

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP.
Petitioners,

v.

ALACRITECH, INC.,
Patent Owner

Case IPR2018-00234¹
U.S. Patent No. 8,805,948

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

¹ Cavium, Inc, which filed a Petition in Case IPR2018-00403, has been joined as a petitioner in this proceeding.

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

Evidence	Objections
Ex. 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 style="padding-left: 40px;">Stevens1, Stevens2, and Tanenbaum96 “were well known resources to a POSA” Ex. 1003.014.</p> <p style="padding-left: 40px;">“[E]ach of the individual concepts was well known It would have been obvious to alter these implementations along one or more of the dimensions for a new implementation that would have produced predictable results.” Ex. 1003.043.</p> <p style="padding-left: 40px;">“Combining Tanenbaum96’s TCP/IP and header prediction with Thia would have been understood as combining known methods to yield predictable results.” Ex. 1003.077.</p> <p>FRE 801: Patent Owner objects to this exhibit because it includes inadmissible hearsay that does not fall within the scope of any hearsay exception under FRE 803.</p>
Ex.1004 (“Horst Resume”)	<p>FRE 801: Patent Owner objects to this exhibit because it includes inadmissible hearsay.</p>

Evidence	Objections
Ex.1005 ("Erickson")	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.
Ex. 1006 (Tanenbaum96)	<p>Patent Owner objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</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 rely 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>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>
Ex. 1007 (RFC 793)	<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> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</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</p>

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	<p>attempts to rely 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>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>
Ex. 1008 (Stevens1)	<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> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</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 rely 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>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>
Ex. 1009 (RFC 929)	<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</p>

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	<p>needlessly presenting cumulative evidence.</p> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit was publicly available before the priority date of the patent at issue.</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 rely 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>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>
Ex. 1011 (Mayors Declaration)	<p>FRE 602: Patent Owner objects to this exhibit because Petitioner 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 because it includes opinion testimony of lay witness without meeting the requirement of FRE 701 and Petitioner fails to establish the witness as an expert under FRE 702.</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 rely 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>

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