

Filed on behalf of Intellectual Ventures I LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. AND TELEFONAKTIEBOLAGET LM ERICSSON
Petitioners

v.

INTELLECTUAL VENTURES I LLC
Patent Owner

Case IPR2018-00727
Patent No. 6,628,629

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Patent Owner's Objections to Evidence

IPR2018-00727

U.S. Patent No. 6,628,629

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner files the following objections to evidence that Petitioners submitted with their Reply. A chart listing Patent Owner's objections and its basis for the objections is provided below.

Exhibit	Objection
Ex. 1031 (Microsoft Press Computer Dictionary)	<p>Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication.</p> <p>Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.</p>
Ex. 1032 (Focal Dictionary)	<p>Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication.</p> <p>Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.</p>
Ex. 1033 (Webster's Dictionary)	<p>Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication.</p> <p>Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.</p>
Ex. 1034 (Computer Desktop Encyclopedia)	<p>Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication.</p> <p>Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.</p>

Exhibit	Objection
<p>Ex. 1035 (Second Declaration of Zygmunt Haas)—all uncited portions</p>	<p>Relevance: All portions of Ex. 1035 that are not relied on by the Reply are not relevant under FRE 402. <i>See, e.g.</i>, 35 U.S.C. §§ 312(a)(3), (4); 37 C.F.R. §§ 42.104(b)(4), (5); 37 C.F.R. § 42.22(a)(2); 37 C.F.R. § 42.6(a)(3); <i>Cisco Sys., Inc. v. C-Cation Techs., LLC</i>, IPR2014-00454, Paper 12 (Aug. 29, 2014) (informative).</p> <p>Unfair Prejudice, Confusion, Delay, and Waste of Time: To the extent that the uncited portions of Ex. 1035 have any other relevance to the Reply, that relevance was not raised by the Reply, and any argument for raising it now would result in unfair prejudice, confusion, delay, and wasted time. <i>See</i> FRE 403.</p>
<p>Ex. 1035 (Second Declaration of Zygmunt Haas)—beyond the allowable scope</p>	<p>These sections of Ex. 1035 are beyond the proper scope of a reply declaration. <i>See</i> 37 C.F.R. § 42.23(b). This is evidenced by the following non-limiting examples:</p> <ul style="list-style-type: none"> • ¶¶ 11–21 (new theories regarding “packet,” “packet switching,” “virtual circuits,” “ATM cells,” “datagram,” <i>etc.</i>) • ¶¶ 22–33 (new theories regarding claim construction, “packet,” “packet-switching,” “circuit-centric,” “virtual circuits,” “ATM cells,” “datagram,” <i>etc.</i>) • ¶¶ 34–42 (new theories regarding claim construction, “data packets,” “ATM,” “segmentation,” “IP-over-ATM,” <i>etc.</i>) • ¶¶ 43–50 (new theories regarding claim construction, “IP-over-ATM,” “segmentation,” the provisional application to the ’629 patent, <i>etc.</i>) • ¶¶ 59–60 (new theory regarding the availability of Dyson)

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Ex. 1038 (Newton's Telecom Dictionary)	<p>Relevance: This exhibit is not relied on by the Reply, and therefore not relevant under FRE 402. <i>See, e.g.</i>, 35 U.S.C. §§ 312(a)(3), (4); 37 C.F.R. §§ 42.104(b)(4), (5); 37 C.F.R. § 42.22(a)(2); 37 C.F.R. § 42.6(a)(3); <i>Cisco Sys., Inc. v. C-Cation Techs., LLC</i>, IPR2014-00454, Paper 12 (Aug. 29, 2014) (informative).</p> <p>Unfair Prejudice, Confusion, Delay, and Waste of Time: To the extent that the uncited portions of Ex. 1035 have any other relevance to the Reply, that relevance was not raised by the Reply, and any argument for raising it now would result in unfair prejudice, confusion, delay, and wasted time. <i>See</i> FRE 403.</p> <p>Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication.</p> <p>Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.</p>

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Ex. 1040 (MILCOM '97 Proceedings, Technical Sessions)	<p>Relevance: This exhibit is not relied on by the Reply, and therefore not relevant under FRE 402. <i>See, e.g.</i>, 35 U.S.C. §§ 312(a)(3), (4); 37 C.F.R. §§ 42.104(b)(4), (5); 37 C.F.R. § 42.22(a)(2); 37 C.F.R. § 42.6(a)(3); <i>Cisco Sys., Inc. v. C-Cation Techs., LLC</i>, IPR2014-00454, Paper 12 (Aug. 29, 2014) (informative).</p> <p>Unfair Prejudice, Confusion, Delay, and Waste of Time: To the extent that the uncited portions of Ex. 1035 have any other relevance to the Reply, that relevance was not raised by the Reply, and any argument for raising it now would result in unfair prejudice, confusion, delay, and wasted time. <i>See</i> FRE 403.</p> <p>Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication.</p> <p>Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.</p>
Ex. 1041 (ISDN: An Introduction by William Stallings)	<p>Hearsay: The exhibit constitutes inadmissible hearsay, and no hearsay exception applies. <i>See</i> FRE 801-807. Additionally, Petitioner has provided no admissible evidence establishing the date of publication.</p> <p>Authenticity: The exhibit is not authenticated as required by FRE 901 and is not self-authenticating.</p>

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