

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner,

Patent No. 8,213,970
Filing Date: November 26, 2008
Issue Date: July 3, 2012

Inventor: Malcolm K. Beyer, Jr.
Title: METHOD OF UTILIZING FORCED ALERTS FOR
INTERACTIVE REMOTE COMMUNICATIONS

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

Case No. IPR2018-01079

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner AGIS Software Development LLC objects to the admissibility of the following evidence submitted by Petitioner Google LLC with its Petition. These objections are timely as made within ten business days of institution. Patent Owner reserves the right to rely on any evidence submitted by Petitioner for any purpose, including as a party admission. Patent Owner objects to the evidence as follows:

EXHIBITS 1003-1004 DECLARATION AND CV OF DAVID

WILLIAMS

Patent Owner objects to these exhibits to the extent the exhibits include or rely on inadmissible hearsay that does not fall under any exception. FRE 801, 802, 803, 804, 805, 807. Patent Owner objects to these exhibits to the extent the exhibits rely on exhibits having outstanding objections. FRE 801, 802, 702. Patent Owner objects to the admissibility of Exhibit 2007 because it contains unsupported, conclusory statements and opinions presented as improper ipse dixit. Such expert testimony is improper under FRE 702 and irrelevant under FRE 402. Such conclusory testimony is not helpful in understanding the evidence nor can one determine whether such testimony is based on sufficient facts or the product of reliable principles and methods. FRE 702. Patent Owner also objects to the admissibility of the exhibits because the expert makes legal conclusions and offers

opinions that are outside the scope of the expert's expertise and not appropriate for expert testimony. FRE 702. Patent Owner further objects to the declaration to the extent the expert relies on Wikipedia articles and third party websites expressing opinions. Such expert testimony is improper under FRE 702, irrelevant under FRE 402, and based on impermissible hearsay FRE. 801, 802. Such testimony is not based on sufficient facts nor is such testimony the product of reliable principles and methods. FRE 702.

EXHIBIT 1010 SIMON SAYS USER MANUAL

Patent Owner objects to the exhibit as inadmissible hearsay to the extent Petitioner relies on the exhibit for the truth of the matter asserted and the exhibit does not fall within any exception to the rule against hearsay. FRE 801, 802, 803,804, 805, 807. To the extent that the authors(s) of the underlying document comment on the perception of others, the exhibit is objected to as inadmissible hearsay. FRE 801, 802. The document purports to be a copy of a publication and the purported authors of the publication are not under oath and are not subject to cross-examination in this proceeding.

Patent Owner objects to this exhibit as irrelevant, misleading, and confusing the issues. FRE 401, 402, 403. This exhibit is not prior art. Patent Owner objects to this exhibit as not properly authenticated and not self-authenticating. FRE 901,

902. Patent Owner objects to this exhibit as not properly authenticated because the document is not accompanied by any evidence that the document is authentic.

FRE 901. Patent Owner objects to this exhibit as not self-authenticating . FRE

902. Patent Owner objects to this exhibit as not being an original document, an authentic duplicate, or a document excepted from the original document

requirement. FRE 1001, 1002, 1003, 1004. To the extent Petitioner relies on the contents of this exhibit to prove the content of the original document, Patent

Owner objects to the exhibit as not being the original or an admissible duplicate.

The document is not an original document, nor does any statute obviate

requirement of the original document. FRE 1002. Even if the Board deems a

duplicate of the document to be admissible, which it is not, this document is not a

certified copy and genuine issues exist concerning the origin and/or authenticity of

this document. FRE 1003. Given the circumstances, this exhibit is not excused

from the original document requirement. FRE 1004.

EXHIBIT 1014 McKinsey & Company, The McKinsey Report: FDNY

9/11 Response

Patent Owner objects to the exhibit as inadmissible hearsay to the extent Petitioner relies on the exhibit for the truth of the matter asserted and the exhibit does not fall within any exception to the rule against hearsay. FRE 801, 802,

803,804, 805, 807. To the extent that the authors(s) of the underlying document comment on the perception of others, the exhibit is objected to as inadmissible hearsay. FRE 801, 802. The document purports to be a copy of a publication and the purported authors of the publication are not under oath and are not subject to cross-examination in this proceeding.

Patent Owner objects to this exhibit as irrelevant, misleading, and confusing the issues. FRE 401, 402, 403. This exhibit is not prior art. Patent Owner objects to this exhibit as not properly authenticated and not self-authenticating. FRE 901, 902. Patent Owner objects to this exhibit as not properly authenticated because the document is not accompanied by any evidence that the document is authentic. FRE 901. Patent Owner objects to this exhibit as not self-authenticating . FRE 902. Patent Owner objects to this exhibit as not being an original document, an authentic duplicate, or a document excepted from the original document requirement. FRE 1001, 1002, 1003, 1004. To the extent Petitioner relies on the contents of this exhibit to prove the content of the original document, Patent Owner objects to the exhibit as not being the original or an admissible duplicate. The document is not an original document, nor does any statute obviate requirement of the original document. FRE 1002. Even if the Board deems a duplicate of the document to be admissible, which it is not, this document is not a

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.