

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC LUXEMBOURG, S.A.,
Patent Owner.

Case IPR2018-00361
Patent 6,216,158 B1

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EXHIBITS

I. Introduction

On October 18, 2018, Patent Owner filed its Response. Paper 11. In connection with filing its Response, Patent Owner also filed Exhibits EX2002, EX2003, and EX2004. Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to Patent Owner's Exhibits EX2002, EX2003, and EX2004 and any reference to or reliance upon these Exhibits.

II. Objections Under the Federal Rules of Evidence (FRE)

a. EX2002

This document is objected to as lacking foundation and lacking authentication under FRE 901, and this document is not self-authenticating under FRE 902. *See* FRE 901(a) (“To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.”). Patent Owner provides no evidence whatsoever establishing that the item is what Patent Owner claims it is, how it was acquired, or how or when it was made.

This document is further objected to as irrelevant, inadmissible, prejudicial, and confusing the issues under FRE 401-403 because Patent Owner has not established that this document was available to persons of ordinary skill in the art before the filing date of the '158 patent.

This document is further objected to as incomplete under FRE 106, as it purports to be an article or journal publication but does not include any publication information or even page numbers.

b. EX2003

This document is objected to as lacking foundation and lacking authentication under FRE 901, and this document is not self-authenticating under FRE 902. *See* FRE 901(a). Patent Owner provides no evidence whatsoever establishing that the item is what Patent Owner claims it is, how it was acquired, or how or when it was made.

This document is further objected to as irrelevant, inadmissible, prejudicial, and confusing the issues under FRE 401-403 because Patent Owner has not established that this document was available to persons of ordinary skill in the art before the filing date of the '158 patent.

This document is further objected to as incomplete under FRE 106, as it purports to be an article or journal publication but does not include any publication information or even page numbers.

c. EX2004

This document is objected to as lacking foundation and lacking authentication under FRE 901, and this document is not self-authenticating under FRE 902. *See* FRE 901(a). Patent Owner provides no evidence whatsoever

establishing that the item is what Patent Owner claims it is, how it was acquired, or how or when it was made.

This document is further objected to as inadmissible hearsay not within any exception under FRE 801-807 because Patent Owner relies upon the statements quoted or paraphrased therein for the truth of the matter asserted.

This document is further objected to as irrelevant, inadmissible, prejudicial, and confusing the issues under FRE 401-403, as it is unsworn testimony from a different proceeding and does not comport with 37 CFR 42.63.

This document is further objected to as incomplete under FRE 106, as it is missing 73 pages, contains redactions, and relies upon unproduced documents necessary for completeness.

III. Conclusion

These objections are timely presented, as they are filed and served within five business days of service of the evidence to which the objection is directed. 37 C.F.R. § 42.64(b)(1). Petitioners reserve the right to file a motion to exclude the evidence objected to herein.

Respectfully submitted,

Dated: October 25, 2018

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