

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

UNIVERSAL SECURE REGISTRY LLC
Patent Owner

Case IPR2018-00809
U.S. Patent No. 9,530,137

**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 Apple Inc. ("Petitioner") served with its Petitioner's Reply to Patent Owner's Response (Paper 25) and Petitioner's Opposition to Patent Owner's Conditional Motion to Amend (Paper 24). These objections are timely filed and served within five business days of service of the evidence.

Evidence	Objections
Exhibit 1128	<p>Patent Owner objects to this exhibit because it improperly introduces new theories, arguments, and evidence for the first time on Reply. Admissibility of such declaration would permit Petitioner to violate the requirement that it must include all its theories, arguments, and evidence with its Petition.</p> <p>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.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it does not rebut the arguments in Patent Owner's Response, it 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>
Exhibit 1129	<p>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.</p>

	<p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it does not rebut the arguments in Patent Owner's Conditional Motion to Amend, it 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>
Exhibit 1130	<p>Patent Owner objects to this exhibit because it improperly introduces new theories, arguments, and evidence for the first time on Reply. This declarant did not provide any testimony in support of the Petition. Admissibility of such declaration for use with Petitioner's Reply would permit Petitioner to violate the requirement that it must include all its theories, arguments, and evidence with its Petition.</p> <p>Patent Owner objects to this exhibit because it includes information that is not discussed sufficiently in Petitioner's Reply to Patent Owner's Response or Opposition to Patent Owner's Conditional Motion to Amend. Admissibility of such declaration would permit the use of declarations to circumvent page limits for a Reply and Opposition to Motion to Amend.</p> <p>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.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it does not rebut the arguments in Patent Owner's Response or Conditional Motion to Amend, it 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>
Exhibit 1135	<p>Patent Owner objects to exhibit 1135 because it improperly introduces new evidence for the first time on Reply.</p>

	<p>Admissibility of this exhibit would permit Petitioner to violate the requirement that it must include all its theories, arguments, and evidence with its Petition.</p> <p>Patent Owner further objects to exhibit 1135 to the extent that Petitioner attempts to rely on this exhibit as prior art or to show the alleged state of the art or understanding of a POSITA. Petitioner has not demonstrated that this exhibit is a “printed publication” within the meaning of 35 U.S.C. §§ 102 and 311(b). Moreover, exhibit 1135 is dated well before the relevant time of invention.</p> <p>FRE 401, 402, and 403: Patent Owner objects to exhibit 1135 because it is not relied on in any ground as a prior art reference, does not rebut the arguments in Patent Owner’s Response or Conditional Motion to Amend, and/or Petitioner does not allege that the challenged or substitute claims are anticipated or obvious based on this exhibit. Moreover, it is dated well before the relevant time of invention and is therefore misleading, 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>FRE 901: Patent owner also objects to exhibit 1135 as an unauthenticated document that is not self-authenticating under FRE 902. Thus, this exhibit lacks authentication.</p>
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Patent Owner's Objections to Evidence

Date: April 16, 2019

Respectfully Submitted,

/s/ James Glass

Registration No. 46,729

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