIED PATENTS INC.  
Petitioner

v.

UNILOC LUXEMBOURG S.A. & UNILOC USA  
Patent Owner

IPR2018-00199  
Patent 7,092,671

**PETITIONER'S NOTICE OF OBJECTIONS TO EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Unified Patents (“Petitioner”) hereby submits its notice of objections to certain evidence that Patent Owner UNILOC LUXEMBOURG S.A. & UNILOC USA (“Patent Owner”) included with the Patent Owner’s Response filed September 21, 2018<sup>1</sup> in connection with Trial No. IPR2018-00199. The following objections are timely filed within five business days of September 21, 2018, which is the date of service of evidence to which the objections are directed. 37 C.F.R. § 42.64(b)(1).

Petitioner objects to the following Exhibits 2001-2004 under Fed. R. Evid. 901 (Authenticating or Identifying Evidence) because they have not been authenticated. Patent Owner has failed to produce evidence sufficient to support a finding that Exhibits 2001-2004 are what Patent Owner claims they are.

- Exhibit 2001 (described by Patent Owner as “Screenshot of the home page for Unified Patents, Inc. for the date, April 13, 2013, as retrieved from the Internet Archive's Wayback Machine (WBM), available at [https://web.archive.org/web/20130413073000/http://www.unifiedpatents.com:SO/solution/unified patents.html](https://web.archive.org/web/20130413073000/http://www.unifiedpatents.com:SO/solution/unified%20patents.html)”);

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<sup>1</sup> Petitioner notes that while the signature blocks of the Patent Owner’s Response include a date of September 19, 2018, the Patent Owner’s Response was filed on September 21, 2018, and service was provided to Petitioner on September 21, 2018.

- Exhibit 2002 (described by Patent Owner as “An article by Marta Belcher and John Casey entitled Hacking the Patent System: A Guide to Alternative Patent Licensing for Innovators. Juelsgaard Intellectual Property & Innovation Clinic, Stanford Law School (2014), as archived by the Internet Archive's Wayback Machine (WBM), available at [https://web.archive.org/web/20140905000728/http://unifiedpatents.com:80/wp-content/uploads/2014/06/hacking\\_the\\_patent\\_system.pdf](https://web.archive.org/web/20140905000728/http://unifiedpatents.com:80/wp-content/uploads/2014/06/hacking_the_patent_system.pdf)”);
- Exhibit 2003 (described by Patent Owner as “Screenshot of Unified Patents' public webpage entitled Benefits for Large Company Members, as archived by the WBM, available at [https://web.archive.org/web/20130907064849/http://www.unifiedpatents.com:80/benefits/large\\_companies.html](https://web.archive.org/web/20130907064849/http://www.unifiedpatents.com:80/benefits/large_companies.html)”); and
- Exhibit 2004 (described by Patent Owner as “Screenshot of Unified Patents' public webpage entitled Compare Unified Patents to Other Options, as archived by the WBM, available at <https://web.archive.org/web/20140606010956/http://unifiedpatents.com:80/>”)

Patent Owner has provided declaration testimony from its counsel, Brett Mangrum, stating that Exhibits 2001-2004 are true and correct copies. *See* Declaration of Brett A. Mangrum at pp. ii-iii (EX2006). However, this testimony is not sufficient to support a finding that Exhibits 2001-2004 are what Patent Owner

claims they are, and is therefore not sufficient to authenticate these exhibits. *See e.g.*, Comcast Cable Communications, LLC v. Rovi Guides, Inc., IPR2017-00941, Paper 70 at pp. 54-56 (noting that to authenticate printouts from a website, Board panels have required some statement or affidavit from someone with knowledge of the website, such as a web master or someone else with personal knowledge). Mr. Mangrum has not testified that he has personal knowledge of the Internet Archive to describe how webpages from the years 2013 and 2014, reflected in the screen shots of exhibits 2001, 2003, and 2004, as well as the document of Exhibit 2002 (obtained via the Internet Archive), have been accurately preserved and subsequently made available to internet searches.

As a matter of evidence in this proceeding, Petitioner also objects to Exhibit 2002 under Fed. R. Evid. 802 (Hearsay). Exhibit 2002 contains out of court statements offered for the truth of the matter asserted.

Respectfully Submitted,

/Ellyar Y. Barazesh/

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Dated: September 28, 2018

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